



# CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

## OFFICIAL HANSARD REPORT ELECTRONIC VERSION

2008/09 SESSION

**Hon. Edna M. Moyle, JP**  
**Speaker**

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# MEMBERS OF THE LEGISLATIVE ASSEMBLY

## 2008/9 Session

**Hon. Edna M. Moyle, JP, Speaker**

*Elected Member for North Side*

### MEMBERS OF CABINET AND OFFICIAL MEMBERS

**Hon. D. Kurt Tibbetts, JP**

*Honourable Leader of Government Business,*  
Minister of District Administration, Planning,  
Agriculture and Housing

**Hon. Anthony S. Eden, OBE, JP**

Minister of Health and Human Services

**Hon. Alden M. McLaughlin, Jr., JP**

Minister of Education Training, Employment,  
Youth, Sports and Culture

**Hon. V. Arden McLean, JP**

Minister of Communications, Works and  
Infrastructure

**Hon. Charles E. Clifford, JP**

Minister of Tourism, Environment, Investment  
and Commerce

**Hon. George A. McCarthy, OBE, JP, CPA**

First Official Member Responsible for Internal  
and External Affairs

**Hon. Samuel W. Bulgin, JP, QC**

Second Official Member Responsible for Legal  
Affairs

**Hon. G. Kenneth Jefferson, JP**

Third Official Member Responsible for Finance  
and Economics

## ELECTED MEMBERS

### GOVERNMENT BACKBENCHERS

**Ms. Lucille D. Seymour, BEM**

Third Elected Member for George Town

**Mr. W. Alfonso Wright**

Fourth Elected Member for George Town

**Mr. Osbourne V. Bodden**

Third Elected Member for Bodden Town

**Mr. Moses I. Kirkconnell, JP**

Second Elected Member for Cayman Brac and  
Little Cayman

### OPPOSITION MEMBERS

**Hon. W. McKeever Bush, OBE, JP**

*Honourable Leader of the Opposition,*  
First Elected Member for West Bay

**Mr. Rolston M. Anglin**

Second Elected Member for West Bay

**Mr. Cline A. Glidden, Jr.**

*Deputy Speaker*

Third Elected Member for West Bay

**Capt. A. Eugene Ebanks, JP**

Fourth Elected Member for West Bay

**Ms. Juliana Y. O'Connor-Connolly, JP**

First Elected Member for Cayman Brac and  
Little Cayman

## **OFFICERS OF THE HOUSE**

**Ms. Wendy Lauer**  
Clerk of the Legislative Assembly

**Mrs. Sharon Smith, JP**  
Deputy Clerk

**Mr. Shane Bothwell**  
Serjeant-at-Arms

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**Abbreviations:** (1r), (2r), (3r), Bills: first, second, third reading; (A), Amendment; (C), Committee; CAL, Cayman Airways, Ltd.; CAYFIN, Cayman Islands Financial Reporting Unit; CINICO, Cayman Islands National Insurance Company; C&W, Cable & Wireless (CI) Ltd.; CUC, Caribbean Utilities Co. Ltd.; FOI, Freedom of Information; GM, Government Motion; OECD, Organisation for Economic Co-operation and Development; PPM, People's Progressive Movement; PMM, Private Member's Motion; NALC, National Assessment of Living Conditions; PQ, Parliamentary Question; (R), Report on Bill; SO, Standing Order; SPS, Strategic Policy Statement; UDP, United Democratic Party

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**OFFICIAL HANSARD REPORT**  
**STATE OPENING AND BUDGET ADDRESS**  
**WEDNESDAY**  
**30 APRIL 2008**  
**9.45 AM**  
*First Sitting*

**The Speaker:** I will ask Pastor Winston Rose to offer Prayers.

**PRAYERS**

**Pastor Winston Rose:** Let us pray: *Blessed is the nation whose God is the Lord.*

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

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

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

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

**Proceedings resumed at 9.47 am**

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

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

**The Speaker:** This morning I would like to welcome the honourable Chief Justice (who shares this occasion with us each year but we never say why he is

here). As a friend, I welcome you to the Chamber of the Legislative Assembly on this State Opening.

**MOTION FOR THE SUSPENSION OF THE HOUSE**

**The Speaker:** Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you. Madam Speaker, I move that this honourable House do rise to await the arrival of His Excellency the Governor to receive a gracious message from the Throne.

**The Speaker:** The question is: Be it resolved that this honourable House do rise to await the arrival of His Excellency the Governor to receive a gracious message from the Throne.

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

**Ayes.**

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

**PROCLAMATION NO. 2**

**SUMMONING OF THE NEW 2008/2009 SESSION  
OF THE LEGISLATIVE ASSEMBLY  
BY HIS EXCELLENCY THE GOVERNOR**

**The Clerk:** Proclamation No. 2 of 2008 by His Excellency Stuart Duncan MacDonald Jack, Commander of the Victorian Order, Governor of the Cayman Islands.

**WHEREAS** section 46 (1) of the Constitution of the Cayman Islands provides that the sessions of the Legislative Assembly of the Cayman Islands shall be held at such places and begin at such times as the Governor may from time to time by Proclamation appoint:

**NOW, THEREFORE, I, Stuart Duncan MacDonald Jack, CVO, Governor of the Cayman Islands, by virtue of the powers conferred upon me by the said section 46 (1) of the Constitution of the Cayman Islands HEREBY PROCLAIM** that a session of the Legislative Assembly of the Cayman Islands shall be held at the Legislative Assembly Building in George Town, in the Island of Grand Cayman beginning at 10:00 a.m. on Wednesday, the thirtieth day of April, 2008.

**GIVEN UNDER MY HAND AND THE PUBLIC SEAL OF THE CAYMAN ISLANDS AT GEORGE TOWN IN THE ISLAND OF GRAND CAYMAN ON THIS**

**THIRTIETH DAY OF APRIL IN THE YEAR OF OUR LORD TWO THOUSAND AND EIGHT IN THE FIFTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY QUEEN ELIZABETH II.**

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

**Hon. W. McKeeva Bush:** Madam Speaker, it seems as if we got ahead of ourselves a little bit here: there is a procedure for that, but the Opposition is not going to nit-pick about it this morning. I consider we have enough to talk about later on.

**The Speaker:** This honourable House will be suspended to meet His Excellency the Governor.

**Agreed: That this honourable House do rise to await the arrival of His Excellency the Governor to receive a gracious message from the Throne.**

**Proceedings suspended at 9.52 am**

## **ARRIVAL OF HIS EXCELLENCY THE GOVERNOR**

*[The Governor's Aide-de-Camp gave three knocks on the door at 10 am]*

**The Serjeant-at-Arms:** His Excellency the Governor.

**Procession:**

*Serjeant-at-Arms  
Honourable Speaker  
His Excellency the Governor  
Mrs. Jack  
Aide-de-Camp  
Clerk of the Legislative Assembly  
Deputy Clerk of the Legislative Assembly*

## **INVITATION BY THE SPEAKER**

**The Speaker:** Please be seated.

I now invite His Excellency the Governor to deliver the Speech from the Throne.

## **THE THRONE SPEECH Delivered by His Excellency the Governor Mr. Stuart D. M. Jack, CVO**

**His Excellency the Governor:** Madam Speaker, Members of the Legislative Assembly:

The past year has reminded us of the many challenges that can face us—whether Hurricane Dean, issues affecting the public service or, recently, question marks about the economy. But if we look around at other countries which struggle with even greater challenges, we realise that these Islands remain

blessed.

We must not, however, be complacent as we look forward to the year ahead. In view of international economic developments, in particular the state of the US economy and high commodity prices, Government must be especially prudent in its budgetary plans. Political and social developments in other countries that can impact the Cayman Islands must also be monitored carefully, and we must not neglect efforts to build our relationships with the United Kingdom and with our neighbours, nor with emerging powerful economies further afield.

Nor must we be complacent about developments in our own country. The Cayman Islands have many strengths, but we must work to maintain and indeed reinforce them. In some cases, that means we must be prepared to adapt to change. I would highlight a few key areas.

Law and order are fundamental to our well-being. Despite recent problems affecting the Royal Cayman Islands Police Service, I am determined that we will police these Islands effectively and with integrity. I am keen to work with the Government and the Judiciary across the criminal justice agenda, particularly on better ways of tackling the problems of youth at risk, of preventing re-offending, and of rehabilitating offenders through the courts, the prisons and the parole system.

Another foundation of this country is good governance. Many positive changes are already in hand, such as Freedom of Information, public meetings of the Public Accounts Committee, and an Anti-Corruption Bill shortly to come before you. I will soon be taking forward other proposals in the wake of the recent Commission of Enquiry. And the efforts to improve the skills and customer service ethos of the civil service will continue. The ongoing Constitutional review process is also very much about good governance and enshrining our well-established respect for human rights.

We must not take for granted either our economy or our beautiful environment, nor see them as somehow rivals for our attention.

To ensure that the pillars of our economy continue to flourish, a good dialogue between government and industry is vital, notably in the area of financial services where we must respond to both market developments and international regulatory demands. But we must not forget the consumer, the ordinary members of our community, who are concerned about high prices and want to see the benefits of competition and better job opportunities.

We must do more to protect our natural heritage, our mangroves, forests, plants and wildlife, while also as far as possible taking care over property rights which are so valued by many Caymanians. Sometimes that will require difficult decisions and imaginative solutions.

We need to think longer term about the future of these Islands. The Government is already planning for the future in many areas—in education, infrastructure,

social policies. One area that needs more attention, and now, is climate change—both to reduce our emissions (as I am trying to do at Government House) and to devise adaptation strategies. In part related to that are our continuous efforts to learn from experience to improve these Islands' resilience to disasters. With this in mind we will be carrying out more exercises, including in the Sister Islands.

I am also hopeful that we will soon launch an important project to put together what is called sustainable development strategy or, put more simply, a joined-up effort across Government and the community to chart the future of these Islands so as to maintain our prosperity, our social fabric and values, and our environment for future generations.

And, as we also enter the month of the child, we must not neglect today the needs of our children and youth. Good work is in hand, particularly on education, a new Children's Law, the Youth Assembly, and the treatment of juveniles in trouble. But more needs to be done in other areas affecting our youth. And that is a challenge not just for Government or this Legislature but, above all, for the community as a whole and parents in particular.

I now turn to the plans of various Departments, Portfolios and Ministries.

### **I. The Audit Office**

Primary objectives for the Cayman Islands Audit Office are to: conduct three new value-for-money audits. These will centre on construction projects; Customs' waivers and duties; and building issues faced in Cayman Brac and Little Cayman; and to complete work on five ongoing projects, which deal with project management within government and government administration.

### **II. The Cabinet Office**

In support of its strategic objectives, Cabinet Office priorities for 08/09 include: the coordination of the National Poverty Reduction Strategy and Action Plan, which will follow from the National Assessment of Living Conditions; and the establishment of a national identification system.

By October 2008 the Fol Unit will complete necessary preparations to ensure successful implementation of the Freedom of Information Law in January 2009.

Another element in that success will be Computer Services Department's Fol tracking system, and enhancement of the gov.ky website.

The Protocol Office will identify and adopt regional best practices to augment protocol procedures in the Cayman Islands.

And, once the referendum is held, the Constitutional Modernisation Secretariat will prepare for negotiations with the UK, and provide technical support for the negotiating team.

### **III. The Portfolio of Internal and External Affairs**

For the Portfolio of Internal and External Affairs, 2008/09 objectives are clear-cut. They are to enhance public safety and security through improved facilities and equipment; innovative uses of resources; and improved monitoring of the delivery of key services. These objectives will be facilitated by: completing the Bodden Town Emergency Response Centre; constructing a new prison, reducing costs by using inmates' skills; and introducing the administrative granting of certain categories of work permits.

The Royal Cayman Islands Police Service remains firmly committed to ensuring the security of the Cayman Islands. The service's Marine Unit will be greatly strengthened by the completion of secure berthing facilities and the acquisition of additional patrol and interception units, both of which are now underway.

Hazard Management Cayman Islands will complete the design of the National Emergency Operations Centre, to be sited on an elevated parcel of land in George Town.

### **IV. The Portfolio of the Civil Service**

During fiscal year 2008/09, the Portfolio of the Civil Service will promote and facilitate management and HR best practice, centered on key initiatives such as succession planning, performance management, and preparations to introduce performance-related pay. Two staffing-related initiatives are also central to the portfolio's objectives: The HR Audit Programme will expand to target compliance across a broader range of areas, and to introduce theme investigations across all civil service entities, as well as support for self-evaluation.

The Portfolio will also introduce and maintain a registry of retired civil servants, as a resource for short-term employment opportunities within government.

The Civil Service College will expand with the spearheading of a regional initiative to develop the college as a shared resource among the Overseas Territories.

### **V. The Portfolio of Legal Affairs**

The Portfolio of Legal Affairs will work with other agencies on a comprehensive, coordinated criminal justice strategy. This strategy will include alternative sentencing, post-incarceration initiatives, and prison reforms, as well as early intervention programmes for at-risk youth.

The Attorney General's Chambers will also present amendments to laws relating to children, so that they will be better protected in the area of child pornography and in relation to witness protection.

### **VI. The Portfolio of Finance & Economics**

In line with the objectives for the Portfolio of Finance & Economics, the Treasury Department will: assist ministries and portfolios with completing annual reports for the 05-06, 06-07, and 07-08 financial years; and launch a website on which government tenders can be advertised and documents downloaded.

The priorities of the Economics and Statistics Office will be to: develop a new consumer price index basket; develop the Cayman Islands' first system of national accounts; and prepare for the 2010 Census.

Due to economic and environmental factors, the Customs Department will focus on: risk-based enforcement activities, especially pertaining to containerised cargo; and upgrading the automated declaration processing system.

Finally, the General Registry will implement its electronic filing and storage system.

### **VII. The Ministry of District Administration, Planning, Agriculture and Housing**

Objectives for the Ministry of District Administration, Planning, Agriculture and Housing include strategies and programmes to more effectively plan Cayman's growth, while also improving public safety. Key aspects include: the release of the 2008 Development Plan, a long-range comprehensive document that will guide land use and development on Grand Cayman; the Planning Department's implementation of the Builders Bill, which is designed to protect homeowners and construction personnel by regulating the construction industry; and, in the Sister Islands, expansion plans for the District Administration Building, and a new building for the Mosquito Research and Control Unit.

MRCU will also gain a custom-built hangar on Grand Cayman. Further, given regional and worldwide increases in the incidence of mosquito-transmitted diseases, MRCU will launch an expanded disease prevention programme.

Lastly, several large capital projects will be directed by the ministry, including the new government office building, which is the country's largest civic project to date; and an improved courts building.

### **VIII. The Ministry of Health and Human Services**

The Ministry of Health and Human Services has a twofold objective: to analyse and explain the status of human wellbeing in Cayman and, subsequently, to restructure its responses to the challenges that are revealed. In support of human wellbeing, the Ministry intends to strengthen the connections between social and economic development, in line with its vision of *Optimal Wellbeing for All*.

The following initiatives will therefore be taken, for the genuinely vulnerable. The drafting of a new Mental Health Law and the start of purpose-built residential

facilities for persons with mental health needs. Provision of a purpose-built youth therapeutic facility for children in trouble. And the expansion of homes and programmes for the elderly.

The ministry will also oversee a new governance model for the Health Services Authority, and restructure Public Health as a full-fledged department. Correcting shortcomings in the Health Insurance Law will be another primary goal.

The Department of Children and Family Services will be restructured as well, creating a dedicated Department of Children's Services. In addition, a Community Empowerment and Development Agency will be created to foster community-based initiatives.

An officer of gender affairs will also be appointed in 08/09 to review and update the draft National Gender Policy, and to spearhead the establishment of an Office of Gender Affairs.

Standards of professional practice will be enhanced by making the Health Insurance Commission and the Health Practice Commission a single health services regulatory agency. An updated Pharmacy Law will also be drafted.

### **IX. The Ministry of Education, Training, Employment, Youth, Sports and Culture**

In the next fiscal year, the Ministry of Education, Training, Employment, Youth, Sports and Culture will focus on expanding secondary education, and on professional development for educators. Both are in preparation for the transition to three new secondary campuses on Grand Cayman in September 2010. In Cayman Brac, land will be acquired for a new secondary school. Also: educational services for persons with disabilities—from early years to adulthood—will be aligned, with more programmes and services offered; and the Education Law, and employment legislation, will be updated.

### **X. The Ministry of Communications, Works and Infrastructure**

Objectives for the Ministry of Communications, Works and Infrastructure will centre upon infrastructure support. This will entail: the National Roads Authority's completion of major roads, including the east-west arterial, and the Esterley Tibbetts and Queen's highways; and Water Authority improvements to the water-supply infrastructure. This will include pipeline-extension work in eastern districts, where a reverse-osmosis plant and a pumping station are scheduled.

Piped-water supplies will also start in the Brac. In addition, the Department of Environmental Health will begin its new recycling efforts which will reduce the amount of waste in our landfills.

Both the NRA and the Department of Vehicle and Driver's Licensing will be relocated out of the central business district, and Radio Cayman will replace ana-

log instruments with digital equipment.

The Ministry also will revise the Traffic and National Roads Authority laws; as well as sections of the cinematograph; postal; public health; water (production and supply); and the information and communications technology laws.

### **XI. The Ministry of Tourism, Environment, Investment and Commerce**

The Ministry of Tourism, Environment, Investment and Commerce will diversify our tourism product, particularly by expanding the Go East policy. An additional focus will be the strengthening of Cayman's environmental protection efforts. Accordingly: the Go East policy will be fully realised, with the tabling of the policy framework; establishment of an integrated council; and the creation of specially designed facilities within the eastern districts, beginning in Bodden Town.

Furthermore, at the Department of Environment, staff will implement a project titled Enhancing Capacity for Adaptation to Climate Change. In consultation with other agencies, it also will develop a national climate-change adaptation strategy.

The Go East policy and the new National Tourism Management Plan will be presented in the House shortly. In addition, the ministry will present key legislation for environmental conservation, public transport, and liquor licensing.

### **Conclusion**

Madam Speaker, Members of the Legislative Assembly, in conclusion I would like to recognise firstly the many civil servants who have helped to devise these plans and who will be tasked to implement them, and secondly the members of the community who play a vital role on statutory boards and consultative groups.

I pray that God will guide your work in the Legislative Assembly, and the work of everyone involved in the government of these Islands; and that He will continue to watch over and protect us.

*[The Aide-de-Camp handed the Throne Speech to the Clerk to be laid upon the Table]*

## **DEPARTURE OF HIS EXCELLENCY THE GOVERNOR**

### **Procession:**

*Serjeant-at-Arms  
Honourable Speaker  
His Excellency the Governor  
Mrs. Jack  
Aide-de-Camp  
Honourable Chief Justice*

*Mrs. Smellie  
Pastor Winston Rose*

**The Clerk:** Please be seated.

**Proceedings suspended at 10.18 am**

**Proceedings resumed at 10.19 am**

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

## **MOTION OF THANKS TO HIS EXCELLENCY THE GOVERNOR**

**The Speaker:** I recognise the Father of the House, the Leader of the Opposition, the Honourable W. McKeeva Bush.

**Hon. W. McKeeva Bush:** Madam Speaker, since the Governor has had such a good year, I am privileged to move the following Motion:

**Be it resolved that this Honourable Legislative Assembly record its grateful thanks to His Excellency the Governor for the Address delivered at this meeting.**

**The Speaker:** The question is: Be it resolved that this Honourable Legislative Assembly record its grateful thanks to His Excellency the Governor for the address delivered this morning.

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

**Ayes.**

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

**Agreed: That this honourable Legislative Assembly record its grateful thanks to His Excellency the Governor for the Address delivered at this meeting.**

## **MOTION FOR THE DEFERRAL OF THE DEBATE ON THE BUDGET ADDRESS**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, be it resolved that the debate on the Address delivered by His Excellency the Governor be deferred until Wednesday, 7 May 2008.

**The Speaker:** The question is: Be it resolved that the debate on the Address delivered by His Excellency the Governor be deferred until Wednesday, 7 May 2008.



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

**Ayes.**

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

**Agreed: Debate on the Address delivered by His Excellency the Governor deferred until Wednesday 7 May 2008.**

## PRESENTATION OF PAPERS AND OF REPORTS

**Annual Plan and Estimates for the Government of the Cayman Islands for the Financial Year ending 30 June, 2009 together with the Annual Budget Statements for Ministries and Portfolios for the Financial Year ending 30 June 2009, Purchase Agreements for Statutory Authorities, Government Companies and Non-Governmental Output Suppliers for the Year ending 30 June 2009, and Ownership Agreements for Statutory Authorities and Government Companies for the Year ending 30 June 2009.**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the following documents in respect of the Government's financial year that will end on 30 June 2009:

- Annual Plan and Estimates for the Government of the Cayman Islands;
- Annual Budget Statements for Ministries and Portfolios;
- Purchase Agreements for Statutory Authorities, Government Companies and Non-Governmental Output Suppliers;
- Ownership Agreements for Statutory Authorities and Government Companies.

**The Speaker:** So ordered.

Does the Honourable Third Official Member wish to speak thereto?

Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

When you invite me to speak on the Second Reading of the Appropriation Bill that appears on today's Order Paper my Budget Address on the Bill will refer to the documents that have just been tabled. I, therefore, do not need to say anything further at this time on the documents that have just been tabled.

Thank you.

**The Speaker:** The documents that have just been tabled by the Honourable Third Official Member do stand referred to the Finance Committee.

## GOVERNMENT BUSINESS

### BILLS

#### FIRST READING

##### Appropriation (July 2008 to June 2009) Bill 2008

**The Clerk:** The Appropriation (July 2008 to June 2009) Bill 2008.

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

#### SECOND READING

##### Appropriation (July 2008 to June 2009) Bill 2008

**The Clerk:** The Appropriation (July 2008 to June 2009) Bill 2008.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to move the Second Reading of a Bill entitled The Appropriation (July 2008 to June 2009) Bill 2008.

**The Speaker:** The motion has been duly moved and is open for debate. Does the Honourable Third Official Member wish to speak thereto?

Honourable Third Official Member.

#### BUDGET ADDRESS

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, on behalf of the Government of the Cayman Islands, I rise to present the Budget for the 2008/9 financial year that encompasses the 12-month period from 1 July 2008 to 30 June 2009. This year is referred to throughout this Address as 2008/9.

The 2008/9 Budget is the fifth budget being presented under the accrual system of accounting and in accordance with the Public Management and Finance Law (2005 Revision), (the "PMFL"). I am pleased to report that, as in the four previous Budgets under this system, the 2008/9 Budget is fully compliant with all the principles of responsible financial management as set out in the PMFL.

It features the milestone accomplishment of a 90-day executive expenditure cash reserve at the end of the 2008/9 financial year. This means that at 30 June 2009, the Government is expected to have a level of cash that will be sufficient to pay for a quarter of a year of Government's expenditure and, it ("it" being the Government) is legally required to maintain such a minimum level of cash at the end of each financial year subsequent to 2008/9.

Madam Speaker, these accomplishments are significant given the considerable global economic challenges that exist currently and which will undoubtedly continue to impact the Cayman Islands. The accomplishments were only possible by making some difficult decisions in the preparation of the 2008/9 Budget. It is with this difficult economic setting in mind that I have entitled my address, "Maintaining Fiscal Prudence in Challenging Economic Times".

### **The Global Economic Outlook**

The world is undergoing tremendous economic change and experiencing a high degree of economic uncertainty. Developed countries are finding it difficult to maintain positive economic growth amid significant changes in the world's financial markets, the seemingly ever increasing price of oil, rising commodity prices, increasing food prices and ever increasing competition from developing economies.

In its April 2008 World Economic Outlook, the International Monetary Fund emphasized that significant changes in the global economic outlook have occurred since the second half of 2007. Lower growth rates in 2008 and 2009 are now forecasted for the United States of America (the "US"), resulting mainly from its profound housing market crisis.

Difficulties in financial markets are not restricted to the US; they have spread to other advanced economies and have affected global growth prospects. At the same time, a general increase in commodity prices is expected to push inflationary pressures worldwide.

The US real Gross Domestic Product (GDP) growth forecast for the 2008 calendar year has been downscaled to 0.5% from 1.9% as of September 2007. Notwithstanding the reduction in rates by the US Federal Reserve Board and the implementation of the US Federal Government's economic stimulus package, a quick recovery is not expected. Thus, US real GDP growth in calendar year 2009 is forecast to remain at a low rate of 0.6%. Due to the large share of the US and other advanced countries in the world's economy, the forecasted growth of global output for 2008 has been reduced to 3.7% compared to 5.2% as of September 2007; and for 2009, at 3.8% compared to 4.8% as of September 2007.

Sharp increases in commodity prices including those of oil and grain are expected to cause increases in consumer price indices globally and will undoubtedly impact the Cayman Islands. The inflation

rates for the US and other advanced economies are forecasted at 3.0% and 2.6%, respectively, in 2008, and at 2.0% in 2009.

### **The Cayman Islands' Economic Forecasts**

In view of the changes in the economic prospects for the world's major economies which are key markets for the Cayman Islands, the forecasts of real GDP growth for the Cayman Islands have been lowered to 1.7% for the 2008 calendar year and 1.4% in 2009. It may be noted that while these growth rates are lower when compared to those in 2005, 2006 and 2007, they are slightly higher when compared to the economic performance between 2000 and 2003 when GDP growth occurred at an estimated average rate of 1.3%.

The key assumptions for the forecasts in 2008 and 2009 are that the financial services sector will remain resilient and that the high-end stay over tourism market will remain relatively buoyant. Given the GDP growth expectations, unemployment<sup>1</sup> rates in the Cayman Islands are forecast at 4.1% in 2008 and 4.5% in 2009.

For the Cayman Islands, the forecast inflation rates are 3.1% in 2008, and 3.0% in 2009. The actual inflation rate in 2007 was 3.2%.

### **Fundamentals of the Cayman Islands' Economy**

Madam Speaker, the fundamentals of the Cayman Islands economy remain strong. The Cayman Islands has maintained its "Aa3" credit rating from Moody's Investors Service. This standard provides potential investors in the Cayman Islands with the confidence that our economy is sound and is being managed prudently.

### **The Financial Services Sector—Performance and Outlook**

The Cayman Islands continues to be recognised as one of the world's leading offshore financial centres. Our financial services industry experienced steady growth over the past year and this trend is expected to continue into the next financial year.

Evidence of the strength of this industry can be found in a number of areas. For the 12-month period ended 31 March 2008 the General Registry recorded a 5% growth in total company registrations.

Exempt companies grew by 9%. This is an important benchmark because exempt companies represent approximately 80% of the revenue generated by the General Registry.

The Cayman Islands Monetary Authority recorded a 14.7% increase in the number of registered mutual funds for the year ended 31<sup>st</sup> March

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<sup>1</sup> A person is said to be unemployed when actively seeking work but unable to find it.

2008. This sector continues to perform well and all indications are that growth will carry on into the coming financial year.

The Cayman Islands remain a choice jurisdiction with over 40 of the world's top 50 banks licensed here.

The Cayman Islands Stock Exchange recorded a 43% increase in its total listings for the 2007 calendar year which includes a 19% increase in fund listings and more than doubled the number of debt securities listed. Market capitalisation increased 51% from US\$111.5 billion to US\$168 billion.

### **The Tourism Industry—Performance and Outlook**

Madam Speaker, over the past three years, the tourism industry has been stable and has made a significant contribution to the economic development of the Cayman Islands. Since 2005, when the recovery from Hurricane Ivan began, tourist air arrivals have significantly grown year over year. In 2006, air arrivals grew by 59.3%; in 2007 by a further 9.1% and for the first quarter of 2008 we have had a 9% increase in air arrivals when compared to this period last year.

This recovery can be attributed to a joint public and private sector initiative to drive economic recovery and product improvement. The Government has continued to build effective distribution channels, protected or grown all important airlifts to the destination, and led a strategic shift in the target market which has better positioned the destination to survive the ups and downs of the world economy.

The Government has recently led a strategic plan to help the entire industry prepare for, and mitigate, the expected negative impacts of the global economic downturn. While a softening of the recent growth trends are expected later this year, we remain optimistic that given investments in marketing coupled with the strong British Pound and Euro, the Cayman Islands will rebound with a strong winter 2009.

While the United States remains by far the largest market for the Cayman Islands representing some 80% of all visitor arrivals, both Canada and Europe are demonstrating impressive growth with each posting gains in excess of 16% at year-end 2007. In the first quarter of 2008, these secondary markets continue to perform well, with Canada showing an increase of over 23% and Europe showing an increase of 10%, compared to this period last year.

### **The Impact of the Global Economy on the Cayman Islands**

Madam Speaker, the effect of the global economic downturn on the Cayman Islands, is not all doom and gloom. In recent months, the interest rates charged by local banks for loans and mortgages have fallen dramatically following reductions in the US

prime lending rate, giving some real relief on personal and business cash flows.

I wish to remind everyone that the Government already has in place certain tariffs that seek to minimise the extent of any increase in the cost of living. Currently, import duties are not charged on staple food products such as chicken, fish, rice, beans, flour, bread, cereals, milk, cream, butter, cheese, sugar and salt—in addition to a number of other food products which are charged reduced import duties of 10% to 15%.

The decision to keep these food products at reduced or duty-free rates is important: it endeavours to ensure that all members of our society continue to have access, at affordable-as-possible prices, to that most basic necessity, food.

In December 2007, Government announced that it had entered into an agreement with Caribbean Utilities Company, to provide an import duty rebate on the fuel the Company consumes in generating electricity: the Company, in turn, has and will continue to pass this rebate on to residential consumers—resulting in reduced electricity bills. The annual financial impact of this deliberate decision of Government to alleviate a portion of the high cost of electricity to residential consumers is approximately \$6 million. In 2008/9, Government's forecast revenue from import duties on diesel has therefore been amended to take account of this decision.

### **The Appropriations**

Madam Speaker, I will now turn to the specific Appropriations listed in the Bill that is now before this honourable House. Details of these Appropriations are shown in the Annual Plan and Estimates (AP&E) Document which accompanies the Appropriation Bill.

This Bill provides for appropriations across eight different categories in respect of the planned activities of the 13 Ministries, Portfolios and other Government entities. These appropriations will allow the Government to incur expenditures, make investments and undertake borrowings during the 2008/9 year to achieve its 13 Broad Outcome Goals.

#### **Output Groups**

Output Group Appropriations total \$419.6 million, of which some \$87.2 million is for outputs to be delivered by Statutory Authorities and Government Companies and \$13.9 million is for outputs to be delivered by Non-Governmental Organisations.

#### **Transfer Payments**

Appropriations for Transfer Payments total \$22.4 million and will allow for the continuance of im-

portant financial assistance to those most needy in our society.

### Other Executive Expenses

Other Executive Expenses total \$28.5 million and will be used to fund items such as: payments to the Public Service Pensions Board to reduce the Government's Past Service Liability in respect of the Civil Service pensions scheme; personal emoluments to the Executive branch of Government; and contributions to various international organisations including CARICOM, the Caribbean Development Bank and United Nations' agencies.

### Equity Investments

Equity Investments into Ministries, Portfolios, Statutory Authorities and Government Companies total \$118.1 million and will be used to fund the following major items:

- Ministry of Education, Training, Employment, Youth, Sports and Culture—\$68 million—for the construction of three new high schools on Grand Cayman, development of a new George Town Primary School, repairs and upgrades to existing schools, completion of the George Town Public Library, upgraded information technology equipment and software and the purchase of land for a new Cayman Brac High School;
- Portfolio of Internal and External Affairs—\$15 million—for the development of a Bodden Town Emergency Response Facility, development of a marine base and purchase of vessels and equipment for the Royal Cayman Islands Police Service, prison building renovations, purchase of vehicles and equipment for the Fire Service, development of a National Emergency Operations Centre;
- Ministry of Communications, Works and Infrastructure—\$6.8 million—for the construction of a new vehicle licensing headquarters, purchase of vehicles and heavy equipment, upgrades to the Airport Post Office, equipment and materials for a recycling programme;
- Ministry of District Administration, Planning, Agriculture and Housing—\$3 million—for the development of a new aircraft hangar for MRCU and the purchase of vehicles, equipment and other assets for the Ministry;
- Health Services Authority—\$8.2 million—for the purchase of new medical equipment and to cover the Authority's expected Operating Losses;
- Cayman Turtle Farm (1983) Limited—\$8.1 million—for bond repayments and expected Operating Losses;

- Tourism Attractions Board—\$1.9 million—for the repayment of its Caribbean Development Bank loan;
- Cayman Islands National Insurance Company—\$1.5 million—to maintain the company's compliance with the minimum capitalisation requirements of its insurance licence.

### Executive Assets

Executive Asset Appropriations total \$46.3 million and will be used to fund the following:

- construction of the new Government Administration Building—\$19.5 million;
- continued improvements to the Islands' road network—\$8.8 million;
- construction of upgraded sports facilities on Grand Cayman and Cayman Brac—\$2.6 million;
- construction of new or upgraded Senior Citizen Homes in North Side and East End—\$2 million;
- construction of a new Summary Courts Building—\$2 million;
- development of a new Bodden Town Civic Centre—\$1.9 million;
- improvements to landfills on all three Islands—\$1.2 million;
- development of a Juvenile Secure Remand Facility—\$1 million;
- construction of a dedicated mental health facility—\$1 million;
- development of a new Farmers' Market—\$0.85 million; and
- acquisition of additional land for the Barkers National Park—\$0.8 million.

Madam Speaker, the significant level of capital expenditures that will occur as a result of the Equity Investments and Executive Assets, will provide a tremendous boost to our local economy.

### Loans Made

Appropriations for Loans to be made by the Government total \$1.3 million. This is a relatively small amount and represents Loans Made to the following categories of persons: persons in need of urgent overseas medical care; Government employees in respect of loans to acquire property and loans to farmers.

### Borrowings

Appropriations for Borrowings total \$154 million and will be used to fund the Government's planned capital investment programme. Madam

Speaker, it is very important that I point out that the level of borrowing proposed for 2008/9 is exactly the same as that set out in the Strategic Policy Statement (SPS) for 2008/9. The SPS provided the foundation for the detailed 2008/9 Budget that was tabled earlier and it (SPS) was approved by the Legislative Assembly on 30 November 2007. Hence, the Legislative Assembly has approved the level of borrowing set out in the 2008/9 Budget.

Recently, there has been much public commentary on the level of borrowing and debt incurred by Central Government. Whilst it is legitimate for such discussion to occur, it must be done in a factual manner. Such commentary frequently states that Central Government's borrowing in the course of a year and/or its debt is \$700 million.

Note 27, on page 311 in the Annual Plan and Estimates document for 2008/9 clearly indicates that the Central Government's debt level expected at 30 June 2009—assuming that the full current year's proposed borrowing of \$154 million is drawn-down—is \$412.7 million. Commentary that Central Government's debt and/or its borrowing in the course of a year is \$700 million, is therefore inaccurate.

Nonetheless, it is proper that members of the public focus on Central Government and the wider public sector debt. The Government, equally, keeps a focus on borrowing and debt levels.

### **Financing Expenses**

The Appropriations for Financing Expenses total \$13.4 million and represent the interest expense on the full balance of Government borrowings.

### **Government's Forecast Financial Statements**

Madam Speaker, I will now turn to the forecast financial statements which underpin the 2008/9 Budget. These statements are also shown in the AP&E document which accompanies the Appropriation Bill.

### **The Operating Results**

The Net Operating Surplus is the key measure of the Government's operating performance. In order to comply with the PMFL, Government is required to achieve a surplus.

The 2008/9 Budget forecasts a Net Operating Surplus of \$13.5 million. This surplus is an important component of the Government's overall fiscal strategy: operating surpluses assist the country in achieving cash balance levels that comply with the PMFL and, such surpluses also help to fund capital expenditures.

The fact that the Government is forecasting a Net Operating Surplus in the face of global economic difficulties is not an accident nor was it

achieved easily. Over the past few weeks Ministries and Portfolios were required to re-examine their 2008/9 Budgets in order to identify expenses which could be eliminated without creating disruption to the provision of services to the public. Each year, Ministries and Portfolios—which can be collectively described as agencies—are given expenditure allocations that they are expected to abide by as closely as possible. This is done in the SPS that is formulated in respect of each financial year. The SPS is presented to the Legislative Assembly by 1 December each year—in respect of Government's financial year that will start on 1 July in the following calendar year.

In many instances, the 2008/9 expenditure re-examination exercise resulted in agencies reducing their Budgets below their SPS allocations.

Madam Speaker, I must congratulate Honourable Ministers and Members of Cabinet along with their Chief Officers and their finance teams for undertaking this important task of intense budget scrutiny and also for re-prioritising their plans for the year ahead in order for the Government to have a forecast operating surplus for 2008/9.

### **Revenue Projections for 2008/9**

There will not be any new revenue measures introduced in the 2008/9 financial year. This honours an earlier commitment given to the country by the Government and it reflects a deliberate action of the Government not to increase the financial obligations of businesses and individuals during 2008/9.

In the 2008/9 financial year, the Government is forecast to earn approximately \$528 million in operating revenue. This is approximately \$11 million less than was forecast in the 2008/9 SPS. This downward revenue projection is the direct result of the current economic environment we find ourselves operating in, and it also reflects lower economic growth forecasts. The revenue forecasts represent a slight gain of \$4.9 million over the estimated revenues for the current 2007/8 financial year.

Over the past four financial years the Government of the Cayman Islands has experienced significant growth in its revenues and while overall net growth in revenues is forecast for the 2008/9 financial year, this growth is not expected to be as strong as in previous years.

The reduction in the forecasts of Other Import Duties and Charges primarily reflects the view that the decline in the outlook of the US economy would impact the Cayman Islands, resulting in lower imports. This is supported by the Economics and Statistics Office's import statistics, which suggest that the value of total imports in 2007 is significantly lower than in 2006.

The lowering of the forecasts for Cruise Ship Departure Taxes and the Environmental Protection Fund Fee is directly linked to lower forecasts for cruise arrivals in 2007/8 and 2008/9.

While there will not be any new revenue measures in 2008/9, Government's revenue-collecting agencies will be stepping up their efforts to collect all revenue which is due to Government. In this regard, all businesses and individuals are asked to be prompt with their payments to Government. Delayed payments negatively impact cash flow and can lead to higher expenses for debt collection.

### **Forecast Operating Expenses**

The 2008/9 Operating Expenses are forecast to be \$501.3 million. This amount represents some \$28.2 million more than was forecast in the SPS and a \$12 million increase over the expected 2007/8 outturn.

On the surface, these increased operating expenses may seem to present cause for concern, however, one has to consider the economic environment in which we operate and the fact that these higher-than-expected operating costs are being driven by a number of external factors which are impacting the cost of doing business worldwide such as the rising cost of healthcare, fuel, electricity, and general upward inflationary pressures on most areas of expenditure.

The costs associated with the provision of safe, high quality healthcare have continued to increase in the Cayman Islands; this is consistent with global trends.

The Government, through the Cayman Islands National Insurance Company (CINICO) provides health insurance to civil servants and their dependants; civil service pensioners; employees of some statutory authorities and Government companies; as well as the elderly, veterans and seamen, health-impaired and low income members of our community.

CINICO has seen a significant increase in the cost of providing overseas medical care. In addition, there has been an increase in fees being charged by the Health Services Authority, the primary health care provider for persons insured by CINICO. These facts have resulted in CINICO increasing the premiums it charges Government for civil servants and pensioners by 44% and 32% respectively, resulting in a net increase of \$14 million in expense to the Government for the 2008/9 financial year.

This \$14 million increase accounts for approximately 50% of the increase in operating expenses between the level in the SPS and the 2008/9 Budget.

Another area of Operating Expense which has seen a significant increase since the SPS forecasts are the net operating losses of the Statutory Authorities and Government Companies, commonly referred to as SAGCs. When the 2008/9 SPS was approved by the Legislative Assembly in November 2007, these agencies were collectively forecast to record an Operating Deficit of \$1.6 million in the 2008/9 financial year. However, for the 2008/9 Budget this

forecast deficit has been increased by approximately \$10 million to \$11.6 million.

This significantly-worsened operating position in the SAGC sector is being driven by a combination of the global economic factors described earlier as well as particular challenges facing some agencies.

The most notable loss-making SAGCs are: the Health Services Authority with a projected net loss of \$7.6 million; Cayman Turtle Farm (1983) Limited with a projected net loss of \$6.9 million and Cayman Airways Limited with a projected net loss of \$2.7 million. The Government takes this matter very seriously and is working closely with all loss-making SAGCs to implement changes in these organisations which will improve their operating position.

### **The Forecast Cash Flow Statement**

Madam Speaker, the forecast Cash Flow Statement indicates that \$145 million will be used for the purchase or development of new assets and a further \$21.6 million will be used to fund Equity Investments into SAGCs.

The Cash Flow Statement indicates that net cash outflows for investing activities are expected to be \$165.4 million for the 2008/9 financial year. This represents a \$33.9 million reduction over the SPS forecasts and reflects Government's commitment to keep its capital investment programme to levels that will enable compliance with the PMFL.

Cash Reserves at 30 June 2009 are expected to be \$118.5 million. This is a \$7 million increase over the forecasted 30 June 2008 expected cash balance of \$111.5 million. The expected Cash Reserves level of \$118.5 million at 30 June 2009 complies with the minimum 90-day expenditure coverage required for the PMFL for the 2008/9 financial year.

### **Compliance with the PMFL**

Madam Speaker, the PMFL is very specific in terms of how it defines the fiscal guidelines within which the Government must operate its financial affairs.

The Principles of Responsible Financial Management are set out in section 14 of the PMFL and I will now explain how this 2008/9 Budget complies with these Principles.

The first principle relates to the operating results of the Government and requires that Core Government's Revenue less Core Government Expenses be positive. This has been fully satisfied with a forecast operating surplus of \$13.5 million.

The second principle requires that Government maintains a positive Net Worth. Full compliance has been met as the Government's Net Worth is forecast to be \$532.6 million at 30 June 2009.

The third principle relates to the maximum allowable Debt Service costs and requires that these costs be no more than 10% of Core Government

Revenue. This ratio is ultra prudent, and holds the Government to a very strict limit. It is the international norm for this type of ratio to be calculated using only the principal repayments; however, the PMFL goes a step further by including interest payments in the calculation, making the ratio more onerous to comply with. For 2008/9, the Government is forecasting its Debt Service Ratio to be 7.9%—which is below the 10% limit.

The fourth principle also relates to borrowing but it sets the limit for the total amount of Net Debt that can be carried by the Government to be no more than 80% of Core Government Revenue.

The Net Debt is calculated as being the outstanding balance of Core Government Debt plus the outstanding balance of self-financing loans, plus the weighted outstanding balance of SAGCs' debt guaranteed by the Government, less Core Government liquid assets.

For 2008/9 the Government is forecasting its Net Debt Ratio to be 73% of Core Government Revenue—which is well below the maximum of 80%.

The fifth principle requires that Government maintains cash reserves that are no less than 90 days of estimated executive expenses at 30 June 2009. The 2008/9 Budget complies with this requirement because it has cash reserves forecast at 91 days.

### Conclusion

Madam Speaker, I will depart quickly from the written text to express my and the Government's sincere thanks to the Budget and Management Unit for compiling the 2008/9 Budget. Madam Speaker, you and honourable Members of the House may know, but members of the general public may not know, that the process of compiling Government's annual budget often requires civil servants working throughout the night and for that we are truly grateful.

The preparation of the 2008/9 Budget has been challenging but it has also been rewarding. In the face of global economic uncertainty the Government has had to make changes to planned budgetary interventions for the 2008/9 financial year.

It has been rewarding because despite global economic difficulties, the Government has produced a Budget which is grounded in sound fiscal management and is in full compliance with the Public Management and Finance Law. The 2008/9 Budget is a budget that will enable the Government to achieve its stated national priorities.

The 2008/9 Budget will allow for the construction of some key physical infrastructure that will, among other things, improve the overall efficiency of the delivery of Government services; significantly improve the educational system for our children; foster economic development and growth; and create a firm footing for the next generation of Caymanians to create the next chapter of the Cayman success story.

Madam Speaker, the requests made in the 2008/9 Budget are encompassed within the Bill that is now before the Legislative Assembly.

I, therefore, commend The Appropriation (July 2008 to June 2009) Bill, 2008 to this honourable Legislative Assembly and seek Members' support.

Thank you, Madam Speaker.

### MOTION FOR THE DEFERRAL OF THE DEBATE ON THE BUDGET ADDRESS

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

On behalf of the Government, I beg to move as follows: Be It Resolved that the debate on the Budget Address be deferred until Wednesday, 7 May, 2008.

**The Speaker:** The question is: Be it resolved that the debate on the Budget Address be deferred until Wednesday, 7 May, 2008.

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

**Ayes.**

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

**Agreed: Debate on the Budget Address deferred until Wednesday, 7 May 2008.**

### MOTION FOR THE THRONE SPEECH AND BUDGET ADDRESS TO BE DEBATED SIMULTANEOUSLY

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. Be it resolved that the Throne Speech and Budget Address be debated simultaneously on Wednesday, 7 May, 2008.

**The Speaker:** The question is: Be it resolved that the Throne Speech and Budget Address be debated simultaneously on Wednesday, 7 May, 2008.

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

**Ayes.**

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

**Agreed: That the Throne Speech and Budget Address be debated simultaneously on Wednesday, 7 May, 2008.**

## STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS/MEMBERS OF THE CABINET

### POLICY STATEMENT: “Keeping the Faith— Securing the future”

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. The Book of Ecclesiastes powerfully reminds us of an eternal truth. It is that the human experience is characterized and shaped by exposure to a sequence of seasons: With linguistic elegance and simplicity, Chapter 3 of Ecclesiastes tells us that there is a time and a season for everything under the sun. *A time to sow and a time to reap; A time for peace and a time for war; A time when there is little and a time when there is plenty.*

Some seasons bring rich blessings; others, however, bring untold misery. We can turn on our television set on any given day and switch to BBC World, CNN or any other major news channels. We will see vivid images of the misery people in certain parts of the world are experiencing. In many instances, theirs is simply a struggle for the basic necessities of life—clothes to wear, food to eat, a decent house to live in. Theirs is a constant struggle against considerable odds to make ends meet.

Madam Speaker, in a world where so many things seem to be going wrong, we are indeed fortunate here in the Cayman Islands. Despite the challenges, a lot of things are going right for us. So much so that we have become one of the most sought-after places internationally to live, work, and enjoy a good quality of life. Yes, we are not without our problems but, generally speaking, we have been richly blessed as a nation. Yet, sometimes when I listen to public debate, I get the impression some of us are taking our good fortune for granted. It seems that all certain persons can see is gloom and doom.

Madam Speaker, some of these persons may be hearing my voice right now. In response, they very well may be asking: *‘Why is he comparing the Cayman Islands with other countries? What is the relevance? What do these other countries have to do with us?’* The answer is, a lot. A whole lot! Madam Speaker, it would be a great mistake if we continue to believe that we live in isolation from the rest of the world. You see, the world has fundamentally changed.

The world of the first decade of the 21st Century is characterized by growing interdependence among nations. It is a situation where what happens in some distant land can easily affect developments here without our even being aware of it. We are a connected, rather than a disconnected world. It is a reality

of the world today. A world shaped by the phenomenon known as globalization.

Madam Speaker, I wish to urge our people to be more mindful of the impact which globalization is having on our lives. Practically every job, every investment decision, prices we pay in the supermarket or at the gas pump, the relevance of our education system, our competitiveness as a place to do business . . . they are all influenced in some way by globalization. Through trade, investment and communication, the Cayman Islands are fully integrated into the global economy.

Madam Speaker, no longer are we the Islands that time forgot. It behooves Caymanians, therefore, to start seeing their experience, not in isolation from, but more in relation to the rest of the world. If we do so, it will be more readily apparent how fortunate we are and how much the Good Lord has blessed us. As that well-known missionary hymn urges us—and I will quote, Madam Speaker, not sing: [*Members’ laughter*]

“Count your blessings name them one by one;  
Count your blessings see what God has done;  
Count your blessings name them one by one;  
And it will [truly] surprise you what the Lord has done.”

Madam Speaker, as I deliver this policy statement on the 2008-09 Budget, I am particularly mindful of the many blessings which this PPM Government has received. Indeed, our very first blessing was the decision of Caymanians to make the PPM their choice for change and to entrust the destiny of this country into our hands.

The PPM's assumption of office following the general election of 2005 ushered in a new era, a new approach to governance through what is known as “government in the sunshine.” That is, government committed to and guided by the principles of honesty, openness, transparency and accountability. In our words and actions, this PPM Government has given full expression to these core principles. We have restored trust in government, re-introduced fiscal discipline, eliminated corruption in government and upheld the rule of law.

We hold ourselves accountable to the people of this country and have faced the press on a weekly basis almost from the date we assumed office. We have introduced Freedom of Information legislation which, when it comes into force at the start of next year, will introduce even greater levels of accessibility to government information and thus increase transparency and accountability in government generally.

We have kept the faith. We have made a difference. The evidence is clearly there. We have laid a strong foundation and are on course to securing the future. Our critics are free to voice their opinions. But what really matters is the fact that our track record can stand up to any objective scrutiny. When we took office, it is fair to say that the Cayman Islands were in



crisis. Devastation from Hurricane Ivan was widespread and very much in evidence across the land. Crime had become a serious problem. There were serious concerns about governance and allegations of corrupt practices in government.

It seems, based on how they speak today, that the other side has conveniently forgotten these things. The Government of the day, which comprised of members on the other side, had no solutions. It proved unable to rise to the challenge of recovery and reconstruction. Caymanians therefore weighed them in the balance and found them wanting. Fed up, frustrated and deeply worried, Caymanians turned to the PPM for leadership; for a restoration of hope; for a new beginning.

While it is practically impossible to please everyone, we have delivered in key areas. Never mind what the critics on the other side—and perhaps even a certain talk show—may say. They operate on the premise that Caymanians have short memories. And they seek, from this self-serving perspective, to manipulate the thinking and cloud the judgment of Caymanians to promote their own narrow agenda. As I shall demonstrate by way of example, this PPM Government's track record speaks for itself.

Madam Speaker, look at the amazing transformation in education—from pre-school right through to university. We are significantly expanding opportunities for Caymanians to grow, develop and achieve their potential. Additionally, we have reformed our curriculum to ensure what is taught in our institutions of learning is not only relevant to the country's developmental needs but also supports our international competitiveness. Government's goal in education is to put our people on the cutting edge and equip them to be able to compete with the best in the world.

How many people remember the worrying state of health care a few years ago? It was in shambles when we took office. Nothing exemplified the crisis more than the fact that the Health Services Authority was operating without a budget for two years. Madam Speaker, that this could occur is nothing short of scandalous. It demonstrated in a powerful way that the Government of the day was asleep at the wheel.

As a result of the various interventions we have made, specifically through our Minister, health care is in much better shape today. However, we still have some way to go before we achieve our desired goal of providing health care in a wider range of areas that is comparable to what is available anywhere in the world. As we pointed out from the outset, as much as we would love to, the problems of health cannot be resolved overnight. It will take time. Upgrading the quality of health care remains very much a work in progress.

Madam Speaker, through various initiatives, this PPM Government has made it easier for Caymanians to qualify to own a home. If Caymanians are to feel a genuine sense of belonging in the country of their birth, land and home ownership is the key. In

most Caribbean societies, land and home ownership is comparable to what is referred to in the United States as the American dream. Caymanians purchasing their first piece of land can now do so free of paying duty on lots up to a value of CI\$50,000. Madam Speaker, in light of the increasing cost of land I am pleased to say today that we are presently reviewing that ceiling with a view to increasing it to CI\$75,000. Our intention, if at all possible, is to cause this to happen before this Meeting is over.

Additionally, Caymanians buying house and land where the house is valued up to \$300,000 pay a marginal rate of stamp duty of 2%. For the first time, 100% mortgages are available. There is also the affordable housing programme. Madam Speaker, these are some of the initiatives taken by this PPM Government to give Caymanians a chance to own a piece of the rock. We are delighted with the response of Caymanians. Many have seized the opportunities and have already become proud property owners and many are now entrain.

We have now received the first installment of the EU funds to be used for Hurricane Ivan related works to be carried out through the National Recovery Fund offices. The total amount forthcoming is 7 million Euros and the first installment being the equivalent of some CI\$1.3 million. We expect that the tendering process will begin very shortly, with construction to commence immediately thereafter. This Madam Speaker will go a long way to providing relief for all qualified persons. We expect these funds to complete all recovery efforts relating to Hurricane Ivan damage to homes and displacement of families.

The added benefits of this will be to provide work for the many small contractors who have been pre-qualified to tender for all of the construction, and most importantly Madam Speaker it will improve the quality of life for the many hundreds who will benefit from once again having a decent roof over their heads.

Madam Speaker, this PPM Government has invested heavily in expanding and modernizing our network of roads. We have done so to facilitate hassle-free travel for motorists and also to open up parts of the country—particularly the East End district—to more economic activity. We are already reaping the benefits. For example, getting into George Town on mornings now takes place minus the stress which resulted from the heavy traffic congestion that was commonplace just a short time ago. Madam Speaker, I know that there are a few finishing touches being done now, but I am sure that in a very short while we will be back to the beautiful straight ride. Less stress means improved safety as a result of a reduced possibility for accidents and injury on our roads.

The road development programme undertaken by the PPM Government is the most ambitious in the nation's history. It involves the construction of 165 lane miles of roadway. Our critics, with their myopic view of development, have questioned the wis-

dom of making such a major investment. They have difficulty understanding, it seems, that it serves as a platform, along with other infrastructural improvements, for taking the development of the Cayman Islands to the next level—and I can assure you, Madam Speaker, that the Minister responsible sees that vision very, very clear—for ensuring that we remain competitive as a place where people would wish to invest and do business, for promoting the long-term prosperity of these islands and, thereby, securing the future.

Madam Speaker, I have cited but a few examples to demonstrate in a tangible way that the Cayman Islands today are in much better shape than in 2005. In other words, Madam Speaker, it has been a good season for the Cayman Islands and Caymanians under this PPM Government. In the fullness of time I am therefore confident that Caymanians in their wisdom will extend the season of the PPM Government.

We have kept the faith. We have built a strong foundation on which to secure the future for the benefit of Caymanians. This is not the time for looking or going back. It is the time to look and move ahead in order to seize the exciting opportunities that await us. Of course, as a government we would have liked to do more. However, we have had to be realistic in implementing our agenda for change because of the limited resources at our disposal.

At the same time, we also had to be mindful that in trying to do so much we could actually undermine what we were seeking to achieve. We therefore had to strike a balance. History teaches us that Rome was not built in a day. Similarly, the Cayman Islands cannot be built in a day—or to be more specific, a single term. Good things always come to those who have patience.

Madam Speaker, this budget is the fourth to be presented by the PPM Government since our election to office. It fits into a continuum. In other words, it builds on the previous three budgets, it is grounded in the same philosophy, principles and values, and it supports the overriding objective of the PPM Government. That objective, Madam Speaker, it is to improve the quality of life for Caymanians and other residents of these Islands.

I explained in my Strategic Policy Statement last November that when we speak of improving the quality of life, we not only mean improving healthcare, education, roads and opening up access to affordable housing, we also mean developing the talents of our people so that everyone has the opportunity to realise his or her potential. We also mean improvements in law enforcement, public safety and other issues such as our constitutional arrangements which have an undeniable tangible impact on the quality of life.

Government's approach to improving the quality of life is therefore comprehensive and holistic. We strongly believe in a balanced approach to the development of the three islands. We do not believe that Grand Cayman should be developed and Cay-

man Brac and Little Cayman allowed to be left behind. There should be a fair and equitable distribution of resources among the three Islands, which has been a policy focus of this PPM Government. This, Madam Speaker, the records will show—simply by the figure in sharp contrast with what transpired under the former administration.

Additionally, we do not believe that development today should jeopardize the quality of life for future generations. Therefore, Madam Speaker, the concept of sustainable development lies at the heart of the PPM Government's development strategy. We are building today to meet our current needs whilst taking care of tomorrow.

Madam Speaker, I spoke earlier about the impact of globalization and how increasing interdependence among nations means that the Cayman Islands are not immune from what is happening externally. This year's budget was prepared against the backdrop of an unfavourable external environment—an environment more unfavourable than last year.

Oil and food prices are steadily rising. It seems as if no end is in sight. The United States economy is also showing signs of being in recession. As the saying goes, when the United States sneezes, the rest of the world catches a cold. Obviously, these developments have implications for the performance of the Caymanian economy during the coming fiscal year. In the prevailing circumstances, fiscal prudence and discipline are required. We have always practiced both but they are needed now more than ever.

Particular emphasis in this budget is placed on safeguarding the gains of the past three years whilst cushioning the economy of the Cayman Islands from the full impact of the current economic downturn in the United States. There are also signs of sluggishness in the global economy. United as a country, I am confident we will keep our heads well above the water and ride out the storm. The Government is optimistic and, Madam Speaker, I would encourage the public of this country—public sector business, all factors—that they too must be optimistic.

You see, human belief is a powerful force. A person who is driven by what he or she believes . . . Have you ever noticed if you are sick and believe that you will get well your recovery is so much quicker? Similarly, if you believe the future is bright, you will be motivated to work to make it bright. The same applies to economic downturns. If you notice, downturns tend to accelerate when the view that there is a downturn becomes dominant. With booms, the opposite happens; there is a belief that things are bright and people show it through their behaviour.

One might wonder—especially the Second Elected Member for West Bay—why the Government is optimistic? We are optimistic because the fundamentals of our economy remain strong. So much so, that despite a projected decline in revenue, Government has honoured a commitment for the third straight year not to introduce any new taxes that would have

the effect of increasing the cost of living and the cost of doing business here.

Indeed, Madam Speaker, the Government has already acted decisively on other fronts to tackle the rising cost of living. I should mention in passing that a wide range of foodstuff (as we have heard the Honourable Third Official Member say in his delivery) is already imported duty free. They are mainly staples and include milk, poultry, beef, grains, macaroni, butter and cheese, among other items. An area where Government intervention to combat the cost of living is already making a difference is in the cost of electricity.

After years of negotiations, both by the last Administration and this Government earlier this year, the Minister for Communications, Works and Infrastructure signed on our behalf a new license agreement with Caribbean Utilities Company which has significantly reduced the cost of electricity to the consumer.

In addition to securing a better deal for consumers from CUC, Government is also subsidizing the supply of electricity to the consumer through a duty rebate on the fuel used by CUC in the generation of electricity. This is costing the Treasury some CI\$6 million a year, but we have concluded that this is money well spent and there is a direct benefit to the people of this country. As a result of this intervention, residential consumers are now paying 15% less for electricity than would otherwise be the case.

Madam Speaker, Government is projecting a budget for the 2008-09 fiscal year with a healthy surplus as was the case in each of the last three years. This is despite a projected fall in revenue for this year in the order of some CI\$11 million, if we compare to our SPS projections in November when I delivered the Strategic Policy Statement. Contrast this, Madam Speaker, with budget deficits which many governments elsewhere are projecting because of the impact of the global economic downturn. The Government also is committed to maintaining public sector employment at the current levels. In other words, we have no plans to send people home.

Madam Speaker, I have to say here—I'll do it in passing . . . It amazes me in times like these when we know that there is a slowdown and people will have a more difficult time in getting new jobs, that there is even the suggestion—if not even directly but by innuendo—that the Government should be laying off people. It would amaze me . . . but we will hear more about that later, I am sure, in the debate.

The key point I wish to emphasize, Madam Speaker, is that the economy is in safe hands with this PPM Government. If what obtained prior to 2005 is a strong indicator, the same certainty cannot be said about the other side. Madam Speaker, one of the first priorities of this Government after taking office was the restoration of fiscal discipline which was thrown out of the window by the previous government. In relation to the management of public finances, it was a policy of anything goes. As the late philosopher

George Santayana warns us, "those who do not remember the past are condemned to repeat it".

## PRIORITIES

Madam Speaker, with your indulgence I now wish to provide for the benefit of this honourable House and for the citizens on the outside a summary of the major priorities to be pursued by the various ministries and portfolios of Government during the upcoming fiscal year. These priorities support the pursuit of the overriding objective of the PPM Government which, as I have explained before, is to improve the quality of life in the Cayman Islands; in other words, to make life better, more enjoyable and fulfilling for Caymanians and all others who choose to live here.

Madam Speaker, just before I begin speaking regarding the ministries and portfolios, I need to say this publicly—and I am hoping sincerely that the private sector will take a very serious look at the lead that Government is taking—Government, after compiling all the facts, has agreed to implement a 3.2% cost of living adjustment to the salaries of civil servants. This will be paid in July 2008 and it is retroactive to 1 July 2007. If we check the history we will know that sometimes it is 8 or 10 years before there are any cost of living adjustments dealt with in the Civil Service. It always causes too many things to lag behind and it causes any government to have to find too much money out of general revenue at any one time to make any dent in catching up.

We have applied this policy, Madam Speaker, that we will be as current as we can when it comes to the cost of living adjustments. I can say that the Civil Service has been more than cooperative in this regard because we have actually made them understand that we are prepared to do so, but they must find the ways and means to fund it out of current allocations and, Madam Speaker, they have done so. I wanted to make that announcement and I hope that the private sector will look very seriously, given the circumstances that we live in today, in doing what they can do for their employees with regard to at least cost of living adjustments.

Madam Speaker, I wish to begin with the Ministry of Communications, Works and Infrastructure.

### Ministry of Communications, Works and Infrastructure

This Ministry has been playing a pivotal role in transforming the physical landscape of our country with tremendous benefits for everyone residing in Grand Cayman, from east to west—and also in Cayman Brac and Little Cayman. Thanks to major upgrades of our roads, what we have today is comparable—and in some cases superior—to what exists in some developed countries with more resources than the Cayman Islands. During the coming year, the pub-

lic can expect the following—and a whole lot more—from the Ministry of Communications, Works and Infrastructure working through its various departments, Madam Speaker.

### **National Roads Authority**

The Government recognises the great need for the Linford Pierson Highway to continue through from the roundabout and Bobby Thompson way on to Walker's Road. You see, Madam Speaker, all of the works that have gone on both on the extension of the Esterley Tibbetts' Highway and also the East-West Arterial, all of those works are inter-connected to the vision which the Minister has and which we share. But, Madam Speaker, we understand and the Minister is super-sensitive about it. We have sat and laboured over it and discussed the matter at length while listening to all the interventions from individuals and groups alike.

- We will be examining all options and the relevant costs, along with—once it is practical—an environmental assessment in order to decide exactly which route this road should take. I wish to make it clear that the Government is mindful of the environmental concerns regarding the proposed route through what is known nowadays as the Ironwood Forest. I want to assure the country today that we are doing everything we can to preserve this important environmental asset.
- I can also say that in our discussions there is no intention to do further work on this aspect of the road until we have a very clear understanding and we look at all of the costs involved with any alternative routing.

The path that is gazetted now is already an alternative to what was there before in an attempt to mitigate against the impact. But the Minister is keen, along with the rest of the Government to look carefully to see if there is any possibility of mitigating it even more. Madam Speaker, I can only say that at the end of the day we have to do the road, otherwise all of the other efforts the public will not reap the benefits of. But we will be doing it the best way that we possibly can. The Minister has publicly stated on more than one occasion that his intention is to preserve as much of the forest as possible and even going further to vest it so that it is preserved for future generations.

Madam Speaker, there will be:

- Ongoing road repairs and repaving in all districts. Major works will include re-grading and asphaltting Walkers Road and South Sound Road in George Town, Rum Point Drive in North Side and Queens Highway in East End.
- Continuation of coastal protection/armouring works along the most vulnerable coastlines.

For example, between Bodden Town, Breakers and possibly South Sound Road.

- Improving street lighting in some neighbourhoods to enhance public safety.

### **Cayman Water Authority**

The Water Authority will continue to increase the amount of piped-water lines throughout Grand Cayman, for example, in the district of North Side and along the Queens Highway.

They will also upgrade underground water pipes which are now an average of approximately 20 years old. I think a good example of this would be the pipes that are along Walkers Road, which we know always give problems with leaking.

The Water Authority will also increase during this fiscal year the capacity of the Reverse Osmosis plant in the Sister Islands. And they are continuing the development of the Frank Sound Reservoir so that that will be able to work along once the citizens are connected with water in the North Side and on the Queen's Highway area.

### **Department of Environmental Health**

Regarding the Department of Environmental Health, the Department will continue the landfill reorganization both in Grand Cayman and the Sister Islands. They will increase the export of used oil, spent batteries, and they are going to be working toward establishing a new contract for the export of scrap metals. The Department, as we speak, is expanding its recycling activities in all three islands.

The Government continues to be committed to the development of a waste to energy facility. That programme will be moving as swiftly as we are able to allocate funds.

### **Recreational Parks and Cemeteries Unit**

The new Recreational Parks and Cemeteries Unit plans to:

- Increase the number of public boat ramps and docks. The Ministry through that Unit is very active in this regard. In conjunction with the Ministry of Tourism's "Go East!" initiative, there are plans to construct a public boat ramp, public dock, car park, toilet block, and kiosks at the CoeWood Public Beach site in Bodden Town. It will provide a major benefit to fishermen, boaters and emergency crews who will have a more central public access to the South Coast, instead of either having to go to South Sound or to Frank Sound to launch or to effect emergency services.
- Increase public cemetery capacity in each district.

- Identify and increase the number of public parks in each district.

### Postal Services

Under Postal Services we will see: Increase in the number of post boxes installed throughout the Islands. Plans to physically upgrade and improve the Airport and the George Town post offices. And, Madam Speaker, by sheer coincidence the long awaited new Savannah Post Office will be officially opened this afternoon at 5:30 p.m. and everyone is invited to attend.

### Ministry of Health and Human Services

Now to the priorities of the Ministry of Health and Human Services. As part of plans to improve the Health Services, the following interventions that I will speak to, Madam Speaker, are some of the proposed actions:

- A restructured Public Health Department will be established.
- Merging the Health Insurance Commission and the Health Practice Commission to form a new Department of Health Regulatory Services. The anticipated result is more efficient use of resources and improved oversight of the health care and health insurance regulatory services.
- Increasing physician services at district health centres to provide greater public access to primary care services.
- Renovations will be made to the physical structure and technical capabilities of the Faith Hospital in Cayman Brac. We know that is well needed and funds have been allocated in the Budget for that.
- Establishment of a Hospital Foundation for the purchase of capital equipment. This will allow access to the public. The public will be able to make donations toward specific projects.
- A comprehensive review and adjustment of fees for services provided by the Health Services Authority will be carried out in order to ensure that the organization appropriately accounts for the cost of services provided.
- New programmes will be implemented to achieve greater levels of efficiency in staffing, equipment utilization, patient services and finance.
- Formal accreditation for the DNA lab is currently being pursued so that the Cayman Islands will be positioned to become a major operational centre for the provision of professional forensic DNA services.

And I might just add, Madam Speaker, that it is one of the topics I, and other heads of overseas territories in the Caribbean, have been discussing. I

dare say we will get much support from our colleagues in those territories.

To strengthen the family and community, some of the actions proposed are:

- Restructuring the Department of Children and Family Services to create a dedicated Department of Children's Services.
- Recommendations from the National Assessment of Living Conditions will be used as the platform to develop various
- strategies and programmes required to promote sound social development.
- Development of a National Anti-Drug Strategy.
- Amendments to the Poor Persons Relief Regulations, the Adoption of Children Law, and the Children Law 2003 will be completed early in the next budget year, taking into account our obligations under the Convention on the Rights of the Child.
- A Community Empowerment and Development Agency will be created.
- And, Madam Speaker so that males do not feel left out: Men's well-being. The roles of men in family and community, will be promoted in the context of the National Gender Policy.

To support the continued development of our women, these and other actions are proposed:

- Appointment of an Officer of Gender Affairs who will review and update the National Gender Policy, and spearhead the establishment of the Office of Gender Affairs, as well as the policy of gender mainstreaming across the public sector.
- Passing legislation to give domestic application to the UN Convention on the Elimination of All Forms of Discrimination Among Women.
- Placing greater strategic focus on the delivery of outreach and support services to victims of sexual violence.

The following are some of the actions proposed in relation to young people at risk:

- Funds are in the Budget to begin the construction of a purpose-built youth therapeutic facility to accommodate a total of 18 boys and girls in separate wings. This facility will enhance rehabilitation through therapeutic and drug rehabilitation programmes. And, Madam Speaker, I am absolutely certain that throughout your battle over the years you will be very pleased to see this become a reality.
- Also, Madam Speaker, there is a plan to move

the Young Parents Programme under the new Empowerment Agency, following completion of a review by a multi-agency team.

- In response to the amended Youth Justice Law, training will be sought in the areas of Victim Offender Mediation and Family Conferencing in order to provide the Youth Court with alternatives to sentencing in these areas.

Madam Speaker, we have not forgotten the elderly. In many societies, they are pushed to the margins and in many instances forgotten. The needs of the elderly are receiving attention so that they too can enjoy a good quality of life. With this objective in mind, the following actions are proposed:

- Development of a National Plan for the Elderly.
- Complete the redevelopment of the Golden Age Home in West Bay.
- Expansion of the home for the Elderly in East End
- Construction of a new home for the elderly in North Side

Madam Speaker, funds are in the Budget for the new home for the elderly in North Side but I have to say that one hold up has been the ability to locate and get consent from the adjoining land owner for the piece of property that has been identified in order for Government to acquire an additional piece. The Lands and Survey department are pursuing that as we speak.

Madam Speaker, the Government is deeply conscious that in times of rising costs those most vulnerable and adversely impacted are the elderly and indigent and so for the second time since we assumed office, the Government has decided to increase financial assistance to the elderly and disabled from \$500 to \$550 per month. This increase will also apply to seamen and veterans receiving the monthly ex-gratia payment.

Madam Speaker, having outlined some of the plans of the Ministry of Health and Human Services, I now turn to another Ministry which is equally people-centred—the Ministry of Education, Training, Employment, Youth, Sports and Culture.

### **Ministry of Education, Training, Employment, Youth, Sports and Culture**

This Ministry's agenda over the coming year will focus on service delivery through legislative reform, programme improvements across the various units, and an intensive capital works programme.

Some of the expected outcomes are as follows:

- A comprehensively restructured Education Law and an updated Employment Law. Both laws, with input from key stakeholders, will

seek to equip the Ministry to be more effective in addressing present-day realities.

- The Cayman Islands Government Central Tenders Committee has approved the award of contracts for the construction of two of the three new secondary education campuses, John Gray Campus in George Town and Clifton Hunter Campus in Frank Sound, signaling the imminent start of these much-anticipated capital works [projects] Madam Speaker, whilst plans to start construction on the Beulah Smith Campus in West Bay are also progressing, further dialogue is required at this sensitive stage of contractual negotiations, in order to secure the best value for public expenditure.

So, Madam Speaker, to put it in perspective: the Beulah Smith campus will be built along with the other two but the Central Tenders Committee has not awarded the contract for that one yet because there is some fine tuning with the negotiations to make sure that the Government gets the best value for money before the contract is signed. It is hoped that these negotiations will be resolved in the near future at which time details will be submitted to the Central Tenders Committee for review and evaluation. And with a little bit of luck we'll have the contract signed within a short time.

- Challenges facing the Government's capital funding programme have necessitated an extension of the originally anticipated project lead times. This revised schedule means that the new secondary campuses, including the Beulah Smith Campus, will be completed by September 2010, when all the facilities will be fully operational for the start of the 2010/2011 academic term which, again, is 2010.
- Meanwhile work on the design new facilities for George Town Primary School continues in earnest, with construction expected to start early in 2009. The new George Town Primary School will also open its doors to students in September 2010.
- The launch of a new National Curriculum at the start of the next school year in September. This will be followed by a range of professional development initiatives to support teachers and education professionals in the delivery of 21<sup>st</sup> Century teaching and learning practices.
- Madam Speaker, the Ministry is also developing protocols to ensure children with disabilities cannot be discriminated against when it comes to access to education. This follows the introduction of protocols to provide similar support to children with special needs.

- The Ministry is also stepping up the promotion of literacy through various interventions at the primary and secondary school levels.
- Upgrading of facilities at the Truman Bodden Sports Complex is ongoing with the completion of work on the track and pitch and the new boxing gym. Work on the two fields at the Ed Bush stadium is also scheduled to be completed.
- A number of community playing fields are also being restored and upgraded to international standards. When completed, these community stadia will be able to host regional and international competitions.

Madam Speaker, when we were coming to the Legislative Assembly this morning, I am sure we all noticed the work that is going on with the expansion of the Library services. And there is a new building being constructed behind the old Library right here in the heart of town and that is ongoing and soon to be completed.

Madam Speaker, it is only right for us to recognise the generous grant from the law firm Maples of US\$2.5 million paid over a period of time towards this project.

#### **Ministry of Tourism, Environment, Investment and Commerce**

Madam Speaker, allow me to move on to the Ministry of Tourism, Environment, Investment and Commerce. Here is a glimpse of what is on their agenda:

- Continuing to focus on policies and programmes that promote sustainable development. At the same time, enhancing physical and human resources to support competitiveness.
- Redevelopment of key tourism infrastructure. For example, the expansion of the Owen Roberts International Airport and the establishment of berthing facilities for cruise ships in the George Town harbour.
- Expansion of customer service training programmes. Apprenticeship training for Caymans seeking entry level of managerial positions in tourism.
- In response to the challenge which climate change poses to island nations such as ours, the Ministry will work with the Cabinet Office to develop a National Climate Adaptation Strategy and also a National Sustainable Development Framework.

The Department of Tourism continues to work closely with the private sector to preserve and grow upon a solid track record of growth in air arrivals despite challenging external economic forecasts. Madam

Speaker, the results of all of these efforts keep proving positive in the years past and even up to now we are seeing continued increases in air arrivals. The Ministry of Tourism's diversification initiatives which began increased promotions in Europe and Canada during the past two years have aided the recovery of the tourism sector in the aftermath of Hurricane Ivan and these markets will continue to be targeted for their potential contributions.

Turning to Public Transportation which is vital to Cayman's infrastructure, following a comprehensive market analysis of this sector, the Public Transportation Unit is being restructured to improve the economic and service-related performance of this sector. A professional, vibrant and disciplined public transport sector not only benefits the tourism industry but has the potential to stimulate local demand for public transportation and thereby decrease carbon emissions which result from such high reliance on private vehicles.

I would like to take this opportunity this afternoon to congratulate Cayman Airways as it celebrates its 40<sup>th</sup> anniversary. While mention was made earlier of organizational improvements, it is the dedicated and professional staff of CAL that has made our airline a success. Cayman Airways has therefore undertaken to enhance customer satisfaction while working with the Department of Tourism's PRIDE initiative to provide customer service training for all front line employees of Cayman Airways.

An employee-focused program designed to enhance employee morale and performance has begun, while improved corporate communications has improved transparency and public awareness. Also, Cayman Airways has made major strides towards modernizing its fleet. Recently, two Boeing 737-200s have been retired and have been replaced with more efficient 737-300 aircraft.

Madam Speaker, the Ministry is also continuing to support the development of entrepreneurs through the Cayman Islands Investment Bureau and the Cayman Islands Development Bank.

#### **Ministry of District Administration, Planning, Agriculture and Housing**

Rising food prices are a major concern around the world, Madam Speaker. I have said that before. In response, the Government is keen on encouraging and supporting farmers to expand production so that we can all eat more of what is produced locally. I was being told yesterday that it just seems like yesterday, not a year ago, that the one-year-old initiative by the Government—namely, the Saturday farmers 'Market at the Grounds'—has provided a tremendous boost in this regard.

Madam Speaker, no longer than two days ago the Government and our Backbench met with representatives of the merchants and we intend to continue our discussions towards seeing if there can be a

collaboration between the Government and the importers with regard to bringing any relief to the consumer in noticing the ever rising cost of food. Merchants are acutely aware and they wish to help in any way they can.

Following that meeting, Madam Speaker, we will also be meeting with representatives from the farming community along with the merchants so that we can be specific as we can with regard to inducements or enticements for the farming community to produce more produce locally. The merchants are quite keen once there can be a fairly consistent supply to be able to buy more locally. Madam Speaker, that is something that the entire country needs to take advantage of. Even less than a year ago when I mentioned how important it was to become as self-sufficient as we could, not a single soul thought that there would be ration on rice and here we are a year later.

Madam Speaker, for the Ministry of District Administration, Planning, Agriculture and Housing, which I have the honour to lead, expanding domestic food production as I just mentioned is a major goal during the new fiscal year. In terms of focus areas, food crops, livestock, horticulture and aquaculture have been earmarked for special attention. The Department of Agriculture will support farmers by providing services, technical assistance and training, in order for them to enhance not only their volumes but the quality and the diversity of their products.

These interventions are aimed at helping farmers to gain the best value from their products through processing, marketing and promotion. Special emphasis will be placed on encouraging farmers to adopt a more business-oriented and technology-driven focus. Madam Speaker, this will be pursued through the promotion of agri-business techniques and the introduction of enhanced production systems, including lower capital cost greenhouses.

The following, are some of the other priorities of my Ministry:

- The launch of an expanded disease prevention programme by the Mosquito Research and Control Unit. The aim is to thwart a possible outbreak of dengue fever which has become a major health problem in some of our neighbouring Caribbean countries.
- Stepping up the affordable housing programme for low-income Caymanians. The National Housing Development Trust now has acquired land in East End, Bodden Town, George Town, and West Bay and is actively seeking property in your district, Madam Speaker, so that they can continue the construction of affordable homes for Caymanians.
- There is also the expansion and upgrading of the road networks which is planned for Cay-

man Brac and Little Cayman by District Administration.

- Public beach and park facilities are also earmarked for improvement in the Sister Islands.
- Construction of the sports' playfield plans on the Bluff on Cayman Brac will continue.

As I understand it from the District Commissioner and also the Second Elected Member from Cayman Brac and Little Cayman, the turf is being placed on that field as we speak. So, there is good progress. There are plans to host the first international match there in the summer of next year (2009). The expansion of the District Administration building will also be completed in this fiscal year. And there are ongoing initiatives which promote Cayman Brac and Little Cayman as domestic tourism destinations.

I believe it is fair to say that that initiative is reaping with some success, because as often as I travel there I see more and more Caymanians who do not live in the Sister Islands, but who are visiting and I am certain they will enjoy their continued visits.

Madam Speaker, we are also in discussion with the owners of the Point of Sand beach property in Little Cayman with the objective being for the Government to acquire it over a period of time for the benefit of future generations of Caymanians.

I dare say for those of us who know where this property is located, that there is no other piece of property within the Cayman Islands like that piece. The owners have traveled to Grand Cayman and they met with me about a week ago. They are quite happy for the Government to acquire the property. They are also quite happy for it to be paid for over a reasonable period of time—several Budget years. I think we just have to get to the point where we agree on what is fair value. So, Madam Speaker, I think that is good news.

### **Portfolio of Internal and External Affairs**

Madam Speaker, I turn now to the Portfolio of Internal and External Affairs which has responsibility for public safety and national security. These are vital elements in creating the right environment to support continued economic growth and prosperity for our country. Madam Speaker, some of the Portfolio's main priorities on a departmental basis are as follows:

#### **Royal Cayman Islands Police**

- Reducing crime and road traffic casualties is high in order of priority.
- Increasing detection of threats of violence and drug offenders also.
- Construction of a new Drug Task Force and Marine Base is becoming a reality. Improved border protection with the scheduled arrival of new vessels, including the helicopter will also make a tremendous difference.
- Madam Speaker, the Royal Cayman Islands Police also have plans to strengthen the neighbourhood policing initiative.



### Fire Department

- Completion of the Bodden Town Emergency Centre is a high priority and construction should begin shortly.
- It is expected that plans for a new Cayman Brac domestic fire station will be completed with a view to beginning construction in the 9/10 Budget year.

### Immigration Department

- Maintaining strict border controls.
- Madam Speaker, I previously announced our intention to make fundamental changes to our work permit regime aimed at improving the speed and efficiency with which certain non-contentious categories of work permits can be dealt with. This will involve significant changes to our Immigration legislation and it is planned that this will be brought to the House later in this meeting. These changes will improve service to the business community and is further demonstration of this Government's commitment to enhancing the economic environment in these Islands.
- Madam Speaker, the Immigration Department also has plans to strengthen measures to detect and prosecute employers and employees who fail to abide by immigration laws and regulations.

### Cayman Islands Prison Services

- The Cayman Islands' Prison Services will be working to improve prisoner education and rehabilitation programmes.
- This upcoming fiscal year will see the commencement of the first phase of construction of a new prison. Madam Speaker, what is going to make this become a reality is—instead of talking about it, it is actually going to be happening now and it has been “happening” for quite a while and the inmates are going to be participating in the construction of this new facility.

### 911 Emergency Communications

- The 911 Emergency Communications will see an introduction of electronic monitoring of offenders. This is a very important component of the new Alternative Sentencing Law. I believe as we speak this new system is being tested.

### Hazard Management Cayman Islands

Hazard Management Cayman Islands will see the design of their new National Emergency Operations Centre completed during this year with construction to begin in the 9/10 fiscal year.

### Portfolio of Legal Affairs

Madam Speaker, the following are some of the priorities of the Portfolio of Legal Affairs are the:

- Development of a comprehensive and coordinated criminal justice strategy. It will cover areas such as alternative sentencing, post incarceration initiatives, prison reforms as well as early intervention programmes for "at risk youth".
- The Portfolio is also very busy drafting laws to improve protection of children from child pornography and also to improve the protection of witnesses in criminal cases, reviewing the law relating to environmental health and regulating the incidence of tobacco use and its consequent harm.
- Madam Speaker, we also know from various debates either in the Legislative Assembly or in Finance Committee that there are difficulties being experienced with the Legal Aid system. The Department is in the process as we speak of doing a review of the Legal Aid system with a view to making specific recommendations at a very early date.
- Madam Speaker, the Department is also very proactive in the global fight against money laundering, terrorist financing and other financial crime by making sure that our legislation is not only up to date, but it is on the cutting edge.
- They also recognise that it is important to strengthen ties with our international partners as a reflection of the commitment of the Cayman Islands to having a very sound regulatory financial regime.

### Portfolio of Finance and Economics

Finally, Madam Speaker, the Portfolio of Finance and Economics which has responsibility for our vital financial services industry posted another very solid year of growth in 2007. Leading this growth on the transaction side was the Investment Funds Sector, which posted a 17% increase over 2006; the Company Registration Sector generally, which posted a 16% increase in new registrations over 2006; and Exempted Limited Partnerships, which posted a 42% increase in new registrations. Figures for the first quarter of the calendar year in these sectors are healthy, with New Fund Registrations up 14% over first quarter 2007; New Company Registrations running equal with first quarter 2007; and New Exempted Limited Partnerships up by 45% over first quarter 2007.

In addition, in terms of calendar year 2006 over calendar year 2007, there was a 3% increase in the number of licensed captives; a 45% increase in listings on the CSX and an 8% increase in new pleas-

ure vessels registered on the Cayman Islands Shipping Register.

On the institution side, 2007 saw further, but minor (i.e. 3%), contraction in the number of 'Class B' banks, but on the other hand it saw a 17% increase in the number of full fund administrators, compared with 2006. The number of 'Class A' banks, insurance managers, trust companies and other licensed service providers remained stable.

We know that we are operating in a very competitive environment and that part of the mutual compact we have with our financial services sector is that we work together to ensure that the industry has the tools and support it needs to compete successfully, which ultimately rebounds to the health of our economy. We know that we have work to do in this area, and we are committed to getting it done. We need our legislation, our regulatory regime, including our Business Staffing Plan and Work Permit regimes, and our administrative processes to fully align with our economic needs and objectives.

On this score, there are important developments which I will take a minute to report this morning. Firstly, during this meeting of the House, as I mentioned earlier, we will bring amending legislation to the Banks & Trust Companies Law and the Mutual Funds Law that will, among other things, underpin two lines of business: Islamic financing structures, which are significant globally and in which the Cayman Islands has good prospects for increasing market share, and also private trust companies, in which the Cayman Islands to date has only been competitive in a very minor segment of this huge global sector. This legislation and supporting regulations is expected to enhance the competitive landscape for our industry and certainly we look forward to our service providers being able to capitalize on it so that it generates revenue for all of us.

Most excitingly, Madam Speaker, the Government, with the benefit of recommendations from the Reinsurance Task Force, is pleased to announce its full support for the promotion of the Cayman Islands as a location for reinsurers. We have already seen a strong and vibrant insurance industry here in the Cayman Islands, including a world class captive insurance sector, a very successful existing reinsurance company and strong participation in the structuring of reinsurance vehicles such as what is termed as sidecars and catastrophe bonds. This, together with our vibrant hedge fund sector, a key source of capital for reinsurers, and our strong financial, legal and regulatory infrastructure make the reinsurance industry a natural area of expansion for us here in the Cayman Islands.

Government support will take the form of a clear, effective and tailored entry regime, including an enhanced Business Staffing Plan regime, for qualified reinsurers, designed to appeal to either start-up reinsurers or existing reinsurers looking for viable options for locations in which to grow their business. In turn,

the Government expects reinsurers who wish to take advantage of the entry regime to enter into a "social contract" reflecting a partnership approach to joining our financial services community, via specific commitments to education and training opportunities for our own Caymanians. The Portfolio of Finance & Economics as executing agency will be coordinating the delivery of the regime, which is expected to be rolled out very shortly.

Madam Speaker, the Government welcomes the continued growth of the reinsurance sector and the substantial activity that it can generate in and for our financial services industry. We pledge, Madam Speaker, to do all on our end to ensure that this becomes a reality.

## CONCLUSION

Madam Speaker, in conclusion, the presentation of the 2008-09 budget is anchored on the theme – 'Keeping the Faith—Securing the Future'. It was meant to put the performance of the PPM Government in its true perspective, to demonstrate that we have matched our promises at election time with our performance even in the face of tremendous odds. We also wanted Caymanians to be clear about the Government's overriding objective, namely, to improve the quality of life, to leave no one behind in this process, and by so doing to build a strong foundation on which to secure the future.

Madam Speaker, I have demonstrated that this PPM Government is indeed doing so through its various policies, its programmes and its projects. However, there is another key element which supports securing the future. It is the adoption of a modernized constitution which is long overdue. A modernized constitution as the supreme law of the land is vital to establishing the basis of a new relationship between Government and Caymanian citizens and residents, and, Madam Speaker, also between the Cayman Islands and the United Kingdom.

The present Constitution has been in effect since 1972. The world has fundamentally changed since then. Our needs have also changed, but we have a situation where the existing Constitution was designed for needs as they existed back in 1972. At a glance the inadequacy is quite apparent. A modernized constitution is the only answer.

Our critics have been exploiting the natural fear people have about change. However, when you look at it objectively, change is the only constant feature in life. We may not be conscious of it but we undergo change every day. It becomes necessary from time to time to pause, take stock, and decide how to adjust to change. Such a time is now; otherwise, we could find ourselves at a disadvantage. This is a real danger which the Cayman Islands face if we fail to modernize our constitution. The world is moving on. It is not going to wait on us.

The Government is heartened by the fact that more and more Caymanians are recognising the need for a new Constitution. The approach of the Opposition on

this issue has been most disappointing. However, the Opposition has proven by its words and actions that it cannot be taken seriously in this matter. A few months ago it was saying Caymanians should vote "No" if they did not know. The Opposition chose to place emphasis back then on scaremongering tactics instead of helping the people to know. With the recent publication of its Discussion Paper, the Opposition has made a dramatic u-turn. It is now saying a modernized constitution is important. It is now saying that Caymanians must be informed to make a decision.

Madam Speaker, the Government has been forthright with our people from the onset. It has laid all of its cards on the table. Government has proven there is no hidden agenda, as suggested by the Opposition. Any new Constitution that will be adopted will be informed by the views and wishes of Caymanians. It will be a constitution that comes from the people, not the Government. The Government is merely acting as the agent of the people. And this Government, this PPM Government, will vigorously defend the interests of our people. So, I want to take this opportunity to urge Caymanians to participate in the upcoming referendum, the date of which will be announced very shortly. Madam Speaker, the participation of the people in this exercise is another way of securing the future.

Madam Speaker, on behalf of the Government, I want to take this opportunity to thank everyone who has contributed in some way to another successful budget exercise. I also wish to thank our hard-working public servants who have carried forward the Government's vision through successful implementation of our many policies, programmes and indeed our many projects.

From the utter devastation of Hurricane Ivan, the Cayman Islands have just about achieved full recovery in three short years. An exciting future lies ahead. So, Madam Speaker, my comment is just this: now is not the time to change course; now is not the time to gamble with the future.

With faith in God, confidence in our people, our inner strengths and indeed our proven ability to succeed, the Cayman Islands can—and will—grow from strength to strength and serve as a shining beacon of good governance and prosperity in the Caribbean and indeed in the wider world.

I want to quickly interject, Madam Speaker, to personally say a special thank you to all of my elected colleagues on this side—the Ministers and backbenchers. Madam Speaker, we work hard and I am not saying this looking any thanks; but if it is one thing I know they cannot accuse us of, it is not working hard. And I want to just take a minute to let my colleagues know that I appreciate all of their efforts and I am sure the country does too.

Madam Speaker, this Government, this PPM Government has faithfully, earnestly and honestly served the people. We have provided effective leadership. We have kept the faith and we are securing the future.

Thank you Madam Speaker.

**The Speaker:** I will entertain a motion for the adjournment of this honourable House.

Honourable Leader of Government Business.

[Pause]

**Hon. D. Kurt Tibbetts:** Madam Speaker, I was just taking a breather, sorry.

Madam Speaker, Members are aware that we want to return next Wednesday to continue the debate on the Budget Address and Throne Speech, but also, Madam Speaker, there is a 2007-8 Supplementary Appropriation Bill and Finance Committee which needs to convene before that.

So, the proposal (and with your indulgence, Madam Speaker, I am just explaining so that Members will have a clear understanding) is that we return next Wednesday to debate, but that we return this Friday, so that the Honourable Third Official Member can table the Supplementary Appropriation Bill and move straight into Finance Committee and we can get the Supplementary Appropriation for 2007-8 put to bed before we continue the debate on the 2008-9 Budget Address and Throne Speech.

So, Madam Speaker, I move the adjournment of this honourable House until [Friday, 2 May] at 10 am.

**The Speaker:** The question is that this honourable House do now adjourn until [Friday, 2 May 2008] at 10 am. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**At 12.51 pm the House stood adjourned until 10 am Friday, 2 May 2008.**

## ADJOURNMENT

**OFFICIAL HANSARD REPORT**  
**FRIDAY**  
**2 MAY 2008**  
**10.17 AM**  
*Second Sitting*

**The Speaker:** I will call on the Honourable Minister responsible for Health and Human Services to say Prayers.

**PRAYERS**

**Hon. Anthony S. Eden:** Let us pray.

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

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

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

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

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

**Proceedings resumed at 10.19 pm**

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

**Apologies**

**The Speaker:** I have received apologies for the late arrival of the Honourable First Official Member.

**PRESENTATION OF PAPERS  
 AND OF REPORTS**

**The 2<sup>nd</sup> Supplementary Annual Plan and Estimates  
 of the Government of the Cayman Islands for the  
 Financial Year Ending 30<sup>th</sup> June 2008**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the 2<sup>nd</sup> Supplementary Annual Plan and Estimates for the Government of the Cayman Islands for the year ending 30 June 2008.

**The Speaker:** So ordered.

Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Briefly, Madam Speaker.

Madam Speaker, in accordance with Standing Order 67 (1) the 2<sup>nd</sup> Supplementary Annual Plan and Estimates that have just been laid stand referred to Finance Committee. And as the Estimates will be considered in Finance Committee, I do not need to say anything more at this point except, with your permission, Madam Speaker, to move a motion in connected thereto.

**The Speaker:** Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Section 10 of the Supplementary Annual Plan and Estimates that has just been tabled, contains proposals for supplementary appropriations in respect of the 2007/8 financial year.

I beg to move, pursuant to Standing Order 67(2) that Finance Committee approves the supplementary appropriation proposals set out in section 10 of the 2<sup>nd</sup> Supplementary Annual Plan and Estimates for the Government of the Cayman Islands for the Financial Year Ending 30<sup>th</sup> June 2008.

Thank you.

**The Speaker:** The 2<sup>nd</sup> Supplementary Annual Plan and Estimates of the Government of the Cayman Islands for the Financial Year Ending 30<sup>th</sup> June 2008 stands referred to the Finance Committee.

Honourable Leader of Government Business.

## ADJOURNMENT

**Hon. D. Kurt Tibbetts:** Madam Speaker, I move the adjournment of this honourable House until the business of Finance Committee for the Supplementary Annual Plan and Estimates for the Financial Year Ending 30<sup>th</sup> June 2008 is completed.

**The Speaker:** The question is that this honourable House do now adjourn until the Finance Committee completes its business. All those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 10.22 am the House stood adjourned until the conclusion of the proceedings of the Standing Finance Committee.**

**OFFICIAL HANSARD REPORT**  
**MONDAY**  
**5 MAY 2008**  
**12.46 PM**  
*Third Sitting*

**The Speaker:** I call on the Second Elected Member for the district of West Bay to say Prayers.

**PRAYERS**

**Mr. Rolston M. Anglin:** Let us bow our heads and hearts and let us pray.

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

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

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

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

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

**Proceedings resumed at 12.48 pm**

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

**Apologies**

**The Speaker:** I have received apologies for absence from the Hon. Second Official Member, the Hon.

Leader of the Opposition, the Third Elected Member for the district of West Bay, the Fourth Elected Member for the district of West Bay, and the First and Second Elected Members for Cayman Brac and Little Cayman

**PRESENTATION OF PAPERS  
 AND OF REPORTS**

**Report of the Standing Finance Committee on the  
 2<sup>nd</sup> Supplementary Annual Plan and Estimates of  
 the Government of the Cayman Islands for the Fi-  
 nancial year ending 30<sup>th</sup> June 2008**

**The Speaker:** I recognise the Honourable Third Official Member [responsible for the Portfolio of Finance and Economics.]

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker. I beg to lay on the Table of this honourable House the Report of the Standing Finance Committee in respect of its deliberations on the 2<sup>nd</sup> Supplementary Annual Plan and Estimates for the Government's 2007/8 financial year.

**The Speaker:** So ordered.

Would the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker, just a brief contribution.

The Committee met on Friday, 2 May 2008, to consider the 2<sup>nd</sup> Supplementary Annual Plan and Estimates for the Government's financial year ending 30 June 2008 and, more specifically, the Supplementary Appropriations both positive and negative set out in section 10 of those Supplementary Plan and Estimates.

The SP&E were referred to the Committee by Standing Order 67(1). The Committee also considered a motion that I moved in the Legislative Assembly on behalf of the Government, a motion to the effect that the Committee approve the supplementary appropriation request set out in section 10 of the AP&E document. The results of the Committee's deliberations were as follows:

- 1) All of the supplementary appropriation requests were approved with amendments to three of the initial specifications to appropriations, and two new appropriation changes were also made.
- 2) The motion that I raised in the LA was approved by the Committee inclusive of

the five modifications to the Supplementary Appropriation Schedule in section 10 of the AP&E document.

- 3) The Committee granted its approval that I report the results of the deliberations to the LA. And these are provided in the report that has just been tabled. The Committee also agreed that the report just tabled be the report of the Committee.

And, Madam Speaker, the Committee also met this morning to finalise its report.

At the end of its deliberations, Madam Speaker, the Committee had approved 106 individual items, or supplementary appropriations, some positive and some negative, that have a total net value of \$5,462,655.

Thank you, Madam Speaker.

## STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

**The Speaker:** I have received no notice of statements.

## GOVERNMENT BUSINESS

### BILLS

#### FIRST READING

##### Supplementary Appropriation (July 2007 to June 2008) Bill, 2008

**The Deputy Clerk:** The Supplementary Appropriation (July 2007 to June 2008) Bill, 2008.

First Reading.

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

#### SECOND READING

##### Supplementary Appropriation (July 2007 to June 2008) Bill, 2008

**The Deputy Clerk:** The Supplementary Appropriation (July 2007 to June 2008) Bill, 2008.

Second Reading.

**The Speaker:** Honourable Third Official Member

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

In accordance with Standing Order 48 I beg to move on behalf of the Government the Second Reading of a Bill that is shortly entitled the Supplementary Appropriation (July 2007 to June 2008) Bill, 2008.

Thank you.

**The Speaker:** The Motion is duly moved and open for debate.

Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker, just an extremely brief contribution.

Madam Speaker, the Bill is very simple. Clause 1 of the Bill gives the title of the intended law. Clause 2 provides the summary of the types of transaction that the Government can undertake if this Bill is passed into law.

The Schedule of the Bill sets out the 106 individual supplementaries that are requested and these are both positive and negative. The overall net total of the 106 supplementaries is approximately \$5.5 million. As all honourable Members will know, the 106 supplementaries requested in the Schedule to the Bill have already been approved by Finance Committee (on Friday, 2 May 2008).

Given that the supplementary appropriation requests in the Bill have already been approved by Finance Committee, I do not need to say anything further except to commend the Supplementary Appropriation (July 2007 to June 2008) Bill, 2008, to all honourable Members and seek their support for the Bill.

Thank you, Madam Speaker.

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

If no other Member wishes to speak, does the Honourable Third Official Member wish to exercise his right of reply?

Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Only to thank all honourable Members for their silent support of the Bill.

**The Speaker:** The Question is that a Bill shortly entitled The Supplementary Appropriation (July 2007 to June 2008) Bill, 2008, be given a second reading.

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

**Ayes.**

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

The Supplementary Appropriation (July 2007 to June 2008) Bill, 2008, has been given a second reading.

**Agreed: The Supplementary Appropriation (July 2007 to June 2008) Bill, 2008, given a second reading.**

**Suspension of Standing Order 47**  
(to enable the Bill to be read a third time)

**The Speaker:** Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you.

Madam Speaker, on behalf of the Government I beg to move the suspension of Standing Order 47 so that the Bill on the Order Paper can be given a third reading in the single sitting taking place today.

**The Speaker:** The question that Standing Order 47 be suspended. All those in favour please say Aye. Those against No.

**Ayes.**

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

**Agreed: Standing Order 47 suspended to enable the Third Reading of the Supplementary Appropriation (July 2007 to June 2008) Bill, 2008.**

### THIRD READING

#### Supplementary Appropriation (July 2007 to June 2008) Bill, 2008

**The Deputy Clerk:** The Supplementary Appropriation (July 2007 to June 2008) Bill, 2008.

Third Reading.

**The Speaker:** Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to move, pursuant to Standing Order 54, that a Bill shortly entitled The Supplementary Appropriation (July 2007 to June 2008) Bill, 2008, be given a third reading and passed.

**The Speaker:** The question is that a Bill shortly entitled The Supplementary Appropriation (July 2007 to June 2008) Bill, 2008 be given a third reading and passed. All those in favour please say Aye. Those against No.

**Ayes.**

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

The Supplementary Appropriation (July 2007 to June 2008) Bill, 2008, has been read a third time and is passed.

**Agreed: The Supplementary Appropriation (July 2007 to June 2008) Bill, 2008, given a third reading and passed.**

### ADJOURNMENT

**The Speaker:** Honourable Leader of Government Business.

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

I move the adjournment of this honourable House until Wednesday, 7 May 2008 at 10 am.

**The Speaker:** The question is that this honourable House adjourn until Wednesday, 7 May 2008, at 10 am. All those in favour please say Aye. Those against No.

**Ayes.**

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

This honourable House now stands adjourned until Wednesday, 7 May 2008, at 10 am.

**At 12.57 pm the House stood adjourned until 10 am Wednesday, 7th May 2008.**





**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**7 MAY 2008**  
**10.28 AM**  
*Fourth Sitting*

**The Speaker:** I will ask the Third Elected Member for George Town to say Prayers.

**PRAYERS**

**Ms. Lucille D. Seymour:** Let us pray.

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

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

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

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

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

**Proceedings Resumed at 10.29 am**

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

**Apologies**

**The Speaker:** I have received apologies for absence from the Honourable Minister of Communications, Works and Infrastructure; the Honourable Minister of

Tourism, Environment, Investment and Commerce; and apologies for late arrival from the Honourable First Official Member and the Honourable Minister of Health and Human Services.

I would like to ask all Members . . . we are debating the Budget Address and the Throne Speech and each Member is entitled to two hours. If we could get started on time we can finish the business of the country without delay.

**STATEMENTS BY HONOURABLE  
 MEMBERS AND MINISTERS  
 OF THE CABINET**

**The Speaker:** I have received no notice of statements by Honourable Members and Ministers of Cabinet.

**GOVERNMENT BUSINESS**

**Commencement of the debate on the Throne Speech delivered by His Excellency the Governor, Mr. Stuart D. M. Jack, CVO, delivered Wednesday 30 April 2008; together with the Second Reading debate on the Appropriation (June 2008 to July 2009) Bill 2008 (The Budget Address delivered by the Honourable Third Member on Wednesday 30 April 2008)**

**The Speaker:** [Commencing] the debate. Does any Member wish to speak?

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, I am grateful to Almighty God for allowing me to be here to debate what is the 24<sup>th</sup> Throne Speech and Budget [Address] since 1984. Madam Speaker, I add my thanks to the good people of West Bay for giving me that privilege to represent them this many years.

Madam Speaker, our forefathers and governments before us worked hard to build these Islands where we all came from poverty to a situation where there existed good houses, work for all who wanted to and generally a better quality of life for those who worked hard and planned for the future. Well, there have been challenges, during at least this past forty-odd years, [but] God has been kind to us. This is still what I want for the people of these Islands: to experience the good times.

Today, the whole middle-class is being wiped out. Caymanians are losing ground. There is real unemployment and the rate is rising. Caymanian businesses are going under. I have received many com-

plaints about companies not being able to even afford to pay their rent. Yet, the PPM has now tabled the largest Budget in history.

This Budget will not improve the lives of the vast majority—if any at all—of the man on the street. If you listen to the present Government, nothing was done right before they took office, and they are doing everything in their power to prove this misleading strategy to the world by giving false information.

I listened to the Leader of Government Business in his presentation statement reporting what his Government has done and some of what he claims we have done. I never heard from anyone in these 20-odd years so many misleading and unfounded allegations being made in this Legislative Assembly. Never! I wondered how that Member could do so because the rules do not let him make his accusations the way he did.

According to them, everything is good today. Everything is done right. And the Leader of Government Business is saying that Caymanians never had it so good. And any good done is because of them. He would want you to believe that the Islands started in 2005. Nothing happened before that. From the Shamrock Tree blossom to the young Tamarind Tree, everything is done because of him and his Government.

Well, the opposite is true. Madam Speaker, the Government has produced its election budget laden with political rhetoric and absent of proper planning. A budget must detail where funds are coming from and going to. In their pronouncement of a deserved 3.5 per cent increase in salaries of civil servants, the PPM failed to identify where the funds will come from.

In a budget where the civil service had to identify savings of \$25 million or there about, and where they had to cut their programmes to find that money, surely having to find another \$10-plus million will leave them in an untenable situation. How are they going to do it? He said they must find it.

The Government has been caught up leaving important matters to the last so as to have an effect on the upcoming general election and, more importantly to them, their so-called referendum.

Madam Speaker, on this side we certainly agree with the raise for the civil servants because the situation is terrible in this country. The whole Island, the whole working population needs attention when it comes to salaries; particularly those at the lower end, Madam Speaker, particularly those who are only getting \$2.50, \$3 or \$5 an hour. They need attention. We agree with the raise for the civil servants because they work hard. But we oppose how it has been handled by the PPM.

At a time when so many Caymanians are struggling to meet the daily demands of life, such as paying their mortgages, adequately feeding their families and, in general, maintaining a reasonable quality of life, he says we must “count our blessings.” Well, surely, our blessings can only be counted one by one

and these are in no way attributed to the PPM, but to the protective covenant provided by our Christian heritage.

The Leader of Government Business and the PPM Administration are completely out of touch with the realities of the Caymanian economy and the social ills resulting from blatant mismanagement of the country. The Leader of Government Business encouraged Caymanians to turn to CNN and BBC to see struggling people around the world. I would encourage him and the PPM Government to go into our communities and talk to the many Caymanians who know too well what hardship is through their own struggles. They do not need to turn to BBC or to CNN. Talk to those in the trailer parks who are still waiting for the failed promises of the PPM to come to fruition. Talk to the many Caymanians who expected more of them because of what they promised.

They should ask the residents of Cayman Brac and Little Cayman who were promised to be embraced by the PPM and, subject to numerous planning sessions, Madam Speaker, only to experience a resumption of the old system that we had done away with. We fought hard to do away with it, where the rich are getting richer and the poor are getting poorer and only the roads to so-called friends’ subdivisions—*frien-frien*—and family are getting done. But I will deal with that.

Rather than the Leader of Government Business using this opportunity to introduce some relief and reassurance to the Caymanian public, he chose to deliver an address laden with political rhetoric and cries empathy for an additional term for his failing PPM Administration, suggesting that Rome was not built in a day, so the PPM needed a further term to complete the Cayman Islands—oh yeah? Such admission of failure after what would be four full terms for them—four full years for them, when compared to the UDP’s mere two years and ten months to the month before [Hurricane] Ivan, Madam Speaker. And that is the reason why the Government has found it necessary to occupy its time and the resources of this country to continually attack the many accomplishments of the United Democratic Party’s Administration.

Caymanians are having it bad. They are worse off now than at any time that I can think of, yet we have a self-centered, lying Government. They talk about corruption? Corruption exists in Government while shenanigans are not reported in the press because real information is not made available. And while the Leader of Government Business blames and accuses the UDP, he is incapable, he is incompetent, and has no real economic plan except to tax, borrow and spend, with no long-term plans to ensure economic prosperity for a higher standard of living. None!

Adding \$50 to the poor people’s money cannot solve the problems. They should be at this time at \$800, as we said they needed back in 2004. We knew that. We did not have to do any studies; we found it

out through the Social Services Department. They should now be at that \$800.

Madam Speaker, they can accuse me all they want, but I moved the country forward. We had plans in 2005 and I have plans today that can help these Islands in the long term.

[inaudible comment]

**Hon. W. McKeeva Bush:** You wouldn't know what to do with them my son.

While they ask me to give them today . . . instead of prancing up and down on the streets having a good time, travelling all over the world having a good time, they should be representing the people. That's what they should be doing—coming now and saying I must give them plans.

While the Leader of Government Business says that they put no extra burden on the people because they did not increase fees, he fails to understand that fees increased by any government agency create hardships and a burden on the people of these Islands.

What about the increased fees at the Health Services? And the various company fees last year? All this helps to add to the burden of the people. Is he not listening to what people are saying? They also have confirmed that the fees at the Airport will be increased. How can they be so disingenuous? How can they?

[inaudible]

**Hon. W. McKeeva Bush:** They say they want a dictionary. After I sit down today, Madam Speaker, they are going to have to get a couple of dictionaries!

But the Fourth Elected Member for George Town does not ever believe that wrong is being committed. He is so blind that his extension cord exists from one end of Bodden Town all the way to the Glass House.

While, Madam Speaker, we can say 'thank you' to the Minister for Roads, for he has followed some old plans and made some new ones, the Minister of Education says much. There is a lot of glossy paper, a tremendous amount of staff in his ministry and consultants who took away long-term jobs from Caymanians. He has gotten nowhere. Education, except for those glossy statements and glossy paper, and a lot of to-do in the *[Cayman]NetNews* and other papers . . . where is education today? While their cronies and other political associates have \$10 million in contracts to do prep work for school buildings that he has now had to admit cannot be built at this time—because we told him so before . . . He was in the wrong direction.

I ask, Madam Speaker, what system the Government uses to get rid of teachers, or to not renew teachers' contracts. Before, the Chief Education Officer or her deputy would call in a teacher whose con-

tract was not being renewed and performance, et cetera, was discussed. Today I understand that is not what is being done. Teachers are just handed a letter, and that is the end of it. This has not only just affected the teachers concerned, but those whose contracts will soon be up for renewal. It has caused hard feelings; it is causing uncertainty and anxiety to exist which is bringing about low morale in the teaching staff. This certainly is not good for the teaching profession, especially when we have Caymanian teachers who do not, or cannot, stay in the system. And I am not saying that is just so today. But I am saying, where are all these things that he said would be done?

So if that kind of treatment is meted out, how are they going to entice anyone to come here? Good staff will stop and consider whether they want that kind of treatment before they come and agree to a contract.

The Government says it has a new national curriculum. I have been informed that it is nothing more than a replica of the British National Curriculum. It seems teachers are still relying on the old national curriculum which I am told is more user-friendly and still contains what teachers need to get the job done. From what I understand it is not so different in content than the new curriculum. How many teachers did it take to get the new curriculum together?

Madam Speaker, the Minister spoke about protocol and says that protocol is now put in place to ensure that children with disabilities are not discriminated against. This is what the Leader of Government Business said in his statement. It is one of the best multipurpose special education facilities built years ago. And all the tremendous work done over the years through the Special Education Unit, successive governments have ensured that good learning environment provisions were put in place to avoid any form of discrimination in that area.

What is being done now that is new to enhance this area other than a number of post increases to keep it in line with the increase in the number of students requiring special education? A number of posts put in place—that is something done on an annual basis.

Literacy they talked about, but literacy has been a focus of past governments and literacy coordinators were put in place before this Government who added a few more bodies to work in schools.

Madam Speaker, I want to take the time, why they say nothing was done. In his mad rush to be re-elected, the Leader of Government Business said that the UDP had no plans or programmes. Madam Speaker, in 2002 the UDP implemented the ITALIC programme which ensured that all teachers in the government schools received laptops and online training to improve their ITC skills. That programme, like others we left, has been thrown away.

The Fourth Elected Member for George Town is asking what happened to it. Well, does he not

know? He says teachers do not like it. Well, they certainly did not say so.

You wouldn't know—

**The Speaker:** Honourable Leader of the Opposition, direct your debate through me and leave the Fourth Elected Member with his crosstalk.

**Hon. W. McKeeva Bush:** Don't you hear him over there?

**The Speaker:** Yes.

**Hon. W. McKeeva Bush:** Don't you hear him over there, Madam Speaker?

**The Speaker:** I do.

**Hon. W. McKeeva Bush:** Well, don't you think that that is disturbing?

**The Speaker:** I agree with you—

**Hon. W. McKeeva Bush:** So why are you speaking to me and not to him?

**The Speaker:** Because I'm telling you to—

**Hon. W. McKeeva Bush:** Because I am on the Floor. I am speaking. He should shut up until he gets up, Madam Speaker.

That programme, like others we left, has been thrown away. Nothing new has taken its place to assist teachers to develop their ITC skills. There seems to be a few more technical supports . . . will that be of eternal help to teachers? [The ITALIC programme] was in the pilot phase. Six projects were being piloted in our schools. All schools were involved in at least one pilot programme.

The education portal had been established to allow internet and intranet connection to and between all schools. Email for students and teachers was put in place. Schools developed their own websites. Teachers developed their own web pages. Through web-based courses some teachers were developing lesson plans which could then be evaluated and available in lesson banks. And such action plans would have met the standards laid down by the national curriculum for government schools. It was anticipated that all teachers would have been trained in this method through the course of 2004.

We had plans to pilot wireless computer [lab] [using] carts in schools. This would have given every child access to a computer and the internet. At the same time, information technology policy which included internet use policy and technology support policies were being developed. These draft policy documents were being reviewed by the appropriate personnel.

Madam Speaker, as I said, 1) the ITALIC programme was launched.

2) We provided state of the art computer and labs in classrooms for students' use, as well as digital cameras, camcorders and LCD projectors, and provided teachers with laptops for personal and classroom use.

3) We enrolled teachers and administrators in training programmes to improve IT skills and to integrate technology into the curriculum.

4) We provided wireless access to the internet from any site on the school grounds.

5) We signed agreement with the British Columbia Institute of Technology to accept UCCI technology students for transfer.

6) We completed a new state of the art Prospect School.

7) We established the University College of the Cayman Islands, offering four year bachelor degree.

8) We developed the National Education Leadership Programme with London University Leadership Institute and the first class graduated.

9) We developed national standards for principals in government schools.

10) A major review of technical and vocational education carried out by overseas school inspector.

11) We awarded 10 scholarships to the New England Institute of Technology in various technical areas.

12) We revamped the Alternative Education Centre and provided new curriculum and new programmes.

13) Over 1100 scholarships were provided during our term.

14) We introduced a citizenship education curriculum for primary and secondary schools.

15) We established the Cadet Corps focusing on developing citizen skills, leadership, discipline, and teamwork and life skills.

16) We published six Cayman Islands Social Studies text books for primary schools with teachers' guides.

17) We piloted vocational distance learning at the Cayman Brac High School in a number of areas.

18) To improve business and management practice Investors in People and an internationally recognized standard that benchmarks a business training and development of its workforce was introduced.

Yet the Leader—gone out now, gone out! We didn't do anything. He should stay here, Madam Speaker, because I have some serious challenges and questions for him here today.

The PPM . . . while much noise is being made and four different schools are made out of one, some people say they say *look at all we have gotten done*. Where is it? Where is the proof?

The PPM's main focus has been restricted to school buildings with little or no attention on pro-

grammes and no thought to what the expenditure will be for building those schools or what the recurrent budget will be to maintain those schools. They are putting education in a position that is going to be hard to get things done. I say that at this time. I wait to see exactly what is going to be the real programme for educating our children.

They say the Community College. They say we haven't done anything. They say the Community College is better and it has more students. How could it get [there] if we had not done the work? And if the previous president—who they like to talk about and make slurs on—had not done the work, Madam Speaker, and tried to . . . he did not focus on beautifying the grounds. He focused on getting students into college, that's what he did. And he did it without tremendous cost to government. He did it without tremendous cost and I thank that man every day! I thank Sam Basdeo for the work that he did. And he was qualified too.

The Health Services, as I said in Finance Committee the other day, Madam Speaker, needs a new plan. I emphasize, sometimes I sympathize, with the current Minister. But we were promised a plan by the PPM. And we do thank the Minister for his efforts. However, when there is no medicine to immunize babies that are six months old from November 2007, we are no better off than we were in 2005 in some areas. So, perhaps the Minister will check on that for me.

Madam Speaker, in tourism—*Lord Haw-Haw is not here this morning*—but the Minister thought that he only had to smear me, as he did, and that there would be a great big party. But his baseless allegations which he took to Desmond Seales, he and the Minister of Education together, have been shown to be just that. The Commission of Enquiry bit by bit proved him to be a scoundrel for what he did, who is not yet punished. However, I trust that he will not escape his deserved punishment, Madam Speaker. Meanwhile, tourism has fallen behind even while our competitors have moved ahead.

The Minister seems to be hanging his hat on European travel to the Cayman Islands. He talks much about it. However, these numbers cannot be significant at the moment. We are glad for any increase; but neither is the future potential being truly planned for. These types of visitors desire more all-inclusive resorts that are lacking in these Islands at the moment. And two that existed—Beach Club and Spanish Bay Reef—are moving to something else.

Additionally Madam Speaker . . . and I have not heard about any new ones, maybe there are others, but they are for the more prominent ones. Additionally, the air lift presents a real and tangible constraint in attracting European visitors to these Islands. The lack of, and no future plans for, an extended runway severely limits the flight from Europe. This leaves us with the British Airways via the Bahamas.

These 300-odd seats are shared between the Bahamas and Cayman with the larger percentage go-

ing to the Bahamas. And what we are getting is a tremendous flow of people on work permits who are coming through London. Not all of them, some are visiting friends and family.

Madam Speaker, an additional short- to medium-term influencing factor is the increased value of the Euro against the Dollar making the United States a more attractive vacation alternative.

The cruise industry is not doing good and the people who work the cruise industry are not doing good either. I hope, I trust and pray that when the new plan for docking is complete that those who depend on the cruise sector—that is, cruise tour operators and taxi operators . . . and from what I hear those who own duty free stores have cause for concern. And if they believe that Cuba is just going to stay in the doldrums forever they are making a big mistake. All we have to do, as he said, is to look at CNN—look at the papers and we can see how they are being permitted to buy technology.

The many ports that Cuba . . . and cruise taking a beating from one of its favourite destinations, the Cayman Islands. That cruise business will look at Cuba and they are going to look more at Europe for the summer, Madam Speaker.

So, Madam Speaker, they can have a party. They can prance up on the street; they can dance up a storm. But I can tell you that the Cayman Islands are in for a rough time, rougher than we are having it today and that is not good.

Madam Speaker, the PPM took over power in May 2005. As I said, they took power after the UDP had led for 2 years and 10 months before the hurricane hit us. And nothing was normal after that. The truth is that the Leader of Government Business, the PPM, has had no real adversity to face outside of the problems arising from their own mismanagement.

Madam Speaker, he did not have international pressure we had—OECD, SARS, Foot and Mouth Disease—affecting tourism and affecting our finance industry. They did not have the problems with the EU Tax Savings Initiative. They did not have any of those things to deal with. No international pressure on them.

People only have to think back to the various problems this country had to face when George McCarthy was Financial Secretary in the last two years and just as the present Financial Secretary came into that post. If they think that we did not have a rough time . . . and look at the many things we got done, and look at the money we left in the Treasury.

Madam Speaker, *“a Government in the Sunshine”*, he says, came to power in May 2005. Its Leader of Government Business, as we have heard in his budget speech, has endowed himself with some sort of magical powers. As the country will recall, the UDP rescued the country in 2001 after the Leader was in power for a year, during which time the country suffered a serious economic decline after 9/11. But as a result of his lack of leadership, lack of foresight and lack of policies, Madam Speaker, as the records will

show. The UDP came to the rescue. The country faced a serious economic crisis. The sound policies and good management of the UDP created a vibrant economic environment which resulted in full employment; Caymanians creating their own business, and enjoying the benefits which sound economic had brought to the country.

Madam Speaker, as the records of *Hansard* will show, our Honourable magical Leader continued to harp on his song the other day which misled the people into believing the country was mismanaged and that the United Democratic Party was corrupt.

Just to assure that he does not include ECLAC personnel of the United Nations in his corruption theme in efforts to mislead the country, I would like to quote from their report which was done for and widely published in the Cayman Islands in December 2004 after the hurricane.

Madam Speaker, the ECLAC shows close to \$4 billion damage done here. The ECLAC Report shows also that at the end of 2001, the GDP was \$1,482,000,000. In 2004, prior to Ivan, we had worked hard. The GDP increased to \$1,710,000,000 an increase of over 15 per cent. Total government revenues in 2001 were in excess of \$285 million. The country had a deficit of over \$31 million. That is for the benefit of the magical Leader of Government Business.

An amount of money which the government has spent in excess of what it made in revenues, and no telling himself that things were good in 2001 would change this fact then or today. He cannot change that. He can come and tell the people, he can go anywhere and tell them what he told them. He had to borrow. He had to borrow to fund recurrent expenditure.

Just prior to Ivan, government revenues had grown to \$342 million, an increase of 8.9 per cent. Madam Speaker, remarkably, the estimated surplus, according to the United Nations report pre-hurricane Ivan, grew to over \$24 million, a net change of over \$55 million.

Unemployment in 2001, during his leadership, was 7.5 per cent and growing. And under the UDP unemployment was reduced pre Ivan, September 2004, to 3.9 per cent. That took planning. It took hard work. Maybe at that time I danced a little, but I worked. I worked against tremendous odds. I worked against people who did not support us, I worked against international pressures. I worked against an Opposition that was unrelenting—opposed everything, even the suspension of Standing Orders. They held us up for an hour debating so that they could come and tell the people that we weren't doing anything, that we were corrupt, and the place was going to pieces because he was so wrought-up with anger that he was not the leader at the time.

The Leader of Government Business still insists on getting up in this honourable House in an effort to mislead the people in his normal fashion of painting the UDP as a government who had no fiscal

policies and poor governance policies. That is what he said.

Madam Speaker, we spent after the hurricane something (I believe if I am correct) close to \$50 million of government money between September and April or May (whenever the election was 2005) extra on the hurricane. I think I am quoting right. Maybe that figure is a little bit under, but I believe it was either close to \$50 [million] or between \$40 million and \$50 million.

We had worked hard to help people in this country, Madam Speaker. An amount budgeted and spent by government the actual work being overseen by district committees who were government employees at least in most of the districts, in the period from September 2004 to 30 April 2005 was \$3.2 million. An amount paid over to the Cayman Islands Development Bank to effect housing recovery grants to those in need during the period September 2004 to 30 April 2005 was \$7.5 million for a total of \$10.7 million.

I do not have the time to go through all the debate because I only have two hours. It is not the old days where I could talk for days! I do have other things I need to talk about. But, Madam Speaker, it really galls me—it does!—to have to listen to somebody who didn't do anything come in and tell you that you did nothing after all that was done.

I said so then, I say so now: If he had been the leader of government we would still be getting committees to tell us how to pull the CUC wires out of the road!

The audacity of him to say nothing was done in reconstruction. We could not get everything done. But plans were laid, even to the very roads that I congratulated the Minister on. Plans were laid for it and work started. Roundabouts built. Linford Pierson Highway built. Hyatt Roundabout built going north, or northwest. And they say nothing was done.

Everyone on that side—every one of them—believes that this is still 2005 and they are going to crush McKeever into the ground, because it's him they need to kill. They need to prove to the world that he is such a bad person. And they continue to do so. But bit by bit it's being unraveled and the truth is coming to the forefront bit by bit.

[With] all that we spent, Madam Speaker, we still ended up with over \$80 million in government accounts—and we weren't doing anything?

Now, what have we done? No misleading the public can change what was accomplished in that time, and people now recognize it. Thank God people now recognize it.

The *Hansards* of this House will show, Madam Speaker, that I indicated in the first budget after the PPM came to power and each and every speech thereafter that the PPM policies were going to cause a severe economic slowdown in this country, and that they would put us in trouble financially. The majority of the business generated by the financial industry—which, Madam Speaker, is the real eco-

conomic benefit derived from that business—would be redirected outside of Cayman, that the change of immigration policy and result would affect that industry and Caymanians in a negative manner and result in not more jobs for Caymanians, as the PPM misled people to believe, but less jobs of a more menial nature. I told them so.

Is that not happening?

I think he is recognizing so now too according to what he said.

Madam Speaker I am horribly concerned that despite all of the technical resources of the Government and the forewarning given by the Opposition that the Government has only now found it appropriate to reconsider its borrowing and expenditure. They have technical advice, and all they could say when I warned them was that I was making fun or insulting that technical advice to civil servants because you see they think that that can still get their votes. But the civil servants have sense. They understand what is going on. They are carrying out their duty, but they understand, they see. Some of them are saying so too.

In February of this year, I sponsored a Private Member's Motion calling for the Government to reconsider and reduce the level of capital spending and borrowing because of my concerns over the global economic downturn. The Leader of Government Business responded in his usual fashion on behalf of the Government by saying that I was insulting civil servants. And I quote also, "Not even on the kindest of mornings could the Government accept the motion." That's him.

The intent of that motion was pure and intended to protect the interests of the Caymanian people who are exposed to an unprecedented level of public debt projected to be over \$658 million in two years. However, they come back to that one too and say, 'Oh, we didn't say that there was not going to be \$600 million; we were saying it was not central government.'

Oh yeah?

What we said was that public debt and government entities would be close to \$700 [million]. However, the PPM Government arrogantly side-tracked the motion and continued to push ahead with capital projects promised. Spend, spend, spend! All the while dancing up a storm on the street having a good time. Big party! Yes, spend!

Don't go yet! Come back because I have something for you to answer!

He said the Government would not be distracted from doing what was needed in terms of capital projects. With such blatant information at their disposal, and the reality of a slowdown confronting them face on, their persistence to continue to commit this country to more and more debt and capital expenditure must have some other motivating factors from improving the quality of life for the Caymanian people. They talk about contracts and what the UDP did? And how they got a contract. I am hoping the two geniuses

are trying to find out what is going on in these contracts. It might suggest that promises were made to friends and supporters who would benefit from the capital works which would, in turn, benefit their campaign in May 2009.

Madam Speaker, this or that sort of blurring of the line between politics and prudent decisions has characterized the PPM Administration and the reason why I brought the Anti-Corruption Motion to the honourable House—which they also defeated . . . but they are going to get some of it.

The PPM Government has headed towards bringing back financing reforms before the next election. This is more political rhetoric aimed at providing a red herring to distract from their unadulterated relationships and deals that are aimed at enriching a few at the cost of the country—the same thing that they blamed the UDP and accused the UDP of. Humph!

The Leader of Government Business employs tactics, Madam Speaker . . . and I have watched and listened to him because he had some of his friends in the Assembly that day that enjoyed it. They were going to town on it. Tactics normally associated around bar rooms and domino tables where they believe they can talk things into reality and bluff their way out of a difficult situation rather than provide constructive solutions.

In his address he attempts to deal with the economy, suggesting that not accepting the reality and developing strategic solutions he prefers to talk positive about the economy in the hopes that this will cure the economic woes experienced by so many people. *If you do not think there is a recession, there will not be a recession.*

Second Elected Member for Cayman Brac and Little Cayman (who is a good businessman), if you do not think there is a recession there will not be a recession? Ha! Ha, ha!

Today, Madam Speaker, the business community is feeling the effects of the poor policies instituted by the PPM. Many jobs once done in the Cayman Islands and which generated benefits to our country, from rental of houses, purchasing of apartments and purchasing and fixing of motor cars, purchasing of goods from shops and suppliers, eating in our restaurants, et cetera, are now being done in developed countries. Large developed countries such as Canada, Ireland, Singapore and Hong Kong are actively encouraging, welcoming and giving special incentives to professional and semi-professional people who once worked in our Islands to move to their jurisdictions and bring the work with them.

And who is suffering? And who is going to suffer? All of those young professionals who they made believe things were so terrible that they would not be getting anything! Making them believe, like Manley did back in the 70s. 'See those houses up there on the Hill? They're going to be yours soon.' Be yours? Yeah? And that is what they did. 'See those jobs that those people got? McKeeva's giving it all to them



*Yeah! We need a change. Yeah! A Government you can trust. Oh yeah? A Government you can trust? Yeah—trust to do the wrong thing!*

You're shaking your head?

Madam Speaker, I do not forget it and the people do not forget it, because in spite of them talking about help being on the way, the help that has come was to help the Caymanian people's business go out. The help that came was to help good civil servants be retired or pushed out, and other people in government entities being pushed out. The help that has come has seen a reduction in the good living standards of Caymanians. The help that has come has seen . . . Madam Speaker, people and business leaving our shores. Now they want to talk about other things. But there has been too little too late by this PPM Administration. In fact, that's the title of my budget debate: "Too little—Too late."

The business community is reeling. And the ones that are going to suffer . . . we have not seen it yet, because they are productive. If you look at them you see that they are predicting (the Government, that is) that next year could be worse if they look at the GDP.

Madam Speaker, those countries I mentioned understand the economic benefits to their countries while the PPM is actively encouraging businesses, by their poor policies and their anti-business rhetoric about Caymanians do not like foreigners, to relocate the benefits of our financial industry elsewhere. The effect of these policies is just beginning to be felt. And the economic decline caused by them is affecting Caymanians and devastating our lives.

Madam Speaker, as you have heard, our newly found magician now waves his magic wand to change these poor policies to try and encourage businesses, he claims—which he has driven out—to return to the Island and new business to locate here. As I said, unfortunately this is too little too late, even as they produce an election budget. And as they say here in the West Indies, once bitten, twice shy.

Today our people are enduring the worst economic times in the history of this country. When you go to stores, Madam Speaker, you can hear people walking around saying, '*but this price wasn't that last week.*' And '*Boy, I don't think I can go any further because my money already spent.*' Listen! They are out of touch with the people that they claim put them in.

Our people are finding it hard to buy food, to pay for electricity, pay their loans, even with the reduction caused by the US in loans and interest rates. There is a problem making ends meet on a day to day basis here in these Islands and it is becoming a very, very serious problem. By the end of this year, the suffering of our people brought about by the PPM policies will be much worse than it is today, in spite of what the Leader of Government Business says about Caymanians doing better today.

In Finance Committee recently it was disclosed that the number of families who require weekly

vouchers to feed themselves increased from 400-plus in 2006 to 700-plus in 2007—an increase of nearly 100 per cent. And this figure you can believe has no significance to the many hundreds more who are in desperate need of help and who Social Services has no money to assist and who sometimes do not even go to Social Services.

This, Madam Speaker, is the PPM's example of the best off that Cayman has ever been? Maybe, Madam Speaker, the Leader of Government Business was referring to his close friends or partners, or those who just received all the lucrative government contracts.

Revenues—as I predicted—are falling significantly. And at the same time Government borrowing and expenditures are increasing at a significant rate. Madam Speaker, forecasted debt, as I said, is close to \$700 million. Maybe it is less. I have no doubt though, as the public has been told that the additions and changes to the large building projects have caused the public debt to be close to US\$1 billion.

Let us assume that there are 20,000 Caymanians. This equates to every man, woman and child owing US\$50,000, not including interest. But according to the fiscal management policy and philosophy of the Leader of Government Business if we think we do not owe money, then we do not owe money.

Mr. Second [Elected] Member for Cayman Brac and Little Cayman, you surely do not believe that. You know that when you owe money, you owe money. And when your income is falling you are in bad problems. You know that as a businessman. And the Minister of Health knows so too.

As the *Hansards* will show, as recently as February this year I warned the Government that their policies together with the weakening world economy and their failure to have effective representation in Washington, the closure of the Investment Bureau overseas in Hong Kong and Dubai, would severely affect the Cayman Islands. The evidence is now before us in this House today. Madam Speaker, let them go back and read the *Hansards*.

Now, today, they want the Sharia funds after London has licensed five Sharia banks and is in the process of licensing more. But the Honourable Minister who took the papers shut down the process to open the Investment Bureau and Friends of Cayman offices in Hong Kong and Dubai. He is obviously more intelligent than the financial persons in London who have aggressively tried to attract business from these countries.

Madam Speaker, this is the PPM's vision for securing the future for our people and generating economic activity to repay our debt.

The PPM . . . Madam Speaker, can I have a break?

**The Speaker:** Proceedings will be suspended for 15 minutes.

**Proceedings suspended at 11.37 am****Proceedings resumed at 11.53 am**

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

The Honourable Leader of the Opposition continuing his debate.

**Hon. W. McKeeva Bush:** Madam Speaker, thank you very much.

When we took the break I was making the point on the troubling loans and borrowings by the Government. The PPM has ridiculed us and said that we had no solutions and that there existed mismanagement in our administration. As I said, when I brought a motion here in February and begged in the interest of our people for them to exercise fiscal restraint, that is what he told us.

But what is happening today? Even His Excellency the Governor, whom they forced to exercise his special powers in order to pay for a commission of enquiry into their own political corruption, has sounded the warning and is encouraging the PPM to exercise fiscal restraint and discipline in this, his latest, Throne Speech. But so, the Chamber of Commerce chastised them.

Madam Speaker, these Islands are now facing a very serious economic crisis as a result of the poor policies of the PPM. I told them their policies were divergent. You cannot close down businesses; you cannot create bad atmosphere and want to do things they claim they want to do because you are not going to have the revenue. So, as I said, they were divergent.

Those who believed it was wise to change the exemptions for professional and semi-professional persons have engineered the exportation of the main engines of our GDP. It will take many years for us to recover from the bust which has been imposed on us by the Government that you can trust.

Sound economic policies which encouraged the return of business and establishment of new businesses, the reinstatement of trust and working relationships which existed prior to the election of the PPM between the private sector and the government is an essential ingredient in re-establishing a sound economic foundation and creating a future for our young people. No country . . . let me repeat to them outside.

I know what they are going to get up after me and say, so let me repeat then: No country the size of Cayman can expect to maintain one of the world's largest financial centres and a vibrant tourism sector without professional and skilled persons. Those who have been misled to believe that this is possible by the PPM are beginning to see devastating results. It will take similar sound economic policies and careful planning to get us out of this serious situation which has been created by the PPM. We are fast losing our

leadership role in the main generators of economic activity, the financial and tourism industries.

Madam Speaker, in addition to creating as many problems and red tape as possible, which has severely impacted young and old Caymanian businesses the other sector of our economy, the tourism industry, as I said, is suffering. And, Madam Speaker, where do we go from here? Because the needs of our people do not get less, they get more each day. The need to run the country becomes more each day.

The expansion of the airport in its current location in my opinion is a mistake. I had that opinion when we were the government. I still do. In order to meet the challenges and the changing market conditions of our tourist industry with the expected growth from Europe and Asia and other jurisdictions, which are a significant distance from the Cayman Islands, we need a state of the art airport for the future which should be located elsewhere.

What sense does it make for us to put sixty to a hundred million dollars in an area that we know if a surge comes it will be under six feet of water? This is what the ECLAC Report told us. This is what the United Nations Report told us. And we should not need any warnings from outside after experiencing what we did in Ivan. The present airport should be reserved and maintained to provide service to the increased private sector business that we want because that is the high end tourist, and that is what we are trying to get.

We should want to see 100 private planes there because it means big money is coming into the country and that trickles down. It should be left for cargo deliveries. And as I said before, turn it into a centre for the courier services such as DHL, UPS, FedEx, and so on, a transfer centre for this region.

Let me quote what I said in 2007: **“We should know that by now—politics or no politics—creating solid, new revenue. We do not know. We do not know what vagaries will hit our finance and tourism base. We do not know!”** [2007/8 *Official Hansard Report*, p.27]

I said that in 2007, and look where we are today. Look at where we are with no end in sight of the problems of the world economy.

We know that we have been challenged, and challenged and challenged. Whether it will be a hurricane that destroys the Seven Mile Beach, South Sound or George Town—God forbid if anything like that were to happen—or, an international issue that affects global finance, such as we are benefitting and experiencing good revenue from today . . . What if something worse happens? I said that in 2004, I said so in 2006, I said so in 2007. I do not blame this Government for that, but I want to lay on the Table of this House the “Crisis Readiness Programme” that I outlined in 2003/4. I do not blame this Government; I blame some other people in the top brass of the Civil Service who rejected this when I took it to Cabinet. But I did end it up by saying, Madam Speaker, “We

pray to God that we never have such a disaster, but we must be ready with an alternative in the event we find ourselves in such a predicament.” That dealt with being ready for a crisis.

I will lay that on the Table of this House.

**The Speaker:** So ordered.

[Crisis Readiness Programme tabled]

**Hon. W. McKeeva Bush:** Madam Speaker, they would want to call me *fool-fool*. They would like to make people believe that. But I know what it takes to make the Cayman Islands tick. I know business. I understand it. And I know when this country needs to do something, and thank God that He has given me the ability to sense when danger is close by. I have always had that ability. He has always taken good care of me simply because I was raised without a father. So I had to have that. And I grew up in a war zone. So I had to have that ability.

**The Speaker:** Where was that?

[inaudible interjections]

**Hon. W. McKeeva Bush:** My plans, Madam Speaker, to have a new airport built in the east, to build a sheltered and safe harbour for shipping and cargo, a transshipment base and trade centre with a sheltered facility for mega yachts, [which] would definitely have given this country a new economic base, along with the investment bureaus in Dubai and Hong Kong and (the Friends of Cayman) with one of the Princes heading it up for us, where we would ensure, and we could ensure Caymanians benefitted, and we would have created a strong third leg to our economy that it needs to get the revenue. It is good strategic planning.

Now that we are going to move on to some of those areas we should not make those mistakes. A harbour in George Town, a port in George Town is going to curtail this country for ever and aye. Madam Speaker, I warn them again. Sounds good to get it, but putting that cargo port in George Town does not work. That's my opinion.

Nevertheless, whatever they want to say, those plans that I proposed are the right thing to do for this country to have a safe harbour. We need a safe harbour. If you put one here it is not going to have it. This country, we know, has the safest harbour in the Caribbean that I know, the North Sound. But nobody is going to touch it. We do not want that. So we should create one. We know that one does not exist out here in George Town. We know the problems that we have. Creating one in the east with 35 or 50 acres, one of the cruise ships could go sometimes when the weather is bad on this side. The people would still get a good cruise visit.

I also proposed a small oil refinery, Madam Speaker, and they scandalized me for that too. But

they must have plans. You must have plans for the future. A leader must have plans. Never mind about who is going to knock it down and who is going to say you're crooked and all this. Let them say that! Can you imagine, had we been able to develop a small oil refinery the country would have been receiving tremendous new revenues from the royalty.

They say Cayman Airways bill is \$14.4 million: that would be practically nothing. CUC bill would be a whole lot less. In fact, practically nothing. They say the fuel factor is 14.4 cents per kilowatt. The gas bill at the gas stations would be a whole lot less.

Oil refineries, Madam Speaker, do not have to be what they were in the 40s and 30s when they began those things. You go and you look at them and you see them, they sparkle like the silver you have in your kitchen. One is right in Spain, close to a resort, Right along side of a resort.

But you must have vision. You must be willing to take those chances. You must be willing to be cussed. You must be willing to sometimes lie in bed at night when you know you are right and people say you are crooked. You must be willing to do that.

[inaudible interjection]

**Hon. W. McKeeva Bush:** Well, whatever you want to call it—gambling or vision or ambition, whatever you want. The fact is, it would do good for this country. That's how I feel about it. You have to have plans.

Madam Speaker, we would be in a better position today in times of an oil crisis. However, the PPM did everything to stop, to destroy the chances of the country. What do we have today?

[inaudible interjection]

**Hon. W. McKeeva Bush:** It is so true that where there is no vision the people perish.

Madam Speaker, I know what the Minister said about us in Cayman Brac about we did not do anything for Cayman Brac. According to him, we did not embrace Cayman Brac. Well I was not accustomed to going to Cayman Brac as often as he does. But I tell you what, I am proud of the efforts that we made for Cayman Brac. The things that we had to do to make the Sister Islands work. And I just did not take supporters, Madam Speaker, because the Second Elected Member for Cayman Brac and Little Cayman I asked him to work with us, and we with him, to create better opportunity for Cayman Brac. And plans were laid. And things were done. And how can the now Leader of Government Business say that we did not do anything? How can he say that? In all honesty, how can he?

- We repaved Cayman Brac airport runway and we paved Little Cayman's landing strip.
- When it came to roads we paved the Song Bird and Major Donald roads.

- We completed and opened the West End Post Office.
- Even to Mr. Scott's pier—he, I believe warrants assistance and has some kind of plan that should be looked at—we allowed him, although there was opposition from DoE on it, we extended Cemetery Pier.
- We built the computer lab at the West End Primary.
- We appointed the first Cayman Bracker as a sports instructor.
- We rebuilt Aston Ruddy Centre as a category 5 hurricane shelter – completely rebuilt it and strengthened it.
- We rebuilt the Cayman Brac dock.
- We supported the development and launch of Lost City of Atlantis for dive tourism. No one can say that is not a good thing.
- We held the first agricultural fair in Cayman Brac.
- We supported the construction of the Cayman Brac Seamen's Centre.
- We developed the new express service for the Sister Islands. And they went ahead and bought two planes – I think they bought them. I do not even know that, or so they said.

And Madam Speaker, this new plan that it seems the Second Elected Member for Cayman Brac and Little Cayman wanted—he knew that information before. The Second Elected Member for Cayman Brac and Little Cayman knew that if you put in the Dash-8 or the ATR, you have to expand the airport in Little Cayman because you could not afford to run two different types of service. That is not new. And it is not new today. But that is just how disingenuous, that is how bad that little fellow is!

[inaudible remarks]

**Hon. W. McKeeva Bush:** [replies] Not here day! Don't know where he is! Gallivanting somewhere about! That's just how awful it is!

Everything that was done . . . and I see it. Even the Batabano that we supported, they want no reference to that.

Mm-hmm. We never did anything! Nothing!

[inaudible]

**Hon. W. McKeeva Bush:** I used to have my dance. I used to like to dance. I danced for hours.

[inaudible]

**Hon. W. McKeeva Bush:** No, I can't play dominoes. But I danced. I had a good time!

[inaudible]

**Hon. W. McKeeva Bush:** But I am past that. I dance for the Lord today. Dance for the Lord. Had enough of that! Been there, done that!

[inaudible interjections]

**Hon. W. McKeeva Bush:** Madam Speaker, done nothing for Cayman Brac?

All those things I named out plus all the other assistance given such as the record number of scholarships for Cayman Brac children. And individuals who are now working in Cayman Brac who could not get anywhere because of likes and dislikes in the service, we gave them the opportunity.

And do not let me talk about roads because I have a history and knowledge about Cayman Brac roads and what obtained. We did a lot of that and we ensured that the poor people up on the eastern end were taken care of all the way up to Spot Bay!

[inaudible]

**Hon. W. McKeeva Bush:** Not for special friends and special family. Do you hear what I say?

But how dare this man come and tell us that we did not do anything for Cayman Brac? Madam Speaker, even to housing, blatantly taking credit for my housing plan—the Guaranteed Housing Plan. Read how he says it. What's the difference? Can I ask, what's the difference?

The applications in the past used to be processed by the banks and today the application is processed by the National Housing Council (Authority or Board or whatever it is). That seems to be the only change. The programme was there. Mortgages are much more available today. Private people get the same 1 per cent above prime. So, what is he talking about?

The truth is that he has done nothing about housing. The truth is that we left \$14.5 million guaranteed in a bond from Scotiabank and that Member has sat back and done nothing for the vast majority of people in this country—\$14.5 million approved! And he dares get up here and say we had no plan and we didn't do anything? That was done in the last days of our administration.

What are you doing about it? is what I want to find out. People are in need of housing and if he is true, as he says he is, about how people look at the country and feel about the country . . . that is why, Madam Speaker, we did something about it. I am not saying that the plan that was done was the best, because I would have liked to have seen blocks. But I am only one person. However, some people, you must admit, got homes who would never have gotten a home.

But what are you doing for three years? [Why] are you trying to sell the piece of property down on North Sound or Eastern Avenue for little or nothing! And you got a \$14 million bond that you could utilize! You want to put a debt on this country that is worth-

while and makes it worthwhile for this country to spend revenue on? Do that for the people of this country who have no housing.

I call upon Government to utilize it, to do something, to get the money to do something real tangible for this country about housing. And you have the audacity to tell us that [we had] no plans and that we did nothing for the people of this country when we left instruments in place that you could utilize and until now you haven't done anything about it except to sleep and doze and dance up in the middle of George Town street!

[inaudible interjections]

**Hon. W. McKeeva Bush:** You can tell. I expect, Madam Speaker, that he will get up behind me to try to counteract everything that I have said. But the facts are the facts. The facts are the facts!

And, Madam Speaker, I certainly cannot deal with all the untruths and misleading information in the statement by the Leader of Government Business. But what I can say is this: That his statement is totally misleading and not based on truth.

They brag about a Government you can trust. Madam Speaker, you can put as much faith as you want in a crocodile. But it doesn't make any difference. Be you sure he is going to try and eat you.

In dealing with the matter about them being forthright, let me give you a few areas where they have not been forthright and deliberately so:

1) The Speaker. From the day they took office in 2005 she was supposed to be temporary. The longest period of 18 months to be in that post. She is still there today.

2) The Constitution. The same period, within 18 months the Constitution would be changed because, he said he (and I quote), "wanted the good people of North Side to have a Minister." That is still not so today.

3) He gave an assurance that every Member of the House would be involved in the PR process of the Secretariat. Yeah. Yeah? No! No!

4) They said new schools would be built by the end of their term. We built Prospect Primary. What have they done?

5) The Public Accounts Committee. That was temporary too. And every one can see through shenanigans and everyone knows the reason why one of his Members is still the Chairman.

So nothing gets done on the PPM contract. Nothing gets done on the PPM project. Nothing gets done on the PPM expenditure and other things while making an excuse that they have to look at the previous government expenditure.

Oh yeah? Parliament does not work that way.

6) They told us that England would shove a Constitution down our throats. England said, no way.

7) He said they are the Government you can trust and they promised that if any one of their people

were found guilty of wrongdoing they would not sit in Cabinet. The Commission of Enquiry proved skulduggery and he is still sitting in Cabinet, thumbing his nose at them and at us.

Madam Speaker, these are but a few various points. A few that clearly show they are definitely the Government you cannot trust. And no matter what their leader says, and extension cords who get up after I sit down and say, they can't be trusted.

Are we better off today? No. According to the Leader of Government Business crime is down. But that is not so either. He was comparing our time in office as against theirs. The record shows from statistics that the rate of crime is up as of December last year as compared to 2005 when we left. The number of crimes is up.

Serious crime exists today. And for him to try to persuade people that it is better today than in 2005—when the whole Island is so worried about the state of affairs—is a further attempt to mislead the public.

At the end of 2005, there were 2,922 crimes reported. At the end of 2007, there were 3,063 crimes committed. And this is after, according to them, they were spending a whole lot more than us, some \$49 million in three years. Oh yeah?

Once again, as they have been doing, the Leader of Government Business made misleading and untrue allegations.

We spoke about the Constitution, but we have enough time to deal with that and I do not have time to deal with it today. But he can say what he likes. All we are saying is that if we get a Constitution we must get one that everybody is satisfied with. I would like to see the referendum done after we come back from England. Bottom line. And we have in our discussion paper—we have asked a lot of questions that are not in theirs, and we are trying to get those answers so we can better know what the people of this country want.

If they want good for this country they would not rush anything between now and the election or after we come back from England if we go there to discuss any changes. That's when the constitution [sic] should be held. But as I said, I have other things—

**The Speaker:** Referendum.

**Hon. W. McKeeva Bush:** When the referendum should be held, yes.

Madam Speaker, he slammed us hard making unjust accusations about us. I have dealt with his baseless accusations about plans and performance. But let me deal with his accusation about corruption in government because he flings that word around and they have been doing it, and as I said the purpose of them doing it is to make people believe that I am so bad that I cannot be trusted but they can be trusted. That was their theme and they are still hanging on to it.

I have had to put up with their baseless accusations. And the Commission of Enquiry has cleared up and spoken to who was doing wrong and where wrongdoing was done. We must now wait on the PAC report, but I already see the political shenanigans being played. But that's being cleared up too.

And they said that more money was spent? Yes, more money was spent to get double the size of the building. Yes, more money was spent to create an acre of land out in 18 feet of water. Yes, money was spent to give us cement instead of asphalt.

So, when that is done let us wait to see what the report will be. Maybe it will not be McKeeva that needs to get attacked. Maybe it is somebody else. And I hope that they have the guts and the wherewithal to do it where they were misled.

I am prepared to wait until the Committee completes its examination of the report. And I will be going before the Committee. But enough has come to clear the air. The people . . . and that is where you are tried. No matter what they write down in the majority, it is the court of public opinion.

But the Leader of Government Business pushes ahead with his corruption accusations because he knows if he can continue to make people believe his accusations then he has a better chance of keeping his post. Surely he knows performance will not allow him to. Performance will not allow him to.

The police review must soon be published too because it is completed.

I have never been afraid of anything when I have not done any wrong.

And they said there wasn't anything new. No, no, no. Auditor General's Report? They still come here and accuse us of . . . making accusations on the street to tell people in the House that we are corrupt. We've done no wrong. And if you have clean hands and you have a pure heart then there is nothing to worry about. And that police report must soon be published. But I know what I was told, and it is not McKeeva that they have any wrongdoing on. So let them come and say so to the public quickly.

[inaudible interjection]

**Hon. W. McKeeva Bush:** I do not know what you are grumbling about, but if you have something to say, be upstanding and say it. If you have an interruption to make, I will sit down.

I have told the Leader of Government Business before—and it is he who I will deal with now—that he is not innocent. He is not innocent Abigail. The last time I saw her, she didn't look like him.

I know, Madam Speaker, all governments up to now have made far-reaching efforts to build infrastructure of a just and lawful society; that there was a free press and a civil society that became active; that there has been open and fair elections to these Islands; and that the legal and regulatory institutions to make government accountable before the law and

before the people of these Islands, and government has abided by it. Governments also created a healthy environment for investment. Yet they continue to try and drag us down about corruption?

They are good at lying and the world has proven it.

**The Speaker:** Honourable Leader, would you please stop using the word "lying"? I have ruled that it is unparliamentary, so please—

**Hon. W. McKeeva Bush:** I agree.

But it is the truth! They are lying.

But for the Leader of Government Business to come making those accusations, ought he not to remember that the only time the Auditor General named any elected Member for wrongdoing was him—his failure to pay \$22,000 to the Water Authority for his housing development project.

Ought he not to remember too that he had all of the business from GIS without a tender for long years? Anyone else doing that, it would be corruption!

Ought he not to remember too that he benefited from catering for CAL with no tender also?

The people ought to know too about the roads that are being built in Cayman Brac going to their property.

I've asked this question before. What about the pieces of land given for roads at a certain subdivision? And was the deal with the affidavits by his political assistant forced upon the Lands and Survey Department? Was that good governance? Where did it come in? Other people couldn't get it done.

For far too long this man, Madam Speaker, has been allowed . . . he did so with Truman, but he's not going to do so with McKeeva Bush and get away with it. No time! [He] has been allowed to do what he did here Friday and get away with it when he himself is one of the richest legislators that we have. Some declared businesses and some not declared.

**The Speaker:** Honourable Leader of the Opposition, please do not go down that road unless you have proof that the Honourable Leader of Government Business has not declared his businesses.

**Hon. W. McKeeva Bush:** Mm-hmm. You should have stopped him Friday when he was making those accusations. I just want to say that he is not lily white and the day you have any corruption on this Member, bring it here and table it.

I can be blamed for making some small business people get business, but I said so to the Cabinet. I said so to the public on the radio. I said so in this House. It was not done in a crooked way. The Boards did what they had to do. It was declared to the world for all to know who wanted to know or to criticize it.

I was elected by the people of this country to help them and not the big conglomerates who are owned by friends and *frien-frien* and family. Yes, they

must get business too. But they shouldn't get it over the small business all the time. So I can be blamed for that.

Unlike the Leader of Government Business, any business interest that I have, or have had during my tenure in this House, has been dealt with in accordance to the rules of this House and placed in the Members' Register of Interests and opened for public scrutiny. Can they say the same?

I am waiting because proof exists.

I have always adhered Madam Speaker, always, to the philosophy of "country before self." Let them say what they want. If they think that I did not accomplish anything, I would like to table this. Don't blame me for this picture, Madam Speaker, that's not me who put that there. But I would like to table it because it is a profiling of some of the things that I accomplished in this country. I lay it on the Table of this House.

And you can get a copy, Madam Speaker. Good reading.

**The Speaker:** [So ordered.] Honourable Leader of the Opposition, you have 17 minutes left.

[“All About McKeeva Bush” tabled]

**Hon. W. McKeeva Bush:** Good.

I have done good for people where I could, Madam Speaker. The evidence of this is mountain high. My reward has always come when I get a little card from people saying thank you; or a call saying thank you very much, you helped my family; I remember how much good you've done.

Madam Speaker, I was elected to serve the people of these Islands. And from 1984 until today my record can stand scrutiny because whatever it looks like, when it is unravelled they will see that nothing wrong was done, but I tried to help somebody. So I have nothing to hide.

But it has not been an easy road these 24 years. I had made up my mind that this would be my last debate on a Throne Speech. And I am not too sure that it won't be. Only God knows that. But as far as my decision, it might be, because the truth is until there is room and ways of making people like me, who came from nowhere, feel wanted by central administration, not opposed from the top . . . and I do not worry about those who [do not] vote for you who do not like you, Madam Speaker, because they can't kill you, can't make you lose weight. But I wonder about that kind of thing. Until I see evidence of such things, then I must be concerned. I must be concerned when I am accused of corruption and when people who are counted as "privileged" do worse things and get away with it. Yes, I must be concerned.

I must also be hurt—which I am, and so are my wife and my children. And my mother, I have to shut off the radio so she can't listen to it at times.

Mr. Lynden Pindling said, "He who sets himself up to lead will be the first to be shot at." It is true. But what I do not expect is this continued tirade about corruption.

Madam Speaker, I did not get anything by taking anything from anybody and I can blatantly say so because I have not. My real estate company has done [well] off the Ritz Carlton. That is doing good for the country. Nobody is not saying so otherwise today. And every time they want to pee-pee they go down there in that bathroom!

[laughter]

**Hon. W. McKeeva Bush:** But, these 24 years have not been good. And it is simply because of where I come from. I know that. I know what exists in this country. And, Madam Speaker, I have been here that long! But this little boy that grew up barefoot with nothing but a floor-bed to sleep on, I say this: I have worked with the worst and the best in this House, but we have always been Caymanians together. We were never the lad or the boy from East End, or Bodden Town, or West Bay on our own.

I know what the petty likes and dislikes have been, but under this sheet of fire and the fog of battle my mission became crystal clear. And colour, religion, and background melted away, Madam Speaker. No matter who they supported, they came to my door-mouth, office or home. And they got help if I could give it. And all of us over these years fighting for the same good and praying to the same God.

But I see some things different today, Madam Speaker. I see some things existing today. That's why we put in our Discussion Paper whether the people want the party system or whether they want this kind of confrontational government to continue. And I hope to get a fair hearing on it, because I see something different today. I see something different today! And as the current Leader of the Opposition, I do believe that we all are in the same boat. Not all on our own, but Caymanians together.

I believe that no matter what our differences, Madam Speaker, Caymanians all over these Islands want pretty much the same things in life. We want to believe there is more we can do about the problems facing these Islands, not less. And we want the opportunity to build a better life. Not more barriers to prosperity. Prosperity for all.

This Government is on the wrong road.

Someone said, Madam Speaker, that our lives may have different stories, our struggles leave different kinds of scars, and our triumphs tell different tales. But the things we believe are the values our parents taught us and lessons we have learned, that opportunity must be shared, that responsibility brings strength and trust requires truth, that faith is a comfort and service a blessing.

I believe that when we are united in a good cause, nothing in the world can stop us as Caymani-

ans from doing good. There is nothing we cannot do. Our forefathers, brothers and sons, and grandfathers proved it when they went out on the biggest ships in the world and became mess men up to engineers, and piloted those ships and became so when they came from a poor little byway shop, to one of the largest conglomerates in the country. I believe that we can all move ahead and become something—but it is not for one or two.

How much time do I have left, Madam Speaker?

**The Speaker:** Twelve minutes.

**Hon. W. McKeever Bush:** Good.

Madam Speaker, what I am about to say here last is about this Assembly, and you can take it how you want.

In management of the Assembly, from what I observe there is far too much upheaval. The good, long-term, staff seem to be insulted, and the Clerk, from what I have seen, is pushed around.

From what I observe and what I do know, I could never say that the Speaker of this House does not know how to be a good Speaker. I couldn't say that, because the Speaker has the necessary experience. However, from where I sit as Leader of the Opposition, she is far too friendly with her party in this House. And the Speaker is not the Clerk.

Until a new system is devised, the Clerk, the Deputy, and other senior staff must be left alone to run this Assembly. If something is wrong, then it needs to be addressed. And if the Speaker knows something is wrong it needs to be addressed at the highest level.

The job of the Speaker is to sit when the House is meeting and to run the elected business of this House according to the Standing Orders of this House. And if she needs to and cannot find any help in those Standing Orders to turn firstly to Erskine May and then the *Conventions on Precedent of the House of Commons in the United Kingdom*; if that fails then the theme of other Commonwealth jurisdictions. But the Speaker is not the Clerk.

This is the Legislative Assembly where government majority has no more say than the minority except in the matter of a vote or a committee of this honourable House. But not one of the Government Members, inclusive of the Speaker, should be treated as if they own this Assembly. The fact is we have had many good staff pushed around and treated shabbily since May of 2005. This House is not the fiefdom of the PPM or anyone else for that matter. There is too much strife, bickering, insulting and simply interference when there is no need for it.

We have a hardworking staff. Everyone from the Clerk to the cleaner—the Speaker included—has kept us afloat. But somebody—and I have had to write His Excellency the Governor before—but someone

needs to look seriously about what is happening in this Assembly.

I will not address the Constitution, but perhaps that question needs to be asked. Do we want this House to move to an authority or a separate unit where the Speaker has full control and not the Clerk so that the defining lines are there? I don't know whether we put it in the Constitution or when we address it, but it needs to be done.

I have been here for 24 years and I have sat up in that gallery for many years before that. And I sat in the Town Hall even, I should say. And I cannot agree that what is happening today here ought to continue. There is far too much good that can be done.

I even said, Madam Speaker, that if you are not here and if we are the Government, that you could possibly be our Speaker. The present Speaker could be our Speaker because she has the knowledge. I am not going to say any other thing but that. But what obtains here . . . not all is well! Not all is well.

Madam Speaker, in one of the great hymns of encouragement, Norman McLeod (1812-1872) wrote:

*Courage, brother, do not stumble,  
Though thy path be dark as night;  
There's a star to guide the humble;  
Trust in God and do the right.  
Let the road be rough and dreary,  
And its end far out of sight;  
Foot it bravely; strong or weary,  
Trust in God and do the right.*

*Perish policy and cunning,  
Perish all that fears the light!  
Whether losing, whether winning,  
Trust in God and do the right,  
Some will hate thee, some will love thee,  
Some will flatter, some will slight;  
Cease from man, and look above thee:  
Trust in God, and do the right*

*Simple rule, and safest guiding,  
Inward peace, and inward might,  
Star upon our path abiding,  
Trust in God, and do the right.  
Courage, brother! do not stumble,  
Though thy path be dark as night;  
There's a star to guide the humble: —  
Trust in God, and do the right.*

It is with these encouraging words that I entreat my fellow Caymanians not to lose courage in this season of need and uncertainty, for a good and fair God watches over all of us if we but trust Him and do what is right. He will see all wrong put right in due season. For, Oh yes! Oh yes! There will be that season. It will be that time to speak and a season to cast away. I encourage them [at] that time [to] cast away the PPM into the sea of forgetfulness never, never,



never, never, to bother nor to harm us again. Amen and Amen.

**The Speaker:** Proceedings will be suspended until 2.30.

**Proceedings suspended at 12.43 pm**

**Proceedings resumed at 2.37 pm**

**The Speaker:** Please be seated.

Proceedings are resumed. Debate continues on the Budget Address and Throne Speech. Does any other Member wish to speak? [pause]

If no other Member wishes to speak, does the . . . Second Elected Member for Cayman Brac and Little Cayman.

**Mr. Moses I. Kirkconnell:** Thank you Madam Speaker.

I rise in this honourable House to make my contribution to the Throne Speech and 2008/9 Budget Address. But before I do, I would like to offer condolences to the Leader of Government Business on the loss of his nephew, also to Mr. and Mrs. Grant in Cayman Brac who lost a son. Please know that all of us in this honourable House have you in our thoughts and our prayers.

Madam Speaker, the Leader of Government Business, the Financial Secretary and His Excellency the Governor delivered their addresses last Wednesday. I take this opportunity to say that all of them did a good job. I commend them.

I take special note of the delivery by the Third Elected Member [sic] when he touched on the Budget and the global economic challenges.

**The Speaker:** Honourable Member, [that is] the Third Official Member.

**Mr. Moses I. Kirkconnell:** Third Official Member, the Honourable Financial Secretary.

Madam Speaker, I was just saying that I pay tribute to the comments that he made and what a good job he did outlining the challenges of the global economic situation that we are in that reaches our shores. And they will continue to impact the Cayman Islands. He very ably outlined the increases in the operating expenses because of these foreign forces: the factors of the increase in oil and commodity prices which face us as a country every day.

I think the most important thing that he touched on was that after this budget was put together it remained for the country itself to have a \$13.5 million surplus. After we subtracted all of our liabilities, the country is projected at 30 June 2009 to have a net worth of \$5 million-plus.

[inaudible]

**Mr. Moses I. Kirkconnell:** Quite an error! Thank you, sir – \$532 million and our debt service ratio of much less than 10 per cent, 7.9 per cent. Very simply, this financial picture meets all prudent guidelines for responsible financial management of this country, Madam Speaker.

As we waited for the Budget to be completed, we heard of the long hours and revision after revision that every department of government was tasked to look at. They were asked to take one more look and prioritize needs. They were reminded to distinguish between needs and wants. They were challenged to be good stewards of the people's money, while delivering all the necessary services to allow us to continue the success story we call the Cayman Islands.

Madam Speaker, in my contribution today I want to explore a different topic—the national topic of cost of living and the strengthening of the middle class.

I believe that the Government is charged with the responsibility of providing access to the best medical care possible for its citizens, access to education which provides opportunities for upward mobility, enhancements to quality of life for all of its citizens. And a quality infrastructure and framework for a modern free market society to grow and prosper for each one of us to work in private/public partnerships.

So, Madam Speaker, I would like to individually look at some of the Ministries and see how the Budget touches them and some of the challenges.

First, let us look at health services. I believe the Minister responsible has stabilized the HSA and he deserves credit for this accomplishment. The Board and management team, especially the acting CEO, Ms. Lizzette Howell-Yearwood, have worked continuously to improve the HSA and deserve recognition for the hard work and improvement.

We ask: Are the health services perfect? I think we can all answer, no. They are not perfect. Do we have a feeling that they are headed in the right direction? I think that answer is, yes. As you talk to members in the community who have to use the services (as we all do) of the HSA they comment on needs, but they recognize the improvement as well.

The Budget identifies an equity investment of \$8.2 million.

Honourable Financial Secretary, did I get that number right (\$8.2 million)?

[inaudible reply]

**Mr. Moses I. Kirkconnell:** It shows the confidence that this Government has in the health services team and I wish them continued success.

Secondly, the Minister responsible for Education has brought a vision for our educational system which has full support by this government. We know that there are very few places where money can be invested in a better way. I use the word “invested”, Madam Speaker, because we are investing in the fu-

ture of these Cayman Islands. We are investing in our youth, our teachers and our schools, in order to prepare students to enter the world with a diverse knowledge base which will, in turn, stimulate them to make their contribution to society by living a protective life.

If we do not invest in and prepare our youth, the blame for their failure will lie squarely on us. The opportunities have been provided, they will be in place. Our youth and adult learners must now seize these opportunities in order to receive the benefits for themselves and this country.

Madam Speaker, we should not stop there with the vision and the thought. We must take note of two other benefits from improving our school buildings. The country will gain hurricane shelters. I think it has been proven we need more of [them.] We will gain useable community space for us to bond. And as the world economy slows, the Cayman Islands will have ongoing construction to stabilize our economy. I believe the Budget, rightfully so, supports this initiative.

In the same way that the new education buildings support our economy in the short and long term, Madam Speaker, the Leader of Government Business understands the importance as well. He has pushed, he has worked, and he has now succeeded in the beginning of the building of the government administration building in George Town. This expansion not only shows the commitment to the country, but it improves our local labour force and allows them to work through predicted economic downturns.

It makes our civil service more efficient by improving the working conditions. And I am sure that most people have visited what we call the Glass House and they all know that the conditions need to be improved there. I believe the Civil Service deserves credit for what they have worked through, and we certainly look forward to the addition of this new office space for them.

The final point on that is a prudent decision on the part of the Leader of Government Business in owning instead of renting. While we build the building and own the building the movement will not demand rent and the country itself will benefit from building equity in those buildings and the buildings will be owned by the people.

Madam Speaker, the Minister responsible for Communications, Works and Infrastructure, must be congratulated. His success in building and improving roads, one of his initiatives, provides a better quality of life for everyone living and working in Grand Cayman.

It allows less time in traffic, more time for productivity and quicker reaction time for emergency services—some of the benefits that are provided. Add to these the fact that road access increased the value of public and private property, which in turn pays dividends through the money budgeted for his ministry this year and you have a complete picture of what improving roads has done all over Grand Cayman. And, of course it would be remiss of me if I did not add that

we look forward in the short term to improved roads in Cayman Brac and Little Cayman.

The Minister responsible for Tourism has challenging responsibilities which demand money in the short term in order to fund long-term strategies for success. The Turtle Farm, as an example, is supported by this Budget as we work to fund a viable long-term solution to this Caymanian tourism attraction.

Madam Speaker, later on I will also elaborate on another success that this Ministry has had with a programme through the Cayman Islands Development Bank and the Cayman Islands Investment Bureau that has started in Cayman Brac and Little Cayman but I will keep that until I go to that area.

If you look at the Budget it touches many areas of the Islands: It touches the senior citizens' homes in North Side and East End; Summary Courts Building; Bodden Town Civic Centre; Bodden Town Emergency Response Facility; dedicated mental health facility, along with other capital projects are supported in a Budget and will show prioritization of needs in a very prudent way.

Madam Speaker, I want to take some time this afternoon to talk about fiscal responsibility because I believe in today's uncertain economic times it is incumbent upon us to prepare ourselves to weather the storm. We cannot ignore the external influences of the global economy that we live in. Instead, we need to be vigilant in our observations, thoughtful in our conclusions, and united in our actions and reactions.

There is an old saying that necessity is the mother of invention, which refers to the maxim that people will apply all their knowledge and skill to deal with the problem at hand. Of course, this requires that the problem be acknowledged. Today, I contend that we should face the challenges presented by the rising cost of oil, the downturn in the US economy and the rising cost of living as the problems at hand and embrace them as a catalyst for us to strengthen our economic resilience as a country.

You see, Madam Speaker, business is about finding solutions to problems. As we as a country identify a problem, we need to be prudent, we need to be resilient, and we need to be aware that we must look to solutions. These are not easy times; but these are times laden with opportunity. I would like to encourage every Caymanian to become part of the solution and seize the opportunity to work together to build a strong resilient financially stable community, one that gives opportunity to the middle class, one that will withstand not only the current economic pressures but also those that will surely come in other economic cycles.

There is no magic to this. It is just a common willingness to share in hard work, sacrifice, and personal responsibility required to create an economy that allows every hardworking Caymanian the opportunity to improve his quality of life. Madam Speaker, a financially resilient community requires fiscal respon-

sibility at three levels. I will speak to each one today—public fiscal responsibility; private sector fiscal responsibility; and personal fiscal responsibility based on financial literacy.

Public fiscal responsibility is the prudence shown in the Government's Budget of a \$13.5 million operating surplus, a projected net worth of \$532 million, and a 7.9 per cent debt ratio.

Private sector fiscal responsibility in the private sector community. In my mind this what we have seen in action the last six months. As this slowdown appeared on the horizon we saw meetings take place. We saw meetings with the local bankers to explore how they could help. Last week we saw a meeting with the merchants. I thought the comments in the paper by Woody Foster were extremely interesting. He said that we need to bring all sectors together for a discussion—shipping and handling, wholesalers and retailers, truckers, Port Authority, to name a few.

The example of each one of those looking at the community and world economic pressures to find a way to reduce their cost and in turn reduce the price that they charge by a half per cent to 1 per cent and you multiply that times 5 and see a 3 to 5 per cent savings before it went on the shelves to be sold. This is just a simple example of the dialogue that has to be created, and the continued working through the problem of how we as a community are going to face this.

Madam Speaker, the third is the personal fiscal responsibility of financial literacy. It is what I refer to as a very important part of the Cayman Islands itself with financial literacy, and where we really are in the growth of financial literacy. Financial literacy is the ability to make informed decisions regarding the use and the management of money. It influences how people save, borrow, invest and manage their financial affairs. It affects the capacity to grow wealth and significantly affects the quality of life. It has much wider implications for the potential growth rate and stability of the country's economy. It is, Madam Speaker, a national quality that protects the financial health of its society.

In today's world it has become common practice for families and individuals to assume debt. In the not-too-distant past . . . I know that North Side is a lot like Cayman Brac and Little Cayman, and I think all the Cayman Islands. We were a country that built our own homes over time as we accumulated enough money to build them. Or we waited to buy a car until we had saved the cash to buy it with. However, as we evolved that is no longer the norm in our society. Like many other societies we have become willing to buy on credit and accept debt as a normal part of our living expenses. I would contend that this growth in the housing and consumer debt makes it even more critical that Caymanians are equipped with the knowledge to manage their personal finances.

The pattern of consumption has become pervasive, but in many ways has slipped in under the radar screen. As a society we have become not only

consumers of goods and services, but we have become consumers of debt. This is a point that not many people recognize. And for emphasis, I would like to say it again: As a society we have become not only consumers of goods and services, but also consumers of debt.

We understand how to shop. We understand how to shop for bargains, buy goods and services, look for the best price. The skill to evaluate the cost of the products we buy and to determine where we get the best deal is part of our everyday lives that we have become accustomed to. However, Madam Speaker, today insight into the cost of money and the skill to acquire money at the best rates and use it efficiently is something we have very little education in. I take note that our Education Minister is listening so intently to this. And I am sure it will become a big part of the programme for our schools in how they change and move toward benefitting the community itself.

The average household spends much of its hard-earned income to rent someone else's money. When we sign for a mortgage, a car loan, or a student loan, or a credit card, or store credit, we are in fact acquiring debt. We are living beyond our current income. We are agreeing to pay a company to rent their money so that we can acquire something before we have the money to buy it. So, in addition to paying for the product that we have become good at bargaining for, we are also paying for someone else's money that we are using to buy it with. And this, of course, is what we now know as interest—interest on the loan.

Madam Speaker, I want to drill down on this and take a little bit of time with specific examples and solutions because I think this is one of the key areas where we can do something about the cost of living.

A specific example would be a family that makes, let us say, \$4,000 per month. Half of that \$4,000 is going to go toward food, gas, insurance, utilities, medical, clothes, and entertainment. And that is the part that we know about. That is the part we can bargain for and look around. But the other half of that salary goes towards home mortgage, car loan, boat loan, credit cards, store credits. And when we explore this example the question is, What do we really have control over? How can we really lower our cost of living? What opportunity do we have as a people to lower our cost of living?

Half of our income we understand how to spend. Half of it we understand how to bargain with. We can shop every store and gas station for the best prices and, at the end of the day when going from one store to the other, finding the gas station that has the best price and the other commodities that we have to buy, we may save at the end of the month 5 per cent, or \$100.

To make a significant dent to allow us to have any of that 50 per cent of our salary left at the end of the month, we simply have to not buy something. We have to do without. However, the place that common-sense shows us that we can make the biggest impact

in lowering our cost of living is the other half, the half we spend to pay off debt.

Madam Speaker, if you think about lowering the interest rate that you pay on your loans and your home mortgage, an example is that if you are now paying 12 per cent and it is lowered 3 per cent, on a \$200,000 loan, across the board on your debt over a 20 year period, you would save \$500 per month; \$6,000 per year.

While the cost of oil and commodities have skyrocketed to unprecedented levels, therefore increasing every product that is transported to our Islands and every product that requires oil, the prime rates on the world market have dropped at least 3 per cent. They have dropped significantly. I heard 5 per cent prime the other day on the radio. It is reduced to the point that with correct financial help you can reduce the monthly payments on your mortgage and other loans to the point that even with the increased cost of fuel and goods your basic cost of living can remain the same or be reduced.

Here is the simple fact as we look at how we attack this problem with an out-of-the-box thought: The only thing that I can think of on the world market that has reduced in cost is money. Oil is more expensive, rice is more expensive; everything you touch and see has gone up. But money has gone down significantly. We must take the opportunity to capture that. We must take the opportunity as a people to be involved in it.

What it really means is that each of us must look at our personal portfolio of living cost and debt and evaluate how best to finance and pay off our debt. The commonsense part is, again, let us just look at it and see what has reduced and how we take advantage of it.

You know, Madam Speaker, the point is this: Our society is not comfortable with negotiating debt. We are traders and very comfortable haggling over a price. We understand how we feel good when we get the best price. But when we go to borrow money at a bank or credit union or development bank, we do not ask for the cost of the money. We do not ask for the interest rate. All we do is we get this idea of the car we want, the boat we want, and we look straight at the person who is going to lend us the money and we say 'Can I get the loan?' You don't ask the price of it. You don't ask how many years you have to pay it back. You just want to know if you can get the loan. We are too busy with our daily business to simply take the time to understand how to negotiate this. We don't even think of it.

I believe, Madam Speaker, in the interest of my constituents and our constituents we must think outside the box and think of every opportunity. We have to give each and every Caymanian the tools to manage their personal finances. We have to empower them to control their cost of living. We need to teach personal financial management within our school cur-

riculum. Financial literacy should be part of our national agenda.

Financial literacy is in the best interest of the country as a whole, and the creation of a financially healthy Cayman Islands is the responsibility of all—Government, the private sector and our community based organizations. It is too large a task for one group of stakeholders to achieve on their own.

Madam Speaker, this understanding of the cost of money and the impending impact of the rising cost of oil is something that I have spoken of in this honourable House before. But never has oil been at \$124 per barrel. And never has interest been at 5 per cent. I think it is 2.5 [per cent] as prime in the States. So I am proud to share with you today that this is an issue that we have not just acknowledged and analysed, but one which this Government has taken action on in Cayman Brac and Little Cayman.

I am pleased that through the Leader of Government Business and the Minister responsible for commerce laying the foundation for building financial literacy, we have seen the result in Cayman Brac through the combined efforts of the Cayman Islands Investment Bureau and the Cayman Islands Development Bank, a programme that is just being launched. A programme that is needed and well timed.

Madam Speaker, Miss Lolita Bodden-Esteban is the daughter of a well-known Cayman Brac entrepreneur, Mr. and Mrs. Alva Bodden. Lolita has been successful in her own business career and has recently moved to the Brac to manage the Cayman Brac office of the Cayman Islands Investment Bureau. One of her functions is to advise on financial matters, budgeting and business plans. This initiative of financial counselling combined with the debt consolidation programme provided through the development bank and other commercial banks is providing self-sufficiency tools that have never been offered before.

Madam Speaker, if this programme is taken advantage of, it has the potential to dramatically lower the cost of living in Cayman Brac and Little Cayman. This is how simple it really is, Madam Speaker. As you look at your bills at the end of the month and you see the loans that are due to be paid, and you say to yourself, *I wonder how I could actually get a better interest rate. Or, how can I get a better budget to benefit me?* You feel at a loss because that has never been offered to you in a systematic way that you could take advantage of. But now, very simply, you pick up the phone and you call the Cayman Islands Investment Bureau and you ask Lolita for an appointment. You go in and you sit down and you share with her your problems of financial literacy. You share with her what you really need and how you need help with your budget to live a better and more productive life.

She analyses what can be done and basically says, *Your mortgages, your loans need to be accumulated and instead of paying \$500 for your car to one bank, \$500 for your boat to the Credit Union and*

*\$1200 to another bank for your home mortgage, CNB, we need to look at organizing your budget to where we put all of this together. We look at your ratio of what you are allowed to have and then after that is put together we look at an interest rate that is the best possible interest rate that you have available to you. And with the cumulated debt put together and by one person or one agency (the Investment Bureau working with many people it gives them the ability to look at packaging these) it gives them the ability to have confidence in a loan officer and the bank personnel they deal with on a daily basis.*

So, the individual that feels unsure of himself and does not feel he's empowered to do something with this 50 per cent of his paycheck he doesn't understand where it goes and what it is spent on, he now has a vehicle of opportunity that he can go take advantage of and at the end of the day real examples of a \$200,000 mortgage being reduced to save you \$500 a month. This is just an example, Madam Speaker. It is a very good programme. I am very proud that it is being launched and I am very happy to do whatever I can to support it.

The final result is not to create a society of financial experts, Madam Speaker. It is to strengthen the stability and the sustainability of our middle class and thereby our democracy. It is important to equip all of us with the knowledge base to manage our personal finances. It should be a national priority to give our citizens the ability to make informed decisions in the management of their money and in a way that it betters them as a person and as a family and strengthens our community.

I close this part of my contribution by just saying the commonsense part of looking at the one thing that has lowered in its original cost to this country—and that's money. Let us be smart enough to take advantage of it to lower our cost of living.

Madam Speaker, at this time I would like to turn to discuss the Budget items that have been presented for Cayman Brac and Little Cayman. Would this be a convenient time to take a break before . . .

**The Speaker:** Proceedings will be suspended for 15 minutes.

**Proceedings suspended at 3.16 pm**

**Proceedings resumed at 3.40 pm**

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

The Second Elected Member for Cayman Brac and Little Cayman, continuing his debate.

**Mr. Moses I. Kirkconnell:** Thank you, Madam Speaker.

Before we took the break I had just finished talking about the programme that the Cayman Islands Investment Bureau and the Cayman Islands Devel-

opment Bank have put together in Cayman Brac. Just to recap, I pledged my support to Miss Lolita, complimented her and basically said that I am glad that she is there to offer assistance and I hope that she will continue to work. I wish her continued success in reducing the cost of living for all of those young people and citizens of Cayman Brac and Little Cayman who come to visit her. And I encourage them to do that.

We were looking to bring some Cayman Brac people who were actually working in jobs in Cayman. She is one of the success stories, with her career here in Grand Cayman for years upon years. When the opportunity arose for basically a frontline job, but the idea of the back office initiative, she seized the opportunity and came home. I can assure you that not only her family but the whole community has welcomed her. She is a very good, positive addition to our community.

Madam Speaker, I would like to take the balance of my time to talk about my district, Cayman Brac and Little Cayman.

Today is approximately three years into my first term as a Member of this Legislative Assembly, with the distinct honour of representing the district of Cayman Brac and Little Cayman. I would like to take the time left to look at the outcomes to look at the tangible successes that have been accomplished in Cayman Brac and Little Cayman, the things you can touch and feel; the things that are not plans or promises but reality, the things that every member of that community is enjoying today. And then I will move to the plans for this Budget and what will come. Now, when we say in Cayman Brac something is going to happen—based on two years ago saying a university would be in Cayman Brac, now people see that university—they believe.

The idea of creating opportunity and bringing every person in Cayman Brac and Little Cayman together on this team, on a working relationship to better the community . . . we have no time for divisiveness. We have no time to be separate in our small community. Our opportunity to go forward is to be one. That is how our forefathers were successful, that is how the community has grown up, that is how I have enjoyed it and my commitment of what I try to do on a daily basis is represent every person that is there and work hard for each individual to bring us into one group of people working for the common purpose of a better quality of life and a better place to live.

Madam Speaker, the Budget identified recurrent spending for Cayman Brac and Little Cayman. I view that as the top priority not only for myself but for the Government of the day. I feel quite happy to report that we have a successful recurrent budget. What that basically means is that all persons who work for the school system, public works, district administration, fire service, post office, agriculture, and any other government service, know that their jobs are funded.

Madam Speaker, they not only know that their jobs are funded in this coming Budget, they have

also heard the announcement that in July they will receive a lump-sum check for a cost of living increase from last July 2007 to June 30, 2008. That check will be put in their hands to help with cost of living issues. I am very happy and proud that this Government has put this initiative forward and I look forward to the day when every one of them receives that check.

I also make mention that a large part of our retirees are veterans and seamen. I believe every one in these hallowed halls agrees that benefits have to be looked at and continue to be increased for that group. But the fact that it has been increased in this Budget, I am pleased to report and happy that they will be receiving it.

Some of the projects that have been completed over the last three years for Little Cayman and Cayman Brac . . . I will take Little Cayman first. I believe especially in today's situation of what is needed and how we have become competitive and prepare ourselves for the future, the idea of 'green' is huge on a worldwide basis. The properties and the people of Little Cayman have grabbed that initiative. The initiative was between the Department of Tourism and the Department of Environment and the private sector. It is simple steps that, working together, you realize that these are things that any one of us can do on a regular basis and we do not think to do them. But we need to start doing as many of those as we can.

In talking to some of the hotel properties, part of the initiative is as simple as changing bed linens every other day instead of every day, saving soap, saving water, with the clear understanding that if the guests want them changed every day they are; biodegradable cups throughout a resort; low energy light bulbs; Signs in every room and by every faucet reminding guests and employees to conserve water; showerheads which reduce the amount of water needed for a shower; timers that turn off air conditioners and water heaters. Simple steps. Commonsense. Don't really think of them. Don't follow them.

But what happens when you combine the efforts of the private sector and these two other agencies is that you start seeing what partnerships really are because the Department of Tourism now takes this initiative and they use it in their marketing process and promotions worldwide. People like to follow green properties. They like to follow green communities. And Little Cayman especially (and Cayman Brac to a point) is beginning to seize the opportunity. I think it is safe to say the Southern Cross Club and Little Cayman Beach Resort are leading the pack in some of their initiatives and marketing combined with the Department of Tourism. Successful partnerships.

Little Cayman itself this year has a new road across north and south on the eastern end of the Island about three miles from Point of Sand. This allows easier access to property, shorter time and, again, private/public partnership between a private landowner and Government working in conjunction to give the people better access to Little Cayman.

They have made it easier for the district officer to operate. They have relocated his office and improved the way he is able to do business for the citizens there. Very shortly (next week Friday the 16<sup>th</sup>) the Department of Environment building in Little Cayman will be opened by the District Commissioner, Leader of Government Business and other invited guests.

Some of the discussions we have had, some of the ideas to look at for Little Cayman is a daycare centre. Again, it is a private/public partnership discussion because it is not a large enough community but the people there have a need. So, the discussion has begun on how can a church, how can the government system, how can district administration and how can the parents work together to find a way for the children that are there to be taken care of on a daily basis allowing the parents to work in a timely manner.

We, of course, will improve air service this year. But that is a discussion that will come a little bit later this afternoon. The Leader of Government Business announced the purchase of Point of Sand (long, long, long overdue). But kudos to the Leader of Government Business for addressing the issue, contacting the people and beginning the negotiations. We look forward to when that is vested in the people of this country and the people of Cayman Brac and Little Cayman for generations to come.

One quality of life issue that affects Little Cayman is water. The discussion is still whether the Water Authority will be involved in distribution there or whether it will be private. But the fact of the matter is, there is just not enough water at this point to go around. So, the District Administration under the guidance of the District Commissioner has been delivering water as a government service. This year an actual policy will be put in place . . . we have looked at a government well to see if that can be made available for the community. It will be regularized that people will know they have the ability to receive water in a timely manner.

The daycare centre on Cayman Brac is built and opened. It is said of a community you can understand it when you see that they nurture their children and respect their elderly. I believe two initiatives that have taken place in Cayman Brac support that. The daycare centre, as far as nurturing and providing for the young people of Cayman Brac, and then allowing their parents to have the opportunity to work and know that their children are well taken care of.

I believe it is the best equipped and most modern daycare centre, bar none, in the Cayman Islands. I mean the building, the physical equipment and the very competent staff and caring members that make up the team that operate there on a daily basis.

The facility also functions as a hurricane shelter located adjacent to the main shelter the Aston Rutty Centre.

Also connected to the Aston Rutty Centre is a new medical wing that was actually used for the first

time last year as the hurricane passed down. And I believe that everybody involved with the building, the staffing, the equipping of that medical wing was extremely pleased to see the dignity that was afforded to the patients; the way the nurses and doctors moved about with proper oxygen and medical supplies as the hurricane winds picked up. It was a tremendous success. And that compound itself has turned into a success story. It is the planned nucleus for hurricane preparedness and response at 100 feet elevation above sea level.

The thought process of protecting the people of not only Cayman Brac and Little Cayman but the Cayman Islands as a whole goes further than that. The idea of systematically connecting the Bluff road system starts at the eastern end with the Ann Tatum Bluff Ramp. It is probably 130 feet elevation. It is scheduled to be completed by the end of June this year. But as of today you can drive it and it is designed to be an integral part of the Bluff road system. It functions to provide quick access to the Bluff for the eastern districts of Cayman Brac, Spot Bay, Northeast Bay and the Creek in particular, in the case of a hurricane or overflow of the sea.

In addition to this, again what it has basically done is to give an opportunity to the people of the eastern district for quicker and more inexpensive access to their family agricultural grounds, which for generations have been on the Bluff. It saves them from driving the long route, probably saves them about 8 miles. So the ramp itself can be driven today, will be completed in June has increased the value, the comfort, and the safety of the citizens of the eastern districts. I believe we are all proud of that.

Also when you look at what has been accomplished as far as connectivity in the case of hurricane management and disaster, by the end of June the last 1,000 feet needed on the Bluff to connect the West End School to the Bluff road system will be completed. This means that for emergency purposes access to the medical facility on the Bluff starts at the West End Emergency Centre and actually ends at the Ann Tatum Ramp for access to getting people in an emergency situation to that medical wing. It offers protection and convenience to all of those who have to shelter in the West End School in case of hurricane.

One of the things that has happened in the Bluff area of Cayman Brac is an influx of new homes being built. We must stop and look at what those new homes not only do for the people who build them, but what it does for the community itself.

Most of these homes are built to a category 4 or 5 standard—cement block, shingle roof, cement wall interior—and they not only offer protection for the owner, but they offer protection for the owner's family who may live on low land and in past years were accustomed to going to a hurricane shelter for refuge. But with these new homes on the Bluff, access being provided by the road system and by developers, we now have a more comfortable way for a lot of citizens

on Cayman Brac to shelter during a hurricane. It also allows government hurricane shelters the ability to care for the ones who show up there and provides opportunity for ones who maybe could not get in to now have that available to them.

Madam Speaker, last year my comments at this time talked about the increase in land sales. I think statistics are very interesting because the old people say numbers do not lie. And when you pull the statistics of what is actually happening in Cayman Brac, numbers do not lie.

When you look at 2004, approximately \$7 million of land was sold; in 2005, \$13 million; in 2006, \$18 million; in 2007, \$19 million. You see the trend. You see the confidence, the way that Cayman Brac and Little Cayman are being looked at. And it is the same thing when we mention Little Cayman. It continues to show increased land sales.

But there is a comforting feeling that Caymans themselves are taking the opportunity to acquire second homes and look for opportunities for jobs to move to Cayman Brac, especially, with the Bluff being the catalyst for safety and the lessons learned from Ivan.

The other statistic that is extremely interesting, Madam Speaker, is . . . remember, the large building boom after hurricane Ivan took place in Grand Cayman, not Cayman Brac. But now what we see is that Cayman Brac has a steady increase and the spike is not slowing down. It continues to go up.

In 2005, building approvals were at 31; 2006, 52; 2007, 67; and to date (the first three months of 2008) there are 24 approvals. I think it is comfortable to say that if you drive the streets you will see around 50 projects being worked on.

The trend continues: Not only are people buying land, but they are actually building on it to become partners in our community, to enjoy our way of life.

[inaudible interjection]

**Mr. Moses I. Kirkconnell:** The Honourable Second Official Member wants to buy a piece of land? Is that what you're saying?

Very good!

[laughter]

**Mr. Moses I. Kirkconnell:** The government provides a surveyor on Cayman Brac.

[laughter]

**Mr. Moses I. Kirkconnell:** The department itself is extremely successful, a gifted young man, Jerry Banks, went away to school in England, put his time in, came back, and is not only well respected but much needed in the community, Madam Speaker.

On a daily basis he goes out in the field with younger men and teaches them the trade so hopefully

they too will go away to school because the need in Cayman Brac, the opportunity for another surveyor is immense. And the numbers do not lie!

It is a programme and a success story that government has created by bringing this young man back to Cayman Brac and having a positive impact not only on him but the growth of the Island allowing him to do what he has learned to do and keeping him there at home which has been a goal from day one.

Madam Speaker, I think it is very interesting to watch immigration patterns when something starts developing. We now see well-known successful Cayman-Brackers who moved to Cayman—saw the opportunity and took advantage of it—and Caymanians who have had tremendous success here in Cayman looking at the opportunity available in Cayman Brac and Little Cayman. As the Second Official Member said he wanted to buy a piece of land, Madam Speaker, let me assure you that there are other Members in this House today who have in the last months bought land in Cayman Brac and Little Cayman: a very, very positive trend for Cayman Brac and Little Cayman.

One of the most interesting developments on the drawing board is, again, a Caymanian who sees an opportunity in Cayman Brac. He has purchased 100 acres on the eastern end. He now plans to open a 50 or 60 acre farm. His plans are extremely interesting. The equipment that he is going to have to purchase explains why he wants to do it on a large basis to be able to make the investment that he needs.

And we certainly welcome Mr. Lemmie to Cayman Brac and to the community itself as he plugs in with his wife, Sarita, and family.

Madam Speaker, as you drive you see apartments springing up. You see houses being built speculative for sale. I am proud to say here today that the private sector has come alive and they will spend more in capital investment in Cayman Brac and Little Cayman this year than the Government does, which is something that has not always happened in Cayman Brac and Little Cayman.

One of the young successful entrepreneurs is Curtis Connor. He is a young man who is just completing an apartment complex taking advantage of opportunity in an upwardly mobile way. He builds houses. He is well known throughout the Cayman Islands and I certainly wish him continued success. I know he will be successful.

We saw recently the return of Bracker Cleveland Dilbert, well known in Grand Cayman for his successes with Big Daddy's and restaurants. He built a retirement home right above his father's old homestead on the Bluff, was settled and thought that he was going to enjoy the Island itself. But as he looked and saw opportunity being created for this type of investment and development, targeting people to have the opportunity to come home, he quickly saw a need for a small hotel.

Not only did he purchase the land, but he broke ground. He has started and he anticipates the hotel itself to be completed early 2009 along with a shopping complex (which is now operational), houses, real estate firms, a Big Daddy's and a Laundromat. Well on his way.

Madam Speaker, it is also interesting to see that a law firm has opened in Cayman Brac. Bodden & Bodden, one of the local law firms in the Cayman Islands. And, of course, it is well known that you need two law firms because you have to have two lawyers to fight. On a daily basis we encourage another law firm to look at Cayman Brac and see the opportunity for back office work to be done there.

The Immigration Law, the standalone immigration board has been strengthened and they are ready to receive back office work especially from financial and offshore firms.

Madam Speaker, the opening of the Cayman Islands Development Bank was welcomed. It is a new service opened two days a month and continues to be a new presence. The initiative that I spoke about earlier, combined with the Cayman Islands Investment Bureau, shows that the foundation, the fundamental pieces that we need to build on are being put in place.

When you think of what is actually taking place, you see a hotel being built. That hotel is going to need services around it. It is going to need tour buses and taxis. It is going to need fishing guides, dive masters. And we want to put in position the banks, the expertise through the Investment Bureau, that the local Cayman Bracker and Caymanian can benefit from the development that comes.

If we do not create opportunity, if we do not allow them to get the government funding, if we do not give them a mentor and somebody who can draw a business plan, and somebody that can help them be involved in the opportunity that comes . . . Not everybody can afford to build a hotel, Madam Speaker, but put them in a position where they get help. We are a smart, resilient people that have depended on outward investment to go forward.

Give them the tools that they need to benefit from the development that comes to the shores of Cayman Brac and Little Cayman and we will create a very, very successful group of young entrepreneurs. That, Madam Speaker, is our goal. Our goal is to share this economic benefit of sustainable development with each person that wants to come on board and be part of building and creating a sustainable economy for Cayman Brac and Little Cayman.

Madam Speaker, I heard a comment earlier by the Leader of the Opposition. And I know that he probably didn't mean it the way he said it, and that is why I almost feel like I should not bring it up. But the comment of the rich get richer and the poor get poorer is the farthest thing from the policy of what we are trying to put in place.

[Let me] mention the names of some of the young entrepreneurs that we have doing things now in



Cayman Brac: Lenaris Ebanks investing in a landmark, and opening it and turning it around; Carvel McLean Construction, going forward and building homes; Kirky Parchman with a new business; Danny and Dole Dixon, construction, government job; I mentioned Curtis Connor and his apartments. Madam Speaker, these are young, smart, bright people seeing opportunity. And we want to continue to not only give the opportunity, but to put the tools in place and strengthen what is needed to give success to everybody.

I believe that is honestly what he [the Leader of the Opposition] was trying to say and the point that he was trying to get across—that opportunity is there now in Cayman Brac and Little Cayman.

Madam Speaker, a very successful man in Grand Cayman is Kent Rankine. He seized the opportunity in Cayman Brac. He built 15 houses, beautiful complex. Now he is there building more. And they are being sold. And they are being integrated into our community.

Garston Grant, a new office complex on the western end of the Island by the airport. Carib Sands, phase 3 under development. Robert Banks, the Ryan family, ready to break ground to 23 more two-bedrooms on the eastern end that take advantage of the nature product and the beauty of the Bluff and the sea on the eastern end of Cayman Brac.

You know, Madam Speaker, one of the real problems that we faced after the election was the closing of the Divi hotel: fifty-odd people out of work at a moment's notice. You did not know how you were going to re-tool and recover from that. A purpose-built dive resort that attracted a clientele over years and years—had been there for 20 years. And now when you look at it, the silver lining under that dark cloud is that the new rooms that are being built will double the rooms that we had available. But they will attract a different clientele. They will attract a clientele that probably makes \$200,000 more per year, which means that when they come to the Island they want to rent a car, eat in a local restaurant, be part of the community. And that, for us, in the next nine months will retool our tourism product and lend itself to how we go forward and encourage others now that they see success is there.

Madam Speaker, I mentioned Lenaris Ebanks before, but I just have to mention him again because he took the challenge of renovating one of the tourism landmarks of Cayman Brac that had been built by Mr. Audley Scott. If you go there go to the Coral Isle Club. He bought it, he rebuilt it, he manages it, it is open, we admire his entrepreneurial skill and we wish him the greatest of success.

The Affordable Housing programme in Cayman Brac will turn over four homes in the next 30 days to needy people. But I believe that we should really look at the programme itself and rename it because it gives it . . . the name Affordable Housing, Low Cost Housing, whatever, is the farthest thing from

the truth. The homes themselves are of the highest quality, they are built extremely well, they are built with cement block walls, Timberline shingles, cement block interior walls, and the connotation of it being an affordable home is misleading to the public. It is misleading to the people that live there, to the children, and I would really like to look, not only for Cayman Brac and Little Cayman, but for the Cayman Islands as a whole at how we can re-name this initiative.

Let us be very clear about it: The last government, this government, whichever government it is, the thought of putting people in a home is very important. The way you go about it in this programme is that you make it something that they can afford by building it on government land, turning over a freehold title. You pay for the plans, you pay for the architect work, quantity surveyor, you pay for your contractor and then when they receive a loan that is negotiated at as good a rate as can be provided, they move into their home.

So, the connotation and the name “affordable” . . . let us rethink it. The point is, it has been a success on Cayman Brac because the homes are extremely well built. As soon as these are turned over, four more will be started and it will continue to provide not only labour for a young entrepreneur that's building them (and successful with the building), but it will also provide housing for people who have worked hard and it will provide the biggest asset that they have in their lives after the 20 years that it takes them to pay for it. They will be left whole and financially better off because of this initiative.

Madam Speaker, again I say figures, do not lie. In Cayman Brac, statistics show that February, March and April, there were over 115 work permits issued. Some of these work permits have gone to domestics. And a lot of them have gone to the construction industry itself, labourers, mason helpers, and jobs that if you can walk and you want to learn, it is available to you to go there. I implore the contractors to look at them and if some of the young Cayman Brackers come and they do not know how to drive a nail, remember there was a point in time when you did not know how to drive a nail either. Take them under your wing see what you can do with them, bring them into the community. We are all on one team.

Madam Speaker, the Youth Programme of Cayman Brac is a tremendous success story. I wanted to make sure that all my colleagues in Bodden Town know that on Saturday history was made. For the first time Cayman Brac's Under 16 Team beat Bodden Town.

[inaudible interjections]

**Mr. Moses I. Kirkconnell:** Beat Bodden Town!

He threatens to get up!

And not only that, they will have to come to Cayman Brac in the very near future to play at our house.

I hope the Third Elected Member comes with them!

[laughter and inaudible interjections]

**Mr. Moses I. Kirkconnell:** The Youth Programme has a very dynamic leader, Mitchum Sanford. He was hired by the last government and I am very pleased to say that this year the programme is funded and successful. It is funded by approximately \$120,000. I believe that in its initial stage it was only receiving funding around \$10,000.

The Cadet Corps is doing extremely well. The Cadet Corps was introduced in Grand Cayman by, I guess, the last government.

**Hon. W. McKeever Bush:** You guess?

**Mr. Moses I. Kirkconnell:** Was it?

**Hon. W. McKeever Bush:** You don't have to guess that.

**Mr. Moses I. Kirkconnell:** All right. Well, I wanted to make sure.

It was?

**Hon. W. McKeever Bush:** [inaudible]

**Mr. Moses I. Kirkconnell:** Well it was?

But in Cayman Brac it was introduced by this government.

**Hon. W. McKeever Bush:** [Inaudible]

**Mr. Moses I. Kirkconnell:** The greatest of plans are tremendous things. What you want is something tangible that you touch. Everybody can plan, but you have to get something done!

**Hon. W. McKeever Bush:** [inaudible]

**Mr. Moses I. Kirkconnell:** All right.

Let me just go over the programme which I think is extremely important to the youth of Cayman Brac and Little Cayman.

Football. Forty-five athletes registered under 14, under 16, under 19. Three volunteer coaches, Kenroy Martin, Lawrence Nelson, Errol Bergman.

Local recreational needs: CIFA [Cayman Islands Football Association] National Youth Leagues. Netball Youth Programme, 15 athletes. Track and Field, 65 athletes registered 3 volunteer coaches in the community, Ventisha Conolly, Flynn Bush, Lawrence Nelson. Basketball, 15 athletes registered, 2 volunteer coaches, Flynn Bush, Andre Scott, ages 13 to 17.

Peewee Programmes, 8 children registered. Volleyball community programme, 40 athletes regis-

tered, ages 12 to adult. Cricket, 18 athletes registered. Swimming, 40 athletes.

[inaudible interjections]

**Mr. Moses I. Kirkconnell:** Talent identification programmes, two scholarships, Stephen Tatum, Michael Sanford—football scholarships. And travel, which makes them ambassadors when they go abroad to sports. Very successful programme, Madam Speaker.

The agricultural grounds continue to improve. Our second show was held at the new grounds with over 1200 attendees.

MRCU building is now under construction by Danny and Dole Dixon Contractors. Over 4,000 SF building designed to be redundant for the Cayman Centre as well in case of a national disaster.

Water Authority has proposed a \$12 million plant to be built on the Bluff. They have done the survey work to take the parcel out north of the Aston Ruddy Centre, again creating a nucleus. That is the first step in vesting the land in the Water Authority name.

Madam Speaker, construction on the Fire Station has started. We had this discussion in two previous Finance Committees. The construction completion enables the domestic service to be introduced in Cayman Brac in a way that it is manned all the time and creates many more jobs in the fire service.

The High School Hall is complete and being used for exams this year—a need that had been talked about and identified. It is built in a way that when the new high school is built on the Bluff it can be moved and used at another site.

The Tibbetts Annex, this goes back to caring for your elderly and giving them respect. The Community Care Centre addition of the Tibbetts Annex over a million dollars, mostly donated by Mr. Linton Tibbetts and his wife Mrs. Polly Tibbetts, state of the art. Other private donations were given, enough to where all new furniture was bought for the centre and it is now operational.

Private enterprise, Private/public partnerships coming together—all on one team—working for the betterment of the community.

The Board that works there enabling [inaudible] Mr. Floyd Banks, Mr. Chris Randall, Mr. James Ryan, I give them thanks along with the people that donated.

Beautification Committee continues to plant and bring a pride to the Island from the east end to the west end.

Madam Speaker, the University College of the Cayman Islands, Cayman Brac Branch: It is a project that I have to mention with pride. It took a lot of tenacity and perseverance to be realized. I believe it will become one of the foundational building blocks for the future of Cayman Brac's sustainable development. The University College is a success today because people from the civil service are now attending it with

high school graduates this year more and more will start to attend. It provides every person in Cayman Brac and Little Cayman the ability to pursue higher education: a campus that even provides for young people from Grand Cayman to come and study in an unhurried atmosphere which is obviously conducive to learning.

It is one of the most important advancements to ever happen in the educational system of Cayman Brac and Little Cayman. And I believe we are all proud to have been involved in it.

The FIFA [Federation International Football Association] certified football field has now been completed to a point where practice is held by the youth. It is built to the standard that it can receive international competition and world cup games that will allow Cayman Brac to capture sports tourism. We look forward to the actual opening of it that we can bring all of us together and play a game with over 35s against some of the youth. I think it will be a good day for all of us and I believe everybody will be extremely pleased.

Madam Speaker, the projects I have talked about have been completed with the teamwork of the ministry, district administration, public works, and the people of Cayman Brac and Little Cayman.

The Leader of Government Business deserves credit for leading the ministry and embracing Cayman Brac and Little Cayman. The District Commissioner and his Deputy and his team deserve credit for what they have done.

Madam Speaker—

**The Speaker:** Honourable Member, Standing Order 10(2) tells me that the hour of interruption is 4.30. I think my interpretation of that is correct. Are you going to be finished within the next couple of minutes?

**Mr. Moses Kirkconnell:** The next five minutes.

**The Speaker:** Continue.

**Mr. Moses I. Kirkconnell:** Thank you Madam Speaker, I will try to wind up here.

Just so much has happened in Cayman Brac and Little Cayman that I just need more time. But I can do this.

**The Speaker:** Honourable Member, you do not have to rush. You have tomorrow morning. So we can adjourn and tomorrow morning the proceedings are here again.

**Mr. Moses I. Kirkconnell:** I am almost finished, Madam Speaker.

**The Speaker:** Proceed.

**Mr. Moses I. Kirkconnell:** Thank you.

Madam Speaker, one point two million dollars is budgeted for a complete renovation of Faith Hospi-

tal. This renovation, along with the completion of the rest home gives us a compound that we will all be happy will improve the quality of our life through the medical needs being met.

Spot Bay Park, Panama Canal, West End Jetty, are all earmarked for improvements and marked to happen quickly. The Tourism product for Cayman Brac and Little Cayman is being enhanced through a website, "It's Yours to Explore."

Madam Speaker, there has been much said about electricity rates and the government being successful in a reduction of rates for residential consumers on Grand Cayman, by reducing duty on the diesel used to power electrical generators. This reduction, the same way it has been done in Grand Cayman, must be passed on in Cayman Brac and Little Cayman as well. But we have to find a way that it is going to be done because of the Regulatory Authority.

The Minister responsible is opening negotiations and discussion with the power company in the Brac for a resolution as quickly as possible for this reduction in electrical rates.

Madam Speaker, through private/public partnership we will find the best way forward for Cayman Brac and Little Cayman. The District Administration expansion is to encourage the long overdue back office development. It was identified that the Brac would need the following:

- Company registry
- More office space
- Better air service

The increase in the size of the District Admin allows the government to lead from the front, have office space and move some back office jobs when the office space is complete.

Madam Speaker, before I move to my last topic, which is Cayman Airways, I just want to say again that the team that is put together in Cayman Brac and Little Cayman of the DC and Deputy DC leading the way, is a group of hardworking dynamic individuals all the way down to PWD.

The final topic, Madam Speaker, much awaited, is Cayman Airways. Cayman Airways is the only air bridge providing for Cayman Brac and Little Cayman—the only company operating there. For as long as I can remember, including the years I sat as a director of Cayman Airways, we have struggled to find the right level of service to allow Cayman Brac and Little Cayman to find sustainability.

It is a true chicken or egg scenario, especially for the Brac. This Government has been receptive of the ideas of how this issue can be addressed and solved. You cannot be sustainable without air service, you cannot get good air service until you are sustainable.

The Government and the Ministry purchases from Cayman Airways Express for \$1.5 million in this budget a service in small twin otter planes. The Government and the Ministry purchases from Cayman Airways a jet service for regional gateways to support

tourism and facilitate economic development. The problem is that we have three Islands and we do not have the right size plane to promote economic development for Cayman Brac itself. Personal opinion.

If I have a property in Little Cayman and I look and say, 'What kind of airlift do I need? I sell a tourist adventure experience, I sell an out island experience, and if someone wants something out of the norm they are very happy to fly on a twin otter plan with a big window and have that experience to tell their friends about.

If I have a property in Grand Cayman, I want a jet service to strategically chosen gateways to penetrate the market in the US and Europe to bring them to Grand Cayman.

But if I have a property in Cayman Brac that not only do I have to cater to the tourism aspect but to the population itself for the milk and egg run, for the medical needs, I have to understand that the jets are too big to give frequency three or four times a day, and the twin otters are too small at this point in time to meet the needs of the transfer of passengers and goods between Cayman Brac and Little Cayman.

So the air bridge created for economic development had to be looked at. The business case was directed by the Minister. And, Madam Speaker, my opinion is that it will support two 50 to 60 seat planes that will give frequency between Cayman Brac and Little Cayman when the airport in Little Cayman is completed. It will give direct service to Miami and direct service to Tampa. It will bring Cayman Brac and Little Cayman economic sustainability in a way that has been planned and it is a need that has to be met now rather than when the airport in Little Cayman is finished. So, we will have to keep (only in my opinion) the twin otters, if the business case supports bringing the regional planes in. And then, as the airport is built, remove the twin otters and service Little Cayman as well with the regional 50 or 60 seaters.

Madam Speaker, it would be a great honour for me today to say more or make some kind of announcement but I simply am not empowered to do that, and I do not think the business case itself has been completed and viewed. But I look forward in the very near future to an announcement.

Madam Speaker, I want to take this time to thank you for the kind things you have done for me the three years I have been here. The mentoring and the advice, sometimes in a nice kind way, sometimes in a little more direct way. Thank you for the introductions and the times when we were in India and how kind you were to introduce me to the international and regional members of the Commonwealth that are all your good friends and pay such high tribute to you.

I know you had a rough day today. But maybe it is part of the job. But from my standpoint, I thank you for what you have done to nurture young people that come into this House and help them to become parliamentarians.

Thank you.

I have highlighted many accomplishments in a short three-year period. I look forward to next year and to this budget and getting started.

In closing I thank my colleagues on the back-bench for their continued support. I thank the Leader of Government Business and the Ministers for truly embracing Cayman Brac and Little Cayman during my term in office. I remind them all, though, that if global problems more than we have today reach our shores we will all come and call on them again to adjust the budget to ensure that our needs as a people are met. I have great confidence that they will rise to that challenge without hesitation.

I repeat what our Financial Secretary outlined as I close my comments on this Budget, "We have delivered a Budget that provides \$13.5 million in surplus. At the end of June 30, 2009, it provides \$532.6 million net worth for this country. And we have a 7.9 per cent debt ratio."

Madam Speaker, I am pleased to support this Budget. Thank you.

**The Speaker:** Before I ask for the motion for the adjournment, I would just ask the Executive of the Cayman Islands Branch of the CPA to meet for a short meeting in the Committee Room. It will be for about five minutes.

Honourable Leader of Government Business.

## ADJOURNMENT

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

I move the adjournment of this honourable House until 10 am tomorrow.

**The Speaker:** The question is that this honourable House adjourn until 10 am tomorrow. Those in favour please say Aye. Those against No.

**Ayes.**

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

**At 4.42 pm the House stood adjourned until 10 am Thursday, 8 May 2008.**



**OFFICIAL HANSARD REPORT**  
**THURSDAY**  
**8 MAY 2008**  
**10.17 AM**  
*Fifth Sitting*

**The Speaker:** I will ask the Fourth Elected Member for West Bay to say Prayers.

**PRAYERS**

**Capt. A. Eugene Ebanks:** Let us pray.

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

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

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

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

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

**Proceedings Resumed at 10.19 am**

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**

*(Administered by the Clerk)*

*By Mr. Donovan W.F. Ebanks, MBE, JP*

**The Speaker:** [Mr. Ebanks, would you please come to the Clerk's table? May we stand?

**Mr. Donovan W. F. Ebanks:** I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law so help me God.

**The Speaker:** Mr. Ebanks, on behalf of this honourable House I welcome you once again to this Chamber and you may take your seat.

[long pause]

**The Speaker:** Please be seated.

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

**Apologies**

**The Speaker:** I would like to apologise for the absence of the Honourable Minister of Communications, Works and Infrastructure, for the late arrival of the Honourable First Official Member, the Honourable Minister of Health and Human Services and the Honourable Minister of Tourism.

**STATEMENTS BY HONOURABLE  
MEMBERS AND MINISTERS  
OF THE CABINET**

**The Speaker:** I have had no notice of statements by Honourable Ministers and Members of Cabinet.

**GOVERNMENT BUSINESS**

**Debate on the Throne Speech and Second Reading  
of the Appropriation (June 2008 to July 2009)  
Bill 2008 (Budget Address)**

*(Continuation of debate thereon)*

**The Speaker:** Debate on the Throne Speech continues. Does any Member wish to speak? [pause]

Does any other Member wish to speak? [pause]

If no other Member wishes to speak . . . Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

I rise to offer a few comments on the Budget Address and Throne Speech and what has been delivered to this country. Obviously, as is the norm for

this time of year we play the cat and mouse game of trying to wait each other out. It's easy to say that we have seen the arrival of all the mice.

**The Speaker:** You are not referring to the Members of the Legislative Assembly are you?

**Mr. Rolston M. Anglin:** No, Madam Speaker.

**The Speaker:** Oh, thank you.

[laughter]

**Mr. Rolston M. Anglin:** That would be unparliamentary, Madam Speaker.

**The Speaker:** Okay, thank you.

**Mr. Rolston M. Anglin:** Madam Speaker, we have seen a few themes, as a House, being thrown at us and as the editorial in one of the local print media said recently, when the leader of a country gets up and begins the most important address that the country ever receives on an annual basis by quoting scripture and ends it off with a hymn, things are not well.

Madam Speaker, that is all fine and dandy because we know that things are not well. However, we have been down this road before so none of us in this Legislative Assembly and, indeed, none of our constituents, no residents of the country I believe are surprised that this would be the place that we would find ourselves in.

You see, Madam Speaker, often times as Members of this House we are duty bound to reflect and look back, for doing so sharpens the eye but more importantly sharpens the mind for the future and the task at hand. And from the speech of the Leader of Government Business, which was dubbed "Keeping the Faith—Securing the Future" it was obvious that this was the launching pad for a political campaign. The launching pad for the next general election which is but a short 12 months away.

He has been around here a lot longer than I have, but I have been around long enough to understand that when you get to this point in an administration, really you get a few things done, but the system starts to transition itself and ready itself for a new birth. The new birth is going to be the new class of legislators.

So, at this point in time, it is natural for that tenor to be the tenor of the day. To start asking people to count their blessings and name them one by one, to ask people to think about human misery in much less fortunate parts of the world and be thankful for what we have, the natural other aspect of this is to try to build yourself up and in doing so the natural human tendency is to compare oneself and to put a spin on one's opponents to try to ensure that in making the opponent look weaker you would naturally become stronger in the eye of the beholder. Of course, the all-

important beholder is the registered voter in these Cayman Islands.

Thus far, over the last three years we have come down to this Legislative Assembly (we, the Opposition) and we have said to the Government *You are on the wrong track. The well is going to dry up. Because you were fortunate enough to have two things happen: 1) an economy that was rebuilding from the massive devastation of Hurricane Ivan; and 2) an economy that had turned around and become productive from a government and private sector standpoint, don't think that that would continue in finitum.*

However, we were laughed at, scoffed at, even when we brought good sensible motions. Of course the Government and its supporters would not acknowledge the sense in what we were trying to say and try to embrace constructive criticism to avert the situation that we find ourselves in today. So I would say that perhaps an alternative theme, a more appropriate theme to the speech that was delivered . . . and what has brought about the speech would be inept performance and a compromised future.

You see, the Government—and especially the backbench members . . . because I find that what they do is mimic what has been said before and have not taken the time to go back in the records of this Legislative Assembly to educate themselves about where we were in 2000, to educate themselves about how we got ourselves out of that conundrum; and then be able to effectively and sensibly dispose of duties as legislators.

Madam Speaker, the goal has always been about attack the opponent; attack the Leader of the Opposition so that we can win the next general election. The prize is not about the financial realities of this country. The prize is about the next general election. That is the MO of the Government.

Madam Speaker, you see, when we look at the current state of affairs the Government has acknowledged that they are not good. They have had to come down to this Legislative Assembly to tell us that revenues are going to be off. We've been telling them three years this is what is going to happen. *Oh, no, no, no, we are not going to listen to that. We are not going to listen. We are not going to understand.* And if some of them would listen a little bit more they might actually learn something about budgeting. They might actually learn something about revenue and they might actually learn something about how the Cayman Islands economy works.

Now I must say, Madam Speaker, that many of them from the standpoint of wanting to go into their districts and improve and do things for people . . . I am not saying that they don't want to do that. I have stood on the Floor of this House for seven straight years and never questioned any Member's motive on that point. Where there has always been a disconnect is how do you keep the country moving so that you are able to really help people?

At the end of the day the Government also realizes that it is about the economy. I have stood on the Floor of this House for seven and a half years now and talked about the importance of a robust economy. Not getting up and talking about these specific and very finite measures that we have come up with in a piece of legislation. The Public Management and Finance Law and the compliance thereto does not put one slice of bread on the table of the people of this country. It does not keep people employed. It does not protect the socially vulnerable. It does not provide adequate policing. It does not provide adequate healthcare. It gives us a framework in which we have said here is the minimum standard that we are going to use as a measure for a discreet document called the Budget.

So when the Government continues to get up and talk about measures in a piece of legislation, it really hammers home to me how disconnected they are from the realities of keeping a robust economy versus electioneering and trying to get re-elected in May of 2009. Complete disconnect.

Madam Speaker, just doing a quick analysis of this speech that was delivered on Wednesday, 30 April 2008, I had to really make myself some notes. And I am not usually a person that's big on notes, but you know, when things are really, really bad you really do not want to miss these points.

Page 1 I dub lowering the bars for Caymanians especially the poor and vulnerable. [It is a] Skillfully crafted document because the first thing it did was it said the poor people . . . it said to the middle class—the shrinking middle class—lower your expectations. Temper what you expect in what is supposed to be the land of milk and honey and compare yourselves to what you see on TV and the pictures you see of those in very poor countries who experience abject poverty.

Madam Speaker, I believe it is totally irresponsible of any government to say to this country that that is what we should be doing. To go to our people and say, *Listen, look at the misery of human existence in other parts of the world. Be thankful and just keep the faith. We should continually be encouraging our people to expect and demand the very best. We are supposedly building a country that is for the very best.*

The inconsistencies in the Government's utterances are so obvious because on the one hand we try to temper expectations and on the other hand we say, *Hold on, we are going to build for you an \$85 million building to house civil servants. Hold on. We are going to build for you schools at an indeterminate cost. We are going to give you three of them because at the end of the day nothing is more important. Nothing! Not policing, not healthcare . . . nothing is more important.*

Because, we have persons in this honourable House (and that's the reason they have got here) who are skilled at the art of winning votes. And they under-

stand how to win votes and you win votes with heart-string issues. It is like any relationship. If you can pull a person's heart you are more than likely going to get a positive result. If you can pull their heart and really make them feel positive toward you, you are more than likely going to get a positive result. And that is what is happening in the country today.

On page 2 we hear . . . here we are in 2008 and here we have our Government reminding people of the phenomenon of globalization. If that is not indicative of a government that is lost and out of touch with reality, nothing else is. Globalization is no longer a phenomenon. Globalization is here. It has been here for a long time. We have been talking and preaching and trying to educate our people about that reality.

But you see what happened in the months leading up to May 2005 was that we tugged at the heartstrings and we talked about taking the country back. Taking the country back. We have to take it back because someone has come in and taken it away from you. So everybody's expectations were riding on a high. *Oh yes, this is the conservative government we want. They are going to come in and really clean house. We, as Caymanians, are going to get our just desserts.*

Three years later we are being told to compare ourselves to abject poverty and be thankful. Now, we must count those blessings and name them one by one.

Now, let's fast forward that to today, Madam Speaker. My, how the time has changed! On page 34 of the document, we hear the Government now saying, **"We need our legislation, our regulatory regime, including our Business Staffing Plan and Work Permit regimes, and our administrative processes to fully align with our economic needs and goals."** Sounds like a message that we have been preaching from 2000 till today.

But, you see, the White Knights came along and the White Knights said to the Cayman Islands, *Hold on! McKeeva is selling Cayman out. The UDP sold you out. Sold you down the river along with your future. We are going to take Cayman back. Help is on the way!*

**Hon. W. McKeeva Bush:** Yes!

**Mr. Rolston M. Anglin:** The *help* now tells us, if we turn to page 35, the point is so important that it has been mentioned twice in this all important document. **"Government support will take the form of a clear, effective and tailored entry regime, including an enhanced Business Staffing Plan regime, for qualified reinsurers, designed to appeal to either start-up reinsurers or existing reinsurers looking for viable options for locations in which to grow their business. In turn, the Government expects reinsurers who wish to take advantage of the entry regime to enter into a 'social contract' reflecting a partnership approach to joining our financial ser-**



**vices community, via specific commitments to education and training opportunities for Caymanians. The Portfolio of Finance & Economics as executing agency will be coordinating the delivery of the regime, which is expected to be rolled out very shortly.”**

Again, Madam Speaker, I have gotten up on the Floor of this House trying to make our people understand the reality of globalization and the reality of capital and how capital works and how capital seeks a profit. And if you want to be in the fight you have to give something up because there is no one out there that loves the Cayman Islands and Caymanians so much that they are going to come, invest all their money and simply say, *Here Caymanians, you have and do as you please with my business. You reap all the benefits and that's how it's going to work.*

We have been preaching that for years. We have been preaching to people, *Look, let's make sure that Caymanians are given every opportunity to maximize their potential. Let's ensure that our labour and immigration policies work in tandem to force companies who may otherwise give Caymanians the first opportunity to maximize their God-given potential.*

And we have also said clearly to the public, *Look, we need to ensure that Caymanians are in the fight.* I would much rather . . . and you have heard me say this before Madam Speaker, I would much rather have a Caymanian come to my door and say we need for you to try to change this law or that law to ensure that I am treated fairly, than to have a Caymanian come to my door and say *Well, my company's closed down. Mr. Anglin, I need \$100 for my light bill.*

But you see the mixed signals were sent out—the divisive factions that are still in this House despite the wishes of the Second Elected Member for Cayman Brac and Little Cayman who delivered a very eloquent, Rodney King, can't-we-all-get-along speech yesterday.

The reality is . . . he may very well see it that way, but he ought to understand the realities of what happens in this Chamber and what happens when people want to get in here and what has happened is, we had to go out and fool the people and tell them . . . Okay? The PPM had to go out and fool the people and say, *We need to take Cayman back.* Not understanding the realities of what that message was sending to the very people that they now claim they are going to attract and welcome to our shores. Not understanding that a lot of them were going to leave our shores. Not understanding that all we were doing was building up more animosity between Caymanians and non-Caymanians. But you know what? At that point in time it was convenient. They did not care! They did not care!

Now, I must say there may be a couple of them who may truthfully get up and say *I didn't know.* There may be a few that can say, *You know what, I really didn't understand what I was doing. I didn't understand.* But in the vast majority, they understood

exactly what they were doing leading up to May 2005 and it was to get here at all cost.

Now that the economy is turning down, and now that businesses are continuing to leave, oh the tune has changed now. Mind you, those points have been so conveniently hidden in the address by the Leader of Government Business that they have barely seen the light of day. They are not going to come out and openly tell the public, *Look, we were wrong. We now have changed. This is the way life needs to be.* We need to have a partnership in this country because this country is years, generations, away from having any semblance of economic independence. The majority, my guess just based on my knowledge of private sector . . . All you have to do is drive around and look with your eyes wide open and your brain in gear to understand where the capital in this country lies. And the majority is not in the hands of Caymanians. Now, what we also need to tell our people at the same time is that is globalization.

I have said this before, so I hope the Third Elected Member for George Town is listening. I said this before. President Clinton, the former President of the United States, became the most successful president (economically speaking) in this generation because during his term the capital markets in the US had three times the amount of foreign capital invested in them than [during] any other president.

I hope that the Members are listening and starting to learn how this world works. No man is an island. And I have said this before. But, of course, they don't listen. I have said this for at least three Throne Speeches. If the great United States of America—the country acknowledged to be the world's economic powerhouse—is dependent on foreign direct investment, how in the world could we dream that an island as small as Cayman, no natural resources to speak of, only started to have any semblance of real economic domestic activity in a tangible sense in three short decades, how could it be that we could dream of having economic independence?

Come on people.

Come on fellow legislators. Let us be truthful to our people for a change. Let us search our souls and start to be real ambassadors for change, real educators. Let us really be honest with our people.

Madam Speaker, let us think about the number of Caymanians who have gone on to become architects, qualified accountants, qualified lawyers, doctors, other professionals. Let us talk about the number of Caymanians who started up small businesses in the last three decades. I know all of us can think of people that we would never have dreamed would have made it to where they are today, if we had judged them 30 years ago. Some Caymanians have benefited tremendously.

Madam Speaker, I have said this before as well. I am convinced that one of the real and only reasons that I stand where I am today with this honour is because of that economic prosperity, [and] is because

two Englishmen who were partners at Pricewaterhouse at the time had enough confidence in me to send me on a scholarship.

We ought to also . . . because you see, as the old saying goes, if you are prone to forget you are going to make the same mistakes in the future. And I say this, and I have said it before in this House without fear or favour, 'When we look at who in the private sector has given scholarships to poor Caymanians who would never have gotten it otherwise in this country, when we look at who has done that in this country, I want the PPM to tell the country who we are taking the country back from. That's what I want the PPM to tell the country.

Why do I get so impassioned, Madam Speaker, when I am speaking? I get so impassioned, Madam Speaker, because you know the reality is . . . when the Honourable Leader of the Opposition got up yesterday and talked about those in this country who would never, ever, ever and never will support people like him and me getting to where we have gotten to in life, that is a stark reality. I can tell you this: When I go to the cocktail parties nobody recognises my mother or father's name—and that is no disrespect to my mother and father because I love them and I would never change them for anything in this world. But that's the reality in this country. If they want to talk about truth and they want to talk about taking Cayman back, that is what they should be telling the people.

**Hon. W. McKeeva Bush:** Hear, hear.

**Mr. Rolston M. Anglin:** But you see, Madam Speaker, this is all about a game. The game is called politics and the game is called *Defeating McKeeva Bush*. That's the PPM's agenda.

Now, of course, they never ever like when I get up to speak, you know. They never do.

[inaudible interjection]

**Mr. Rolston M. Anglin:** That's why they wait by the door until I get up because they don't ever want me to have the last word. Oh, they say no, no, no, no, no. When the truth comes out we need somebody to come from behind and smear and twist things back around so that it suits our political agenda.

**Hon. W. McKeeva Bush:** Hear, hear.

**Mr. Rolston M. Anglin:** That's been the MO of the Government for three years.

Am I surprised at where we have wound up economically? Am I surprised?

Two years . . . last Throne Speech, last debate on the Throne Speech and Budget Address, my theme was '*the war on the middle class*.' Madam Speaker, I sadly have to stand here 12 months hence, and I have not seen any initiative by the Govern-

ment—none!—that has stopped the hemorrhaging of the middle class in this country.

**Hon. W. McKeeva Bush:** Hear, hear.

**Mr. Rolston M. Anglin:** If we are going to build a successful society that is mimicked after western society, you have to have a vibrant and strong middle class. Otherwise everything else falls apart.

I wonder if the PPM honestly understand the connection between rising serious crime and the social dysfunction in this society. I wonder if they do. Or is it, *Well, let's budget some more money and let's throw some money at it?*

Madam Speaker, you know, if it took throwing money at problems the Cayman Islands would have none. The Cayman Islands would be a Utopia. There would be not one single problem in this country because we have the resources and we have thrown the money at it. But we have done it and we have not fixed and tried to address the very root causes of what we see manifesting in our community. That is one of our big problems.

Madam Speaker, if we move back we see another buzz word. One thing I must agree with the Honourable Minister of Education on or use, rather, from him. . . he had this little saying when he was in the Opposition, "oh how loud the thunder, but how little it rains." And the reality of the chickens we now see coming home to roost in terms of revenue being down is a result of just that.

Let us talk about some more of the buzz words. Another great buzz word of the PPM is "Government in the Sunshine."

**Hon. W. McKeeva Bush:** Oh!

**Mr. Rolston M. Anglin:** Found on page 4. "**government in the sunshine**" and three years later none of the statutory boards of any significance are open to the public. One of the most important functions in the governmental organs of this country has been our use of boards to execute government business under law. Boards like the Central Planning Authority, the Immigration Board, et cetera.

For a long time we have talked about this. So much so, that when we did not see any action happening, I think it was last year 2007, we in the Opposition moved a motion because the truth is that in 2005, we said we were not going to be the type of Opposition that the PPM were when they were in opposition. We gave them a whole 24 months to lay out their agenda and where they were taking the country.

Of course, we didn't see critical things coming forward—that being one of them. Because if we are going to speak about '*government in the sunshine*,' what has caused Caymanians to be so distrusting of government and how government functions is what happens in government statutory boards. I mean, certainly it could never be that we are the only ones who

have heard that over the last few decades. It could never be. It could never be that we are the only ones who have heard people accusing boards like the Central Planning Authority and the Immigration Board of being corrupt and favouring the privileged few. And that big business can get away with anything. Certainly it could never be that only one side of this House has heard that.

Yet, Madam Speaker, matters like that with any little bit of will could happen. Of course, you hear all the excuses in the world 36 months hence. Oh well, where are they going to meet? How are we going to execute this? How are we going to do that? How are we going to do this? You know, the people do not elect us and do not then put us in trust with the administrative day to day responsibilities of this country for them to be asked how. They are to be shown how. It needs to get done. People's business needs to get done.

But, Madam Speaker, the halls of government are as dark today as they have ever been. They have been hanging their hat—that is, the PPM Government—on these so-called Cabinet press briefings.

**Hon. W. McKeeva Bush:** Oh! Scandal meetings! Government Scandal meetings!

**Mr. Rolston M. Anglin:** What a farce!

And, Madam Speaker, at the end of the day the people ought to remember and the people ought to judge them based on all of this immature and childish behaviour that we are seeing. All of this misuse of public funds.

So, what is a Cabinet press briefing, Madam Speaker?

[In] any mature country, the Cabinet comes to the country, it announces the major decisions that it made in the last week. If there is a matter of national importance, it speaks to them. And then they open themselves for questioning. That's a Cabinet press briefing.

The farce that we have seen as born in the Cayman Islands is one where Ministers get up, they lambast and smear, insult, badger the press and make comments like, *Oh well, this isn't your show, this is my show* in reference to some of these talk show hosts who apparently go to these Cabinet press briefings who apparently agitate the Government.

So, Madam Speaker, they then decided, no we are not just going to have them we are going to put them live on Radio Cayman, we are going to put them on TV, we are going to misuse the public purse for our political agenda without coming maturely to this country to offer up a sunshine government. Anybody can do what they are doing. Anybody can get up and go in the hall and start going to and fro with members of the press. Who can't do that?

What about the non-sensitive decisions that Cabinet has made for the last week giving a detailed report, opening itself for scrutiny and moving on?

That's all a Cabinet press briefing is. But even that, the Government has put their little twist on.

You see? I guess it is all part of this taking Cayman back. And the taking Cayman back is all about smoking mirrors. Next election get re-elected. Every step of the way that is the prime motive.

"When we took office", and this is again continuing on page 4, "**When we took office, the Cayman Islands were in crisis. Devastation from Hurricane Ivan was widespread and very much in evidence across the land.** [Said the Leader of Government Business on 30 April 2008] **Crime had become a serious problem. There were serious concerns about governance and allegations of corrupt practices in government.**"

Now, Madam Speaker, devastation from Hurricane Ivan was widespread and very much evident across the land, yet they were the same Opposition who when we went to the Governor, and all of us met after Hurricane Ivan, and said to the Governor, Look, we believe for there to be free and fair elections the country needs the time to recover, heal, so that everyone is in a correct frame of mind and can go to the polls and make a responsible decision. But do you know what the Opposition said? I clearly remember the Honourable Minister of Education sitting in the committee room of this Legislative Assembly and telling the then Governor, Mr. Bruce Dinwiddy, that everywhere he went in the country people were concerned of the date of the next general election and that they were not going to agree to it being delayed any more than six months because the country was ready for the election. Yet, 36 months later the Honourable Leader of Government Business gets up and says that when they took office the devastation from Hurricane Ivan was widespread and very much evident.

So, devastation was evident across the land, yet they pushed an agenda, *let's have this election now. Let's make sure that people vote while we believe they are in misery.* Because when people vote and they are in misery they are going to vote against the incumbents. Classic! I mean . . . I have to laugh when the Leader of Government Business says, or accuses any of us of being slick politicians. I really have to laugh at that. Let me tell you, I like the gentleman, but—

**Hon. W. McKeeva Bush:** They are slicker than you.

**Mr. Rolston M. Anglin:** —but to get slicker than the Honourable Leader of Government Business . . . Madam Speaker, I would have to be reborn about 100 times to be able to fill those shoes, because classic, classic, classic politician!

If this is not proof and evidence . . . the country was wide . . . devastation was seen across the land; yet we were ready for an election, yet we held an election. Something doesn't add up.

Then, he goes on to say, **“It seems, based on how they speak today [they being the Opposition], that the other side has conveniently forgotten these things. The Government of the day [that, is the UDP], which comprised of members on the other side, had no solutions. It [that is, the UDP] proved unable to rise to the challenge of recovery and reconstruction.”**

Wow! Classic politics again!

He then goes on at page 7 to say: **“We have now received the first installment of the EU funds to be used for Hurricane Ivan related works to be carried out through the National Recovery Fund offices. The total amount forthcoming is 7 million Euros, the first installment being the equivalent of CI\$1.3 million. We expect that the tendering process will begin very shortly, with construction to commence immediately thereafter. This Madam Speaker will go a long way to providing relief for all qualified persons. We expect these funds to complete all recovery efforts relating to Hurricane Ivan damage to homes and displacement of families.”**

Madam Speaker, let's make sure that we have got this right because the PPM has a way of really spinning things. So maybe they are spinning this one so far that none of us can keep up. The last time I checked Hurricane Ivan hit Cayman in September 2004. The then Opposition, the PPM, were confident enough that the country had recovered to hold general elections in May 2005.

Two thousand six, two thousand seven, two thousand eight . . . I use my little fingers, Madam Speaker, to come up with three years. Thirty-six months later the Government has the audacity and the temerity to say that the UDP was incapable of rising to the challenge; yet 36 months later they are going to stand in this honourable House and talk about Hurricane Ivan damage to homes and displacement of families? They are still incapable of getting people out of trailer homes, Madam Speaker.

I should not get worked up? I should not be infuriated as a legislator? I should not be infuriated as a Caymanian?

Does the Honourable Leader of Government Business have the audacity—audacity!—to call any person on the face of this earth incapable? Yet he can get up here and talk about for three years—three years, Madam Speaker—we talked about a budget surplus in 2006 of \$3.3 million. In 2007, \$35.5 million, in 2008, \$17.4 million, this year \$13.3 million budget surplus, operating surplus. This is what Government was expecting and in all instances they have experienced real surpluses. The Cayman Islands have made real profits, the Cayman Islands Government.

That is not even to talk about whether or not we have made that and you might want to borrow some money to fix some people's homes, to get displaced families replaced and into their homes and into a comfortable lifestyle. Yet, the Government has the

audacity to come with this slick document that is so disingenuous and so disconnected. It spreads so much lies and propaganda because, Madam Speaker, if you could on one hand (on page 4 of the document), say that one person is incapable yet you had 36 months and you still have people in his district and in my district in trailer homes living in deplorable conditions.

**Hon. W. McKeever Bush:** Yes.

**Mr. Rolston M. Anglin:** Yet they are going to talk about incapable?

**Hon. W. McKeever Bush:** Shame! Shame on them!

**Mr. Rolston M. Anglin:** Madam Speaker, slick politicians. Very slick!

Make people suffer for 36 months, try to do something at the very end because they are going to remember it. *They are going to remember us as the White Knights. They are going to give us the vote.*

The same thing happened with the poor relief. *It is only in the last 24 months that people are bad off and that people needed more money. It is only in the last 24 months that the increases came.*

Madam Speaker, if the UDP had the audacity to do what the PPM did last Christmas in giving away public funds to underprivileged people, they would have had marches, demonstrations, they would have had everything in the world. They would have called commissions of enquiry, they would have called the Auditor General to investigate, they would have called everything! Everything they would have called at us!

Imagine the Government going out and saying . . . and of course, they did it. Do you know why? They said, *Well, you know, look we are going to box the Opposition in now. Let's get back to the politics of this. We are going to box the Opposition in because once we are giving the seamen, veterans and indigents, they are not going to say anything. They're not going to dare say anything about that.*

I say, as the Honourable Leader of the Opposition has said, the truth is that money needs to be increased and we all know it. We all know that the minimum standard for living and surviving in this country far exceeds the \$550. Far exceeds it.

But you see, Madam Speaker, the Government really was not interested in trying to listen to us and work with us to come up with ways to get this country in a sound financial state so that we could be giving these persons—these deserving persons—the money they truly need to survive.

Oh, I know they are going to come behind me and say, *Oh well, you see, he's against you.* Because they really, really take the Caymanian public for a bunch of fool-fool people. But Caymanians know better. Caymanians know that they have been duped.

Madam Speaker, how loud the thunder is is more evident on page 5 where we talk about the

amazing . . . **“look at the amazing transformation in education—from pre-school right through to university.”**

Madam Speaker, the Honourable Leader of the Opposition last year in his [debate] on the Budget Address, and other Members, have all said that we are waiting to see what the results of what the Minister of Education is trying to do will be. We've all said that. Nobody is going to suggest that the Minister is not trying. He is trying. He says he is trying. But we do not see any proof coming forward yet, 36 months later.

Everything he has hung his hat on has been programmes that he found in place. He has made a few changes to the Middle School [formerly George Hicks Middle School] which, from what we can understand has made some good improvements on that campus. None of us have gotten up and bashed him. We try to be fair, Madam Speaker, really trying to be fair. But the proof is in the pudding, right?

Let us talk about exam results. Let us talk about how many people are graduating with distinctions from university. Those are the sorts of things that the people in this country are expecting; they are not expecting children to be left behind by the system.

Now, let us get on to the schools. Oh boy! Oh boy! On the heels of getting elected, that same Minister got up and said on the front page of the *Caymanian Compass* that the school in West Bay was a pie-in-the-sky concept. Pie-in-the-sky!

Well, all I can say is that he must be today's version of the old fictional character that was in schoolbooks of years of yesterday, Alnaschar.

**Hon. W. McKeeva Bush:** Alnaschar!

[laughter]

**Mr. Rolston M. Anglin:** Because, Madam Speaker, that pie-in-the-sky . . . and let me say this, Madam Speaker, and I say this in all seriousness: He is trying to build that school into the sky, because when I am driving home I cannot even see the cricket pitch from Birch Tree Hill Road. That is piled so high.

Now, Madam Speaker, that area used to be a cliff. It used to be about a five foot cliff. When ground was broken for it to become the Dalmain Ebanks Civic Centre, a decision was taken at the time to tear down some of the cliff. Everyone wondered why the cliff was being torn down where the cliff had gone. Then the civic center, they wanted that high to avoid hurricane surge or flooding. Then, as I understand it, they had done even more only to now be refilled.

I suspect that what we are going to hear is that from an engineering standpoint there was something in that rock that caused it to be compromised, et cetera. What would be very interesting to know is how that material that has been removed is going to or has offset the cost of the fill that has now been put there.

Every citizen that has to traverse Birch Tree Hill Road has come to us as MLAs and asked “How is

the Government going to avoid Birch Tree Hill Road at that point from becoming flood prone?”

Madam Speaker, you may not have seen this. I am not exaggerating when I say that when you drive past you cannot see the cricket pitch any longer, that is how high they have piled this up. As I understand it they are saying it is going to serve as a hurricane shelter so it ought to be high. Fine and dandy.

The community wants answers. They want to know what is going to happen with the road. Are they going to do an overpass there? Are we going to build the road up at that point so that the road rises to that same height and then slopes downwards at the other end? We do not know. And I would have thought that a Government in the sunshine would have come to the community and said, *Folks, here is what we are doing. And here are all the areas that you may be concerned about. And here are our thoughts on them. Here's how we are going to mitigate those factors.* I do not think that is asking too much.

But, you know, from what we can understand in West Bay . . . you know, it is certainly the district that time forgot.

**“Health care is in much better shape today . . .”** on page 6. Buzz words again. I am confused on this one. Health care is in much better shape today, but the HSA is hemorrhaging to the point where there is no end in sight. It is subsidy after subsidy after subsidy.

Is it just us in the Opposition who get the complaints? There is a great staff up there. A lot of very hardworking men and women. And all of us, whether in private or public sector, applaud the hardworking men and women in Cayman. We applaud them. We want to make life better for them so they can build a good solid middleclass and be able to provide for their families so that we can build a socially protected community. That's the goal of all of us.

Unfortunately, we have been falling way short of meeting that goal. We hear all the massive complaints. We have been told about a reorganisation of health services for three years. All we are asking is where is it? Is that too much to ask? Where is it? How is it that we are going to overcome the difficulties that plague the organisation?

I believe the Minister of Health greatly cares about the HSA and healthcare. Nobody can say that the Honourable Minister is not a caring man. Nobody can truthfully say that. Nobody can truthfully say that he truly does not care about this subject and the other subjects in his ministry. Nobody can say that.

However, the facts are the facts, and facts are a stubborn thing. During this term the Minister came and he said, *We've found . . . not even the best thing since sliced bread, we've found a replacement for sliced bread in the form of the former CEO.* What a disaster that turned out to be. I think he quickly learned that despite how easy these things have looked, there is a real risk when you hire somebody. They just might not be what they are cracked up to be.

So while they pine in the past and make all the statements they want to make about the HSA as operating without a budget, and they make all these wonderful revelations that have been made now for three consecutive years and the country is there with their hands in the air saying, *Okay. Fine. You have told us that for three years. Where is your plan? Where is your budget that has made things better at the HSA? Why are we still getting the same complaints that we have always gotten?*

And mind you now, Madam Speaker, I think it is fair to say that the complaints we get are about a very, very small, small group within that organisation—miniscule. I say all of that to say that it would seem as though from the outside looking in that the cancer is very much confined. It seems as though it is not like you have an organisation that has cancer that spreads throughout every organ and every limb. Where is the reorganisational plan? Where is the plan to make the organisation truly sustainable? That is all we are asking.

But when you add these types of bombastic statements that do not reflect reality, they have to be challenged, Madam Speaker. Have to be.

The Government then went on to brag at page 6, “. . . **made it easier for Caymanians to qualify to own a home.**

Madam Speaker, speaking in the vein that the honourable Second Elected Member for Cayman Brac and Little Cayman had, which he really tried to bridge the gap and say *legislators, community, whilst we have different political views on some things we really want to be working together.* But you see, Madam Speaker, how his front bench works together is to come down here and slap people in the face. Not even give them credit for what they tried to do, not even give the Opposition as much credit as to say, *You know what? We got some stuff done. There were some programmes in place that we have now resurrected and, more important, they moved some important motions over the last two years which the Government accepted as it related to first-time Caymanian home and land owners, real property owners.*

Couldn't even have the goodness in their hearts to say, *You know what? Perhaps they did move a motion. We accepted it.* But they then could have right then thumped their chests and said, *But we did something about it.* And then the Opposition would have had to applaud them and say, *Yes, we moved a motion and you did something.* But no, no, no, no, no, *We have to leave those boys behind.* Sounds like the constitutional modernization process. But I will get to that in a minute, Madam Speaker

Road development: Madam Speaker, we on the Opposition have long advocated the necessity of road and infrastructure development. I remember standing on the Floor of this House and saying it (that is, road development) would have provided a new wave of economic opportunity in this country. I remember standing on the Floor of this House and just

taking my district and using what I believed to have been the average salary of West Bayers and the amount of time they spent in traffic on a morning and annualizing that number. In other words, Madam Speaker, looking at the human cost of inadequate road infrastructure. I was coming out conservatively, Madam Speaker, at somewhere around C1\$8 million to C1\$10 million.

So, I am not going to stand here and criticize the Minister of Roads. As far as I am concerned, and I have said this in public before, that road has paid for itself within 18 months of its opening. Now, what would have been more helpful would have been if the Government had also acknowledged the fact that the road had been started when they took office. That is, the extension from Esterley Tibbetts to Indies Suite, what is now St. Matthews dormitory. Certainly, funds were left in place for the works to be done.

Madam Speaker, they had to take a shot at the First Elected Member for Cayman Brac and Little Cayman. Now, it would not have been . . . the job would not have been complete if we did not say on page 10, and I quote: “. . . **Cayman Brac and Little Cayman [have been] allowed to be left behind.** But I will leave that to be dealt with by the honourable lady Member who can ably defend her record and her performance.

What I would like to ask the Second Elected Member for Cayman Brac and Little Cayman though, is if he could give the country a list of the meetings that perhaps the First Elected Member for Cayman Brac and Little Cayman has been conveniently left out of as it relates to their district over the last three years.

But down here we talk about brotherly love. I get back to that Rodney King thing, “Can't we all just get along?” Yet, Madam Speaker, the actions are so different. Talk is so cheap. Talk is so cheap!

Madam Speaker, the Government came in this term with a tax package, if I remember correctly, somewhere in the region of \$28 million. We argued vehemently against the tax package and said, *Look, just understand. Irrespective of whether some of these items are directed directly at the small man, you have to be careful that some of them—not all of them, but some of them—do not give people the impression that costs are going up and, therefore, people start reacting.* Because the Honourable Leader of Government Business has acknowledged in his contribution that perception is reality. And I am coming to that a little bit later. But he has asked people not to believe it is so bad and it will not be that bad. Don't lose confidence because if you lose confidence then things will get worse.

So, Madam Speaker, we got up and we argued against it. We said, *Look, you don't need the money now necessarily because at the end of the day a lot of this money we were told was to fund the capital works of the Government.*

I clearly remember that a lot of it was said was going to be used for the wholesale changes in educa-

tion that were going to take place. Thirty-six months later we hear that the schools are now going to open in 2010 instead of 2009. We hear that Beulah Smith campus in West Bay . . . well, they are working out some details on that. So, the resources, that is human, the operational cost, like electricity, et cetera, of those campuses are not going to take effect until at the earliest (from what the Government is now saying) September 2010.

*Yet, Madam Speaker, no, no, no, we are not going to listen to anyone on the Opposition. Opposition you are wrong, wrong, wrong. So we are going ahead and do this.*

Lo and behold, some 24 months later a lot . . . the money or the uses of this money has not even come to fruition for the Government yet. I suppose, though, that perhaps if I were to really, really use my imagination, perhaps the Government was recognising even from then what private sector was losing was confidence. And so they said to themselves, *Let's get the money in now because we would rather introduce it now than introduce it later on.* That is, the tax package.

Now, what's very interesting about this Address, and I have said this before and I will say it again—we have to listen very carefully to the Government when they speak. We have to listen very, very carefully to the Government when they speak because on page 12, **“So much so that despite a projected decline in revenue, Government has honoured a commitment for the third straight year not to introduce any new taxes that would have the effect of increasing the cost of living and the cost of doing business here.”**

What we have learned over the last few months is that we need to ask the Honourable Leader of Government Business what he means by “government” because when we entered the debate on the Health Services Fees, we heard, *Okay, that's not core government that's an authority.* Fine. Great.

We get a little wiser now (we, that is, the Opposition). So this time around we say, *Mm-hmm, we see this same claim. Let's search the document and let's see what else they are saying.* And, Madam Speaker, lo and behold we see that the Government is also telling us that, as it relates to the Health Services, and this is on page 19, bullet point 1, 2, 3, 4—have to be very specific because I do not want anyone to come behind and say this was my imagination and if I really, really believe it is not the case, then it won't be the case.

**“A comprehensive review and adjustment of fees for services provided by the Health Services Authority will be carried out in order to ensure the organization appropriately accounts for the cost of services provided.”**

So, what we as a House, what the country needs to clearly understand is that when the Government says no new taxes, they mean core or central government, not the entire public sector. So there may

be new fees and new taxes in statutory authorities because they are not part of core government.

Madam Speaker, I should not have to be standing here wasting my time and the good time of this House having to delve into this document in the way that I am. But history has taught me that I'd better because if I do not, when I come back with an argument a few months from now I am going to be told no, no, no, no, no, no, this is not what was said. And you see, Madam Speaker, it would have just been more useful if the Government had just simply said at the same time that there is no new government revenue measures, to have said what they meant by “government” and to have said to the country, *Look, we do have some statutory authorities that need to be financially feasible and therefore we are going to have to look at the fees and here's why.* Just tell the country up front, right then and there together at the same time . . . not in this disjointed fashion where you can have, again, these splashy statements said and then later on something slightly contradictory being said. But, you know, at the end of the day, if you are not paying attention, we will all get caught out. That is certainly the way I read this.

We all know, and I think even the Leader of Government Business would agree with me, that his call for people to be more confident in Cayman has to naturally entail more spending at home. And so, the Government ought to have had a complete holistic package and approach as to what they were doing, or what was currently in place that they would enhance, to encourage people to spend more at home and not take their dollars outside the country, to really continue to promote economic growth and economic expansion. I have not seen that anywhere in this document.

I believe as I am standing here that it has not even crossed the Government's mind. They have a couple of little bits and pieces here and there, but in terms of saying, *Look, if we are going to manage the economy here are some of the hallmarks. Here are some of the things we need to try and enhance because we really need people to be spending more locally. We need the multiplier effect to really be maximized. We need people to not be laying off staff. We need people to be hiring more. We need small businesses to be opening.*

But I did search. And I found one. **“Promoting Cayman Brac and Little Cayman as domestic tourism destinations.”** So, I have to give the Government credit. In their document, there is one reference, very specific, clear, unambiguous reference to something that they want to do that would cause Caymanians to spend more money at home. At home. So much so, Madam Speaker, that . . . and I encourage all legislators to take up this challenge. I encourage all Caymanians to take up this challenge.

This year for vacation, my wife and I have decided that we are going to spend a week on Cayman Brac instead of two weeks in Florida. One week in

Cayman Brac. I see the Second Elected Member for Cayman Brac and Little Cayman smiling. So that tells me that that is a good decision.

I encourage all Caymanians to do it because, let's face it, what do we do? Let's be very honest. We jump on the first plane going north and we spend all of our disposable income up north. Madam Speaker, I know people need to do their shopping, et cetera, there are certain things that we simply cannot find on the Island. We are a small economy. We are a small country. We understand that. But perhaps people might consider ordering a few things online, using a freight forwarder to get them here to avoid having to go overseas and perhaps go and really appreciate Cayman Brac and Little Cayman.

I will tell you what—it would do a lot of people on Grand Cayman who have never been to Cayman Brac and Little Cayman a world of good. Not only is it a safe and wonderful experience, and you would be spending money at home, but they would really get to see what the realities are over there and not wonder why it is that we have had to budget the way we budget for Cayman Brac and Little Cayman for many, many years.

I will be the first, Madam Speaker, to put my hand up to say that when I first got elected I really did not appreciate the plight of Cayman Brac as an island. I really did not appreciate it. I will acknowledge that up front.

And it's a learning experience to really see. A lot of us know a couple of Cayman Brackers here and there who live on Grand Cayman. A lot of us have not really realised the brain drain, the human drain that that island has experienced over the last few decades and still experiences. It is a tremendous challenge. It is a tremendous work in progress. That is what the Government needs to be telling the country, not that no one else has done anything for Cayman Brac and trying to lambaste the prior administration because they want to look good for next May.

**The Speaker:** Honourable Member, I think you have gone over one hour. Would this be a convenient time to rest your voice for a suspension of 15 minutes. Not meaning it that way, meaning the constant speaking. Or would you prefer to continue debating?

**Mr. Rolston M. Anglin:** Madam Speaker, I would never take anything you say in a bad way.

**The Speaker:** Well, then we will continue debating

**Mr. Rolston M. Anglin:** —and I appreciate the break—

**The Speaker:** Go ahead. We will take the morning break later on.

**Mr. Rolston M. Anglin:** No, but Madam Speaker, I would appreciate the break for my voice.

**The Speaker:** Go ahead.

**Mr. Rolston M. Anglin:** Madam Speaker, I don't know. . . I must have said something in the wrong order.

**The Speaker:** No you didn't. You are always a gentleman. Continue your debate.

**Mr. Rolston M. Anglin:** Thank you Madam Speaker.

In all that, the one thing that I would encourage the Government to do, though, is to not only look seriously at what the Second Elected Member for Cayman Brac and Little Cayman has said, and many people before him I might add. And I know that he will acknowledge that very quickly. He is not the first person to have come to this House or publicly and said that we still have not gotten the right equipment for Cayman Brac. That has been an argument that has been age old.

I can remember when we hired NCB Consulting in 200—that being a great debate about what equipment was truly needed for Cayman Brac so that tourism could really thrive and be maximised on that island. So that's not new. But I agree that a business plan really needs to be developed and we need to put our money where our mouth is and try to ensure that we develop Cayman Brac and Little Cayman and there is a sustainable economy that suits their wishes and aspirations.

I am not just going to subscribe to the notion that a lot of people down here in Grand Cayman have of saying, *Oh well, that can't be achieved because, you know, if you get too much development then Cayman Brac isn't going to want that either.*

I think that we have learned a lot of lessons here in Grand Cayman, and if we are going to keep our finger to the pulse and be sensible, we can develop Cayman Brac sensibly and within the wishes and aspirations of the residents of Cayman Brac.

But, Madam Speaker, as I understand it in regard to domestic tourism, we have a major problem with the timing of the jet service into Cayman Brac, I think on a Friday night—

[inaudible interjection]

**Mr. Rolston M. Anglin:** Thursday, Friday and Sunday as I understand it, the jet goes in ridiculously late. So much so, that when you get there a lot of the amenities, like the stores, have already closed. Restaurants, et cetera, perhaps may be already closed. I mean if we are going to try to enhance domestic tourism and encourage people from Grand Cayman to go to Cayman Brac and Little Cayman, we have to make the flight scheduling and the packaging attractive.

We ought to be talking to Cayman Airways and the travel agent about putting together special packages, promoting those special packages. That is



what I was hoping to hear in this speech. I was hoping to hear not just an encouragement for people to go; we have always said that we want people to go. Are we really going to make it attractive for Grand Caymanians to go over to Cayman Brac and Little Cayman?

Madam Speaker, as you and I well know, there are so many people in our community who never set foot on either of the Sister Islands. There is a real untapped market. I know a group from a church in West Bay went up, I think it was early this year or late last year. The vast majority of those persons (a senior citizen group) had never set foot on either Sister Island. And they thoroughly enjoyed it. So I believe that there is much that can be achieved but there is much work to be done. Much work to be done.

The honourable Second Elected Member for Cayman Brac and Little Cayman spent a good deal of his time yesterday touching on an issue that is near and dear to my heart. That is macroeconomic performance in Cayman, how it relates to the cost of living and how do we try to address that major issue—people's purchasing power. That is all it is all about; it is about how much can people purchase with the money they make. If people cannot survive, misery will abound. Plain and simple, Madam Speaker.

He had a very interesting train of thought, but I would like to develop some points in it and I would also like to clarify a few of the issues that he relayed. And some of this touches on the Honourable Third Official Member's contribution as well.

We see the Federal Reserve in the US, the Federal Reserve Board of Governors which is chaired by Ben Bernanke. He is charged with instituting policies to right or make better the US economy. As the Chairman of the Board of Governors in recent times he has lowered interest rates. He has lowered interest rates for specific objectives in the United States of America, not the Cayman Islands. So we have to be clear about that.

There is a huge subprime crisis which has led to a massive housing crisis. Every candidate in the US primary election is talking about what needs to happen from a Federal Government perspective to keep people in their homes. And just to make it abundantly clear, subprime is simply . . . if predatory lending practices where lending institutions lend people money who otherwise would not be able to afford the mortgage. In other words if interest rates go to low levels, naturally the repayment decreases.

So, for example, if it is a \$250,000 mortgage, and if interest rates are at 6 per cent and your repayment per month is \$1,500, if interest rates come down to 4 per cent your repayment then comes down to \$1,000. But your income has not moved materially and the lending institutions, having good knowledge, that that rate of interest is not within the band of what is the average over the last two decades, then lend you money on the basis that you now qualify at those historically low rates. In most people's eyes that is not

good banking practices. That is a form of predatory lending. You are lending money to people who you know in normal circumstances cannot afford what you are giving them.

We know the prime four years ago had reached historic lows. Tons of people, millions of people in the US were lent money that they could not afford and as soon as those interest rates started to rise, because the majority are on variable rate mortgages, their repayments started to rise. Well, guess what, the rise in repayment outstrips any raise in pay that they got. Hence they got into financial difficulties.

Now, the United States is trying to address that and trying to stave off inflation. However, in doing so, it has had the knock-on effect of causing the financial market to not be very interested in the US dollar any more because if the US dollar, which is tied directly to its own interest rate and that interest rate is going down, if you are an investor you are not going to put money in a currency that is earning you less.

So, two things have happened: The US dollar has declined. Guess what? The Cayman Islands dollar is directly pegged to the US dollar. It is 20 per cent stronger but directly pegged. Every time the US dollar declines, the cost of goods and services in the Cayman Islands increases. It increases because we do not produce and manufacture locally. All of our goods are imported. So one big piece of the equation that was left out yesterday was paying particular attention to that aspect.

Now, it has had another knock-on effect, which is the decline in interest rates. Lots of people have started to move their money out of anything that is directly tied to interest rate movement and US currency and have put it in commodities. What is one of the most necessary commodities? Oil. What does oil do? Oil makes electricity. So, all of a sudden, people pumping a lot of money into oil have caused the price of oil to skyrocket. It is at historic highs because the US dollar is at historic lows.

So, Madam Speaker, while I acknowledge what the Second Elected Member for Cayman Brac and Little Cayman said yesterday, that we should charge our people as best they can to try to refinance . . . that is the underlying message he was giving, that if interest rates are going down and you have been with a banking institution let's say 5 or 10 years, you have proven your credit worthiness, if you are at prime plus 2, you should be going to your bank and saying "Can I have some consideration here for prime plus 1?" If you can lock in a lower spread long term, your repayment is going to go down.

However, while some persons who have a mortgage are temporarily benefitting, we have to acknowledge that that benefit is but temporary because we certainly have seen the reaction on the US political scene. A lot of people are now questioning whether or not Mr. Bernanke and his Federal Reserve Bank Board of Governors are doing the right thing by lowering interest rates.

What happens when their economic circumstances dictate that they want to stave off the rising cost of fuel? What happens when they want to encourage people to get back in the US dollar and back in Treasury bills and Treasury notes? What is going to happen is that interest rates are probably going to go back up. So, that holiday that people are on is not to be confused with any permanent decline in the cost of living. We also need to be reminding people that they should be shopping around and they should be trying to make sure that the banks are competing for their good credit. I moved two motions as it relates to banking practices and interest rates, a topic near and dear to my heart.

The high street banks in this country cannot say that they have not done well and are doing well. I clearly remember the first report issued by a local bank after Hurricane Ivan. Their unaudited accounts were in the newspaper. And they still were up in terms of their net income and their earnings-to-capital ratio. Okay? So the banks are doing well. A point that has been advocated is for there to be perhaps some diversification of access to capital in this country. Perhaps if the high street banks are going to continue to insist that long-term lending mortgages are tied to a short-term price (that is, prime), then perhaps it is time that Government tells CIMA to look at how they are going to encourage other players into this market who have capital and who want to take on the Cayman Islands.

For a long time we were told, *Oh, well, you're in the hurricane belt and you're a little small country in the middle of the Caribbean, so as a country your country risk is so high that we have to charge you prime plus 3 and prime plus 4.* But I think Hurricane Ivan dispelled all the myths about the risk of the Cayman Islands. The reconstruction and recovery in this country—despite the untruths in the speech by the Honourable Leader of Government Business, this country has rebounded remarkably well and we have proven that we are a good solid market. So perhaps it is time that we stopped seeing situations where our long-term mortgages are prime plus yet we can look online and look at *USA Today* and see where the average national 30-year fixed mortgage rate is lower—considerably lower—than our variable rate. Considerably lower, Madam Speaker.

Cost of money, the Second Elected Member for Cayman Brac and Little Cayman is asking to right the cost of that all-important commodity—credit—money that we are borrowing is of crucial importance to every citizen. I think all of us would implore Government to come up with any programme where they are going to start real financial counseling and be able to assist our citizens in making better decisions and be more fiscally savvy and fiscally responsible because we should be shopping around for our mortgages.

If we are persons who have not missed any payments on our mortgages and we are good cus-

tomers, why should it be that we are paying infinitum and not getting the best rate that we can get? I said this I think it was two years ago (I am not going to just try to beat up the banks). I applaud the banks for some of the work they have done in this area. There are many banks that are now offering “premier customers” prime plus 1. I remember 10 or 15 years ago prime plus 1 was strictly for the very wealthy. So you have to acknowledge that the institutions and business sector have done something. You have to give credit where it is due.

Speaking of the slick politics displayed by the PPM Administration, I note in recent times that the Honourable Leader of Government Business at his Cabinet press briefings has . . . and remember what I said earlier, a Cabinet press briefing should be about the decisions made by Cabinet over the last week and matters that are of national importance. The lowering of interest rates is certainly not a Cabinet matter, but I agree it is a matter that is of national importance. It is very important to all of us in this country. So, he gleefully and gladly has announced the decline of interest rates, somehow wanting to tie his Cabinet and his Administration to people doing better. I am hoping that when the rates start to increase that he also makes those announcements at Cabinet press briefings. I hope he does not forget that. You know, Madam Speaker, I think we go both ways on that street.

I know the Second Elected Member for Cayman Brac and Little Cayman. He is a man after my own heart in that regard. He knows what I am saying.

Madam Speaker, you know history is something else. I started off my contribution by saying that it would do a lot of the legislators well to go back to some of the debates, go back to some of the budgets and peruse them to really get an understanding of how we have arrived at the point we are at. The Honourable Third Official Member mentioned growth rates in the economy. He mentioned that despite declining projections now those projections still compare favourably to the period 2001-2003, I think he mentioned. I agree with the honourable gentleman. I take his numbers as accurate.

However, there is one piece of that puzzle that needs to be elaborated on. We need to talk about the 2000 budget which had a massive \$55 million tax package of which \$30-something million was paying for recurrent expenditure. We need to talk about the September 11 terrorist attacks. We need to talk about the SARS outbreak. We need to talk about the Afghanistan War. We need to talk about the Gulf War. We need to talk about what the world economy was and what the state of the Cayman Islands economy was because of the world economy during those times.

What might compare favourably to that period? The Government took over a country and an economy that was robust and, had we not frightened and scared off people in their haste to get elected, had the PPM not frightened and scared off capital,

frightened and scared off people in their haste to get elected—talking about they were going to take Cayman back—if they had not done that, perhaps they might not find themselves in the mess that they find themselves in now when they have to come like a sinner in church at the altar quoting scripture, singing hymns . . . my God, Madam Speaker.

Man, talk about prison religion. You know, I see this as being distress religion. This is that crisis religion. You know what happens, Madam Speaker, people go to prisons and then all of a sudden they become Christians. You know what happens, Madam Speaker, you get sick and all of a sudden you find religion. Same thing happening here! Mismanagement! Not understanding how a country works.

Economy? Shaky.

Now we find religion!

But, Madam Speaker, I cannot knock them for finding religion. Okay? That's good. That's a good thing. I am happy to see that that's the route the Government has gone. But, Madam Speaker, you know, humph . . . they can quote all the scripture they want. They can ask the Caymanians to close their eyes and pretend that it is good that all is great all they want. If people cannot feed themselves, pay their electricity bill, pay their phone bills; if people cannot afford to pay for lunches for their children . . . I do not care how much the Leader of Government Business gets up and talks about *pretend it's better, pretend all is good, and we will be okay. Keep the faith, brethren. Keep the faith.*

Madam Speaker, people keep the faith when the economy is moving. People keep the faith when there is capital being invested jobs created and people not being laid off. People keep the faith when there is genuine effort to move the economy forward. At the end of the day, I have asked this question in this House . . . if every person in the country had \$100 in their pocket and they had their children and they had to decide how to divide that up and they had to all of a sudden talk about, *Well, do I go to the doctor?* That is health. *Do I make sure I have police?* That is safety. *Go to school?* That is education. How will people spend that last amount of money? How will they take care of their children?

That is prioritisation and being honest. Be honest about what you are doing. Being honest and forthright with the country will always leave you on steady ground. But like the repentant sinner, here comes the PPM acknowledging they have done wrong, acknowledging through the backdoor that they have told this country untruths in their own document—telling the people, but hiding it conveniently on pages 34 and 35—that they are going to change Immigration. We're not talking about taking Cayman back any more. We're not talking about that any more.

Madam Speaker, I think the Third Elected Member for George Town should have stayed in if she really wanted to debate. But I think she might be learning something.

[inaudible interjection]

**The Speaker:** Could we stop the crosstalk please so that the Member can continue his debate?

**Mr. Rolston M. Anglin:** Madam Speaker, I hear her saying I was on the Immigration Committee. Yes. I was on the IRT and the IRT was very specific about how these policies inflict men's patience. Nobody stood up here in December 2003 and talked about taking Cayman back and running off and scaring people. Nobody stood up in this House at that time and chased away the very goose that would lay the golden egg.

We all talked about partnerships. We all talked about how important it was for us to ensure that we had the foreign direct investment that this country so vitally needed so that Caymanians would benefit. And so that Caymanians would continue to improve. And as they improved, they would become the masters of capital. They would become partners and owners in business.

But you see, Madam Speaker, they don't understand that. Just do not understand it! But it all comes out in the wash. Just last year, November 2007, I stood in this honourable House as we were debating that Strategic Policy Statement that the Government has used as the basis for this budget, which, I might add, the Opposition did not vote for. I said, and I quote, **"I cannot feel confident to stand here, on 30 November 2007, and say that given the world's economic performance and the fact that we know that the world economy will have natural periods of slow down and recession, Madam Speaker, that this is the path that we should take the country. I cannot stand here and say that we have institutions, like education institutions, that are in such a state of disrepair that we have to go headlong, headlong, into massive borrowings and massive debt to try to convince the country that that will be for their best interests."** [2007/8 Official Hansard Report p. 635]

This was us arguing against the Government's agenda, against the Government's plan of continuing to launch this country into an unsustainable state because we could sense it coming. We were listening to people out there and listening to people saying that they are sitting on their hands, they are not investing in Cayman. They have a project but they really do not know that they need to go forward with that because they hear the rhetoric and know that they perhaps cannot sell the product they want.

I also said, generally speaking, the cost of all commodities goes up over time. It is exaggerated because our dollar is weakened so drastically against other major world currencies. It is weakened because we are one-for-one pegged with the US dollar. When I say one-for-one, that means for every movement the peg is one-for-one. We know the actual .8 to 1 peg

that is in place, so for every movement in US dollar good or bad we have to deal with the consequences.

Madam Speaker, we were talking that talk for three years. In particular, those types of analyses have been offered up to Government for 24 months. And lo and behold, the Government then has to come and tell the country, *Well, we're projecting revenue shortfalls.*

Big picture, Madam Speaker. Where do the Cayman Islands go? The PPM Government believes that if you close your eyes and imagine it is good, it is good. This PPM Government also believes that it can do the same insane thing over and over and it will get a different result one of these days. I am here to say to the PPM Government that if you do the same thing you did yesterday you are going to get the same results you got yesterday. No vision whatsoever for this country.

To imagine that a government knowing the road infrastructure that we have in and out of George Town, knowing the congestion, knowing we only have space for a two-lane road in and out of this central business district, yet they are going to be insane enough to even entertain the thought that we are going to move our cargo port basically about a mile down the road and think that that is going to fix it?

Oh yes, that fixes the problem.

Thinking outside the box. I am not sure what box the Government is thinking outside of. I know this much, they are thinking well outside any sound economic and business sense box. Way outside that box. They are so far out of the box, Madam Speaker, that I do not even think it is in sight of the PPM Government.

The same with the Airport. Imagine an MLA from West Bay being brave enough to stand in this House and say to our people and all the country that we advocate moving the Airport. In every country in the world, every time you have redevelopment of airport and port, period, the move has been to get them out of the central business district because most central business districts have grown over time. So their capacity to absorb major ports, whether they be sea or air, is not there. They just do not have the physical landmass and compaction to do it.

So, what does the PPM suggest? Well, they are going to try the same insanity that we did yesterday and get a different result today because we can dress it up in red. Just close your eyes, ladies and gentlemen and all Cayman, imagine the good and it will be good.

We have an Airport that we have already moved the road once to accommodate. Now we know we have to move a road again. We have to lose a cricket pitch. Even with all that I understand that we still have to go into the North Sound—the jewel of tourism, by the way—but we have to go into the North Sound. Yet the Government does not see the sense of looking at the big picture and saying where will

Grand Cayman be in 15 to 20 years? That is what is benefitting future generations.

Their definition of “generation” is political curves. I finally got that. It took me a while to clearly understand it, but for the PPM the next political term is the next generation. So, to benefit that next “generation” is to fool the people into believing that what they are doing is right or sensible to get re-elected. Future generations, Madam Speaker . . . most people acknowledge generations are certainly not four years. Four years apart is not a generation. And for us to really benefit this country, we need to have a vision of where we want it to be. And where we want it to be ought to be in a state to provide the infrastructure and opportunity for our children and our grandchildren to prosper.

Perhaps, Madam Speaker, it is because of my age. And perhaps it is because my children are so small that I get so wound up about these very important issues. When I think . . . when I see things that blind Bartemaeus could see, and see the Government going headlong—headlong—making decisions that take us headlong into disaster that our children—my children—are going to have to pay for . . . It is my children that are going to have to deal with all these insane decisions, absolutely insane decisions, because one little area called George Town.

Now, Go East Initiative . . . I guess a part of the Go East Initiative does not take into account whatsoever the fact that we could take some important services and move them east and cause real economic vibrancy in the eastern districts. Do they understand what an airport in the eastern districts would bring to the eastern districts? Do they understand what that would do to traffic? Do they understand what that would do to this economy? Where is the vision, Madam Speaker?

Vision? Madam Speaker, the eye is on the prize. And the prize is May 2009. And you know that is tough for some of them to admit. It is really, really tough because they do dress themselves and sell themselves as something different. But their decision is how they will be judged.

I say that the public will look on and find that the decisions, the implications of the decisions that this Administration is making, will have gravely ill effects to this country. And, Madam Speaker, I believe that with every fibre of my being. History has proven that more times than not, we have been right and the Honourable Leader of the Government Business and the Honourable Deputy Leader of Government Business, the Honourable Minister of Education, have been wrong. Hence, the reason we have asked them, they should go into the history books.

When we brought a budget down here in December 2001, the budget that saved this country from financial ruin because the current Leader of Government Business in November 2000 got up and told this country, quite rightly, that the country was broke. He brought down a tax package of \$55 million, \$30-plus

million of which paid for recurrent expenditure, paid for groceries. Who would go out and have to borrow for groceries? He did it!

We stood up. We said we did not like it. We supported it because the country needed to move on. We had just come out of a general election and we needed a budget, we needed to function. All of us who were here know the times we were in.

By December 2001, when a sensible budget that caused there to be increases in areas that we knew could afford it and, Madam Speaker, in areas that we knew through the OECD and other international initiatives, FATF initiative, we knew were going to cause a certain loss of business in Cayman. We knew that certain Class B licenses were going to go. They simply were not going to stay in Cayman. Everybody knew that. All and sundry.

So we said, *Well, we are going to get the most out of them before they leave and we are going to fix this financial problem.* We took a tough decision, Madam Speaker. Tough! I remember sitting in that committee room and the lawyers coming in and this one and that one coming in and saying, *We don't like this, we don't like that.*

I remember the Opposition getting up and saying, *Oh you're going to cause (because it was December 2001) people not to get a bonus this year if you institute those fees in the law firms. They are going to leave the Cayman Islands. We are going to lose the financial industry.* May 2005, they didn't reverse a one of them. Not a one! Kept every one of those fee structures in place. Every one of them.

If we add up since 2002 through today, because those same fees are in place on those same licenses, if we add up the hundreds of millions of dollars that that has brought into this country's government's coffers, you would quickly see that the country could not have survived without it. They were wrong then, they are wrong now. Three years they have said let us not amass this massive debt.

Madam Speaker, a point that I have been very reserved in bringing into this whole debate over the last three years about the sustainability and affordability of debt, has been the whole issue of what is our bottom line tax base. In other words, when we look at ourselves as the people who are the legal belongers in this country, not people on a work permit who tomorrow if things change more than likely will leave, when we look at how much they contribute to Government, that is the all important measure—

**The Speaker:** Honourable Member, you have seven minutes remaining.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

That is the all important measure when we are going to start talking about debt servicing ratios.

We have seen these rounds of attacks. A committee of the House of Commons is now looking

at off-shore centres again, looking at their impact on the global capital markets, the global economy.

Madam Speaker, the attacks are not going to end. From the big picture, the big world's perspective, a country with 50,000 people should not be a major financial player on the world scene. We should not have somewhere around 10,000 hedge funds registered here with trillions of dollars of assets. According to them, we should not have the 270-plus class B licensed banks. According to them, we should not have the captive insurance companies.

We have seen the investigations launched by the US Senate. Now, we have been smart-ish so far to try and really defend ourselves. That is something that we have been starting to understand and do a much better job at, and the private sector has assisted greatly in that regard. But let us bring this argument back into focus.

When we are talking about sustainability, yes we cannot just paint gloom and doom and say, *Well, we can't afford anything, therefore we are not going to improve any infrastructure.* And the Opposition has never advocated that position. What we have said is when we incur debt, we need to make sure that when we are looking at our ability, the government's ability to raise revenue that we need to really make sure that we are looking at what is the sustained tax base in this country.

What happens, Madam Speaker, if there is a launch or an attack that we just do not anticipate today? And I am not suggesting that this is going to happen tomorrow, but let us say it happens in five years' time and all of a sudden the hedge funds are gone. The mutual funds are gone. The class B licensed banks are gone. What are we going to be left saddled with? We need to keep our eye on the ball. And we need to be truthful to ourselves and say, *Okay, what do we need to do? Not want . . . I want everything for Caymanians!*

I think all of us want everything for Caymanians, for ourselves and for our people. But we need to be careful about sustainability. What is truly the sustainable level of future commitment we want and ought to make?

Can we survive by phasing some of the Government projects and saying, *Okay, we have a priority area, but within the priority area here is the absolute must do this year. Three years later we are going to do "Y", three years later we are going to do "Z" . . .* and on down the line. Madam Speaker, at the end of the day, the proof is in the pudding and we are starting to see the economy start to crack. We are starting to see some of our fears realised.

Madam Speaker, if there is any genuine commitment on the Government's part to working together, as the Second Elected Member for Cayman Brac and Little Cayman has said, the Opposition will be there to try and work. But you see, Madam Speaker, that has never been this Government's style. Let us take the Constitutional Modernization process.

Kept that under wraps and all of a sudden it is launched to leave the Opposition behind.

At the end of the day I can stand here and say that I have heard a lot of rhetoric. I still see much too much commitment on behalf of future generations than I am comfortable with. Madam Speaker, I cannot in good conscience support where this Government is taking this country that I love so much.

I know they are going to come behind, as is normal, and point fingers. I know they are going to come behind and talk about what was done here and what was done there; who did what, who said what, because that is really this Government's hallmark—smear others, do nothing, ask the public to close their eyes hope for the best and wing it on a prayer. We are going to make it, keep the faith by and by.

Unfortunately, Madam Speaker, that does not cut the mustard. It falls way short of cutting the mustard. I am big enough, been here long enough, can take whatever—and, oh, Madam Speaker, you have been here a lot longer than me—can take whatever they dish out. What I know is that facts are stubborn things, and facts have been painted. The country really understands where they are.

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

First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana O'Connor-Connolly:** Thank you, Madam Speaker. I'm just begging your indulgence until I can have the podium.

**The Speaker:** Certainly.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you very much, indeed, Madam Speaker.

Madam Speaker, once again, I am extremely honoured to have been given yet another opportunity to rise to give my contribution as far as it relates to the Throne Speech and the auxiliary contributions that have been made from the Government's perspective and from that of His Excellency the Governor.

Indeed, as always, I am extremely humbled and grateful to the people of Cayman Brac and those of Little Cayman for their continued expressions of confidence and trust and optimism that they have placed in me for the three successive terms. And I have no doubt, Madam Speaker, that the good sensible people of Cayman Brac and Little Cayman will not be blinded by the redness of the eye, but, indeed, they will see the logic of the day.

Now, Madam Speaker, it is my considered view that the genesis of the success story of the Cayman Islands in fact came from the fact that we were founded upon the sea. We did not begin our success story, thankfully, by the election of the PPM Government. In fact, what a woeful state we would be in to-

day if that was the measure of our success. In saying that, Madam Speaker, I would wish with your permission, to just share a poem to remind myself and others of who we are and from whence we came. It is entitled "Speak Out For Jesus":

You talk about your business, your bonds and  
stocks and gold,  
And in all worldly matters you're so brave and  
bold;  
But why are you so silent about salvation's  
plan?  
Why don't you speak for Jesus and speak out  
like a man?

You talk about the weather, and the crops of  
corn and wheat,  
You speak of friends and neighbours that pass  
along the street;  
You call yourself a Christian and like the gos-  
pel plan then why not speak for Jesus and  
speak out like a man?

Are you ashamed of Jesus and the story of the  
cross that you lower his pure banner and let it  
suffer loss?

Have you forgotten his suffering? Did he die  
for you in vain?

If not, then live and speak for Jesus and speak  
out like a man.

Now I know Madam Speaker, that we have come so far from what our parents built this shore and steadfast foundation on, that it is not even considered politically correct to make reference in public . . . and we have not yet got the Bill of Rights entrenched in our Constitution . . . might I interject that right here and now. In fact, as I have always done during my past 12-year tenure in this honourable House, unashamedly stand up for what I believe in for what has made me what I am today; in fact, for what has made this country what we are today, whether or not we wish to admit it. And we cannot sing the success story of the Cayman Islands unless we continue to acknowledge that the God from whence gave that success not only is the Alpha but, indeed, he is the Omega, and the sooner we take cognizance of that and genuinely believe it, the better off we have of securing our future.

Now, Madam Speaker, most people who know me know that I studied law, but English is perhaps one of my favourite topics, and though words come cheap some will allege words are my life. I listen very attentively to what is said at all times, even when it appears that I'm busy reading here or writing. God has blessed me with the ability to pick up quite a lot that has been said, in particular with facial expressions and otherwise, that I can weigh and see whether it is found in the balance, or whether I can take the words as they have been presented.

Madam Speaker, just three (I would like to say short, but once you are in the middleclass that has been so crushed by the PPM Government, it is not as short as one would like it to believe) . . . But some three years ago when the clarion call was being sent out for the people of these Islands to put their trust in the Government, and when the call was also married with “help was on the way”, I believe that if we are to put credence on those statements, when we married it with the promise of being a sunshine government, if the test was put today I am sure we would see that there has been an eclipse somewhere along the way. And, certainly, if there has been sunshine in Grand Cayman, please spread it to the Sister Islands. Because, not only from my political tenure, but as a resident of the Sister Islands, we on the eastern side of Cayman Brac surely must be living in some other economical utopia because if this is not the worst that I have seen Cayman Brac, in particular, then I don't know. And I don't have a disconnect Madam Speaker. Yes, I have come from the grassroots, but I have walked with kings and I know my people.

This has been a Government (again, as far as it relates to the Sister Islands) where the one, two, three, and maybe if you count hard enough you may get to ten persons or families who have benefited significantly while the rest have been woefully left behind, Madam Speaker. And yet they have the audacity to come and present their leader—also a Bracker through heritage, not birth—to ask the people of Cayman Brac and Little Cayman to trust and to have faith?

Well, Madam Speaker, I took the time to look at these two words: First, “trust”. I can see why some people bought in on that concept. Never mind we did not have a PPM Member running at the time of the election; that was after-the-fact annunciation. We understand the reasons why and we don't lay blame for those reasons, perhaps others would have done likewise. But to put trust means that they were asking to put belief or confidence to rely on their goodness, their character and their power or ability. Perhaps a reasonable proposition at the time when there was not an opportunity to put it to test, but now, Madam Speaker, we have gone into three years and I can see why the Leader has decided (perhaps, reminding his good self of the definition of trust) that, you know, we have to change gears.

Let's not use that trust word—and I wasn't able to find it very many places, if any at all, in this whole entire lengthy protracted contribution—let's say “Keep the faith”. Well, Madam Speaker, may I submit that if we are going to keep something we ought to take time to know what we are going keep. And I quickly referred to what I call the “Faith” chapter in the Good Book that everybody now is referring to. “Keeping the Faith”—let's see what the Leader means.

If we look at Hebrews 11 and take the time to read it, and I am going to put it as proposition so he can answer if he so chooses when he debates or gets

someone else to bring it out for him. Hebrews 11, I will not read it, Madam Speaker, but I did read it and I found 12 different examples of faith, and I want him to tell me and this honourable House and the wider Caymanian community which of these 12 definitions he wanted the Caymanian people to concur with, or to adopt, or to adapt to.

The first one I found, Madam Speaker, was a sacrificial faith, and those who want to check it they can check verse 4 in Hebrews 11. And the example is Abraham and I will just read part of the verse: “. . . **he being dead yet speaketh.**” Is this the type of faith that the Leader of Government Business wants Caymanians to have?

Then I found an example of “translated faith” being Enoch. It says that he should see death and was not found. Is this the type of faith that the Leader of Government Business was asking the Caymanian people to have?

The third example of faith I found was “preserving faith”. The example, Noah—“. . . **being warned of God of things not seeing yet, moved with fear, prepared an ark to the saving of his house . . .**” Perhaps this is the faith he wants us to adopt.

Then I found an example, Madam Speaker, of obeying faith. Again, the example was Abraham and I quote: “**He went out not knowing where he went.**” Is this the type of faith, Madam Speaker, that the Leader wants the Caymanian populist to have?

Another example of faith, in searching for its definition was “believing faith”, an example given was that of Sarah. Again, I quote: “. . . **received strength to conceive seed, and was delivered of a child. . .**” Is this the type of faith that the Leader of Government Business wishes our beloved people to have?

There was also the example of “trust in faith” and the example given was Isaac. The quotation: “. . . **that God was able to raise him up, even from the dead.**” Is this the type of faith that the Leader of Government Business wants at the end of his term? Is this the condition that he wishes to see the Caymanian people in?

And then there was “prophesying faith” and the example given of that is Jacob. The quotation: “. . . **leaning upon [the top of] his staff.**” Is this the condition that the Leader of Government Business wishes to leave the Caymanian people in upon his departure come next year?

There was an example of “commanding faith”. Example given was that of Joseph. Quotation: “. . . **when he died made mention of the departing of the children . . .**” Once again, I put the question: Is this the type of faith he is asking the Caymanians to have as we see our many children being left behind?

Number nine, I found an example of what I term “daring faith” and the example given was Moses—not this one, but in the Old Testament, Madam Speaker. The quotation: “. . . **not afraid of the king . . .**” or might I add, “the Governor”. Is this

the kind of faith, Madam Speaker, that the Leader of Government Business wants for our Caymanians to have? Only he can come back in response.

The tenth example I found, Madam Speaker, was what I term “chosen faith”. Again, the example given in the Bible was that of Moses. The quotation: “. . . **refused to be called the son of Pharaoh’s daughter; Choosing rather to suffer affliction with the people of God, than to enjoy the pleasures of sin for a season; . . .**” Perhaps this is the kind of faith he wants knowing that the Bill of Rights is coming up and with the headlines of “homosexuality” we have seen this past week.

Madam Speaker, I found an eleventh example of faith. It was what I call “conquering faith”. The example given was that of Joshua and the quotation is: **“The walls of Jericho fell down. . .”** Is this the kind of condition the Leader of Government Business wishes to find the Caymanian populace in at the end of his tenure?

And then with a sigh of relief from shore the twelfth faith was the “delivering faith”. The example given was that of Rahab. And the quotation: “. . . **the harlot Rahab perished not with them that believed not . . .**” Maybe, Madam Speaker, this is the type of faith that the Leader of Government wants the Caymanian populace to have. Or does he perhaps want all of the twelve mentioned above? And lest I forget, Madam Speaker, being the avid reader that I am, my eyes could not miss verse [39]. It says, **“And these all having [referring to faith] obtained a good report through faith, yet received not the promise:”** And if I were in court I would quickly sit down, Madam Speaker, and say I rest my case, but because I am also a politician, like the Second Elected Member from Cayman Brac, and my colleague from West Bay, I too have a role to play in this Parliament here today.

You see, Madam Speaker, in my view the Leader of Government Business, from its very inception quoted from the Bible, from Ecclesiastes. Of course, being an average churchgoer I recognised immediately that he was somehow trying to emanate the wisest man that ever lived, but that too has a consequence because the wisest man that ever lived, indeed, was just that. But he certainly had the most concubines recorded in the Bible as well. And, Madam Speaker, he, at the end of his day said: “All is vanity”.

Madam speaker, I was somehow encouraged to see the words that were taken from Ecclesiastes 3 in the very first paragraph of the [address by the] Honourable Leader of Government Business, and I note with interest that he did not quote with entirety, but he chose the sentences from this chapter which was poetic irony, if I may so term it. Because he prefers, you see, Madam Speaker, linguistic elegance and simplicity.

I wish to thank him at this juncture for providing me with the first two adjectives because certainly I can say that I have perused his contribution with much care and attention. I can only conclude, Madam

Speaker, that it was nothing short of linguistic elegance. As far as simplicity is concerned, I will leave that for my conclusion.

He referred, Madam Speaker, to it being “now”, we’re now in a time to sow, to reap, a time for peace, a time for war, a time when there is little, and a time when there is plenty. Having studied psychology, I quickly and immediately recognised what the Leader was trying to do. In my humble opinion, he was setting the stage for what I would term lowering the expectation of our populace. Well, certainly, Madam Speaker, I cannot speak for those in Grand Cayman because I have a more casual relationship here. The Members can get up and defend their own constituency. But certainly I can speak with confidence for the people of Cayman Brac and Little Cayman. He has to do much, much more than talk about a time when there is little and a time when there is plenty because under the PPM Government we are still looking for the plenty, Madam Speaker.

And then, if that was not enough, he puts the icing on the cake of this linguistic elegance. For a while, Madam Speaker, I almost thought of the words, and I am sure this will bring a smile to your face as I say it—being a chef of flowery language. Because it did cross my mind as I heard him go on and, Madam Speaker, with your permission I would just like to read it again for two purposes: to convince myself that upon my first reading I got it correctly, but, secondly, to make sure that the people of Cayman Brac and Little Cayman really hear what the premise of his whole debate was.

And I quote, Madam Speaker, the Leader of Government Business: It says, “. . . **some seasons bring rich blessings. Others, however, bring untold misery. Turn on your television set on any given day!** [Unless you are in Cayman Brac, you forgot to say that we don’t get all the stations always, but nonetheless] **Switch to BBC World, CNN, or any other major channel!** [and might I interject, Madam Speaker, perhaps we should have CITN because the misery is not just international, it is on the Sister Islands] **You will see vivid images of the misery people in certain parts of the world are experiencing. In many instances, theirs is simply a struggle for the basic necessities of life—clothes to wear, food to eat, a decent house to live in. Theirs is a constant struggle against considerable odds to make ends meet.**” And, Madam Speaker, hadn’t he taken a cap or bag and took a collection at that time, I think even I would have made a contribution to these poor people and these circumstances that he was so vividly reminding us of. But might I, through this medium, Madam Speaker, invite that Honourable Leader to spend more time on the streets of Cayman Brac and Little Cayman, meeting with the constituents there, and he would not have to resort to international examples. But that did not surprise me, Madam Speaker, because they said help was on the way, leaving out the silent letter ‘A’.



I think that if they wanted to be the sunshine government they should have come to the Caymanian public and said, "Help will be coming from away". Why do I say that, Madam Speaker? Because when we see the consultancy fees that have been paid to come to advise them, interpret the advice, implement the advice and come to take it through next year May for election, certainly, help had to be coming from away and the Caymanian people should be told that, especially when they were a government that so ably and eloquently advocated the rising of the Caymanian spirit and the nationalism for the Caymanian people; not even wanting to speak the word status, but oh, woe unto those consultants! Where are their nationalities, Madam Speaker? Perhaps the sun needs to come out of the eclipse and some sunshine start to shine.

This is an appropriate time, Madam Speaker.

**The Speaker:** Thank you. Proceedings will be suspended until 2.00 pm.

**Proceedings suspended at 12.44 pm**

**Proceedings resumed at 2.26 pm**

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

The First Elected Member for the district of Cayman Brac and Little Cayman continuing her debate.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

Madam Speaker, just before we took the luncheon break I was about to embark on a statement which was made by the Honourable Leader of Government Business in his contribution some days back. With your kind indulgence and permission I would ask you and honourable Members if you wish, to turn your attention to page 3 where he refers to and I quote: **"Madam Speaker, as I deliver this Policy Statement in 2008-09 Budget, I am particularly mindful of the many blessings which this PPM Government has received."** And, in particular, Madam Speaker, he says, **"Indeed, our very first blessing was the decision of the Caymanians to make the PPM their choice for change and to entrust the destiny of this country into our hands."**

Madam Speaker, what arrogance! What utter nonsense! It is my respectful opinion, Madam Speaker, that this is nothing short of a presumptive declaration by the Honourable Leader of Government Business. And again might I remind the public, I am speaking as far as it relates to Cayman Brac and Little Cayman and if the circumstances differ in Grand Cayman, I take no cognizance of that as I am not intimately involved with the constituents here. I am sure there are other representatives who are quite able to deal with that as deemed necessary.

Madam Speaker, over the past three years I have heard many, many words in the public domain that were used to describe the actions or the inactions of the PPM Government, but I can assure you, Madam Speaker, that "blessings" was not one. In fact, Madam Speaker, I would submit that the Leader of Government Business has absolutely lost touch and connectivity with the people of Cayman Brac and Little Cayman. And I would go further, Madam Speaker, to submit that perhaps if he would spend less time behind Ed's Bar and spend more time with my constituents that the disconnect would not be as it has been presented.

Now, Madam Speaker, I thought long and hard before saying that. I have waited three years to see if that would improve, and it has not. And, Madam Speaker, I say that today without any apologies because I am sick and tired of persons coming into my constituent office, making complaints about the official car being there for long periods of time and for the increased hours past opening hours. And, Madam Speaker, we are in an open and transparent government, which I fully concur to those principles, but if we lift up such a high standard we must hold our heads up to it. Am I saying that any Member should not go? No, Madam Speaker, that is their preference. But when you visit the Brac on government business to attend government functions, it is not good enough to send a family member as a representative when you are there at an establishment having come over on official business paid by the purses of the Government. I will not remain silent, Madam Speaker, on that anymore. And I would hope that this would be the last time that I would have to speak on it because I am absolutely sick and tired of getting representation in that regard.

I also believe, Madam Speaker, that representation has also perhaps been made in that regard, because in recent months the official car is no longer being parked there. It is now the Custom's truck. But Cayman Brac is small, Madam Speaker. You have been there, you know. And it only belittles the reputation of other Members of Parliament, and it does not matter whether it is this Leader or another Leader, I speak it as I see it. Members who are on official business have no business in the bar rooms of this country. There are too many things happening that are of national importance that we should strive as much as possible to execute our duties in a sober frame of mind, Madam Speaker.

If we feel that politics has come to such a level that we can only do bar-round politics, it is no wonder the prophet Isaiah had to say "Woe unto these people"; because that woe, Madam Speaker, is going to come back. I heard a lady, with reference to these blessings that we are supposed to be having, referring to how God checked us up as Caymanian people when we had [Hurricane] Ivan, and yet it was such a fantastic miracle that as far as we are aware not one person died directly as a result of Hurricane Ivan. But,

Madam Speaker, what did we do? For a few short months we acted as Caymanians who are known worldwide. We were kind, generous, compassionate, caring. Our neighbour's keeper. But it did not take long before the evidence of those inherent Caymanian traits soon disappeared out of the window.

And, Madam Speaker, make no mistake, we talk about endangered species. Well, I am more convinced every single day that the Caymanians, certainly the Cayman Brackers and Little Caymanians, are becoming an endangered species. When are we going to have someone looking out for our species? Am I saying that we should operate in isolation, Madam Speaker? Absolutely not! Because, certainly, and I can speak for the past three years, the *modus operandi* on the Brac, as far as some Ministers are concerned . . . and I stress 'some' for avoidance of bringing embarrassment to the entire Government. I will not call those names, but those Ministers know how I interact with them. They give respect and I try my best to give respect back at all material times. If they are coming to the Brac, Madam Speaker, there are Ministers who will pick up their phone and say, 'Ms. Julie (or Juliana), I'm coming' or they will get their staff and say likewise. But the Leader of Government Business, Madam Speaker, who should be the one who is doing it . . . I can count on my one hand the number of times that it has been done. And, Madam Speaker, I raised this point last year and I hoped that I would not be here raising it again.

I was given the undertaking—and the records will bear it out—as far as it came for the road works, for example, that the First and Second Elected Members would sit down with the District Administration staff and the Leader of Government Business. After all, we are elected Members in this House and I believe it is not a slap in my face, Madam Speaker, but I would put it as a slap in the face of the good people of Cayman Brac and Little Cayman when he, in particular, totally ignores the outcome of the last election as far as meetings are concerned. And, Madam Speaker, any Member in this House, yourself included as the Member for North Side when you sit on the Floor, would not sit by for four years and tolerate that, because at the end of the day, as the Minister for tourism said in jest, we are all politicians. And no matter how many altar calls, pleas are made for us to come together and work. It cannot be a unilateral effort; there must be some giving and taking.

Madam Speaker, I have taken it for three years now, and we have about twelve months or so to go through these (quote unquote) "blessings" on the Brac. And I really, really hope that some genuine effort is made within the next twelve months as we now embark upon a new budget for 2008/09, that the Leader of Government Business has enough manners and respect for the people of Cayman Brac, even if not for myself, Madam Speaker, to invite me to at least one capital investment planning meeting in the Brac. Out of an abundance of caution, I am not asking

to be invited to the administration meetings where there are staff meetings or matters of that kind, but certainly, no matter who is in the Government, we are not always going to be in the Government or Opposition. Things change. I have been there twice, Madam Speaker, and things change.

The Good Book says we should treat other as we would want them to treat us. And I am sure, during his tenure as Opposition Member here, he probably had similar treatment. But he cannot say on this Floor that he got that treatment from me. Any time the Honourable Leader wanted to see me I made myself available to him, whether it was for a personal nature or for something from his constituency. I was not one of those Ministers, Madam Speaker, who sent selective invitations. No, Madam Speaker. We are all Caymanians and at the end of the day if we are to succeed we must come together, we must not just say so but we must actually act it.

And then, Madam Speaker, as I contemplated the plea from the Second Elected Member, I really, really wished that I could accept that on the surface, but, Madam Speaker, as recent as last Friday—and I give this example just to show the ingeniousness of this play, this political game that we are in—something as innocent as sponsoring the special needs persons from the Lighthouse School. I have had a relationship with these children long before I was Minister of Sports, and I am sure you likewise. So, I did not have to search long and hard when I heard a public plea for them to be sponsored or tickets to be bought for them to take a trip to my constituency of Cayman Brac. And I did what I felt I could afford to do and what was in my heart to do, and yet, something as simple as that caused the Second Elected Member, in his shop, which is a public place (that's how I got the information, from a customer) to curse once it was heard that Juliana had sponsored a thousand dollars to these poor children.

Now, Madam Speaker, how can I then come here today and really believe the plea, as much as I would like to believe it—late though it be—that that plea was a genuine one to come together? It just blows my mind, Madam Speaker. And you know, if we are not careful in this party business that we are now having, and its divisive nature that it has brought to these Islands, not just within these Chambers, Madam Speaker, but within families. I know on the Brac, and again, I speak in the Brac context, where families are being split over their loyalty and support, whether it is to the PPM Government or to the UDP Government, or whether they have an independent candidate they wish to support.

Cayman is too small, Madam Speaker, for us to play this type of politics. Yes, Government wants to be re-elected. Opposition has the desire to be Government and likewise, but do we have to destroy each other and strategise and devise to make sure that that wagon is surrounded one layer and two layers?

[inaudible comment]

**Ms. Juliana Y. O'Connor-Connolly:** No, Madam Speaker. What I am doing, Member from George Town, is letting my constituents know . . .

No, the male Member, Madam Speaker.

I'm sorry I have to go across but I have to respond as I hear it come forth. What I am at long last doing is letting my constituents know and the people in Grand Cayman and, indeed, Members here, that when we hear these flowery things about so nice and dainty and they call for this, that is not what is operating on Cayman Brac, as far as it relates to me. And, Madam Speaker, may I take it further?

We, for a long time have had the challenge of dealing with employment of young people on the Brac. So, it would be remiss of me if I laid that blame at the feet of the Honourable Leader of Government Business. But what upsets me greatly is when we hear that a job has been filled, sometimes advertised, sometimes not, by persons who are not even Caymanians or Cayman Brackers. And yet we have persons who are willing, capable, and able. They go to interview after interview, Madam Speaker, They have even had the benefit of being told, *'well you came first or you came second'* but yet cannot get a job (We know how things leak out of government).

Madam Speaker, it only lends to an unsuccessful recipe then when we see the Honduran national, for example, being married on a Saturday night and into a job on a Monday morning. Madam Speaker, I'm afraid but I almost had to say to some of these unemployed Brackers, *'come let me do a deed pole and you can choose from one of the six names to see if you land a job as easily.'* Madam Speaker, this is Cayman and this is utter nonsense.

We were raised in a generation who, number one, did not have the patience that we have or the tolerance level that we have. A lot of them are educated to a greater extent than we are because of the opportunities and the privileges that were afforded to them. And we want to leave behind a legacy that we can say we have left a united Cayman. At the end of the day when we come to retirement, whether it is voluntarily or involuntarily, we must be mature enough politically to ensure that the greater majority is the beneficiary after taking a holistic approach that they will benefit.

Madam Speaker, when we begin to enter into the garrison of politics and the special interest politics, and only if you support me or my party politics, we are going down the road of those other Caribbean countries that we cry down and put down when their inhabitants come to look for a job here. Those who study economics know that every single country, including the great United States, rides waves and valleys. Cayman has ridden her wave for a long time; a long time, Madam Speaker, and yes we are blessed because of our Christian heritage—not because the PPM Government has been elected. The Bible tells us

some sow, some water and some reap. There will be projects that will fall in each of those three categories. The PPM will have an opportunity to display their wisdom, foresight, vision and new projects. They will have the opportunity if they jump to it and maximise the opportunity to continue existing projects. And, of course, like all governments they can decide to stop them.

But, Madam Speaker, it is totally deceiving and untrue when we try to paint this red picture that the previous administration did not do anything for Cayman Brac. I would wish that after that statement was made that the Leader of Government Business or his delegate would go on a talk show or do a referendum or do a survey and ask the people of Cayman Brac whether or not I did what they wanted me to do.

Madam Speaker, if I had my manifesto here with the things that God has helped me to accomplish for the people of Cayman Brac, that gentleman would have to ask for an apology because God has helped me, through colleagues on three different governments, to get things for Cayman Brac that I myself did not imagine a single woman would be able to get. And you know what I mean. Not that we are a weaker vessel, but we live in a real world, Madam Speaker, and we are a minority whether we like it or not.

The people of Cayman Brac will tell you, even today, that whilst I was Minister I did not just pick out little interest groups or whoever had the most money, or whoever had the fairest skin or the most affluence. That is not the way I operate and I would implore those who have the opportunity and the responsibility, to not introduce that type of politics in these beloved Cayman Islands. We may temporarily reap short-lived benefits, but in the long run it will destroy our community and it will destroy our country. You do not have to go far to see what it is doing. Just take a visit to Cayman Brac and make your rounds, not just to who supported you but throughout the community and you will see.

Madam Speaker, I have always said that it is the duty for each government, each administration, to teach our people how to fish. That is where we are getting into trouble, Madam Speaker. I am so sick and tired of constituents coming to me, first time seeing politicians giving groceries, giving beef at Christmas, giving turtle meat . . . We must move away from that type of politics. That is an insult to the people of Cayman Brac and Little Cayman. We want more and we deserve more. We are an integral part of the Cayman Islands.

I was so relieved and happy to see that the PPM Government at its inception included in one of its eight or nine objectives to embrace the Sister Islands—or Cayman Brac and Little Cayman, as they should be rightly referred to. But, Madam Speaker, as my colleague from West Bay said, *'talk comes cheap'*.

Yes, Madam Speaker, there are a handful of families—if I am liberal or generous with my comments—that have done very well on the Brac under

the PPM Government. They are the ones who have the businesses. They are the ones who have the rentals. They are the ones who have the rental cars. They are the ones who got the contracts. They are the ones who got the information to make their benefit progress the way that they should with that advice. But, Madam Speaker, we have more than a handful of families. And you know the irony of this, Madam Speaker, those families perhaps did not even need the assistance of government because they are wealthy in their own manner, whether it is through land or through money. But, Madam Speaker, I heard a past colleague say that the song is not completely over yet, and it is going to be over, but the punishment that my people have to go through for twelve more months if there is not a change in this attitude.

And, Madam Speaker, while I am here I want to specifically mention the attitude of the Honourable Minister responsible for Social Services. I know how difficult it is to get monies for this field. It is not one of those glamorous areas. It is usually dealing with the underprivileged, the handicapped, the indigent, and it is always difficult to get financial allocations for this. But yet, he takes the time to answer your telephone calls; he takes the time to respond to your texts, and if he can help working within those restrictive financial resources, the people of Cayman Brac are the beneficiaries.

Madam Speaker, that's good politics because it tells me that he does not worry whether the request comes from me, the Second Elected Member from West Bay, or from North Side, or what have you. His ultimate objective is that the lives of the people—our Caymanian people—are improved. Madam Speaker, until we can rise to that level of political maturity without worrying whether or not it is going to chalk up a couple more points or votes . . .

And, you know, Madam Speaker, before I leave this topic, the more obvious mode of operating—and, again, because the Brac is so small, these things get back to me—where applications are being made for housing repairs or different services, not to this Minister, but to the Leader of Government Business and the First Elected Member. And, yes, an undertaking is made to assist, but the comment is thrown in: *'Remember to vote for me'* or *'Make sure you do that because there are two votes in the House'*. Madam Speaker, if we do what we are elected to do that will come. And I am sure you know that for yourself having been here approaching 16 years. We don't have to play these petty petty politics with the minds of our constituents because it is going to come back to bite us and bite us hard, it will.

Madam Speaker, the Honourable Leader mentioned that despite the challenges a lot of things are going good for us. Well, I respect his opinion but I challenge him to come to the Brac, meet with the citizens of the Brac as the Minister responsible for the Brac, and listen for a change; listen to their challenges. And I know the gentleman, he can (when he

wants to) rise to the challenge and help. It is time for the politics to go out of the door because I can tell you it is not hurting me.

Madam Speaker. Whether or not I get re-elected it matters not, because as I have said many, many times before, when I came into this honourable House I just did not do it arbitrarily. I sought what I thought was the will of God in my life and it was clear to me that it was *not by might, or by power, but the will of the Lord*. So, I know that when one door closes it will be His time. He raises leaders up and he takes them down. But, Madam Speaker, one thing I do know, the righteous will not be forsaken or his seed begging bread. So, that is why it matters not to me to pay \$150 a week to make sure my picture or my story gets in the newspaper. I don't even care if it gets in the newspaper. What matters to me is that the persons who are in need get it, Madam Speaker. I don't operate a Clinton style politics on the Brac. My people are far, far more important to me than that, and whether or not they come back and say 'thank you' by their casting of their vote, I can still sleep in tranquility and peace because I would have known within myself that I did all I could do for as long as I could do.

Madam Speaker, my first logo when I ran for a position in this lofty House was that the people of Cayman Brac would get a legal voice in the House. And, as long as God gives me breath . . .

Does the Member want [me to give] way, Madam Speaker?

**The Speaker:** No, I think he is going out of the Chamber but he was just checking to see the quorum.

**Ms. Juliana Y. O'Connor-Connolly:** I beg your pardon. Thank you.

As long as God lends me breath, Madam Speaker, I will speak up on behalf of the people of Cayman Brac because they have been left out, especially in these past three years, wrongfully. And they tell me so Madam Speaker. They tell me so, Madam Speaker. If they were not, I would feel like what the Honourable Leader was saying was fine, and everything was fine, and maybe it was just in my residence that the middle class were being pushed down into the lower class. Well, Madam Speaker, it is traversing the Island of Cayman Brac. People are living from paycheque to paycheque. There seems to be more bills than money to pay, Madam Speaker, and people are suffering. And I take that extremely hard when we hear the bragging of a surplus and how we have met another 91 days that we can run the country from the extra revenue that we have.

And then, Madam Speaker, to add insult to injury, in the recent activities not only with the constitutional meetings but other meetings—the immigration meeting—so much food was ordered and wasted on the Brac with public funds because they were not able to judge the outcome. And I have people there who

cannot get vouchers because the Honourable Minister had to scale back to ensure that his budget is kept.

Madam Speaker, that should not be happening in the Cayman Islands that brags of such affluence. We're not a huge constituency, Madam Speaker. Certainly, there must be some feeling remaining. We have passed talk, Madam Speaker. We on the Brac need to see action and we just don't need to see it because election is coming up, because that is another insult to injury. It needs to be sustainable. We talk about sustainable development. Well, let's stop playing games with the intellectual capacity of the constituents of Cayman Brac and, to a lesser extent, Little Cayman.

Madam Speaker, we will see also from what I am about to say that there is need for more attention as far as it relates to our elderly. Obviously, I do quite a bit of church work but I also make my rounds in the neighbourhood, Madam Speaker. And I can tell you that there has been more than one occasion that tears have literally come into my eyes when I saw some of the conditions of the elderly. And, it was not because their conditions were not brought to the authorities' attention, but this umbrella reason of *'oh, your children can afford it'* or *'your family can afford it'* . . . Madam Speaker, that may be the case in some of the instances, but I know of one particular instance where this elderly woman (who is now 81 years of age) . . . and you would have to know the dignity of this woman to really feel the grief and the pain. As I visited her just recently her two feet were so swollen that she could no longer wear shoes. She has not been to the hospital in over three years because as she is getting older dementia is setting in and, of course, she needs to be encouraged to do these things. I understand that the public health nurse visits her but there has been no medication for obvious reasons. She is not a doctor and she is doing the best that she can.

So, I am imploring the Honourable Minister, who is just now hearing of this, if he would perhaps look at the scheduling of the doctors at the Faith Hospital to see whether or not we could come up with a policy or programme where they could visit some of these elderly, or get some counselor or someone to go and speak with them. Her monies from the seaman and her husband's pension have been at the local banking institution, as I understand and from the documentation I could see, for a number of years, so much so that it is almost in the region of \$20,000 to \$25,000. Yet, because of her mental ability she feels that someone else has been taking her money because it is no longer coming in the mail, Madam Speaker. That has been how long!

And that is what I am saying, Madam Speaker, we are small and it does not take a lot of effort to do these things. But if you saw the condition of that poor woman you would think that it is something that would be shown on National Geographic. I don't know how she could have endured the pain and the suffering from the inflammation and from the bac-

teria that is obviously affecting her. And, Madam Speaker, one may say, *'Well what about her children?'* Her children have tried but they are not professionals. We pay professionals, Madam Speaker. We pay them! And as I took it a bit further and attended the hospital last night looking for another elderly person, I brought it up with some of the staff there and they admitted that they were aware of it but felt that they could not do anything. Madam Speaker, what are we going to do, just leave her in the house? I don't think so, Madam Speaker.

There must be some way, some programme, some element of humanity to deal with these situations. And I know the department has its hands full. I know that there is at least one vacancy if not two that they have been trying to fill for a long time which has not been filled. And again, as we look at these "blessings" that we are supposed to have, I would ask that the powers to be ensure that whenever there is a vacancy on the Brac to do everything possible to make sure that it is filled because that is an extra income that is being injected into our economy, and perhaps a lesser amount of vouchers that the Social Services will have to dispense on a Friday evening.

Madam Speaker, fortunately but yet unfortunately, I have people in my constituency that are unemployed but they do not want to receive the handout from Social Services. That is the pride and the dignity that they have because they were employed but for whatever reason, the slowing down of the economy or whatever, those jobs are redundant. They are trying. Every time a job comes up, Madam Speaker, applications are put in. And that brings me to another point as far as the Administration of the Honourable Leader of District Administration.

Madam Speaker, I really think it is high time that when applications are put in, within a certain period of time they are kept on record because they are pretty much done in clusters and each time they have to keep putting in the same details the same applications, and most times from what I am told, they are not even given the courtesy of a reply to say that they did not get the job. They hear it on the street long before. And sometimes, even before the interview Madam Speaker, the person who has been selected has already been done.

Now, I have been made to understand as well that District Administration no longer has the authority to hire—that a human resource person has been hired within the Ministry. I am not sure of that situation but I would ask the Honourable Minister to look at it and if that is the case, to ensure that there is adequate representation from District Administration to make sure that these jobs are handled correctly because the last few hires, Madam Speaker, as Manley said: "It grieves me for every person that does not have a job but it grieves me even more . . ." in his instance he said Jamaican, but I will say Cayman Bracker or Caymanian that does not have a job in our own country.

Our priority, Madam Speaker, as I am sure Members in their right-thinking minds would agree, is to do everything possible to ensure that our Caymanians get jobs. And if they need training let's train them. We have a Minister of Education who has taken an innovative approach to education and who is not afraid to come and ask for millions of dollars. And if we need training I am confident that that Minister will provide the programmes to do it.

And, Madam Speaker, you would have noticed [during] my debates in the past three years that I give credit where credit is due. I believe that the Minister of Education is doing the best he possibly can within the circumstances that he has to revamp, to reform, to transform and modernise our educational services. And it is a big challenge which has taken quite a lot of money and a lot of time. But I look forward to the day when we on the Brac can get our High School (from the Honourable Leader's presentation), as the Minister of Education has not spoken yet. He indicated that funds would be allocated for the acquisition of property for a High School in Cayman Brac. I am happy to hear that and I hope that it will be going in close proximity to the Football Field or the Sports Complex so that we can have utilisation of that property.

Madam Speaker, that dovetails into the area of sports and sporting facilities on Cayman Brac. Madam Speaker, I am happy to see that after the inception (I believe it was in 1997 when the whole idea concept of a football field, sport complex came to this Floor when I was Minister of Sports) that after many, many challenges and many innuendoes and charges and everything else, it has finally come around to see that the sports facility, the 18 acres that were acquired for a mere \$89,000 (and you can do the math to see how cheap that was) was perhaps one of the best investments that government ever did.

For a long time our facilities, like many areas and districts in Cayman, were substandard and there was a programme (which you assisted the Honourable Leader of the Opposition when both of you had the responsibility for sports) to ensure that various infrastructural needs were met in Grand Cayman, and I was able to continue a number of them. But for some reason, when it came to us putting this sporting facility on the Brac, it met with a lot of challenges within my own government and outside the government.

For whatever reason, Madam Speaker, I remember being the Minister sitting on the other side and the now Leader of Government Business coming to me and saying, "You know, I want to support this project but you need to say it should be a playing field and not a sports complex", and that is how I got the project through back in 1997. And yet, today, the PPM Government is calling it a sports complex—soon to be opened, I am told from the marl road, although it is fairly close to where I reside—and yet, it is the best thing that ever happened. Madam Speaker, that is pure politics. And then if that is not enough they take

pictures of the new turf that is put there. They pay to put it in but it does not say "paid advertisement" of another (quote/unquote) "blessing" of the PPM Government.

Madam Speaker, which cave are they living in? Because everyone in the Cayman Islands knows, without a shadow of a doubt, that I was the Minister who took licks, who almost lost my first election over that. Even so, a special report of the Auditor General—one of the favourite instruments for wasting time and scandalizing people's names—was utilised for that. I was tried and the scale was perfectly balanced without interference from anyone. But God always provides a way of escape. And, Madam Speaker, I am so proud to be alive here today in this debate to be able to see it come to some form of fruition.

Madam Speaker, I was able to take it, not only with the acquisition of the property putting in the sub-base, the lighting, seating for some 500 persons, and it was laid to near desolation by some of the same movers and shakers who now are getting excited about bringing in professionals to open it up and, again, having the cameras and probably all the red ribbons and balloons and everything else. But, Madam Speaker, the people of Cayman Brac know full well how that field came about. And I am grateful that monies were put in, although it took three years to finally get it. And even though the ordering of the turf was wrong because the wrong measurements were given which caused us to spend more money, as I understand it, delayed the time, it matters not, Madam Speaker. They will have to give account to the people of these Islands for those inefficiencies in failing to ask persons who knew the right size of the field. But I am glad to see that it has advanced to this stage.

Madam Speaker, I say here and now, I hope that politics do not continue to play because I already sense how it is coming in to those who administrate. People learn quickly and the feeling is given that unless you align with the PPM or say that you support the PPM, you are not going to get x, y or z. Madam Speaker, sports, again, is too important. Too important!

We have too many people at Northward Prison that are costing us in excess of fifty something thousand dollars per prisoner. We know the benefits of sports. Having been a P.E. Teacher myself and studied it, I know you know, the other lady Member knows, the Leader of the Opposition and other Members who are average sports fans know the benefits of sports. We know the hardships that it has taken to get funding, especially when it comes to the ladies' sports.

I have said before and it bears repeating—I remember when I first began to teach at the High School, I was given footballs to go and teach netball because it was a girls' sport, and they had footballs in abundance. We haven't come that far with the mentality of thinking. We have Mr. Mitchum Sanford on the Brac who is doing an excellent job with our young people there. But is it not high time to get a good fe-

male coach to help Ventisha and Lavender who have just come back from university? Can we not share the coaches that are here in Grand Cayman more frequently over in the Brac? And I trust that we would see a greater move towards that as we continue to get more and more of our sporting infrastructure put in place.

Madam Speaker, before I leave this topic I just wish to state that the football field is yet but another example of where some sow some water and some reap. And it is not going to kill us to say that we did not do the whole thing. Don't mislead the public, because Cayman Brackers . . . you can call them anything you want, Madam Speaker, and I have been called many names in this honourable Chamber, but one thing we are not is foolish. We are not nincompoops; we are quite wise to what is going on. Many of them have not had the opportunity to receive tertiary education but, certainly, there is rarely a Bracker, if any, who has not gone through successfully the *School of Hard Knocks* and knows when they are trying to have the wool pulled over their eyes, Madam Speaker.

I also wish to voice my disappointment on the fact that our hardworking, arduous, conscientious and diligent firemen on the Brac and Little Cayman have to wait another year, if not more, to get the long awaited fire station. Just before we lost the government in 2005 we were well on the way to them having acquired property for the Fire Station trying to get it up in the eastern district, and I wonder whether that is the reason why we have not gotten it yet. And still, even today, three years since, we still don't have the Fire Station for the men. And, Madam Speaker, people who have been to the Brac know the location of the Fire Station. It is just a matter of 100 yards, or what we call the Bogue (one of the deepest parts in the Caribbean). They know the size waves that come in there; they know the proximity of the pond on the other side that floods with the littlest of rain and yet those men are expected to stay there during the storms. And some of them take their wives there for obvious reasons so that they do not have to worry and be unduly concerned during the stormy hurricane season. But, Madam Speaker, we cannot put their lives at risk any more in this facility in the storm. It is high time for this project to become a priority. I understand that money will be put in for the plans, which I believe, I understood the Honourable Leader to say. Madam Speaker, this Fire Station has become almost like the North Side Civic Centre; it has been asked for time and time again, and I take my hat off to you and the Honourable Minister for succeeding, from what I have seen, to put sufficient monies in now that the people can get it.

Perhaps we need to talk to find out the secret, Madam Speaker, because this Fire Station seems to be somewhere in quicksand because the firemen cannot get it.

The firemen have been able, subsequent to the last Finance Committee and the line of questioning and the pressure that was brought to bear, to bring their equipment up to a very high calibre, and that they are prepared to go into the domestic service. They are now prepared, equipment wise, with a lot of equipment. But, Madam Speaker, even to that, as soon as Finance Committee was finished they were called up and told not to talk to me. Now, Madam Speaker, I am their elected representative and all I merely did was to come here and fight to see that they got their fire engine. This type of politics is divisive, Madam Speaker. Completely!

The same thing has happened at the Agriculture Department, Madam Speaker (as I make a transition now to agriculture). Staff in that department have been told by their senior manager there not only that they are not to talk to me, because I questioned about the chickens and the farming the last time I had an opportunity, but they were also told (the three of them) not to vote for me by a civil servant, Madam Speaker. And they will only get away with this nonsense while it is under the carpet. I for one will not be a politician who will come and hide it because I am absolutely sick and tired of it.

What it does tell me, though, is that they will stop at no length to ensure that come next election, either I am not the First Elected Member or, as far as they are concerned, I am off the scene. You see, Madam Speaker, they don't understand my psyche. That does not mean anything to me. When the time comes that there is another capable, able and willing Cayman Bracker that God wants to move up to that step, I have tons of church work I can do. I can spend quality time with my family. I can do so many things that I wanted to do and I could not do.

[inaudible interjection]

**Ms. Juliana Y. O'Connor-Connolly:** Madam Speaker . . . I resist the temptation to the lady Member from George Town. I really will.

**The Speaker:** Honourable Third Elected Member for the district of George Town, could we stop the cross talk please? and allow the Member to continue her debate. Thanks.

**Ms. Juliana Y. O'Connor-Connolly:** Madam Speaker, I wish to say that I fully support civil servants. I have been one myself. I know the challenges that they face. I know the long hours and the ungrateful job that they do, sometimes underpaid whenever salary freezes come in and reviews take a long time to come. But we must cultivate the type of civil service that the late Mr. Harry McCoy talked about, where you are there to do service for your country, carry out the policies of your minister regardless of political affiliations, and you don't get yourself in the quicksand of politics because politician members will change. It is

not like the U.S. Government where you are going to get thrown out, or it should not be, as new ministers come in. And we need to cultivate that type of service regardless of the side that we sit on in this House because one day the chickens will come home to roost, and we would wish that we all had united and got our efforts together in aggregate fashion to ensure that the success story of Cayman continues on.

Madam Speaker, it does not help to breed an environment or an atmosphere of fear within the service in trying to prevent or stop them from having their right to approach a politician, whether it is from their own representative or from another district because civil servants are human beings too. We expect them to go out and vote. Most politicians pander up to them and make sure, especially when it comes to election time, that there is a big voting block in that they are well taken care of. Madam Speaker, it should be reciprocal. It should be a mutual agreement and partnership and understanding between the vested interest parties.

Madam Speaker, I am not sure from whence the policy emanated and whether it is just in District Administration and other government departments on the Brac, or whether it is the status quo in Grand Cayman, but I have received several representations that they are not allowed to have their radios at work. Now, on the face of that, Madam Speaker, one may say, *'Well they are there to do the country's business and everything else'* but as far as it relates to Cayman Brac, may I make a plea that, certainly, from 1 June [2008] until 30 November [2008], during our hurricane season, that even if it is not every single civil servant, there is at least one radio within the offices so that they can hear the weather reports.

Madam Speaker, we don't have the luxury of just watching television spontaneously as you good folks do in Grand Cayman. Most of them do not even have access to the Internet so that they could just go on and check at their own convenience. So, radio Cayman, in particular, is of paramount importance during the stormy months and hurricane months to the people of Cayman Brac, and even more so Little Cayman. And, it would not take any expenditure as such from the Government. So I would hope that they would positively accept this request and put it into being before we embark upon our hurricane season, come 1 June this year.

Certainly, when we embark upon the Bill of Rights, this and other things will come into play. So, the more practice we get, the better off we will be. As I speak, hopefully briefly, on the area of Bill of Rights, I plan to deal not with the Constitution in this debate because I believe there will be more than ample time on other occasions to deal with that and to present my views and the views of the people of Cayman Brac and Little Cayman.

But I must say that the news and the headlines this past week of the kissing in public and the homosexual activities coming to the forefront again,

certainly, have caused the conservative voter—I would imagine in Grand Cayman as it has done in my own constituency—to be a little bit leery. They were almost lulled into a sense that the Bill of Rights would come, and the assurances that were given, that these things would not happen. And then I see, and it is my respectful opinion Madam Speaker, that we had this test case to test the waters at this relevant appropriate time.

And, Madam Speaker might I say, Caymanians are known for standing up for what they believe. We herald and we tout that we are a Christian nation. I had the opportunity to visit Israel, the Holy Land, for a vacation. And I dared not tell them, Madam Speaker, that I was not going to cover my head when I went into their holy spaces, especially not with soldiers there with the M-16 guns and everything else. And I am not advocating that we do that, but there must be something that is still Caymanian. Why do we have to change our lifestyle to accommodate a minority? We are told in the Good Book, which gives us instructions for everything by the way, and if they don't think it is—I think it is Romans chapter 1, probably from [verse] 14-19 that speaks about it being an abomination. Not just a sin, but an abomination unto the Lord.

Are we going to sell out our birthright for everything? Are we as Caymanians finally going to come together and say, *'Look, is there not a cause?'* And not 'cost', 'c-a-u-s-e', Madam Speaker. There must be something left Caymanian that we are all willing to stand up for.

Yes, I know we have challenges, Madam Speaker. In Tourism . . . I am not responsible for it and my heart almost bleeds for the Minister of Tourism as he sees the challenges that are presented from globalisation, from the possibility of a transitioning government from Cuba where Cuba could open up and give us more competition because of the value for money that they could in that depressed economy. We have tons of challenges. We have the rising cost of fuel. We just voted money for our national airline, which I have indicated I support not just today but from the time I was exposed to Cayman Airways. And it is only going to get worse, Madam Speaker, if we do not start finding ways and means of coming together as Caymanians.

We have embarked in modernisation of the Constitution. And whether we say it publicly or not, it is a process of nation building. How fast we go is left to the results of the referendum and the leaders that are at the helm at that day. But, Madam Speaker, we must have something to carry. How can we *keep the faith and secure the future* when we have this nonsense going on?

And then, Madam Speaker, to make it even worse, when you look at the way we are almost made fun of . . . I wish I had brought it in here, but the newspaper with the headlines about these gays kissing, and then we have the distinguished members of Gov-



ernment, official and elected, plastered on the front page. Has no relevance whatsoever. Oh, Madam Speaker, I was being polite Ma'am [laughter] being plastered on the front page with this big caption. Most people in their businesses getting their coffee in the morning, or what have you, will read the headlines and especially where it says "law."

**The Speaker:** [laughter]

**Ms. Juliana Y. O'Connor-Connolly:** And we see my good colleague, the Honourable Second Official Member, the first thing that is going to connect because a picture is worth a thousand words, Madam Speaker. We need to be responsible in what we are doing because we are desensitising our community that these things are accepted.

And you know it first came in phases of 'oh, they are consenting adults in private'. Well, Madam Speaker, that is condoning it, whether it is in private or in public. And I have no apologies to make. I am not preaching to you to tell you to go and get converted, because if I could, you all would have been saved a long time ago. But, our children are looking at us. They are looking to see what position we take. Will we be like the Good Samaritan and stop and render help and remedy the situation? Or will we be like the Publican who crossed on the other side and just cast a blind eye because of the almighty dollar?

Have we not learned from history what happens when we fly in the face of an Almighty awesome God, Madam Speaker? We ought to learn, because I can tell you—and I am no prophetess and one of those, as the Honourable Leader of Government Business says, sees gloom and doom—but I can tell you, Madam Speaker, without any fear of contradiction that if we as a Government and Opposition don't get our priorities straight in where we want this country to go as we continue to nation build, then we won't have any country. And I don't know about anyone else, but I only have one citizenship and that is Caymanian—not even British, because I refused to apply for that for a number of reasons.

We need to have these core issues, so important, so burning on our minds that our political hats will be thrown out of the windows and we can come together in caucus and say, *'look, this is about politics, we have to stop this now'*. Because you know, Madam Speaker, this is not going to stop by itself. It is not going to stop by itself, and what happens when we get an Order in Council saying that we have to do it? Are we just going to say, *'oh, it means we are going to get more tourists; it means we are going to get more money; it means we are going to get more of this'*? What about our children? What about our culture? What about our way of life? If they want to see that they can go to Los Angeles, they can go to 42<sup>nd</sup> Street in New York, or they can go to London. Is that the tourism product that we want to promote for the Cayman Islands? I think not, Madam Speaker.

In this instance I am prepared to give the benefit of the doubt. I have not had an opportunity to speak to the Director of Tourism or to speak to the Minister on this topic, but I feel within myself that certainly what was reported could not be as it was reported. So, I give them the benefit of the doubt to either come and explain, to pacify, to justify, because I am at total loss as to why we would have to apologise. I understand the legal ramifications of it, but rather than a letter of apology we should have immediately gone to the Honourable Second Official Member and said, *'there is a loophole here, draft the legislation, bring it down'*. If the Governor does not want to assent to it, let it drop where it drops. But we would have done our part as parliamentarians, Madam Speaker.

And you know, Madam Speaker, what is really scary, is that we, even as politicians, have been so desensitised to this that it has almost become like a joke. Well, it is their business. They can do what they want to do. Well, start giving the Minister of Health much more financing. Because, if you think that we are in the red now at the hospital, let that lifestyle come and permeate our small community and we will have to do more than raise taxes just on HSA (Health Services Authority), but we will have a depleted revenue base as well for the Third Official Member to deal with.

Madam Speaker, these things come with consequences and we are just putting our head in the sand if we believe that it is just going to go away. How are we going to face the conservative churches in our country that have placed their trust, whether it is in the PPM Government or the UDP Government, when these issues come up? Are we just inches away from our pastors being told they cannot preach about this lifestyle? Or that they have to marry them, Madam Speaker? This makes me nervous knowing that we are at a point of dealing with the Bill of Rights, and the unreasonableness of these persons that they would almost come to try to abort it at this time when we were well advanced with getting the Bill of Rights, which is needed in this country.

You know, Madam Speaker, the nerve of these people and the money that they have to back it. And, Madam Speaker, I would pray and hope to God that none of us here today who have the ability, who have the power to stop this, would do anything to augment it or fuel it or make it go any further, Madam Speaker.

We were known throughout these Islands, throughout the world, as being some of the best seamen in the world. God opened doors that were nothing short of miraculous for our people. He will provide. As I mentioned in my beginning, *He has never seen the righteous forsaken or his seed begging bread*. If we truly say that we trust in this Almighty God, who is the God of infinite resources, once doubt and anxiety enter our equation that we feel we have to pander to these special lifestyle people, then we are diminishing our trust and our faith in God.

The God that I know about, and I am sure some of you have trusted and proved Him, has done it before and he is able to do it again. But the same God of love and generosity, compassion and patience is also the God, Madam Speaker, that says, *My Spirit will not always strive with men*, and that includes us here in the Cayman Islands. We are no special people, but God does pour out his blessings to those who are obedient because the word says, *"The obedient will inherit the good of the land"*. And, Madam Speaker, I get more and more concerned as I see the lack of commitment to these principles and virtues that have made us what we are today.

Madam Speaker, the argument has been put as I listen to the talk shows and other marl road things, and as I talk to constituents that, *'you know we have them here'*. I'm not going to dispute that. But what I am responsible, as Joshua said, ". . . **but as for me and my house, we will serve the Lord.**" And when we have more families taking family life more as a duty, as a calling, we will have less of these things manifesting [themselves.] We owe a duty to our children and our grandchildren to pass on to them no less than what we have achieved. And, Madam Speaker, I never thought that I would hear, or be in Cayman to hear about males kissing in public or females or whatever going on, and then we just take a little slap of the wrist approach and say, *'Oh, we are sorry'*. Sorry for what, Madam Speaker? Sorry for what, Madam Speaker?

**The Speaker:** Honourable Member, would you like the afternoon break at this time? Is it convenient?

Proceedings will be suspended for fifteen minutes.

**Proceedings suspended at 3.26 pm**

**Proceedings resumed at 3.46 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

The First Elected Member for Cayman Brac and Little Cayman continuing her debate. Honourable Member, I have been passed a note. You have 40 minutes left.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you very much indeed, Madam Speaker.

Before I move from the area I was speaking to regarding sports, I wish to also go on record by congratulating the Brac Football Team for their success this past Saturday in winning many of their games, even the great challenge of the Bodden Town Team. They were able to successfully show their stuff.

I am very grateful for those successes and it is another example of how sports can be used to bind and enhance the camaraderie between the three Islands rather than having this divisive factor come in. So, I was grateful that even in the heat of great com-

petition against their foe in sports, Bodden Town, they were still able to shake hands and enjoy it and come away from it with a wonderful experience leaving some very happy fans on the Brac. Although they were in the midst of the Lion's swim meet, Madam Speaker, they still had time to give a cheer for their football players and coaches and assistants when they came across to Grand Cayman.

To this extent as well, Madam Speaker, I should also wish to congratulate the relatively new management at District Administration in the person of the District Commissioner Mr. Ernie Scott and our deputy Mr. Mark Tibbetts and their staff. In particular as well, the hardworking staff at the public works department and as it relates to the planned opening for the football field because of the nature of the infrastructural operation they have had cause to work overtime in the evenings. It is not only good from an economic perspective for this particular project, but it is something that has been long awaited. Regardless of which government is able to see the completion, I will certainly be happy to know that the footballers and hopefully in time to come as the master plan materialises, the Aqua Centre, the changing rooms and the other needed facilities there would come on line.

What I would say in this regard though, Madam Speaker, is that much effort needs to be put forward. I would ask the Honourable Leader of Government Business and his supporting colleagues in Cabinet and their Backbench, to ensure that there is adequate funding now that the artificial turf has been put in place to ensure that there are public facilities like restrooms because it is going to be used. Even now as I go across in the evenings, it is not uncommon to find the public work men already playing a friendly game of football or soccer with the technicians who came to actually install it.

So it will not be there for the want of using. So it is very important that we install the lights, especially, as quick as possible and at the bare minimum some proper changing rooms, restroom facilities, for that particular area and to ensure that the access road is widened and flattened in some areas. And if not in this budget, that some means be found for the perimeter road to go across because we did agree to access for an adjacent landowner who is now proceeding to construct a little hurricane home and we need to ensure that the field has not taken away from that, that provision has been made. And I trust that that is the case.

Madam Speaker, I am also anxious to hear, or be invited to the opening of what should have been a youth facility at the Creek—the property that was purchased from Mrs. Jacobs back in early 2005. I understand from the Minister that it is to be opened sometime this month the end, or early next month, under the leadership of Ms. Annie Rose. There was some talk about the cadets. I am not sure whether that is going to be materialising.

Whichever way it goes, Madam Speaker, I will be happy to know that it actually is used because it

has been sitting there with some work being done in the past three years but I believe that we should have utilised that facility much better seeing that it was hard and a long time in coming. So I trust that once it is opened that it is properly equipped and that she is given the full support that she needs for the scouts and the young people that she works so hard with from time to time.

Madam Speaker, I wish to take my hat off, as it were, for persons in the community like Ms. Annie Rose who, despite her challenges at home with illness in her family, et cetera, the tremendous amount of work that she has to do being in the Social Department, but also that she has taken a keen interest in the people that she is willing to go that extra mile and give that extra smile to ensure that her clients live a very comfortable life whether it is the youth that she is dealing with or the older ones that she is able to take across to the Governor for his annual tea parties.

Madam Speaker, speaking just briefly as it relates to programmes and that of the Cadets, I am sure you would have heard last year many, many times of our absolute surprise, yet gratitude, for the speedy success as far as numbers in the programme of the Cadets and the interest that is still being maintained. But I am concerned to the extent that what has transpired and mushroomed and blossomed into a very excellent programme for our youth in the Brac, is starting to come apart somewhat from its seams, mainly because of lack of transportation now in the afternoons.

I intend to pick my daughter up or make arrangements for her but it is not uncommon to have to pick up many, many of the youth, especially those going to the eastern districts who do not have a ride. And, yes, there are many of our youth in the programme whose parents have the luxury of vehicles but there are many of the children, the Cadets in the eastern districts, that do not have access to a vehicle and there is no organised, as it were, public transportation.

Now, Madam Speaker, I cannot see it costing very much for a small bus to be purchased to assist this program. I would ask, Madam Speaker, that the powers that be look into this as a matter of urgency because it will be too late after all hope is gone and discouragement sets in. In addition, it would be an excellent little part-time job for some of those who are unemployed (as has taken place in the Education Department with one of the ladies who was unemployed and now drives for the Creek and the Spot Bay primary school).

A similar job opportunity could be created with very little negative effect on central government's revenue to ensure that this programme stays together because a lot of those kids I also have in my youth group on Wednesday night and Friday night and I can see the difference, Madam Speaker, when they hold their retreats with their discipline and the attitudes and

the dress, attire that has been picked up from the Cadet programme there on the Brac.

I take every opportunity to thank those who are involved from the former Minister Bodden, the present Government and the Portfolio who have assisted with it. I would really ask if they would give special consideration to the provision of a driver and for transportation for the Cadets. It is a very non-political area. It will benefit the whole community, Government and Backbench alike. But regardless of that, I believe they deserve at the very least these two requests to be filled as soon as possible, Madam Speaker.

As it relates to Cayman Airways, I wish to do two things: Firstly, I wish to thank the Honourable Minister for his undertaking, I believe it was on Friday last when we were in finance supplementary, to look at our newly implemented weekend schedule so that it would dovetail better into his attempt, and the Ministry's attempt, to promote and augment domestic tourism into Cayman Brac. So I thank him for that undertaking and I look forward with eager anticipation to hear either through a press briefing or otherwise that that has been rectified so that in particular on the Friday evening and the Sunday evening we can get in at a reasonable time from what we had before—perhaps to remain as a Saturday schedule.

Then I would like to add to that, Madam Speaker, while he has his technical staff looking at this area, if they would also look throughout the year. There are probably less than six, if that many Madam Speaker, Mondays which extend or protract the long holidays when people generally come to the Brac in greater numbers, obviously as they get a longer stay over there. And it creates quite a difficulty from the representation that has been made to me putting in that Monday afternoon flight at very late notice because people make other plans. They go to Miami, Jamaica, Cuba, whatever, and I believe that we can capture some of that domestic traffic if some attempt was made from an early stage to put into the system that Monday evening flight to the Brac at a reasonable hour.

Now, Madam Speaker, I understand that it is perhaps more lucrative to go to Costa Rica or a longer route because there are chances that more revenue can be received and we have limited aircraft, but as I said in Finance Committee, knowing the Minister I have known him to be committed to Cayman Airways. And from my interaction with him, I have known him to be committed to the Brac.

Yes, as we indicated, politics do come in now and again. And just as he is a politician and so am I, but not to the extent that I have to come here today and reprimand or come clean, Madam Speaker. I will give credit where credit is due. I have made requests not just recently but in previous times and I have found him to, as far as he can with any constraints that he has, assist the Brac. I am sure the same can be said of the Second Elected Member for Cayman Brac and Little Cayman as far as it relates to Cayman

Airways or tourism. Both Ms. Bush, the Minister and Mrs. McField [Nixon] go beyond the call of duty to assist.

And this is no different from the previous Ministers, both the present Leader of Government Business and the past Minister Jefferson, whenever requests came in from Cayman Airways they seemed eager to assist. I would hope that this would continue, because if you think that Cayman Airways is an insurance for Grand Cayman, there is no adjective to describe what it is for Cayman Brac because that is our all in all. That is our only air link and survival in rough times; it's a cargo substitute; it is everything as far as getting sustainable development. So, we have to continue in our efforts to make sure that we get Cayman Airways right.

The last thing I would like to say on this is that I know that quite a bit of work has been done, or it seems apparent as far as training the frontline agents for Cayman Airways. Certainly in my weekly travels I have seen an improvement. But unfortunately [there are still a couple things] that I have observed, not necessarily myself but as passengers standing in the line, the attitude is not what we want to portray as a premier destination. So I would ask that the Honourable Minister bring this (if he has not already brought it) to the attention of his staff, that training continue in this respect so that all of them become team members because Cayman Airways is a very major employer within our community and every one of us needs to do all that we can to support Cayman Airways.

It is no secret that Cayman Airways has the best—the best!—pilots in this world. I have been through some scary situations, especially in the smaller planes. And those guys know what they are doing. And the same thing when on several occasions Madam Speaker, a bird has been ingested in the wing (sic), those guys keep their cool. They are professionals.

[inaudible interjection]

**Ms. Juliana Y. O'Connor-Connolly:** In their engine.

And Madam Speaker, these are Caymanians so it is a prime . . .

Madam Speaker, it really amazes me, you know? And I really hate to spend my time here, but I have to, Madam Speaker. It amazes me, absolutely amazes me . . . We've just gotten through hearing the Second Elected Member for Cayman Brac and Little Cayman making what I understand was a very eloquent, articulate and impassioned plea about unity. And because I made a simple grammatical mistake and said the wings—which house the engine—that gave him occasion to make a derogatory remark across the Floor.

That is why, Madam Speaker, I stand here today and express my great disappointment for the disingenuousness that is being portrayed in this House.

Now, Madam Speaker, not because I don't have one of those six last names, not because I am not from West End, and not because I am not a member of the PPM Government am I going to tolerate that type of arrogance. I will not tolerate it. So, I put that Member and any other Member on notice that when I am speaking, whether or not they like me or they support me, they ought to behave themselves in a manner that behooves this honourable Chamber.

Now, may I continue with my debate, Madam Speaker?

Madam Speaker, I wish to touch now on housing. The Leader of Government Business said that the PPM has made housing much more accessible for persons. Madam Speaker, I wish to say as far as this statement, this policy, relates to the Brac, that I am anxious to see that statement come to fruition. We are now into three years, Madam Speaker, when I was there I left \$800,000 in the budget. They have changed the policy. I agreed with the change that they made where they assist the banks with helping the individuals. But, Madam Speaker, it is now time to get people occupying those homes.

Those homes need to be finished. We are now three years in with one year to go, there is no reason—no reason that I can see—why those homes are not finished and why people are kept hanging. As I understand it, some persons have been in to the banks, the banks have approved it . . . and you know how banks are, Madam Speaker, they work on a business sense. How long can we expect them to hold on for these to be finished? Whatever the problem is, whether it is finances, whether it is manpower, whether it is inefficiencies, whatever, these homes need to be finished and not dragged out to say it some housing accommodation carrot just before election as was in the previous conversation. Remember, there are two people in this House. Now remember there are two votes.

No, Madam Speaker, some of these single women parents are housed up in cramped apartments assisted by rental assistance, in some cases not all, by the Social Services Department. And you have the brother and sister in the same room.

I know of one particular case, Madam Speaker, where the gentleman is probably in his late 30s, early 40s, with mental challenges. The grandmother, who is 60-plus, probably 70, sleeping in the same bed, Madam Speaker. The same bed. This is Cayman Brac this is not Haiti. This is Cayman Brac, Madam Speaker. And we want to talk about we are making housing more accessible? We need to do it, whatever it takes. Just like how the Minister of Education came and said *I found a problem in Education, it is going to take X million dollars* . . . we need to give the Minister responsible for social welfare, whoever that Minister is, the monies necessary to take care of our people.

There is no sense, Madam Speaker, that we continue to go on as if it is not happening. And I am

not putting any blame to that particular Minister, whether it was you, Madam Speaker, the Leader of the Opposition or the current Minister. That is why we hire staff and professionals to go and do the fieldwork. That is why it is important for us as Caymanians to continue to be our neighbour's keeper so that if we see these circumstances going on that we can do it.

All of it should not fall on the feet of the Government. We, as Caymanians, must get back to that state of affairs where we go on a Saturday and the women or the men, whichever these days, cook the food and share with the construction work and do the projects as the Lions used to do and the Rotary and the others. This has to be a partnership.

If we are going to win the war against poverty, Madam Speaker, within the Cayman Islands—again, in particular Cayman Brac, to a lesser extent Little Cayman—it has to be a coming together of the minds. And then everyone will look good because those children will have a less chance, be a lower risk factor for going to Northward Prison. We won't have to be spending millions of dollars incarcerating them in Northward Prison only for them to come out as more hardened criminals, Madam Speaker, because it is a vicious circle.

Then, Madam Speaker, last year and perhaps the year before, but for the benefit of doubt certainly last year, I came and I made a plea as best I could about names that I had requested. It was somewhere between 13 and 15, I don't quite remember who we had named after former parliamentarians and outstanding persons in the community both private and public. I was told all sorts of things, as we speak so and so is happening; the machine broke down. Then the honourable Minister of Communications corrected the Leader of Government Business and said, No, that's not the case.

Well, I am happy to report, Madam Speaker, that it is probably in excess of months upon months probably a year the signs have finally arrived on the Brac. And still they are sitting in the same place they arrived and have not been put up.

Now, Madam Speaker, what could be the reason why these signs are not being put up? They are road signs, Madam Speaker. They are not things that are going to benefit Juliana. They are road signs that are there. But is it because when they see "Captain Charles Road" or "Captain Mabry Road" or "Glenn Road" or some of those, or "Mr. Alfred's Road" they are afraid that Juliana is going to get praise for it?

Madam Speaker, I don't care. I have already named them. I can go and get the record to say I was the Minister. I don't care about that Madam Speaker. But we need to get the names of the roads up. They are sitting there. We have enough men. We have hired new men at the Public Works. The Honourable Leader needs to give the direction, whatever that is, to put [them] up and not on the eve of next year, Madam Speaker.

Then, Madam Speaker, I would also ask, seeing that we are now getting close to the beginning of the hurricane season, that all of the easements and footpaths leading to the caves on the Brac are cleaned and kept clean throughout the hurricane season. We are under capacity as it is in Grand Cayman with adequate hurricane shelters but, thankfully, we do have the high elevated caves that many of the elderly people still take refuge and shelter in. But it makes no sense to wait to just before because there are a number of them. I had an occasion just this week to take a run through the Island to see which have been cleaned from which have not and that's why Madam Speaker, I am making a plea while we still have some time and before the season starts for this to be done.

And then quickly, Madam Speaker, I wish to thank the Government for placing within their budget . . . I believe there are actually two entries for the beautification of the various districts. But as I speak, and again I speak as it relates to Cayman Brac and Little Cayman. The lady who seems to be in charge, who has been contracted or hired, whatever the employment relationship is, Miss Valerie, I have to put on record, Madam Speaker, that I do not think they could find anyone else to do a better job than what she is doing, not only with hiring some of those who are unemployed who are local, but with her ability and skill and talent to do the landscaping with local plants and adding beautiful rockwork.

But, Madam Speaker, the same old application is back again. We seem to be stuck for the past three years in Stake Bay. I remind the powers that be one more time, because I did ask for the list of properties that were being beautified, to remind them that, yes, we are just 12 miles long, but West End still exists and they could use some beautification in some areas. Certainly the Bight, Watering Place, Creek, Northeast Bay and poor old Spot Bay (that they never seem to remember) could use some of the beautification money to be beautified. It is so beautiful the work that the lady is doing, please share it!

Madam Speaker, I wish also quickly to speak to the location of the Hospital. It has been there for a long time. It was one of those examples, many examples yet again, where Cayman Brackers came together, women and men, the property was donated they worked together *by the people for the people* but I think [Hurricane] Ivan has [taught] us that in our mid-to long-range planning we may have to look at either relocating or building another hospital on the Bluff because it is relatively close to the sea. It is in a flood prone area.

Over the years various Ministers have spent a lot, a tremendous colossal amount of money, buying very expensive equipment, state of the art equipment in some cases. They have a wonderful dialysis machine that the Honourable Minister and other Ministers assisted in getting there. Madam Speaker, it would be such a pity if it got destroyed because where are we

going to get the money from in this economic downturn? And we would still have to get the health wing.

So I wish to let the Honourable Minister and his Government know that when that time comes, hopefully fairly soon, that you have my full support for the relocation of the hospital as a matter of priority on the Bluff. The other reason, Madam Speaker, is that when we do get hurricanes they have to remove them to the hurricane shelters on the Bluff and a lot of these patients are old time Caymanians that do not believe in getting wet because they believe it is taking cold and all those different phenomena that they describe. Yet, the staff cannot necessarily be expected that every no'easter that comes that they can just move them. So they had to put policies in place that a certain category would be the catalyst for moving them. That, in itself, creates a lot of problems. So, if we had it on the Bluff it would be extra capacity for a hurricane shelter but it would keep the dignity of the patients and the staff alike and it will preserve the sustainability element of good health services on the Brac if we were able to get it elevated and built to a hurricane five standard.

Then, Madam Speaker, despite my propositions, despite airing here today what I have felt has caused concern within my constituency, concern personally, I have to perhaps concur with what the Leader of Government Business said on page 12 of his paper, where he refers (and I quote with your kind permission): **“Human belief is a powerful force. A man or woman is driven by what he or she believes. Have you ever noticed if you are sick and believe that you will get well, your recovery is so much quicker? [he said] Similarly, if you believe the future is bright, you will be motivated to work to make it bright. The same applies to economic downturns. If you notice, downturns tend to accelerate when the view that there is a downturn becomes dominant. With booms, the opposite happens. There is a belief that things are bright and people show it through their behaviour.”**

Now, Madam Speaker, if I had to give a synopsis of all of those words that are put here and other kinds of examples of linguistic elegance, I would say that this is the art of positive thinking at its best.

It is not because you put a car in a garage that it is going to become something else. You have to take active steps to make sure that it is transformed or metamorphosed or conformed to what you want the end product to be. I could think for the rest of my term in here till next year that the PPM is the best thing since sliced bread (as the Leader would want us to believe), that is not going to change the high cost of living on the Brac, the high electricity bills. Every time a barge comes the food seems to go up.

And then Madam Speaker, I wish I could even take comfort in the fact that there are waivers. Even an attempt was made as if the PPM did that. Madam Speaker, you know as well as longstanding Members, that several governments introduced complete waiv-

ers or reductions on food price. But there is no inspection as far as I know to ensure that the consumers are getting it. And I can tell you, Madam Speaker because I spoke to one particular merchant on the Brac, trying to get a feel, trying to get an idea how this was being passed on to the consumer especially now that everything is so expensive. It takes \$63 to fill up an Explorer. That cost \$45 before.

To those who are rich and wealthy a few dollars do not mean anything. But when you are crunching the numbers, as the new term on CNN, you find out that everything counts, Madam Speaker. So it is with the majority of my constituents on the Brac.

What this gentleman told me, the merchant, was that it was too much trouble to calculate it individually for ice cream or flour or whatever the items were. So, he said as far as he is concerned he would just do a general thing and it will affect all of the different items. And I looked quite critically at that response and after a bit more probing he actually admitted that most times it is not done.

I can't necessarily blame him. It is not perhaps moral or ethical or perhaps even legal but we need to find a mechanism, whether through the Economics and Statistics Office, whatever, to do a random check on these prices to see what is going on because not everybody is making a hundred and something thousand dollars a year. On the Brac we still have people working for some of these same merchants who are making less than \$3 or \$4 an hour. And it is a drain on our revenue to continue to give the fish, Madam Speaker. We must find innovative ways and incentives to ensure that once we put these economic incentives in place that the people who are supposed to benefit are the ones who are benefitting.

When you have to pay \$4.25 for a dozen and a half eggs and, sometimes depending whether the barge comes or it has to come on express, \$7, \$8, \$9 for a gallon of milk . . . these are things that people need. Madam Speaker, I know. I live there. I do not credit, thank the Lord, not because I am rich, Madam Speaker, but because I am a firm believer that we will not get out of this economic slavery until we can build our people up to the level where they do not feel enslaved to get goods and pass over their cheques.

Some of these people, when they get their voucher, all they do is sign their name to the back of the cheque and it is given to the merchant. Yet those same merchants come to me and complain about how Social Services is giving away the people's money, that they are banking and getting a profit. Some of them have the audacity that when certain clients go in [they] will make comments and remarks about what they should get and what they should not get.

Madam Speaker, we have to find a way of getting out of this. Slavery was abolished in the late 1800s, but I say today—and I say it without any apologies—that we are still in economic bondage, certainly on Cayman Brac and Little Cayman. And it is used—it is maximized so that the people feel that their

very vote is tied to them getting the lumber, getting the groceries, getting what have you.

Madam Speaker, if we did a search to see the many poor people—as we look at the lower echelon, the lower stratification of our economic society that has lost or has given away their properties for groceries . . . Madam Speaker, it is still happening. I know of an instance where two acres of property on the Bluff and a merchant was able to get it for \$1,200 worth of groceries after the husband died. Is it any wonder that the Brac has been increasing a colossal, a gigantic amount of vouchers to pay out?

We must fix these problems, Madam Speaker, and I know people may say, *Well you are committing political suicide, you should not question it*, but Madam Speaker, I said that to say this: Even if I have to do without water or bread or whatever in my household, I have refused to go and open a credit account. And it is not because I am rich, Madam Speaker. There have been days when I have had to go in my ground to make sure there is food on the table, but I refuse to carry on this legacy of a loop over the head. And I do not want my children to inherit what I see my constituents going through.

I go and talk to them. They come and talk to me, Madam Speaker, when their electricity bills are high. And calls are made and \$200 is given here, or \$1,000, or whatever amount is given. I appreciate that. The people appreciate it. But what is going to happen next month? It is only going to be higher because there has been nothing put in place. My people want to earn. My people want to have the dignity.

We have people in the community, poor though they be, who have saved up their \$1200, Madam Speaker, for their vaults. And they are well on the way to saving up some money for their funerals—which it has become cheaper to live now than to die with the cost that we have to pay for these extravagant funerals. But they have that dignity and that pride still where they do not want to say that the government put them away or put them on the pauper's list.

But people that you would not even imagine now are coming and asking to borrow money or coming to ask you to go to such and such a person to borrow money. When will this spiraled economics nonsense end? It will only end when we have merchant-class people in our country who will not put on 300 per cent increase, but who will have a feeling and a compassionate sense, a human face, to the problems we are seeing.

And it grieves my spirit when I see them driving around splashing off the money or splashing off the groceries or whatever because it is just encouraging the problem. It is magnifying the problem and it is going to fall in the hands of central government because those types of politicians will not remain forever. Even if they were able to fly their ways through the mafia politics, Madam Speaker, *we are appointed unto man once to die and after that the judgment*. So

we will all move on from this stage of life Madam Speaker.

Madam Speaker, I do take comfort however, as I am reminded in 1 Corinthians 15:58. It says: **“My beloved brethren stand ye steadfast, immovable, always abounding in the work of the Lord. For as much as ye know that your labour is not in vain in the Lord.”**

And Madam Speaker, the battle is not mine, it is the Lord's. Just as he told Joshua in Chronicles. And with that confidence and with that belief, I say bring it on. I have endured it for three years, for the benefit of my people. But if it means like Esther where a night with the King is requested for the people of Cayman Brac and Little Cayman, then you are looking at an Esther because I put on notice last Friday that I was going to use my two hours today. I thought about it for a long time, because I know how politics work. Money still talks, certainly in Cayman Brac and Little Cayman.

But if it means my seat, Madam Speaker, because of the position that I took today, then I will go out feeling satisfied because it is better to be a live hero than a dead coward.

May it please you, Madam Speaker.

**The Speaker:** It is four minutes before the hour of interruption. I will entertain a motion for the adjournment of this honourable House.

Honourable Minister responsible for Health and Human Services.

## ADJOURNMENT

**Hon. Anthony S. Eden:** Thank you Madam Speaker.

I move the adjournment of this honourable House until 10 am tomorrow.

**The Speaker:** The question is that this honourable House do now adjourn until 10 am tomorrow. Those in favour please say Aye. Those against No.

**Ayes.**

**The Speaker:** The Ayes have it. This House stands adjourned until 10 am tomorrow.

**At 4.26 pm the House stood adjourned until 10 am Friday, 9 May 2008.**

**OFFICIAL HANSARD REPORT**  
**FRIDAY**  
**9 MAY 2008**  
**10.30 AM**  
*Sixth Sitting*

**The Speaker:** I will ask the Third Elected Member for Bodden Town to say Prayers.

man Services, the Temporary First Official Member and the Honourable Second Official Member.

**PRAYERS**

**Mr. Osbourne V. Bodden:** Let us pray.

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

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

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

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

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

**Proceedings Resumed at 10.32 am**

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

**Apologies**

**The Speaker:** I have received apologies for late arrival from the Honourable Minister of Health and Hu-

**STATEMENTS BY HONOURABLE  
 MEMBERS AND MINISTERS  
 OF THE CABINET**

**The Speaker:** I have received no statements.

**GOVERNMENT BUSINESS**

**Debate on the Throne Speech and Second Reading of the Appropriation (June 2008 to July 2009) Bill 2008 (Budget Address)**

*(Continuation of debate thereon)*

**The Speaker:** Continuation of debate on the Throne Speech. Does any other Member wish to speak? [pause] Does any other Member wish to speak?

Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

It is indeed a pleasure to be able to stand here this morning to debate the Budget and Throne Speech. I am thankful to Almighty God for the privilege to be here serving my people and my country as a part of an honest and open Government.

Madam Speaker, I particularly thank the good people of Bodden Town for their continued faith in me to represent them and to do the right thing to the best of my ability. Before I get any further in my debate, I would like to take this opportunity to wish my good friend, the Honourable Third Official Member, the Financial Secretary, a belated happy birthday. I know he didn't want anyone to know, but we found out and it is my privilege to be able to wish that to him one day late. I hope that he will be around for many, many more.

Madam Speaker, much has been said thus far, mainly by the Opposition of this House, in relation to the matters before us. The Opposition has pretty much, I guess it would be safe to say, showed a certain amount of desperation so far in that they have been very negative in the main in relation to just about everything that they have said. If you were to listen to the Opposition and believe them, then this Government in three years has done absolutely nothing; we are a bunch of vagrants and vagabonds, dishonest and all the like.



I will certainly deal with a lot of issues today, but as a part of this Government, as a Member of this Government, Madam Speaker, when someone calls this Government dishonest, they call Osbourne Boddin dishonest. And if it is one thing I am not, it is dishonest. I think there are those in the Opposition who know all about dishonesty.

Madam Speaker, the Leader of the Opposition, in particular, knows that he is under a lot of pressure, under scrutiny. And he has been that way for 24 years, Madam Speaker, because from the time he was elected he has been a troublemaker.

Madam Speaker, that man has broken up every relationship he has ever had as a political affinity. He has not stayed in one church, and yet he continues to blaspheme and hide behind Christianity. Hypocrisy to the max, Madam Speaker! And this country needs to understand that and understand the nature of the man they are dealing with. I hope that when he leaves that Opposition seat that he retires to West Bay. He will not be coming back on this side if I have anything to do with it.

Madam Speaker, I will leave that for now and continue my substantive debate. I will say more later on.

Madam Speaker, the budget as prepared by the Honourable Third Official Member and his team is another balanced budget. The budget covers a lot of many important areas for this country, especially in the area of infrastructure development. The Opposition is pounding us to death about the amount of borrowing and spending that this Government is doing. But if this spending had been done over a reasonable period of time in the past, then this Government would not be forced to deal with so many issues at this time.

In fact, I do not think there has been a harder working government in the time that I have been around to see the amount of initiatives and the things that we have taken on in a very difficult time. In fact, some would say that we have taken on too much. We are too ambitious. And yes, some of our projects will not be complete. That is the nature of this business. And, yes, we have to build on what the other governments and the governments before them started. We would be stupid, Madam Speaker, and it would be a very irresponsible government to stop it and start over. So, this thing about, *I started it! I started it! Unna only finishing it . . .* Madam Speaker, that is the nature of this business.

As the First Elected Member for Cayman Brac and Little Cayman said yesterday afternoon, one of the things I had to agree with her on is that in this business some people plant, some people water, some people grow and some people reap. That is a fact. You cannot do it all, especially in one term. Especially in three years. But I have the utmost faith, as I said, in the Third Official Member and his team for putting together a budget. And, I am not sucking up to him, although I wished him a happy birthday earlier . . . but I know him. I have known him all my life from

high school, and there is not a more honest, able, capable and conservative being that I know. Therefore, Madam Speaker, when that gentleman brings a budget to this House, I know the pressure he puts on Ministers and Departments to ensure that everything is lean and trim as possible, and the pressures that they have to produce that budget. So, Madam Speaker, I have faith in the budget.

The Honourable Third Official Member spoke to his budget and spoke of the many issues that we are faced with. It is a difficult time, Madam Speaker, because we have a worldwide almost, I guess, recession or economic slowdown. Therefore, it is a difficult time that we face. And, yes, we have large borrowings. No denying that. But we have borrowings and debt that we can service. That is the key to it. When our borrowing is within the parameters set out—and I will show that as I go along—then I do not see what the big deal is. Of course, large borrowings will concern anyone, and it concerns me.

One minute please, Madam Speaker. I beg your indulgence.

[pause]

**Mr. Osbourne V. Boddin:** Yes, Madam Speaker, my apologies.

I was saying that borrowing would concern anyone. And I am not saying that because we have large borrowings we should not be concerned. We are concerned, Madam Speaker. But we have confidence in our economy and what is going on around us and we feel, therefore, that we will be able to service that debt.

As I said, the budget is a balanced budget, compliant with responsible fiscal management under the Public Management and Finance Law. Madam Speaker, I believe that it is a sensible budget, clearly thought out and was certainly well presented by the Honourable Member.

Madam Speaker, I would like to go over the Public Management and Finance Law criteria in a very concise way so that anyone listening can understand what we are dealing with.

I will not list these necessarily in order of priority, but there are five criteria set out under the Public Management and Finance Law, and borrowing (what I am speaking about) is one of them. It says that the maximum debt service ratio that the country is allowed to have is 10 per cent. Madam Speaker, our debt service ratio is standing at 7.9 per cent. So that is 2.1 per cent under, or 25 per cent under the allowed maximum. I think that is a fairly conservative figure.

It also calls for a certain amount of cash to be held at any one point in time, and the requirement now is for 90 day's cash to be held, three months cash, in other words, to cover three months of government expenditure. And, we have met that. I think we have 91 day's worth of cash on hand predicted as at the end of 2009.

We have also budgeted a healthy surplus of \$13.5 million, which is another one of the criteria.

Another criteria, Madam Speaker, is to have a positive net worth. We have over \$500 million, \$532 million to be exact, of positive net worth.

And the last one of the items is the net debt ratio. The maximum allowed under the Public Management and Finance Law is 80 per cent. We have our net debt ratio projected at 73 per cent.

So, Madam Speaker, we have complied with all of the criteria under the Public Management and Finance Law. That is the first thing that we need to make absolutely clear. We are not in violation of any of those principles of prudent accounting practice. And they are very conservative in the main. There are some that would say that in calculating the debt service ratio, for instance, in most cases you use principal repayments only. But the Public Management and Finance Law calls for principal repayments and interest. So that is an ultra conservative percentage.

Madam Speaker, as I said, we have a worldwide economic slowdown. There is no doubt about that. But our economy continues to strive. We have predicted growth of 1.7 per cent comparing favourably to somewhere such as the US, which is predicted at .5 per cent. So, our growth is three times what is predicted in the USA.

Another very important factor for us to look at—and this is very, very important, because this speaks to investor confidence and how people perceive these Islands and whether they are willing to come here and invest their money—and that is the rating that has been given to us by Moody's, the international rating agency. They have maintained their Aa3 rating for Cayman and this is a huge testament to the way they perceive Government and the economic condition of these Islands. And this is based on their looking at figures and the economic climate. So, this is not to be taken lightly and we should be very proud of such a rating.

Now, Madam Speaker, one of the favourite sayings from the Opposition, the theme of the three speakers who have spoken thus far from that side, is that this Government is an irresponsible one. I ask the question, how so? How so, Madam Speaker? when this Government is showing clearly that we are working within the parameters as set out and we are being open with what we are doing. Madam Speaker, bear in mind also, that this budget takes into account 3.2 per cent cost of living adjustment for the entire civil service, retroactive to July 1 [2007].

I was looking at one of the reports in the paper, I think this morning or yesterday, and one of the things the Leader of the Opposition was saying is that we have offered up this increase and we do not know how we are going to pay for it. Well, that is totally untrue, Madam Speaker. I would like to make that clear because the time the SPS (Strategic Policy Statement) was brought in November, departments had factored the cost of living increase into their figures. It

is not a line item in the budget, no. But, certainly it is within the personal emoluments that are there.

So, Madam Speaker, I say that we are doing this without any increase in taxation. Madam Speaker, I think that the Government should be applauded rather than torn down, as has been the case thus far.

Madam Speaker, I would like now to turn my attention to some of the items and areas of national importance and some of the various areas we are going to be spending on and developing over the foreseeable future.

I would like to start with our number one priority, and that is education. This Government has embarked on a very ambitious reform process that includes the building of three new high schools, one new primary school, as well as a total reform of the education system. Madam Speaker, this is a reality. Ground has been broken and work started on site preparation on a number of these schools, with the John Gray and Frank Sound campuses being the most advanced to date. This initiative has been talked about regionally and internationally. The Minister of Education is seen as someone with a vision, as someone who is passionate about delivering a top-class education system to these Islands.

When any one Minister does something . . . this Government is not five governments; it is one government. So, that Minister is working with the support of his colleagues and the entire Government. Everyone needs to be fully aware and cognizant of that fact.

Madam Speaker, these schools will be state of the art with indoor gymnasiums, arenas, swimming pools (25 metre swimming pools in the case of Frank Sound and John Gray), state of the art playfields, multipurpose playfields and, on top of that, these schools will serve as category 5 hurricane shelters.

Of course, we have been beaten over the head with the price of these schools. Yes, they are expensive; that is for sure! But, Madam Speaker, I ask this question: what price do we put on our children's development, advancement and education? The future of this country depends on highly educated individuals. For too long we have simply accepted the fact that Caymanians would be content to sit on the floor—not at the table, but sit on the floor—and pick up the crumbs from the table. We want them to sit at the table, Madam Speaker. We want them to be a part of their future, the controlling part of their future, not dependant on someone else to make it happen for them.

Our teachers are a crucial part of this reform process. I, for one, and all of us on this side and I am sure in this House, want to see our teachers treated fairly and properly. It concerns me the way some non-renewals of contracts have been handled recently. I know that the good Minister shares this concern as well. This is not the way to foster good will among our teachers, and good teachers are hard to find. I do not need to tell anyone that.

I hope that those listening to me will take note of my concern in this area and seek to improve the way that we handle people when that time comes.

Madam Speaker, this Government has also embarked on a very ambitious sports development programme. Anyone looking on can see that. They look at the renovated Truman Bodden Complex, the beautiful field we had when Cayman played Bermuda recently; the stands that have been redone; the modern state of the art lighting that has been installed; the new track that is going to be laid there . . .

*[inaudible interjection]*

**Mr. Osbourne V. Bodden:** It's actually laid? The new track that has been laid (I have not been there recently to see).

Madam Speaker, this is a stadium now that when you walk into it the whole complex gives you a lift when you look at it. It is a beautiful national stadium that we have. The foundation was there for us to build on and, yes, we have chosen the opportunity now to make it into a beautiful place because we are renovating it. So we made it even more beautiful than it was originally, and more practical because there were a number of issues there that had to be sorted. And the lights, as I mentioned, I think those same lights are going to be used in West Bay. The poles can pivot and actually in the event of bad weather, inclement weather, those poles can lay flat on the ground and the lights removed, which can reduce the risk of a lot of damage. Therefore, Madam Speaker, although they cost more to install, without a doubt, again, in the long run they should be a wise option.

Look at what is taking place at the Annex, Madam Speaker. The new Astroturf pitch there is going to be another wonderful facility for us to play sports on, especially football.

In West Bay, I believe Astroturf will also be used. Again, the Ed Bush Stadium will be a really fine facility to use when it is all completed.

The Bodden Town field (as I will mention later) is under repair and the grass is looking really lovely up there. We have new stands, bleachers, and a new irrigation system.

The North Side facility up there, where a lot of matches are played at the moment, is in absolutely wonderful condition. New stands, new field, changing rooms that we never ever had up there.

Madam Speaker, you have heard of the facility in the Brac which will be officially opened. It is a world-class facility as well, another Astroturf pitch. Just on what I have mentioned thus far, how can anyone say that this Government is not working; that this Government is not delivering to the people of this country in the terms of infrastructure that they need and that they can be proud of?

Madam Speaker, there is also the new cricket pavilion in West Bay. You hear often too that we leave West Bay out, but I do not know how anyone can say

that because I have already mentioned West Bay a number of times in my speech (and I have just started) about things that are being done there.

The school in West Bay has had some hiccups with getting started. But, again, that is no doing of the Minister. That is just the way that things have transpired, and he is working hard to get that up and going along with the other two.

So, Madam Speaker, this Government continues to deliver. This Government continues to work hard with honest representation.

Madam Speaker, one of the passions that I have, and I mentioned it the last time I debated the Budget Address, and I am going to mention it again. I would like to see public tennis courts in each district on this Island. I call yet again on the Cayman Islands Tennis Association to work in tandem with Government to form a private/public partnership to achieve this goal. I think that it is an area that we would be well served to take seriously because tennis courts would allow a lot of recreation in districts, especially districts where our young people really do not have access—not just young people, anyone for that matter, because people can play tennis well up into their 60s, 70s for that matter. Give them an option of something to do.

Tennis is one of those games enjoyed by many but, unfortunately, in terms of access to tennis courts, unless you live in a complex that has a tennis court or you become a member of the Cayman Islands Tennis Association and go down to South Sound, you really do not have much chance to get to play tennis. Therefore, a lot of our young people grow up without the opportunity. And it is not in the schools either, so a lot of them just simply never get exposed to the great game. But I would like to see serious thought put in. I know there is nothing in this budget directly for that, but I would like to encourage the Minister and the Tennis Association to take that on and have a serious look at it.

Madam Speaker, I would now like to turn my attention to some of the road works that have been going on. We look at the roads and the hardworking NRA (National Roads Authority) crew under the leadership of Mr. Tomlinson and, before that, the leadership of Mr. Colford Scott, and on his departure, Mr. Edward Howard and Mr. Paul Parchment. We have to give these guys a lot of credit and kudos, and the Minister for pushing to get his plans to alleviate traffic congestion in these Islands.

I do not believe that we can truly, over the next 10 to 15 years, build enough roads to build us out of congestion. I think that when we are done with what we are doing now and basically getting two main thoroughfares throughout the Island, you cannot do much more than that. But, if we continue to import vehicles and do not have a proper public transport, a reliable public transport system in place, one that when you know the bus is coming at twenty past you can step out and the bus is there, Madam Speaker, we will con-

tinue to have congestion in the long term. But I can say truly that what has been done thus far in terms of the West Bay Bypass and the East/West Arterial, I think that it has given us a breath of fresh air. I will go so far as to say that I feel firmly it has reduced some of the stress on individuals and on families. Because when you arrive late and flustered to work in the mornings, or when you cannot get home in the evenings, or when you have to get up at the crack of dawn or before to get your children ready to get them to school on time and get yourself to work on time because the roads are so congested, then, Madam Speaker, I believe that you are adding to the ill health of our nation.

But Madam Speaker, I know that the people of West Bay, and now the people in the eastern districts as well even with the ongoing road work . . . again, I have to give the NRA credit for the way they manage to keep the traffic flowing in and out of all the barriers and lights and all that is going on. They are working while people are driving there. So, Madam Speaker, I want to give great praise to the Minister and his Ministry and the NRA for the efforts that are being made in this area.

Since he has become Minister that same Minister of Works, the Honourable Arden McLean, also created a Recreation Parks Beach and Cemeteries Unit, which is doing some really good work in these Islands. This new unit under the leadership of some young Caymanians has really made a big difference since they have gotten up and going. They have a lot of equipment and you can see the difference in the way the public open spaces, the beaches and the cemeteries are now being handled. They have the street sweeper that was bought recently, the new one, and again doing a great job here in George Town in the mornings keeping the roads clean.

Madam Speaker, as I said, we keep hearing that nothing is being done. Nothing is being done. That is the cry from the other side of this House, from the Opposition. I just wonder where they are living. They say that we need to get out and see what is going on. Well, I think they have their eyes shut or they just simply are being mischievous.

Madam Speaker, I am saddened that I have to stand here this year and say that the Savannah gully project has not yet been completed. But we all know what has caused this problem. The approval system has basically put a hold on this. The Minister desperately wants to get this done and, as he said, he has a vested interest because he lives right close to where the gully is, although it has not directly impacted him so far. But we want to get this done. I know the three Elected Members for Bodden Town are anxious to get the Savannah gully project completed.

We have objectors to the plans that we have put forward. But a lot of those objectors are not even directly impacted by what happens when we have weather rolling in from the south. The people who are

affected are certainly not objecting to this project. I wish that somehow we had managed to bypass some of the delay in this. But I know that this is not just a Bodden Town issue; this is a national issue. When we get a flood in that area it basically cuts the Island in two. I mean, the last time it was really bad. You could not get through unless you were prepared to go to your wheel wells in salt water. And a lot of people do not want to do that with their vehicles. So, you have a real blockage when that area floods, not to mention the amount of damage to homes and yards and disruption of everyday life.

I know one particular family that has put in . . . I think they are on their third or fourth set of furniture now because of the Savannah gully problem. Therefore, Madam Speaker, I know that Mr. McLean is going to work his hardest to get it done. He has been accused of removing money from the budget, but the money will be found when the project gets the green light. And it makes no sense to start the project now, as he said, during the rainy months and storm season because any weather that comes then will simply destroy what you are trying to do. And we do not want that. That would cost us even more. One thing I am certain of, I do not want to be standing up here on my next budget debate saying that it is not done, or it is not at least well on its way to completion.

I would like to turn my attention now, Madam Speaker, to the issue of housing. We desperately need affordable homes. The Government has been working hard. The Leader of Government Business has been working hard in this area coming up with a guaranteed government scheme and land being purchased and selected by the National Housing Development Trust in Cayman and Cayman Brac for this very important initiative. We have people who are desperate for affordable homes in our country, Madam Speaker. We are not denying that.

We have people still in trailer homes and that is not the way we want to see our people living. We have to get them back in proper homes and I know that the scheme in Cayman Brac is well on its way. I am hoping that the other districts, George Town, West Bay, Bodden Town and East End, in particular (I do not think there is a great need in North Side at the moment. I may be wrong, but I do not think so.), are the districts I certainly would encourage those in charge to ensure that we get the land fully purchased, get affordable homes, get that initiative properly up and going so that we can give people an opportunity to have some pride in owning their home.

Madam Speaker, much has been said about the state of our healthcare in these Islands. Some people feel it is not good. Some people feel it is doing better. Some people feel that it is good. What we do know is that the cost of healthcare continues to rise. We hear of the complaints coming in from the hospital and the various aspects of healthcare coverage, insurance, whatever. So, we have to work hard in this area. It has been an area that has been a problem for

as long as I can remember in the last 20 years, I guess.

We had an authority. We disbanded the authority, we put it back under the Minister; we put it back in authority . . . back and forth it goes. But what I do know, Madam Speaker, is that our own Caymanian, Mrs. Lizzette Yearwood, since her appointment as acting CEO, has done a good job in stabilising the hospital, boosting morale, and keeping the rumour mill on the quiet. So, I want to encourage that young lady. I think she is a tribute to us here in Cayman because we have had many people at the helm and we have had a lot of turmoil as we know. But we are making slow progress.

The budget contains funds for new equipment that is badly needed and also for a new mental health care facility. Madam Speaker, as you know, I brought a Private Member's Motion late last year that received unanimous support in this House and the good Minister Eden, my colleague from Bodden Town, assured me that it would be on his next budget. I am happy to say that that Minister has kept his word to me and to this country and we indeed have the funds to get a mental health care facility started if not completed, in these Islands.

Madam Speaker, I think that we need to be able to care for our loved ones here in these Cayman Islands. It bothers me that we have to send people overseas in the main to Jamaica, but some are in the States as well for this type of treatment. I think they would be much better served being looked after in their own country where they would be closer to their loved ones, and these special people who need special help would be a lot happier as well. So, Madam Speaker, I want to pay kudos to the Health Services Authority and the Minister for taking that initiative on. I know it is not going to be easy because it is a specialist area and the cost for it is not cheap. We have a lot of expenses in this area already but with God's help we will manage.

Madam Speaker, another area of major concern is the whole area of overseas medical and the cost in that area. We know that this continues to place a great burden on the HSA and the Government coffers, and CINICO certainly has its hands full to keep these costs streamlined and manageable. We must ensure that all of the right service providers are used and that CINICO itself is properly structured to manage the ever rising healthcare costs locally and abroad.

It is my opinion that all insured persons need to contribute to premiums paid on their behalf because without this people will not have the feeling of responsibility required to keep claims under control. Madam Speaker, if you have 100 per cent coverage paid by someone else, you will go to the doctor and you will not worry too much about your premium shooting up because you do not have to fund that out of your own pocket. But, when your claims increase your premiums, then you are a little more conserva-

tive; you are a little more cognisant of the fact that you do not want to be on the receiving end of a higher bill. And this is what happens to Government. We have a huge outlay in premiums. We fund 100 per cent the whole civil service as well as other areas, other people. And, Madam Speaker, that is a lot. That is a heavy burden for any country to continue to carry. So, I think that area needs to be looked at and streamlined to reduce the amount of cost that this country is bearing.

I move then to another large area of indebtedness to this country and that is the area of Social Services and Children and Family Services Department.

Madam Speaker, this budget, thankfully, has again increased financial assistance to the elderly and disabled. And, yes, some may say it is too low because it is up to \$550 now. I think this may have started years back at around \$400, maybe even less. And it is up to \$550 now. But the truth is, yes, that might be small; but it is what we can afford at this time. I think it shows that the Government is cognisant of the fact that people are in need. For a long time we did not have pensions or health insurance in this country. As a result, we have people who, through no fault of their own over the years, have very little savings. Some have none. Therefore, they are completely dependent on the State. As a Government we have no choice. They are our people. We have to look after them. But what I will say is that we have to make sure that it goes to the right people.

Madam Speaker, the Department of Children and Family Services continues to play a crucial role in assisting those less fortunate in our community. It is unfortunate that, again, this area continues to grow in expenditure. But the Department is working hard, I know, with the STARSS (Support Towards Autonomy, Retraining and Self-Sufficiency) programme, which allows individuals to be trained and placed in jobs to ensure that many of them do not remain fixed in their dependency. The old principle, teach a person to fish and not just give them the fish, because they will keep coming back, applies here. That is what this programme is based on. Again, it is a battle. It is an area that is really hard to keep fully controlled because people find ways and means of beating any system. But I encourage those in Children and Family Services to work hard to streamline their operations. I know they have the mindset to do just that and to help those who are really in need.

Madam Speaker, the Leader of the Opposition spoke at length about how much they should be getting, \$800, and there are so many of them and what-not. But this poverty, this state of affairs, this social dependence by our people did not start with this government. Madam Speaker, this has been long in the making. And because of some of the things I have already mentioned, such as, the lack of emphasis on education and the development of our people, actions such as his—that can never be forgiven—with hun-

dreds and thousands of status [grants] were given to people who are not Caymanian, who are not our people, who continue to bring people into this county as dependents, Madam Speaker, [that] places a greater burden on our government and on this country.

Those are the actions we are reaping the rewards of now. That is why we have to fund and carry such a heavy social cost. So, Madam Speaker, I do not want the listening public to think that this PPM Government has suddenly made the Cayman Islands a poorer place. Nothing could be farther from the truth! We are working very hard to develop our people and to develop this country in the right way.

I can go to bed every night knowing that I have honest colleagues and get up in the morning and not have to worry about some scandal or rumour or dishonesty. That means a lot! And I will not be part of a government that is not like that, Madam Speaker. The day that I am done with this one, I am done! I certainly, would never entertain the one on the other side, and I do not see any other thing on the horizon right now.

So, Madam Speaker, I know that we are trying hard. And, yes, there are a lot of people out there that are hurting. And we appreciate that because, remember, we are elected. They come to us, every one of us here.

*[inaudible interjection]*

**Mr. Osbourne V. Boddén:** Exactly.

The Opposition, in particular the Leader of the Opposition, would make people believe that they are the only ones that know about the hardship. It is only those on that side that the people call and come to their doors and look help from. There are more of us on this side, Madam Speaker! So there has to be more money going out and more advice and more everything else! More doors to knock on, Madam Speaker.

So, I want this country and the folks listening to me to understand . . . do not listen to the desperate sounds of the Leader of the Opposition. He knows he is out in the wilderness. He knows he is not contributing. Yes he has done some good over his years; but he has done a lot of mischief too. And he continues to do that. It is time for him to go.

Madam Speaker, our young men and women also have to be responsible and take advantage of the opportunities that are afforded to them in the workplace and in their personal development through education.

Madam Speaker, each and every able-bodied Caymanian should be able to do this with the right guidance and a system that is willing to give them a chance. Our job as a Government is to ensure that this happens. That is our job, Madam Speaker; to create the environment, the system that the young people, our young people, can take advantage of.

Their personal development has to be through education and they must take advantage with both hands. We are offering scholarships to all persons that qualify. We have the University College of the Cayman Islands that is bursting at its seams with students, I think in excess of 3,500 students. A lot of people are now taking up this challenge.

Madam Speaker, there were 800 registered there when we took over. So the people, our people, have recognised that this Government wants to educate them. This Government wants to develop them. I am not saying that we have started everything or every initiative. We have not. I said at the beginning that the foundation was laid for many, many things. But it is incumbent upon as a Government to build on that foundation and develop it in a proper manner.

Madam Speaker, previous governments, I dare say especially with education—and, in particular, with the UDP Government—had no vision when it came to education in this country. No vision, Madam Speaker. We have the University College. I will speak in detail to the Brac later with some of the things we are doing there, but I just want to mention, since I am talking about the University College, that we recently opened a branch in Cayman Brac as well. And it is doing very well.

So, Madam Speaker, I keep repeating. I have reached this far in my debate and I have outlined so many initiatives, so many projects, and yet we are being accused of doing nothing. Well, I wonder who is sleeping, Madam Speaker, because it is not the PPM Government.

As I said, the Minister has increased the number of scholarships in this country to unprecedented levels. Overseas scholarships are higher, more bountiful than ever before, and the private sector is also playing its part because they realise too the importance of having qualified Caymanians to fill the post. At the end of the day, when you have to deal with immigration and the permit system, you have extra costs. But if you can have a good Caymanian in a post it makes that much more sense.

Madam Speaker, I reiterate, what will make a difference in this country in the long run is well prepared Caymanians, able and willing to take their rightful place.

Young women, in particular, face the challenge of teenage pregnancy. I am going to talk about something that is not very popular and something that in some areas may not win me much support, but I have to talk about it because it is reality. And that is my job—to speak it as I see it. I am tired of seeing these young ladies getting themselves in a situation where they are left to fend for three or four kids—five sometimes. They have different fathers, all of them not doing for the kids. And these young ladies are left on the mercy of government. Chances are they cannot hold a job because of the demands with the kids or they are in and out, they are transient amongst jobs

so they are not making a lot of money. They are really, really in a deep trench.

I say to the young women out there, 'Wise up'. Do not put yourself in this situation because you have control of your destiny. You can do something about it. You can protect yourself. You do not have to get yourself where you become dependant on the State to this extent. This is within your control. You deserve better than this, young ladies, and your children most certainly do. They did not ask to be brought into this world and they are being brought into hardship. So, Madam Speaker, that is a plea from the bottom of my heart to young women out there, in particular, as I said.

Young men, we have our challenges with them as well. But the young women who are burdened cannot go on to further education, cannot hold a job, and have to find school money, lunch money, clothes and all the other stuff that goes along with kids that need to find that and find themselves in this rut. And only the government at the end of the day is left because they have begged and asked family members and looked for support everywhere, and at the end of the day, it is only government.

We have the Young Parents Programme, the STARSS Programme, and a lot of initiatives. We have a lot of organisations that work hard; NGOs (Non-government Organisations) that talk about this kind of thing and offer support. I beg and plead with our young women to take note and take their rightful place in society.

Madam Speaker, turning my attention to the area of our Police Services and the whole crime fighting area. As you know, when we took office one of the first things that we did was sit with the police and give them a healthy budget that would take them over a three or four year period in which they would get the resources they needed to protect our borders and all of the crime-fighting strategies that they needed.

Well, Madam Speaker, a lot has been done, but there is a lot more to do. We have heard the Honourable First Official Member speak to the fact that the boats . . . one would be here this year and more are coming in the next year. They are taking a long time. I wish they would have been here by now because we have constantly had problems with the *Protector*. I do not know why but it seems to keep going down and staying down. We have the helicopter that is out in the wilderness. I am not sure where she is, but I am hoping she will get here soon.

So we have a lot of things that we need the police to push and step up to, and get their marine base built in the Newlands area so that they can finally, once and for all, have a proper coastguard type facility with customs and immigration taskforce to properly protect these Islands. Because, Madam Speaker, until we can protect what comes into these Islands, we will constantly have a major issue on our hands because we will just be from one bust to the next. We are not slowing down the supply if it is com-

ing in all the time. I think the helicopter and the new fast craft that we are looking at will go a long way at alleviating some of these problems.

Of course, we have had our own problems with the police force. That is ongoing as I speak. But we have managed, with the introduction of an acting commissioner and the return of one of the deputies. I think we have righted the ship and are on an even keel. So, I am hoping that whatever efforts have to be made to root out whatever else is there . . . And we have heard that that undertaking has been given by the gentleman in charge of the investigation. I hope that he continues to do his job and does it to the best of his ability and, once and for all, give us a police force that we can be proud of. All of the innuendo and rumours of corruption and whatever will fall away.

Madam Speaker, I am praying that we will see that day. I am praying for that, and I am praying for all of those hardworking police officers who continue to do a good job day in and day out under difficult circumstances. I am hoping that in the end it will all work out for the better.

Madam Speaker, I would like now to turn my attention to our financial industry, which is the other pillar of our economy along with tourism. It continues to face its many threats head on, those initiatives, as we know, that pop up from time to time with offshore sectors where the big boys in the big countries don't like the fact that we exist, although most of them do business with us. So, they continue to send down the pipe many initiatives to try and disrupt what is happening.

We also face the threat of economic slow-down, as I said earlier. That is a reality. But I am happy to say that all reports out of the financial industry are that things are going quite well.

We have a good strong regulatory regime. And although they continue to battle constraints in human resources I think that they are doing a good job. But we have to beef up the manpower in that area because there are a lot of things that they need and it has to be in the form of human capital. We have to make sure that we fully equip CIMA (Cayman Islands Monetary Authority) and our regulatory authorities to do the job properly. That is crucial. Our regulatory environment is what has created this success story so far and we have to ensure that it constantly stays strong and vigilant.

The funds sector, that is, the mutual funds/hedge funds sector, continues to thrive and all of the areas including captive insurance, company registry, listings on the Cayman Stock Exchange, and shipping, have all shown growth in the last year. So, Madam Speaker, I think, although the Second Elected Member for West Bay laughed when I said that the financial industry continues to be strong . . . I am not sure why he laughed, but I think that the figures speak for themselves.

I just came back from a conference, RIMS, which is the largest Risk Insurance Management So-

ciety in the world representing Government, in San Diego for a couple of days. I must say at the Cayman booth and at all of the events we had there everyone was quite upbeat and quite optimistic. Even with the soft market in the insurance industry, Cayman continues to do well and thrive with captive insurance. So, that is just one example I use. But I must say that from what I am hearing . . . and my wife, in fact, just last night said to me that the volume (she's in the mutual fund business) of business that they are seeing is unbelievable. She works for State Street and that is one of the largest fund operators and administrators in the world, so I am happy to hear that.

Madam Speaker, Cayman continues to attract good business and those involved in bringing this business should be complimented both in the private and public sectors. A lot of people work hard to bring good business to the Cayman Islands. It does not just happen. People do not just pop up and say they want to do business. Some do, but in the majority you have to hustle and compete for that business. And there are a lot of people working as insurance managers, bankers, mutual funds operators, accountants, lawyers, regulators, all of the service providers, Madam Speaker. They work hard to bring good business to these Islands.

As a Government our job is to create the environment for this business to thrive and grow. Hence, I believe that we have to streamline our system, yet again, in this area and make it as clear and user-friendly as possible. In particular, our Immigration and Business and Staffing Plan Boards, Madam Speaker, are crucial in this regard. We must endeavour to fix any problems that we have in this area. And we do have some, Madam Speaker. There is no getting away from that. Once you have boards, you have problems. There are issues, there is always something going on. There is some talk, and whether it is true or not, it is always an issue. There is no getting away from that unless you do not have boards.

At the moment I cannot see where you could do without boards. But, certainly we are looking at making some of the business more administrative in nature where it would be dealt with through the Immigration Department rather than every routine thing going to a board. That will go some ways to taking some of the backlog and alleviating some of the accusations.

Our regulatory regimes, Madam Speaker, must be clear and practical. That is the bottom line. People must know where they stand, whether they are here working or visiting. They must know when they come into this Island where they stand. I believe that if we can achieve that then it makes . . . In my years of working in the financial industry, I always remember hearing clients and people working there, colleagues of mine at the time would always say we just need to be clear on what is expected of us. Once we are clear, we may not like it, but we are clear on it. We have no doubt that this is our status and this is how we move

ahead. And that is important. People like surety. People like to know that they are steady. I am sure the Second Elected Member for West Bay knows from his days in the financial industry . . . and he is still there. I am sure he heard and he . . .

*[inaudible interjection]*

**Mr. Osbourne V. Bodden:** Right! They do not like uncertainty. They hate it. And it's not to be underestimated. I don't think there is anything that they hate more. They really do hate that!

Money has feet and it will walk! And it will fly. It has wings when it is ready too. So, we have to be cognisant of that Madam Speaker, and set clear guidelines and rules for people who come here to do business and work, play and visit among us.

Madam Speaker, I am happy to hear that we are looking to enhance our share of the reinsurance market. Currently we have one company, Green Light Reinsurance Ltd., which came in last year. I say I am happy to hear that because we are not necessarily looking to compete with Bermuda. In fact, I think that would be impossible because they are known as a large offshore reinsurance market. They are huge. We are not looking to compete with them. But what we are looking to do is put the Cayman Islands on a solid footing in our own right. This will complement our hedge funds and captive industry.

We have to ensure that we set up the regime to allow this business to develop. I know that the reinsurance task force (which was commissioned by the Minister of Education under his financial obligations) has now completed its report. I believe a lot of work has gone in and a lot of good findings are coming out of that. This will go a long way to shoring up the financial industry.

I think it was back (if memory serves me right) in the 70s that Cayman lost out at that time to Bermuda with their reinsurance market for various reasons. One was simple. I think, one of the men who wanted to come here, his wife had been to Bermuda and she simply wanted to go to Bermuda and he went. That's no joke. That's true. That is reality. That is how business is; sometimes it is simply a personal preference, whether their golf course is better than mine or whether they have gambling and I don't, or whether they have nicer hotels, or nicer cars, nicer streets, whatever. People are very fickle in that business and they move at a whim and a fancy. And that is why we do not have a really developed reinsurance market currently. But I know we are not going to make the mistake the second time around. We have been given an opportunity. We have one good company and we are looking to attract others.

Madam Speaker, in my humble opinion, I would suggest that we probably look to attract another three or four more good solid reinsurance companies. This will give us another leg to stand on and, as I said, shore up our financial industry and give a lot of confi-



dence back and restore some confidence where people will know that the market here is a mature market. And once you have reinsurance on hand your hedge funds and your captive insurers will be happy to utilise those services.

Madam Speaker, would it be a convenient time to take a break?

**The Speaker:** Proceedings will be suspended for 15 minutes.

**Proceedings suspended at 11.44 am**

**Proceedings resumed at 12.06 pm**

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

The Third Elected Member for Bodden Town continuing his debate. Honourable Member, I have been informed by the Clerk that you have 50 minutes remaining.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker, that's five-zero, right?

**The Speaker:** Fifty.

**Mr. Osbourne V. Bodden:** Thank you.

All right, Madam Speaker, as I was saying before the break, I wrapped up my comments on the financial industry and the need for us to have clear guidelines for people doing business in the Cayman Islands and the need for us to develop a substantive reinsurance market.

I would like to turn my attention now to Cayman Brac and Little Cayman and speak briefly on some of the initiatives and the things that this Government has been working on in the three year period.

Again, we have been accused of ignoring Cayman Brac and Little Cayman. That one is a complete fallacy because often times we get upset because Cayman Brac and Little Cayman seem to get more than what we are trying to get for our districts. So, we row with Mose all the time, the Second Elected Member for Cayman Brac and Little Cayman, about his apparent preferential treatment and all that is happening in his Islands. I do not know how anyone can accuse us of ignoring Cayman Brac and Little Cayman. Anyway, be that as it may, the Opposition will have their say.

As I mentioned earlier, we have an affordable housing programme well on its way and homes are being built as I speak. We have opened a branch of our development bank in Cayman Brac and Little Cayman and they are offering good advice and services to the people of Cayman Brac and Little Cayman. We have encouraged cruise tourism. I know that we had cruise ships go to Cayman Brac and Little Cayman before we came to office, but certainly we

have encouraged that to help develop the local tourism.

There is tremendous local tourism between the Islands at the moment, and I think Cayman Airways is under constant pressure to keep up and provide the kind of service that is needed for Cayman Brac and Little Cayman, to enhance this local tourism and international tourism.

Cayman Brac and Little Cayman are beautiful ecotourism areas where there is so much for the tourist or local who wants to relax, sit back and enjoy nature. There is so much to do in that regard—great diving, there is the bluff, the caves, the wreck and the wonderful native plants; the animals and all of the other stuff that is there for people to just simply relax and enjoy life at a slower pace.

Little Cayman is still virtually undeveloped and I personally would love to see it stay that way with just the right amount of development to make it operate and be somewhere nice to go to, but certainly not too much development that will ruin it.

The new airport has to be built there to allow better air service for Cayman Brac and Little Cayman, in particular to Little Cayman. I mentioned earlier the sporting facilities, the sports project that was started on the bluff under, I think, the Ministry of the First Elected Member for Cayman Brac and Little Cayman when she was Minister. It has been some time coming, but it is certainly now coming to real fruition and being completed by this Government. The football field has just been laid with Astroturf and, as the Second and the First Elected Members [for Cayman Brac and Little Cayman] spoke to, it is now a world class facility where we hope that we will be able to host international games and maybe even some World Cup qualifying games.

So, this is all going on.

UCCI (University College of the Cayman Islands), as I mentioned earlier, has a branch that was opened recently, and we are working hard with Cayman Airways to provide the type of service that is needed. This will involve new equipment and we will have to make sure that we get the right equipment to make it work because we have always had the difficulty of the jets going in to the Brac. And, of course, we have had the Twin Otters and other planes over the years. But what we need is something in between, for 40 to 50 people that will travel frequently and travel at a good capacity and make it that much more efficient.

So, Madam Speaker, the Brac, in particular, is becoming a place that in some ways is a retirement haven for people from Cayman. There are a lot of older Caymanians who have moved up that way and who are developing, and some of them just kicking back and relaxing. That is good to see. We are appreciating what the smaller islands have to offer. Therefore, Madam Speaker, it bemuses me when I hear that we have neglected the Brac or we are not doing what we are supposed to be doing for the Brac and

we have only done what was done before, and this and that. I just do not understand where all of that comes from.

The fire station is being worked on as I speak. That will hopefully get completed and the firemen will have a much better facility to work from. So, along with the Bluff Road being developed and the Ann Tatum Ramp, and all the other stuff that will allow proper access to the Bluff. . . I go there a fair amount, and if you go there you will see the place is a-buzz with activity and the Bluff is just blossoming and developing with nice development, residential mainly. I know that the Second Elected Member [for Cayman Brac and Little Cayman], one of the projects he is involved with is developing back office facilities in the Brac and moving the power station up on to the Bluff and all of that. So, there is a ton of activity going on.

This Government has certainly played its part to make that happen. This Government appreciates Cayman Brac and Little Cayman. The Leader of Government Business is himself a Bracker, so I do not think anyone should doubt the commitment that this Government has because, I mean he would be the last one to turn his back on what is needed in those Islands. So anything that district administration or the Members for Cayman Brac ask for, within reason, they are going to be accommodated. As long as we can manage it financially we certainly support all that is going on in Cayman Brac and Little Cayman. We want to see them remain pristine and developed in a very sustainable fashion.

I would now like to turn my attention to another hot issue, and that is the cost of living. One of the first things I will talk about under the cost of living is the fact that we now have a new contract with CUC (Caribbean Utilities Company Ltd.). And we all know that there are benefits to be reaped from that contract that the Minister McLean worked so hard along with his negotiating team on. Unfortunately, we are not reaping the benefits right now because . . . I guess it would have been worse if we didn't have the contract in place, but the sky-rocketing cost of fuel, where oil is \$130 (or close thereto, \$126 I think it is today) a barrel. The whole world is reeling from the effects of high fuel costs. Certainly, a power company that depends on fossil fuel is going to be in deep trouble and cannot but pass on certain costs to the consumers. To add to that, Government in its negotiations gave up \$6 million in import duties, to show the type of commitment that went in to getting the agreement that we have.

Madam Speaker, I would certainly like to encourage CUC and anyone else for that matter, to explore alternative fuels and methods of generating electricity. I know it is not easy and it is a very expensive proposition because I know that they have already been doing that in the area of thermal energy. For instance, I know that they have looked at ocean conversion, and I am sure they have explored solar and wind and everything else because it is certainly in their interests in the long term, with fossil fuels becom-

ing scarcer and more expensive, to find alternative methods. But I want to implore and encourage them and anyone in the business to look at alternative methods.

I think solar, and although initial costs are high there is something to be said for us to look closer at it in these Islands because we have a tremendous amount of sunshine on a daily basis which comes to us free. If we can find a way of harnessing some of that it will go a long way to maybe making it a viable option one of these days. I am no expert in that area, but I will just make those comments.

Madam Speaker, as I said, oil approaching \$130 a barrel is driving prices not just in Cayman but worldwide through the roof. It affects everything that we do from producing to transporting, and as the Cayman Islands is totally dependent on imported goods; we are definitely going to feel the crunch from the high cost of fuel. Fuel at the pump in Cayman is almost at \$5 a gallon. That is not easy, but people that sell fuel, in most cases (those that are reasonable anyway) will tell you that they do not make a lot on fuel. The markup is small and there are some who take advantage of this, of course, and do what they have to do. I am in that business. I happen to know firsthand what is what when it comes to fuel.

Madam Speaker, because of all of these factors, I believe that each person must practice fiscal restraint and limit their own spending to what is affordable for them. I have said this before in this honourable House, Madam Speaker: You have to cut your suit to fit your cloth. You cannot, simply because you see Tom Jones or John Brown with something, expect that you can have it if you cannot afford it. And too many of our people that are on the lower economic rung of the ladder . . . In fact, Madam Speaker, people that come to us for financial handouts are looking something or the other because they claim they are dead broke. They are still carrying two cell phones on their sides and they are driving up in your driveway in a fancy car—sometimes fancier than [that of] the person they are coming to see!

Madam Speaker, what I am talking about is a matter of priorities. Until we can get this through our heads and get those priorities right . . . yes, the cost of living is high, but we can manage ourselves better Madam Speaker. Pay your rent, your mortgage, your food and your utilities and then you can treat yourself. But do not do it in reverse order. That is where we have so much problems and we as legislators on both sides of this House can vouch for that. We know. We see it. We see the people who come and we know what they are doing. They are jumping on the plane and going, but yet they are not paying their bills. They did not pay their rent before they went on their vacation or shopping in Miami. You know, this is reality, Madam Speaker. And it is my job as a legislator and as a representative to point this out because this is what is killing our people. If they were managing themselves better, we would have fewer complaints.

My colleague, the Second Elected Member for Cayman Brac and Little Cayman often talks about personal financial management. In fact, in his debate yesterday he spoke about again about the need for this and the fact that we need to make this advice more readily available to the average person so they can learn to deal with their personal affairs in a more prudent manner. Madam Speaker, I could not agree more. In my opinion, this should be launched . . . and there is the beginning of it, as he referred to, in Cayman Brac in particular right now. I think there is someone there who is working with people. But we need to have this launched as a national initiative, in my opinion, by the Cayman Islands Investment Bureau or the Cayman Islands Development Bank, one of our agencies, on a district by district basis. That is how serious it is.

Even the great USA has on CNN something called "Money Matters" that comes on 8.30 every morning, I believe. There is a gentleman on CNN talking to the nation about how to be prudent, how to manage money matters, how to get by in a prudent way. Madam Speaker, this is important. Just like the country and the government have to be fiscally responsible, each individual in it needs to take that same approach.

We have to educate our people to the financial pitfalls that are out there and teach them to avoid the deep trench, the rut that once they get into there seems no end. And, Madam Speaker, you are talking about people here, and about lives and stress and all of the problems that go with that. When you are financially hamstrung it puts you and your family under pressure, and it causes marriages to go haywire; it causes people to do things that are irrational and unreasonable.

So, Madam Speaker, we are not talking about any little problem; it is a big problem when you cannot survive financially. I am not saying it is easy out there. Do not get me wrong. It is tough; it is hard to get good jobs right now and some of our people are ill prepared, as I spoke to earlier. But those who are working and have an income need to find a way of managing themselves better. I believe that at the end of the day it costs Government a lot more if we do not get involved in the prevention business because prevention is always better than cure. I am very passionate about that area. But I think it is something that we, as a Government have to play our part, yes, but our people too need to understand that they have a responsibility in this very serious matter.

Madam Speaker, now to conclude my debate I would like to turn my attention to my district of Bodden Town and all that has been going on within the last three years since I have been a representative—a proud representative of the district of Bodden Town. And as I say that, my colleague, the Honourable Minister shows up.

Madam Speaker, we have been doing so much in Bodden Town over the last three years that,

again, apart from Cayman Brac I think, the other Members are also jealous of Bodden Town. I tell them all the time, we laugh about it and they say, *'Oh lord, not you again!'* I say, *'Yes, we had so little for so long. Don't envy us now.'* The truth is that Bodden Town, and I guess the good folks from Cayman Brac and Little Cayman will say too, we were neglected!

**The Speaker:** Not North Side, or what?

**Mr. Osbourne V. Bodden:** I know, Madam Speaker feels that way about North Side too, and not since you have been elected, Madam Speaker!

Madam Speaker, seriously, I would like to outline some of the projects that we have been working on and are ongoing, and some are complete, just to show again to this country and the listening audience that we have not been idle, we have been working very hard.

Madam Speaker, we have a new civic centre to be built next to the Bodden Town Primary School on a piece of government-owned property that will have a Category 5 rating to serve as a hurricane shelter. That new civic centre will be state of the art. It will have indoor sporting facilities, gymnasium and courts and all the other stuff. It will provide another wonderful venue for meetings. Money is in the budget to get that project started. I know it is a substantial project so it will not be complete in this financial year, but hopefully by the next one.

The old civic centre, anyone who passes by there now will look and see a nice looking blue and white building. It has been wonderfully renovated. We are looking forward to opening it closer to the end of this month. That is going to provide in the interim meeting space upstairs that can hold 300 to 400 people. Downstairs is divided up into offices and we are looking to have a vehicle licensing services brought to the Bodden Town district to operate from that venue.

Madam Speaker, that whole area where the old civic centre stands houses, as most people know, our police station and clinic at the moment. It is our sports area where we have hard courts, netball and basketball. And we have our football field. This whole area was severely damaged by the hurricane and a lot of work has gone into it. The field is almost fully grassed now. A lot of work has gone into the irrigation scheme and the building of the brand new stand. New bleachers are going to be put in that stand and the whole area had to be re-fenced. The lights had to be reinstalled. Poles had to be righted and some replaced. A lot of work has gone into that area. The basketball backboards and stuff had to be replaced, new nets for the netball and the whole area basically cleaned up. That area in itself, a tremendous amount of work has gone into it.

I am looking forward to vehicle licensing services coming to Bodden Town. It will be similar to the West Bay operation, although I think a little bigger. They will probably be able to do some inspections

there because we have the land. This, again, will prove the interest of this Government in diversifying, decentralising, [so] people [do not] have to go to George Town for everything. This will alleviate traffic, it will alleviate stress, and it certainly just makes good sense when the outer districts can have their own services and everyone does not have to go one direction for service.

I know Minister McLean is working hard on this. He is working also very hard on purchasing land for cemeteries because our old cemetery, the original one, is filling up rapidly and we have to procure additional land. That is being worked on and negotiated as I speak.

The same Minister, yet again, Mr. McLean—

**The Speaker:** Honourable Member, could we refer to the Honourable Minister for Communications?

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker. My apologies.

**The Speaker:** Thank you.

**Mr. Osbourne V. Bodden:** The Honourable Minister of Works has had the privilege of completing and just opening the Savannah Post Office where we have over 2,500 post boxes and a far cry away from the original tiny post office that was next to the Savannah Primary School. It is a wonderful facility and it was opened with all of the fanfare a couple of weeks ago. Everyone was very proud, and justly so.

Again, the Minister for Communications and works is working at getting the Newlands launch ramp completed. The ramp itself has been built and the surrounding area is now being landscaped. The jetty will be built and this will be a wonderful addition and appreciated by all of the people who go boating in that area because everyone knows we launched within an outcrop of rocks which was sort of a natural inlet and very difficult, painful, and not easy to launch any decent size boat. There was nothing to tie up to or anything, and no depth. So, we are looking forward to this wonderful facility being fully operational. And again, we have to thank the Honourable Minister of Works for all of these good works in the Bodden Town area.

We have also procured beach property in central Bodden Town. The Honourable Minister of Tourism with his initiative to go east has bought two parcels of land on either side of the existing Coe-Wood Public Beach. The plan between the Minister of Works and us is to make this beach into a central showpiece for Bodden Town. It will house a lunching ramp, landscaped parking, and cabanas. We are going to be shifting the toilet facilities to one end of the property and we are also putting in kiosks that individuals can use to sell their wares and crafts and whatever.

I know we have agreed on the conceptual drawings and those plans are going through the process now. I am sure we are looking to get that started

as soon as possible. I think we will be closing the beach for a while to make this whole thing happen, but when it reopens we are going to open that and have a much better facility than what we have there now.

I mentioned under the police that the marine base will be built in the Newlands area. That will be starting soon as well. The Leader of Government Business, Minister for Planning and District Administration is also developing his argi-tourism project in the Lower Valley area. We started off with the Market at the Grounds on Saturday mornings and I know he has a great vision for what he would like to see in that area. As it stands, we have the Agriculture Pavilion and the pens for the animals and whatnot. But we have bought a lot of land in that area, a tremendous amount of acreage. The vision there is to create an agri-tourism project that will be something that tourists and locals alike can enjoy in terms of craft and food and the whole agricultural type atmosphere. So, that is something that we are looking forward to enhancing activity on the eastern end and will certainly fall under the Go East initiatives.

So, Madam Speaker, all this is happening and is very real. I am not just pulling these things out. As I said, there are different levels of construction but in three years these things do take time to plan, to implement, and to operate. So, we have to bear that in mind. I do not think the Government should be accused at all of sitting on its laurels and paddling away doing nothing. This PPM Government has been working extremely hard, Madam Speaker—I repeat that—to get a lot of things into the districts and to ensure that these islands have a sustainable future.

Madam Speaker, continuing with the activity in the Bodden Town area, we re-opened the Bodden Town Library after the hurricane; a newly renovated library with computer access and internet access. It is a wonderful facility with nice parking. It is a joy to watch the school kids in the days being walked up the road by their teachers, going to the library. It certainly is playing its part in the community, and rightly so.

Thanks to many in Government and in the private sector, in particular Mr. Bob Watler who did the roof on that for no cost to Government. I want to thank him also for his assistance with tearing down the old buildings that we had on the property next to the public beach after they were purchased, again at no cost to the Government. So, people like Mr. Watler and others in the community who continue to step up and help and do their share are much appreciated. They are community stalwarts. Government cannot do it all, as I keep saying, Madam Speaker. Government is us; it needs us to play a part to make it happen.

Madam Speaker, we also have the recently opened Harry McCoy Senior Park, compliments of the Dart Foundation on Government property in the Gun Square area. We have the senior centre, the Nurse Josie Senior Centre, which is a wonderful facility. It is not a residential home, but it is somewhere our elders

can go and enjoy themselves and do their crocheting and hang out and do their little cooking because it has all the facilities they need in terms of bathroom, kitchen and all that type of stuff.

Government has put a lot of money into it to make it happen. I would encourage anyone who has not been to the senior centre to pass by sometime, in particular on a Saturday afternoon when the committee that works so hard in the district, people like Ms. Flo Wood, Mrs. Agnes McCoy, Mrs. Ellen Eden and all the others: Mrs. Mary Lawrence, Ms. Josie. It's too many to mention all, but they know the group I am talking about. They know themselves. We thank them for all of the efforts they have put in to making the senior centre, the museum and showpiece that it is. It has a lot of old artifacts and old plant trash bed. Those are the kinds of things you can give people to find out if they are a Caymanian. You can ask them what a plant trash bed is, and if they know that, then they are Caymanian.

So, things like that are all inside the walls of that building. It is actually quite crowded now because they have put . . . these ladies are something else. They keep finding more and more stuff to bring and the building is only a certain size. But the Minister for Tourism, the Second Elected Member for Bodden Town, also purchased the property adjacent to the senior centre which was intruding into the park area because the senior centre sits in the middle of the park. We purchased that property as well, and that property was an old house, which had become a tenant home and that is now going to be utilised to enhance this whole service to our seniors in that area. We are looking forward to getting that cleaned out and properly used in the future.

I have had much support from the police in keeping the area under scrutiny, ensuring that it does not become a place for vagrants or people to just hang out. But you go there in the evenings and you see the families taking their kids to the park, parents sitting there and the kids playing on the swings and all that stuff. It does the heart good to know that we finally have somewhere in Bodden Town like that. It certainly enhanced the whole area because the Gun Square/Cumber Avenue area for a long time was not in the best of states. But it certainly is improved.

The Mission House is another wonderful addition by the National Trust to this area. We now have a complex, as it were, where you can go and you have the park, the senior centre and you have the Mission House all in walking distance, all pretty much on one property. And you have the bird sanctuary in the back and the lookout tower and all that stuff. A wonderful area. I encourage people from throughout the Islands to come to Bodden Town and see what we have to offer there.

At the same time we are working with the residents of the Cumber Avenue area to develop and enhance that whole area and to make the journey through their residential area a pleasant one. I have to

give kudos to some residents in that area who have already taken the initiative on their own to start beautifying their area. I encourage the others who can do it to follow suit.

Madam Speaker, along with what I have outlined there to date in Bodden Town, we have—with the assistance of the NRA and the Minister—paved a number of roads. In fact, Cumber Avenue, I think for the first time since it was done many, many years ago by Commissioner Cumber who was called to Bodden Town when that area was known as Well Pass and just a footpath . . . [He] came up and saw the need for a road and that is why it is named Cumber Avenue. From the days when I think that road was put in, I do not remember it being paved. So, that road was paved by the NRA under the guidance of the good Minister. Again, we thank him for all of his efforts in the Bodden Town area. As I often say, we have six members of the PPM, six elected representatives living in Bodden Town, so we should get something!

I know I am not too popular when it comes to speed bumps because they call me the Speed Bump King! I was instrumental in having so many of them installed in the Bodden Town area, but in most cases, they were very necessary and there are still some more to go, Madam Speaker. It is sad that people will not take responsibility for how they drive and they are speeding in residential areas. The only thing to slow them down is to make them go up and down a bit. So, we installed the speed bumps with the assistance of the NRA.

Also with the street lighting, we lost a lot of lighting after the hurricane and a lot of lights had to be replaced and there was tremendous support from CUC and the NRA.

*[inaudible interjection]*

**Mr. Osbourne V. Bodden:** All right, I have to get one for the Minister. The Minister of Tourism says he is still waiting on his, so we have to fix that.

But we will deal with all requests that come in and they are expedited through the NRA and CUC. So, I thank everyone who has helped to deal with my many requests. Sometimes I know it's a lot, but a lot is expected because, like I said, we had so little. And now I think Bodden Town, apart from a few homes that individuals own that are not taking the time to fix, where some of them could well do it, apart from those homes that are not complete, we can see activity taking place in Bodden Town.

More and more businesses are popping up. We are about to have the opening of an art gallery and craft shop next to the caves. We see all of this stuff happening. We see people doing horse rides on the beach and various other eco tourism initiatives.

We have another bed and breakfast in the form of Mr. Harvey Stevenson's on his property and, of course, everybody knows about Turtle Nest Inn and how well that does. So, Bodden Town is coming along

quite nicely and I think that it certainly now has the representation it needed. Unless you push—and sometimes you are going to upset people pushing—but unless you push to get things it is not going to happen. It is just not going to happen. If you have representatives who are working in tandem for the district, you are going to get what that district needs. It is that simple. And that is what is happening.

I thank those on the Cabinet side of the PPM who have always supported, in most cases, just about anything that we have tried to achieve in Bodden Town. All of this activity, without saying, creates employment opportunities for our people in our local community so that everyone does not have to go to town to look for a job. We are hoping that as we develop this Go East initiative—I know the Minister has many plans for the three eastern districts and Cayman Brac and Little Cayman—we are providing the incentive for people to stay at home, or at least stay within their district and make a living.

**The Speaker:** Honourable Member, you have six minutes.

**Mr. Osbourne V. Bodden:** Thank you Madam Speaker.

I would like to deal quickly with the fact that we have been working hard on the modernisation process of our new Constitution. No one in these Islands can say they have not heard about that now. We have had widespread consultation and I think the last meeting was last night at the Anglican Church. So, we will now assess where we are and come back with a revised proposal and, of course, the referendum is upcoming.

I simply want to encourage . . . but before I do that, I want to thank the Secretariat who has done a sterling job getting the word out and dealing with the Constitution and getting people's input. I want to, at the same time, urge people to take it seriously and play their part and make their feelings and representation known.

I also want to encourage the Opposition to play their part in a constructive manner and work with the Government in getting the best Constitution for these Islands, because no doubt about it, we have to modernise our Constitution. There are no if's, and's or but's about that. The question is: how do we do it? And, what do we want in it? And there are challenges. There is the whole issue of human rights and we know all that is going on with that and the fears in that area. There are many important areas. But we have to get a practical Constitution that suits the 21<sup>st</sup> century that enhances our development as we move forward as an island nation.

Madam Speaker, I would now like to thank most sincerely the Third Official Member and his team and all the heads of departments who have worked hard to put together the budget that we have before us for 2008/9. We know it was not easy. There were a

number of cutbacks because of revenue predictions being reduced. Getting a budget done in the best of times is hard work. But this one was particularly challenging and we thank all those who played their part and made their cutbacks and streamlined to make it happen.

Madam Speaker, this PPM Government continues to work for the people of these Cayman Islands for the betterment of these Cayman Islands. We are confident in our ability to govern and we trust that our people will return that confidence in us to continue to steer Cayman in the right direction. When I say Cayman, I speak to the Cayman Islands.

We have had a lot of negative stuff, as I said earlier, from the Opposition, but that is expected to a certain degree; Oppositions tend to do that. But sometimes they could be a little fairer in their criticism. All is not doom and gloom in the Cayman Islands. We still have a wonderful, wonderful set of Islands. We do not have a rouge Government. I know the Leader of the Opposition knows what it is like to be in a rouge government. He should know that we do not compare, Madam Speaker. We do not compare.

So, when he jumps up and he blasphemes and he turns around and then later on goes back to his Christian ways, the country knows, Madam Speaker. Our people are intelligent. Our people know who is working and who is not. I ask the Opposition to be a little more constructive in their criticism. Not all of them, Madam Speaker, but most of them. Be a little more constructive in [your] criticism because as a representative you have a serious responsibility. You do not have to inflame a situation. What we say here is important. It gets carried on the airwaves and it gets heard; it permeates a society. We have to take that responsibility seriously. We cannot spread untruths and just expect that people out there are not going to hear.

As I said, the Leader of the Opposition, in particular . . . there is no better at making mischief. And there is no better at wriggling out of situations. I told him already that I believe he is Houdini's cousin! There is no one who can get himself caught up into more controversy and innuendos and everything else and still somehow or the other come back out at the end of the day and believe that everything is All right. But, Madam Speaker, where there is smoke there is fire. And that gentleman has been involved in so many scenarios over the years that some things have got to be true. Something has to be true, Madam Speaker! He needs to stop maligning good people and speaking ill especially—being the Christian that he says he is—of others and then expecting them to come back later and just be Mr. Nice Guy and be appealing to the people to support him on his Christian march.

Madam Speaker, this Island has fast surpassed that type of representation. We do not need that type of representation. We need people that are conscientious, hardworking, and honest.

So, Madam Speaker, I will leave with that. I know I will get my licks but I have said what I had to say. I am not intimidated by anyone in this House. I have a job to do. I have been put here by 1140 Bodden Town people, and they can't be all wrong! So, as my friend, the action man, says, I fear no man!

Madam Speaker, I thank you for your patience. I pray for all of us in this difficult job that we do. And I ask God's blessings on these Cayman Islands.

Thank you.

**The Speaker:** Proceedings will be suspended until 2.15.

### Proceedings suspended at 12.53 pm

### Proceedings resumed at 3.05 pm

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

Debate continuing on the Throne Speech and Budget Address. Does any other Member wish to speak? [pause]

Third Elected Member for George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

I rise to make my contribution to the Throne Speech as delivered by His Excellency the Governor, the [Budget Address] delivered by the Honourable Third Official Member and the contribution by the Leader of Government Business.

Madam Speaker, before I go into the main part of my speech I would like to thank my George Town constituents for enabling me to be here today to represent them, to give their voice to something that is very dear and close to their hearts, and also to the Caymanian people as a whole.

I also want to thank my colleagues who have diligently spent hours to put their contributions to this budget, and to the civil service who has given human service to the building of this 2008 Budget and Throne Speech.

Madam Speaker, I would like to thank God too for giving me the strength and the ability, the health to be here today to give my contribution to this, my fourth budget. And to also say to the staff of this House, thanks for their service in terms of working with us and being at our beck and call.

And to you, Madam Speaker, words cannot express how we appreciate you. But before I close my budget debate I will certainly give you your accolades.

Madam Speaker, a comment was made in the [debate on the] Throne Speech and Budget by somebody about how we were saying that this is such a blessed country, how the Honourable Leader was saying this was a blessed country and how he asked us to look at CNN and see some of the devastation. But isn't it ironic, Madam Speaker, that the Governor—and you know there is no collusion between the

Governor and the Leader of Government Business—said that if we look around at other countries that struggle with even greater challenges we realise that these Islands remain blessed.

There are many captions in the [Throne Speech] which the Governor made that relates to us as a people, that we have come a way of economic and social success. But he warned us, because we are so successful, of our complacency. It struck me when, I believe it was, the Honourable Leader of the Opposition said that we were mystifying people and creating our own image of our progress. But the Governor, who is the head of State of this country, also acknowledges the same thing. I just wanted to remind this honourable House that there is no collusion between the Governor and the Leader of Government Business when it comes to the Budget.

Madam Speaker, as I said before, I consider this a privilege to rise within these hallowed halls to give an account of my contribution to the stewardship of the People's Progressive Government affairs, financial and social affairs which, perhaps, could be my last budget before the elections. But I am not campaigning nor pandering. I am speaking the truth and the facts.

I distinctly remember that in 2005 I promised the good people of George Town and of these Islands that I would be their eyes and their ears. Madam Speaker, they trusted me and they trusted the People's Progressive Movement. And they responded to our request and they gave us a mandate to transform the Cayman Islands to help the ordinary people of these blessed Islands to realise their dream.

That dream, Madam Speaker, is a simple and beautiful desire to be able to afford a decent standard of living, have a roof over one's head, have access to good education for themselves and for their children, find rewarding and satisfying employment, travel comfortably around one's country, have easy access to affordable healthcare services, live in safe and supportive communities, engage in social and recreational activities, enjoy the beauty of the natural environment that people pay to travel halfway around the world to see.

I am proud to stand here today to say that we have not disappointed the people of the Cayman Islands. Many lives have improved. Many have accomplished their dreams and, with many of our social economic initiatives, those who were falling through the net after many years are seeing their way and settling more small objectives to improve their lives. Many have seen, through additional education, change for employment or redirected a career choice.

If you go to the University College at this time of the evening or tonight, or let's say Monday night, you would be surprised to see the various age groupings there. It is not just young people. You see people in their 40s, 30s, and 50s, redirecting their lives. And it is because of the opportunity that, more specifically, the PPM's Government has given them. The Univer-

sity College in the last three, four years I would say, has risen from 800 students to almost 4,000. That is quite a feat, Madam Speaker. It means that there has been a driving force to reawaken in the Caymanian populous that if they want a bigger part of the economic pie they have to be educated. It is so important that at this stage the senior and the older ones are seeing that they can embrace that opportunity.

Madam Speaker, there are many nay sayers that have said we have not come up with our promise and that the people perish. In particular, they perish in Cayman Brac. But unless I was dreaming yesterday, when the Second Elected Member [for Cayman Brac and Little Cayman] enumerated all of those things that were happening in Cayman Brac, then the speaker that came forward to say that nothing was happening, that the people are perishing . . . something must be wrong. Perhaps all of us need to go over there to see.

But I cannot see the Second Elected Member for Cayman Brac and Little Cayman delineating all of those activities and all of those people who have accomplished things, all of those young entrepreneurs. I cannot see him making that kind of mistake, Madam Speaker.

Madam Speaker, they say people's memories are short, especially those who are the nay sayers and those who support the Opposition. But I would like to cast your mind back to the beginning of 2005 when this country was in a mess, as the people have said. Months after the passage of Hurricane Ivan houses were still damaged and roads were impassable. Morale was at its lowest ever. And the ruling Democratic Party was in a state of shock. Indeed, our beloved country was sinking fast into the quagmire of crime, corruption and despair.

We came into office in May 2005. Since then, Madam Speaker, we did not grab the power from the Leader of the Opposition, as he said yesterday. And I am sure he said that. We did not. The people took the power and gave it to us. And we are ever so grateful. Since then we have restored good governance in the Cayman Islands. It is universally accepted that good governance is a precondition for social and economic growth.

And, Madam Speaker, the Governor himself spoke about the good governance of this country and he related things like Freedom of Information and spoke about the Information Law and the constitutional modernisation that will cap good governance in the Cayman Islands.

Madam Speaker, as we know, good governance is based on principles of accountability, transparency, responsiveness, effectiveness, efficiency, participation, consensus, equity, inclusion, and the rule of law. All of that the Governor in his speech spoke about. Good governance assures that corruption is minimised and the views of the people are taken into account. It is responsive to the present and future needs of the individuals, communities and the society at large. Good governance is about healthy

and sustainable development. It is essential for sustainable development. That, too, the Governor spoke about in his throne speech. The records show that the People's Progressive Movement has delivered on each of these principles.

Madam Speaker, I spoke just now of the Freedom of Information Act, which we passed and will come into effect in 2009. Very soon (the Governor spoke about it as well) will be the Anti-Corruption Bill. Today, even when the world has taken a dangerous turn in the direction of economic decline, the Cayman Islands can hold its head up high with the assurance that it has in place a safety net to prevent our people from resorting to desperate measures to survive.

We have not, as the First Elected Member for Cayman Brac and Little Cayman alluded to, crushed the middleclass. You cannot crush a group in three and a half years unless you take away all of their privileges. You cannot do those things. We are not wanting, as was said.

Madam Speaker, we have tried to stem the rise in the cost of living by taking import duties off staple food items and giving Caribbean Utilities Company a rebate to ensure electricity remains stable. We have even gone to the extent of meeting with significant people, the stakeholders, such as the merchants and others, to talk with them to see where we could have this partnership. If we cannot decrease, we can level the cost of living.

Madam Speaker, you have heard from several speakers, such as, the Leader of Government Business and the Financial Secretary, that the gross domestic product of the Cayman Islands is expected to grow at a rate of 1.7 [per cent] in 2008. The financial services sector remains strong with 40 out of the world's 50 leading banks maintaining a presence here.

Tourism remains buoyant. Madam Speaker, I could stand here a day and a night and talk about the advantages that we have had since our Honourable Minister has become the Minister of Tourism and the achievements he has made. But I will leave that to him.

Throughout our first term, Madam Speaker, we have shown fiscal prudence by ensuring that the operating revenues always exceeded operating expenses. This year is no exception.

The priorities of this PPM Government have been and remain the creation of the conditions for sustainable social and economic development of the Cayman Islands. Towards this end, we have modernised the infrastructure of this country in order to make it a good place to live. Madam Speaker, let me just tell you what a couple of well-known people have said to me. Some of them are past parliamentarians. They have said, *'You know, they talk about your Government spending money on the infrastructure. But if the infrastructure had been in place to the modernity that it is today then there would not have had to have been this plethora of money that we are using in order to*



*have the infrastructure to suit the kind of place that we live in today.* So, if governments before, had put in place every year to improve schools at a higher level, to improve roads at a higher level, to improve government buildings at a higher level, because at the end of the day we are encouraging the flight of capital to come to our shores . . . and when we encourage the flight of capital to come to our shores, we must have the necessary facilities to encourage that.

Madam Speaker, I will enumerate some of the things we have done to enhance the infrastructure and to make it 21<sup>st</sup> century. Roads—wow!—another day and night to stand here and talk about all the hundreds of lanes of roads that we have built.

Madam Speaker, it gives me great satisfaction as a person in my senior years to be driving at night now on these plush roads. Granted they have changed my direction a little bit from where I would normally travel to reach my place of abode, but it equates us with first-world living. It certainly does. And, Madam Speaker, we needed that.

I am sorry that the Honourable . . . We have improved our tele—Sorry, Madam Speaker. I lost my trend of thought.

Madam Speaker, we have improved our postal services, our utilities and our water. We are improving our environment. And we even have a unit for parks and recreation. That is a significant improvement in the Cayman Islands because the Cayman Islands are looking at the greening of the Cayman Islands.

When we, as a country, look at parks we are saying that we want to have people congregate more together; that is what we are saying. It is only through that interaction that we can pass on things. We do not interact, if we just move from work to home, and to the supermarket. But to interact we go to parks and we go to these leisure places.

I am very, very happy that we have since bought a sweep cleaner (and that is my simple terminology, but it is very high tech) to clean the business sector, what we call the business centre, because one of the things that enamoured people to us when they came here in the early days is that we were a clean society. That is one of the principles that must remain with us. We must remain a clean society. And this machine literally drives around Elgin Avenue, Shedden Road in the business district, parts of Mary Street, and cleans the place so that when our own people come down into town to work they see a clean place welcoming our tourists.

Madam Speaker, it is one thing to make opportunities available to the people, but it is another to ensure that they benefit from these provisions. I want to remind you, Madam Speaker, that what is unique about us as a Government is the willingness and capacity to put people first. What we are doing with putting all the infrastructure in place is not for the benefit of the nine elected persons in the PPM, but for the people of our country so they can be proud of their

country. We can reduce crime because when you do these things you do reduce crime.

Madam Speaker, we must go the extra mile to ensure that they take advantage of the opportunities and to improve the quality of their lives. Hence, you will notice the bulk of the expenditure in the budget has been on activities designed to impact massively on the people of the Cayman Islands, and to empower them to enjoy a higher standard of living and improved life. That is what the money is for! I am not saying that we must not put money in the reserve. I am not saying that. But we must take the money and be smart and wise enough to see how we can improve the lives of our people individually or collectively. The bulk of the money was put in areas that I will speak on now. I will start with families and community.

When you look at the SPS (Strategic Policy Statement), over the years you will see that we have always emphasised strengthening the family and the community. I would like to say special thanks to my colleague and school friend the Honourable Minister for Human Services. I know it is a tough job to have inherited the people that have a lot of needs. I know it is a tough job.

I must also at the time I am thanking him thank the Children and Family Services for what they have done. They have held up and have gotten large, huge, because the population of the Cayman Islands has increased. The needs of our people have increased, so they have seen the wisdom in restructuring the Children and Family Services. Madam Speaker, your heart is here: they will have a special area for Social Services itself where they will have the elderly, most elderly, and we must look after them. They are our babies and we must look after them. They helped us to be here. Then you will have a section for the children. We have to look after our children. They say you can tell the health of a country when it looks after its old and its young. Then we will have a section where we empower people, women, and men.

Madam Speaker, using the recommendations from the NALC (National Assessment of Living Conditions) as a platform to develop various strategies and programmes required to promote sound social development, this is the vehicle that will tell our Government and the movers and shakers of successive governments how much was really spent on lifting the people out of poverty. I must say that I have not seen the report. I have not. As a matter of fact, I do not have an inkling of what is in there. I would venture to say that we may not like what we see.

But I want to thank you, Madam Speaker, and I am sure that they must have said that you must have possibly paid me to give you accolades, but the books will tell that you have played a pivotal role in all of this. First of all, you were the Minister at the time and you left \$250,000 in the account. I don't know what happened to it afterwards. And then comes along our Minister from the PPM and followed what you did.

Madam Speaker, we might be surprised, but we had to do it. We had to have scientific and empirical evidence and not some people say, *'oh you know we shouldn't be really giving those people, they are not really poor they are lazy'*, and those little excuses.

Other than the family study (which was a scientific study on the family by Dr. Eleanor Wint) no other scientific study has been carried out on the economic and social landscape of our people. And I want to put those two together: socioeconomic landscape of our people. The NALC is one such study. As I said before, I wish to thank you for bringing that in. I wish to thank you for bringing it in during the one year of our current Leader of Government Business.

Madam Speaker, many persons have claimed over the years that Cayman had no poverty. They still say it! A lot of people still come here and a lot of tourists wonder what we are talking about. But they have not gone on the side roads and the byroads and the back streets of this country and seen the vulnerable and seen what we found there. Some people call them lazy and don't want to work. But sometimes when you grow up in poverty and there is no political will to help you, there is apathy, and it grows on you, and it multiplies. And it is apparent that you are lazy but there is no will, no hope, no belief, no *yes I can* and those sorts of things.

Additionally, governments over the years ignored the question of equity distribution of wealth and put absolutely nothing in place to ensure that the Caymanians did not fall through the safety net, or ignored the cries of Caymanians for opportunities to fulfill the Caymanian dream. Ignoring all of this we continued to build a knowledge-based economy which supported a highly skilled work force. And we know what happened there. This workforce came from outside. We failed to create relevant higher educational opportunities to enable Caymanians to fill more of the professional and technical jobs in the marketplace.

Madam Speaker, I grew up in the time when people used hoe, pickax (and my age group I am talking about), crowbar to dig coals. Today they use something from Caterpillar. Now, do you see what that has done? That has replaced the livelihood of those persons who used crowbar, ax and pickax.

**An hon. Member:** And shovel.

**Ms. Lucille D. Seymour:** And shovel! Although we still use shovel.

But what happened? We brought in all of these technological things and we developed this high tech and this knowledge-based economy forgetting that our people were still using third world stuff. But we didn't do anything about it.

Thankfully hope, as Obama would say, our hope—the Honourable Minister of Education, our hope—will say to them, *'yes you can!'*

Our economic base improved our population. Quadrupled it! But we failed to improve the upward

mobility of our middleclass who are the trendsetters for the poor and the vulnerable. We should not have left our people's futures to chance or ignored them or left them behind; we should have balanced these forces that are necessary for prosperity. We must always maintain the equilibrium.

A skilled and educated workforce of locals brings about balance. But we disturbed the equilibrium. We brought the highly skilled workforce in, in large quantities from outside, so the scale tipped. Hence, we do not have to say today why things are what they are. And I don't care, Madam Speaker, who comes after me to refute what I have said. What I said is definitely right. And it can be proven. I have not seen it, I have not heard it, but I would venture to say, it is going to flag up all those things.

But what can the Opposition say? That we crooked that one up too? That we would crook it up and make it so bad that it reflects on them? They are changing their mouth if they did that.

Madam Speaker, when we slowed down in upgrading our people and putting the 100 per cent focus on education, the lack of focus of the 21<sup>st</sup> [century] education disturbed the equilibrium. Our people are an asset. It is the people, Madam Speaker, who add value to the goods and services we produce and deliver. This Government has placed education as its primary focus and many millions have been accorded to its priority. Madam Speaker, an educated workforce no doubt creates an upward mobile society, and the wellbeing of a society is evident.

The other point in developing our families has to do with (as the Throne Speech and Budget Address said) anti drug strategy. We know that we want to prevent drugs, we want to reduce drugs in our Islands whether by intake or by bringing it in to sell. We know that. But we have to put a strategy in place. We have a lot of services, but we have to tackle this front.

Madam Speaker, I was watching TV the other night where the drug cartels even go underwater now by submarine. Imagine! And we have a lot of deep water! So, we really have to put that strategy in place.

To see that we are strengthening our families we are amending the Poor Person's Relief Regulations. I am not party to this, but I would hope there is a section in there that would move people from welfare to work. I understand at the moment that in the social services department they have a programme called STARSS. There are ladies, in particular, who attend this. But when they come to get help from social services they are assessed and their academic needs and other needs are looked after and they are then put into these programmes. But I believe that they think they need to strengthen that more.

I also see in the strengthening of the Children Law—Madam Speaker, that was in your time as well—and the Convention and Rights of the Child. Just last night, when people were talking about the gay issue (and I was at a constitutional meeting), I reminded people that something was quite evident

here and we were trying to brush it under the carpet, as they would say. It is the whole question of pedophile molestation and defilement of young children, in particular, girls. Yes, you have some boys. But it is a very strong thing. Yet we [do not] get a hue and cry about that. But to me that is very important. That is about a human being, barring a person from living a very normal life in the future and having children. Madam Speaker, I am glad that all of this is going to be part of that.

Madam Speaker, I know you will like this one, about creating an empowerment agency. That is what we have to do with our people, we have to empower them. Even the Constitution is about that. The Constitution is not about, as they would say, power (and I will come back to that a little later); but it is about empowering people. So, we have to give people in the community, whether individually or collectively, that. We have to give them an opportunity for self-help to look after themselves, to have dreams, fulfill those dreams; to have the ability to be ambitious, to love their home, to love their environment. To be empowered, Madam Speaker.

There is also a section in the whole strengthening of the family (and I am sure my colleague, the Fourth Elected Member of George Town, will be very happy to hear this) about promoting men's wellbeing and highlighting the role of men in family and community through the National Gender Policy.

That National Gender Policy has been on the table for some time. I understand it came about through the Motion that you brought forward in 1995 for a women's office and women's affairs, and they named the Ministry of Women's Affairs and all the other things. And now I believe they want to broaden things a little more and have an area of gender affairs.

So as not to seem discriminatory, we know why we have to promote women, Madam Speaker. We know the historical issues with that. But today I think we even have to bring legislation to protect our men . . . but, Madam Speaker, you know why we say that. We really need this aspect of it for our men, for their health.

As women, we are conscious about our health. We go to the doctor every month or every year. We get our assessments. We get our tests and we look at our health. Our men are not like that. Not all of them. They wait until they are sick. So we have to put programmes in place to entice them. Programmes about prostate, programmes about stomach cancer, testicular cancer, those sorts of things that affect men. We have to do that. Also about the wellbeing of men, and I am sure implicit in this is boys, that we have to find opportunities to bring our boys back on stream. If we don't mind, Madam Speaker, we will lose them. We will not only lose them by death, we will lose them and they will become completely useless to society in terms of not having hope, the will to move on, dreams; we want them to have dreams. I do not

care how high those dreams are, but we want them to have dreams.

I spoke a lot about women, but women carry a multiple role. They are producers, they work, they have the burden of production and reproduction. That's a heavy load. And if anybody thinks it's not a heavy load, someone should take it from them. But it is heavy. It is hard for women in our society who want to have a high standard of living.

*[inaudible interjection]*

**Ms. Lucille D. Seymour:** Sorry, Madam Speaker.

Madam Speaker, my George Town colleague looks after me so well.

In the women's affairs you will see the appointment of an officer who will review the National Gender Policy and spearhead the establishment in the office of Gender Affairs, as well as the policy of gender mainstreaming across the public sector. Madam Speaker, that is crucial and I am glad that the Minister in his wisdom has said that.

For us to tackle equity and equality in the public sector or in the country, it has to be inter-ministerial. It has to be! It cannot just be the Ministry of Human Services; it has to be the Ministry of Works to ensure that there is equity. You have people who work in all of the various departments.

Madam Speaker, we are "**Passing legislation to give domestic application to the UN Convention of the Elimination of All Forms of Discrimination Among Women.**" Madam Speaker, I am sure that you must be laughing or smiling to yourself there, and saying that this is your day at last.

**Ms. Lucille D. Seymour: "Placing greater strategic focus on the delivery of outreach and support services to victims of sexual and domestic violence."**

I have spoken about that. And the domestic violence, I think we are getting better, but we need more education. It is not so much legislation you know. You can put legislation in place for it. But if there is no enforcement in education it is not going to happen. And because we recruit so many people who come with different cultures where it might be in order to beat your wife, it might be in order to pound up your children, or it might be in order to do something, we need to have constant education with our people who work in these areas.

With respect to the young people, the PPM Administration will focus on youth at risk and help them to negotiate the transition to adulthood. Madam Speaker, I know you must be tired of hearing this, but you know, and I am not negating anybody's advancement in life here. But when we stopped sending our men to sea, we stopped a staging post, a rite of passage which moved them from boys to men.

Regardless of what I think of my own brothers or whatever, I know in their young lives . . . and I can remember how they were so orderly they could do

anything. I mean, it was like anything they put their hands on they could do. That is what . . . and the Honourable Minister of Works is saying "me too", Madam Speaker.

The people of my generation, my age and just a little younger, are so able. They can try anything. You go to their homes, they can do anything. Unfortunately, these young men will have had to have done something for us to capture them. But constructing a purpose built youth therapeutic facility to accommodate a total of 18 boys and girls in separate wings. I must refer, Madam Speaker, to girls also.

**"This facility will enhance rehabilitation through therapeutic and drug rehabilitation programmes."** What I want to press here is that we also need to ensure that in our drug therapy we are not just looking at those we capture; but children come from many, many good homes who for one reason or another, get wayward. They try out things. They try out ecstasy, drugs, but they are from good homes. A parent might want to take them to a counselor. And we have to ensure that there is also a facility . . . and they start doing this from a young age, Madam Speaker. We have to ensure there is a facility and there are able people that will help our young people, not only those that are going to the purpose built place.

Let me congratulate the Minister and previous Ministers, or whoever started it. But I remember in my time when I was a civil servant, where there was an interagency that worked at developing the Young Parent Programme. The Young Parent Programme fell under the auspices of the Social Services. It was a tremendous success, and it has been. A lot of those young girls (there was only one boy that ever went there) have jobs in banks and that sort of thing. Not just domestic work, they have elevated themselves. And they are at university, and I want to thank the Minister for looking at the programme and see its worth and to enlarge it, and to give it more prominence. I would like to thank him for that.

Under strengthening of the family, again, providing training the areas of, **"Victim Offender Mediation and Family Conferencing in order to provide the Youth Court with alternatives to sentencing in these areas."** Madam Speaker, we have spoken about how we must look at our young people when we are going to incarcerate them. We deal with that on a daily basis when a young boy or girl does something and for some reason their name goes before them. So, they are now 25 or 26 and they still have that hanging over their head. So, I believe in the alternative sentences and mediation where you can get families and work with them. This, I believe is a good thing.

Madam Speaker, with respect for the elderly, I want to assure you that every effort is being made to ensure that those who planted the seeds of the modern Cayman Islands are not forgotten when the harvesting is done. We have spoken before about the elderly, and I could be here a day and a night and talk

about the contributions of the elderly. But with that objective in mind . . . I am not so sure, Madam Speaker, if you were part of this, but they are developing a national plan for the elderly. That is good. We need to know. Just like we have a plan for youth, it is one continuum. We need to have a plan for the elderly.

Of course, we have about completed the Golden Age Home in West Bay, the expansion of the elderly home in East End, and of course, in your own district, Madam Speaker, the expansion, the new home for the elderly in North Side.

I note where we are also trying to work with the Pines to help the Pines to develop their facilities. I believe it could be about 80 per cent of our elderly who are supported by the Government in the Pines.

We are also mindful of the impact that the rising cost of living can have on these most vulnerable members of our society. In the Budget Speech by the Honourable Leader of Government Business he spoke about an increase. I thought there was a little jab at it by the Opposition regarding, oh it should be at \$800. But I wonder if it was introduced quite a while back . . . the time we had a lot of money is the time we should have increased it. We certainly do not have a lot of money now. But we certainly have to find a way to help the elderly and the disadvantaged.

This increase also applies to the seamen, the veterans who are receiving the monthly ex-gratia. It is not by all what the Honourable Minister would like to do, but every little bit helps. And they are so appreciative, Madam Speaker.

Madam Speaker, I want to remind this honourable House that I brought a motion some time last year regarding the contributions of women. I know my colleagues and the Honourable Minister are listening attentively regarding the contributions that widows who were married to seamen in the days of the seafaring years and other women who perhaps may be vulnerable at this time that, when they were divorced their spouse married someone else (even someone, perhaps, not from here) and they have now deceased. And their spouse is benefitting from it. But the first spouse, the estranged spouse, is withering in the wind and holding her hands out for alms. I am asking that the Honourable Minister in this assessment would just ask his Ministry if they would look into it. I do not think there are a lot of people left but there are some. I know one came to me from the district of West Bay—if we could look into that.

We have said on several occasions that our greatest investment would be in human capital in future generations. Of course, the institutions through which this investment is best made are within the Ministry of Education, Training, Employment, Youth, Sports and Culture. The Hope Man!

This Ministry's agenda over the coming year will focus on service delivery through legislative reform, programme improvements and intensive capital works programme. As an educator, I am proud to be

associated with the following initiatives: A Comprehensive Structured Education Law and updated Employment Law. I believe that the Education Law has not been changed since 1982. I stand for correction, Madam Speaker. But [with] both laws, the input from key stakeholders will seek to equip the Ministry to be more effective in addressing present day realities.

Madam Speaker, **“The Cayman Islands Government Central Tenders Committee has approved the award of contracts for the construction of two of the three new secondary education campuses, John Gray Campus in George Town and Clifton Hunter Campus in Frank Sound, signaling the imminent start of these much-anticipated capital works projects. Whilst plans to start construction on the Beulah Smith Campus in West Bay are also progressing, further dialogue is required at this sensitive stage of contract negotiations, in order to secure the best value for public expenditure.”** These facilities will be completed in 2010 for the start of the 2010 academic year.

It has been [asked] why Government has spaced out the structure. I do not really have to repeat that. I think it is a very wise move that they have made. It also enables more work, work on a continuous basis that people can get jobs if we spread out the infrastructure.

**“Meanwhile work on the design new facilities for George Town Primary School continues in earnest, with construction expected to start early in 2009. The new George Town Primary School will open its doors to students in September 2010.”**

Madam Speaker, when this building is built I know that the people in your district will be happy to have a high school. But the people in George Town would be happier than you to see a modern facility for their little ones with modern innovations for their little ones, modern programmes, 21<sup>st</sup> century education.

**“The launch of a new National Curriculum at the start of the next school year in September.”** is also so. You know I have been in education a long time and I came up through different systems of teaching and learning. One of the things that I am very happy about in the primary system is the introduction of what we call the primary years . . . well, I cannot remember what the acronym is. I think it is PYPY. But it is part of the international baccalaureate. It means that we have changed a system where there can be more innovations, more hands on, a more interactive way of learning, and more discoveries through individual groups.

When they are taught they should be able to retain more. And where the teacher is a facilitator and leads these children on a voyage of discovery to their own imagination and enquiries. To me, in this whole education metamorphosis and change, I think this is the best at the primary level, because it is at that stage, it is at that primary stage that we cultivate the habits of learning; that we learn best.

What secondary does is to build on top of what we have gotten out of primary. To me, this is the best in the whole change of the education.

Madam Speaker, **“. . . professional development initiatives [is happening now] to support teachers and education professionals in the delivery of 21st Century teaching and learning . . .”** What is going to happen . . . and one of the things I believe that they are trying to emphasise in our system is something like fine arts. Yes, we do a little music and things, but it is going to be entrenched more in our curriculum—music, art, sculpture, gymnastics, physical education, which enhances learning. I believe this is going to set very well with the change in our school system.

In the education process in building family and community also, **“Developing protocols to ensure children with disabilities cannot be discriminated against when it comes to access to education.”**

And, of course, Madam Speaker, stepping up the promotion of literacy—a society that can read, not just read, but comprehend, is a society that is going to benefit from this knowledge base economy that we have put in place. I am happy that they are introducing this at various interventions at the secondary level.

In building the family and the community also, there has been an expansive programme in sports. **“Upgrading of facilities at the Truman Bodden Sports Complex with the completion of work on the track and pitch and the new boxing gym. Work on the two fields at the Ed Bush . . .”** and George Town.

Madam Speaker, I do not know when was the last time you went across School House Road by George Town Primary, but it is beautiful. When you look down from the sky it is even more beautiful. It has changed the landscape of this country when you look at George Town. That is good that our sports people will be able to get fine playing fields at international standards.

When you drive in here on the right and you look up, you see the extension of the library. That tells us about where we have arrived. When you build libraries that can facilitate learning, not just going in to borrow books, but innovative things can happen in libraries. We can put up cut things that people do. We can have displays. And it is a place where you meet too; where children meet other people and where families meet other people.

I know there has been a partnership with Maples & Calder and I want to thank them for their social responsibility.

Madam Speaker, at the end of the day, I believe, the greatest contribution the PPM has made is the deepening of democracy in the Cayman Islands in its willingness to reach out to people; to listen to their concerns; to address their issues at the highest levels. This is how we arrived at our Manifesto that swept us to victory. This is how we have remained relevant since then.

We did not jerk power from the people's hands, they bestowed it upon us. We did not take the power from the UDP, as was said yesterday. The people have loaned it to us for four years and if we be good and obedient and eat off the fat of the land, we will get it for another four years, Madam Speaker.

I believe that the wind of change has been blowing across the Caribbean. It is driven, not by the inability of governments to govern and to develop their countries, but by the serious disconnect that crept into the political life. This Government—I am talking about the elected Government which we call the PPM—reaches out and holds hands and pulls us towards them.

We have done this because this is the only way you can find out what your people want. And I am not trying to be political here . . . partisan rather! I will always be political, but I am not trying to be a partisan. But this is the only way that you can know what is happening, what your people want. You understand their particularities and hence you transfer that into what you do on a national level.

Whilst I know the press will record me verbatim (as I saw today in one of our newspapers) . . . and that is good . . . I like when the press does that. I am sorry that I do not have an audience except my Government to hear me.

Madam Speaker, I spoke before about the Constitution. I will interject here. Madam Speaker, I tell you I am here decades on this earth. I remember change in Constitution, the first one in 1959. Then we made a proposal in 1991 or 1993. We had our new Constitution in 1972, and I have been, I would not say intimate with the logistics of it, but I know of it. I know the energy that is being put in this constitutional modernisation for people to be educated and understand, and to participate and have input in the changes that they would like to modernise the framework under which they should be ruled, I have never seen that before. Never in my lifetime!

If I remember correctly, the 1972 Constitution was changed about 70/11 times. And I do not remember the day that anybody came out, sent out, went out to anybody's home or called them into meetings to ask what their opinions were. Madam Speaker, I admire the Government. It is a risk we are taking to give people democracy to choose, to say what they want in a Constitution. And the referendum is that. It is not about hiding something; it is about bringing out of the people what they want to see. And I have never, never, never in my lifetime—and I go many decades, many!—[thought] I would have seen it. And I would have been in the know how to know. But I have never seen it.

Madam Speaker, I want to give kudos to the Government. Also, what I like about it, it did not become partisan where there was a PPM injection of its partisan thought. The people had their own thoughts and that is extremely . . . I would say a compliment to our Leader of Government Business.

Madam Speaker, as a backbencher I have taken it upon myself to ensure that the channels of communication between the people of the Cayman Islands and myself and my colleagues remain open. Madam Speaker, if I were to enumerate on my colleague, the Fourth Elected Member for George Town, to tell you the things that we do and how our day starts—I know you are familiar with that, and when our night ends and when sleep starts, and what our seven day week is—you would be here a long time. But we have tried to close that communication gap that people said . . .

I understand on the radio they said that they call us and we do not answer. But Madam Speaker, I do not have an answering service on my phone so I know who called me and I call them back or I text them. I have gotten more modern now, so I like to text. And I have introduced that to some of my senior citizens who text too! Oh yes, they are texting themselves and that is good. I know somebody else who texts, but I will remain quiet here, Madam Speaker.

George Town has gotten a lot. But one of the things I want to say here is to show how we as a knitted cohesive group of PPM legislators work. When we came in here and we looked at our country, we realised that George Town is the Capital. It is the Capital so the private sector will build it up. The private sector will build their buildings. They will build their buildings in George Town.

The Government is putting a big building in George Town. But we understand, the Fourth Elected Member for George Town and I. They call us too the Speed Bump Kings.

*[laughter]*

**Ms. Lucille D. Seymour:** We are the drain people. But we understand flooding so we are always at the Minister about drains, roads, streetlights, digging wells, spreading marl and looking at sewer systems. All that we have to do, you know. I have become an engineer over night. But it is good. I like that. I like when the people feel that you can help them help themselves.

We green the place. The Minister of Education and the Minister of Parks have even gone to the extent of having a park and recreation unit. That shows you where we are—21<sup>st</sup> century people. We have removed a lot of cars. We have looked at garbage. We ourselves get into it and clean the streets; sweeping the roads, taking the signs off. These are things. Of course, we see ways of where they can get a loan, where they can get repairs for their homes and all of those things that we do. We help paint homes. We do not mind that. That is part of the process. You know that, Madam Speaker, you have been through that. That is what you do.

We leave the big things, the big, big, big things to the Ministers, like the road network, the big buildings, the schools. But you see Madam Speaker,

what my colleagues have taught me, especially the more senior ones in political life, that all politics is local. So, the Fourth Elected Member for George Town and I know our job. We do not have any problems about talk shows and what they say about us because we know what we do. We know that.

Madam Speaker, before I conclude I would like to make a few comments on what I call breach of privilege.

I am new in this House (well, when I say new, I have not been here 24 years).

*[laughter]*

**Ms. Lucille D. Seymour:** Madam Speaker, I have been taught that the Speaker in this House is high in the land. I have been taught that early. I have been taught it again, and my colleagues keep repeating it.

But, Madam Speaker, when a well seasoned Member of the Legislative Assembly—the Father of the House—looks at you, Madam Speaker, and says to you “. . . **what I am about to say here last, is about this Assembly. And you can take it how you want.**”

I know, Madam Speaker, you cannot fight for yourself up there, but I certainly can here. I know the repercussions it will have; I know what I will be called. But you see, Madam Speaker, I have a great heart with a rhinoceros skin, so nobody can do me anything.

I cannot fight like my colleagues, you know, the other one in front there, I cannot fight like that. But I certainly, having gone through cancer—which this year is 10 years—no one flinches me. Nobody can move me or penetrate me or the principles that I have. Therefore, I am going to say what I have to say.

**“In management of the Assembly, from what I observe, there is far too much upheaval.”** Now, Madam Speaker, there are 15 Members of the Legislative Assembly here. That Member does not attend as often as I do. I am here. The only time I am not here is if I have to be away. I am always here an hour or so before, so I know who comes. So I do not know how things can be meted out to this Member, or who manages . . . who is the person . . . is that one of the roles of the legislators to manage the Assembly now?

We have gotten a lot . . . we cannot take that on to manage the Assembly, Madam Speaker.

Madam Speaker, I am just taking little bits of [the statement by the Leader of the Opposition] “. . . **what I have seen, is they are pushed around.**”

I do not know who “they” are.

Also, Madam Speaker, you are “. . . **too friendly with her party in this House.**”

Madam Speaker, you sit in that Chair and you give all of us . . . as a matter of fact, you balance your relationship with the Opposition in here, and when you sit in the dining room with us, and you joke with all of us. As a matter of fact, Madam Speaker, I believe I have only been in the Speaker’s residence twice. But I see that the Leader of the Opposition, the Deputy

Speaker, and the Second Elected Member for West Bay go to your Chambers. I think, maybe the only one from this bench I have seen go into your Chambers is the Leader of Government Business himself, because you beckon for him to go.

And then, the excerpt again, **“And the Speaker is not the Clerk.”**

I can understand because I know I read that somewhere . . . I know the Speaker is not the Clerk. But I do not understand why an elected Member must breach privilege to chastise you in your Chair in this hallowed House. I do not understand that, Madam Speaker. I think it is . . . let me just . . . Madam Speaker, it is lower than the white line that Mr. Arden put on them roads! It is a low blow. And I never thought that I would see that. But Madam Speaker, I checked my Erskine May—

**Hon. W. McKeeva Bush:** On a point of order, Madam Speaker.

**The Speaker:** May I hear your point of order please?

**Hon. W. McKeeva Bush:** Madam Speaker, the Member is misleading the House. There is no such thing as me breaching any order in what I had to say. We were debating the throne speech—Madam Speaker can I have a chance?

**The Speaker:** Honourable Member, I would like to hear your point of order, not the personal—

**Hon. W. McKeeva Bush:** I said the Member is misleading—

**The Speaker:** Would you please sit down for a minute?

**Hon. W. McKeeva Bush:** I ain’t gonna get no satisfaction with you, you know.

**The Speaker:** Honourable Third Elected Member for the district of George Town, continue with your debate please.

**Ms. Lucille D. Seymour:** Madam Speaker, in our Standing Orders, in . . .

**Hon. W. McKeeva Bush:** [inaudible]

**Ms. Lucille D. Seymour:** Madam Speaker, in our Standing Orders, in section 35, content of speeches, number 7 (you see it Madam Speaker?) **“(7) The conduct of Her Majesty, members of the Royal Family, the Governor, the Presiding Officer, Members, Judges and other persons engaged in the administration of justice or of Officers of the Crown may not be raised or impugned except upon a substantive motion; and in any amendment, question to a Member of the Government or . . .”** et cetera.

Madam Speaker, let me just continue what I was going to say.

"She's too friendly" . . . in your Chair, Madam Speaker. I can understand this in the dining room. Madam Speaker, you know? And that is even far out in left field.

**"Until a new system is devised, the Clerk and the Deputy and other senior staff must be left alone to run this Assembly."**

Madam Speaker, I know how often that Member comes here. Now, nothing has been said to anybody and I would vouch for the Officials because there is no commission that runs the Assembly that is in charge of the Assembly. So, none of us are part of that.

I will continue to say, and it is a long thing, Madam Speaker, but I underline things. **"But the Speaker is not the Clerk!"** That is the important thing. And, **"This is the Legislative Assembly where government's majority has no more say than the minority except in the matter of a vote or a committee of this honourable House."**

**"The fact is we have had many good staff pushed around and treated shabbily since May of 2005."** Madam Speaker, that is directly on your conduct and the PPM.

**"This House is not the fiefdom of the PPM . . ." " . . . insulting and simply interference when there is no need for it . . ." " . . . but someone needs to look seriously about what is happening in this Assembly."**

I would like to know myself, Madam Speaker. Unless it is happening at night!

And **" . . . the Speaker has full control and not the Clerk so that the defining lines are there?"** **"And I cannot agree that what is happening today here ought to continue."**

Madam Speaker, my question is, is that a new job for the legislators to come here to chastise and demean the conduct of the Speaker? If the Clerk of this House has an issue with the legislators, the good thing to do is to come speak to the Leader of Government Business and say, *Look, this is what is happening, what your party is doing with the House.*

But, Madam Speaker, why I am in this is because it affects me. Every Christmas since I have come to this honourable House I give the staff a gift. As a matter of fact, I do not know whether it is true or not but I will say so. They have said to me that I am the only one who gives them a gift. And I will say that to you, Madam Speaker.

I take umbrage to this. And I think Madam Speaker that in this House where the act was committed there needs to be an apology. If not, then Madam Speaker, I will seek advice for my colleagues, as to where we go from here.

Thank you, Madam Speaker, for listening.

In conclusion I want to remind the people of the Cayman Islands that the future of our beloved country is in good hands. We have not only kept our

promises with respect to maintaining high standards of living to which we have been accustomed, but we have also striven to spread the national prosperity to the middle class and to vulnerable groups.

Madam Speaker, above all, we have invested heavily in the next generation to equip them with the skills that will be needed to make them more competitive in the brave new world of the 21<sup>st</sup> century.

Madam Speaker, one of the last things that the Ministry of Education is doing (and you know I brought a motion as well) is to give our persons when they finish school more opportunities, more pathways for a brighter future. And that is good! Our boys can stay a little longer and grasp opportunities to embrace this country.

Madam Speaker, two things I would like to say: I would like to say here that when I read from the excerpts, I read from the Unedited Hansard Excerpt of the debate by the Honourable [Leader of the Opposition].

Lastly, I would like to thank the Constitutional Secretariat, in particular all of them, but I want to make emphasis of two persons because I have had a lot of intimacy with them and they have taught me a lot. Those persons are Mrs. Suzanne Look Loy Bothwell and Mr. Christian Suckoo. We are very proud of those young Caymanians. Not even 40 yet!

Thank you, Madam Speaker.

**The Speaker:** It is the hour of interruption. I will entertain a motion for the adjournment.

Honourable Leader of Government Business.

## ADJOURNMENT

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

I move the adjournment of this honourable House until Monday morning at 10 am.

**The Speaker:** The question is—

**Hon. D. Kurt Tibbetts:** Madam Speaker, forgive me . . . Monday morning at 10 am.

**The Speaker:** The question is that this honourable House do now adjourn until 10 am Monday. Those in favour please say Aye. Those against No.

**Ayes.**

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

**At 4.32 pm the House stood adjourned until 10 am Monday, 12 May 2008.**





**OFFICIAL HANSARD REPORT**  
**MONDAY**  
**12 MAY 2008**  
**10.30 AM**  
*Seventh Sitting*

**The Speaker:** I will ask the Third Official Member to say prayers.

### PRAYERS

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

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

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

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

**The Speaker:** Proceedings are resumed.

### READINGS BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

#### Apologies

**The Speaker:** I have apologies for late arrival from the Honourable Minister of Health and Human Services.

### STATEMENTS BY HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

**The Speaker:** I have received no notice of statement by Ministers and Members of Cabinet.

### GOVERNMENT BUSINESS

#### Debate on the Throne Speech and Second Reading of the Appropriation (June 2008 to July 2009) Bill 2008 (Budget Address)

*(Continuation of debate thereon)*

**The Speaker:** Does any other Member wish to speak continuing the debate on the Throne Speech and Budget Address?

The Fourth Elected Member for the district of George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I would like to begin by saying that I trust that you and all of the mothers who work here in the Legislative Assembly building, and all the mothers of the Cayman Islands, were treated yesterday like the true champions you all are, by thoroughly enjoying your special Mother's Day.

Madam Speaker, I rise to lend my support to the Budget, as presented by the Honourable Third Official Member, and to make some comments on the Policy Statement as delivered by the Leader of Government Business, and also some comments on the Throne Speech as delivered by His Excellency the Governor.

Madam Speaker, I have seen and heard some weird things in my short time here in the Legislative Assembly, and of the many years that I have listened to debates in this honourable House—as I closely followed the career of the now Leader of Government Business ever since he was elected (but I did have an interest in politics before that so I would occasionally listen but there was a point for me to make sure that I listened to the things that he had to say)—the ending remarks by the Leader of the Opposition, in his contribution are confusing and somewhat troubling.

I considered the remarks that he made most peculiar and extremely unusual words to be used in the House of Assembly. And, Madam Speaker, I would like to read from the [unedited] *Hansard*. The Leader of the Opposition said: **"It is with these en-**

**couraging words that I entreat my fellow Caymanians not to lose courage in this season of need and uncertainty, for a good and fair God watches over all of us if we but trust Him and do what is right. He will see all wrong put right in due season.**

**“ . . . Oh yes! Oh yes! There will be that season. It will be that time to speak and a season to cast away. . . . that time . . . cast away the PPM into the sea of forgetfulness never, never, never, never, to bother nor to harm us again. Amen and Amen.”** [2008/9 *Official Hansard Report*, 7 May 2008, p. 45]

Madam Speaker, I think that when the honourable Member read this many of us were shocked, surprised and I think at the end of the day we probably smiled knowing that you do not expect much better from the Honourable Leader of the Opposition.

Madam Speaker, I must say to you that this has troubled me greatly and it is not a verse from a Bible. I don't know whether it is a prayer or it is intended to be a curse. And, whichever it is, Madam Speaker, I would say that it seems wholly unusual. I do not know, I would like to challenge the theologians of this country to analyse this and give us some idea of what they think this means. This is highly, highly unusual and somewhat suspect.

I would also like to briefly touch on the remarks that the honourable Member made about your good self and the operations of the Legislative Assembly, and I will not go into any details. But I would like to say, Madam Speaker, that I think I get along very well with the staff here at the Legislative Assembly. I will admit that from the very first few months that I came in here I was made aware at times that there is some uneasiness here and there. But usually, Madam Speaker, there are avenues for us to deal with these things.

If the staff of the LA finds it necessary to complain to the Leader of the Opposition, then that is up to them. But I would have to ask, Madam Speaker, the wisdom of a Leader to . . . instead of taking the issue up with the civil servant responsible for the Legislative Assembly in a diplomatic and controlled environment to try and resolve the problem, the Leader of the Opposition takes the opportunity—like he usually does—and makes a public display of the entire thing. And I consider that to be most unfortunate.

I believe that he will do just about anything to give himself an advantage, regardless of what position he puts those that he makes believe that he is trying to help in. He simply has no idea, no concern whatsoever of the position that he may be putting them in.

**The Speaker:** True.

**Mr. W. Alfonso Wright:** And I want to say that I really . . . It just shows you, Madam Speaker, it confirms to you that the art of diplomacy is not something that the Leader of the Opposition has any connection with. He has never been able to sit down and amicably sort out

a situation, to sit down and bring people together to resolve conflict. He simply does not have that ability!

And, many times there are things that he does that could be done in a very productive way. He could even gain a lot of political mileage, and the fact that he does not do it, Madam Speaker, says to me that he does not know how to and he will never know how to at this stage.

So, I am hoping that whatever the issues are we can sit and resolve them somehow because we do need to work with one another here in the Legislative Assembly. I took serious exception to insulting the Chair, the Speaker of the Legislative Assembly, in the way that it was done. That was most uncalled for and most unprofessional.

I am hoping that we can move forward, Madam Speaker, with this matter and have it resolved so that all may benefit.

Madam Speaker, “Keeping the Faith—Securing the Future.” A most fitting and well chosen title to the PPM's Policy Statement delivered by the Honourable Leader of Government Business, the Honourable Kurt Tibbetts. Madam Speaker, keeping the faith is the message that this Government has been giving to the people of the Cayman Islands ever since we were elected in May 2005.

We know that the state of our economy, that the general morale of our people was just not where we would like it to be. So, as we move along our constituents expect things to, and for the most part, most of them believe that negative things will turn into positive things over night. And we know that that is not possible. So, our message to those who are disheartened and have struggled for some time has always been that you must keep the faith.

Now, the Opposition has made fun of this and made all of their snide and rude remarks, but, Madam Speaker, they have also said that even the theme we have brought is electioneering. But, it is the same message that we have brought all along. They have said that the Budget and the Policy Statement is the beginning of the campaign for next year's election. Madam Speaker, as far as I am concerned, this Policy Statement and Budget is unlike any other that we have presented. We have done nothing out of the way to try and induce or to encourage people by way of acts that we made in the Budget or the Policy Statement that you would say would encourage people that we are buying votes or anything of the sort.

We have done an increase of \$50 to our needy, our seamen and the indigent. And they say that that is electioneering at its worst. I think those were the words echoed by one of the Opposition Members. In the same breath, Madam Speaker, they say it should be \$800. We moved it to \$550. So, which one is it?

Are we doing things in a timely fashion? Are we being prudent in our spending and increasing these assistance amounts for our people timely as we go along? This is the second increase that we have

done since we have been in office, Madam Speaker. And, the Leader of the Opposition—who said it should be \$800—I would say, Madam Speaker, that that is electioneering at its worst. Because you put an expectation up for people who will then say, *Well the Honourable Leader of the Opposition says it should be \$800 and all the PPM is doing is giving us \$50.* Now, if that is not electioneering, Madam Speaker, you tell me what it is.

Madam speaker, I want to talk a little bit about our great Leader as I see him. The Honourable Leader of Government Business has proven to us and this great country why he is the Leader. A focused and determined individual who is able to separate himself from the personal and venomous attacks from individuals who simply envy this good gentleman; from individuals, Madam Speaker, who believe that in order to build their own political career it is necessary to try and tear his apart; individuals who are unable to make the necessary appeal to the general public that would endear them for the country to even want to consider giving them leadership of this country. They are simply envious of him and his ability to lead as he does.

Madam Speaker, individuals that do not have an original thought of their own, and sit and wait for productive and progressive individuals—like the Leader of Government Business—to offer ideas and then they go to work at character assassination, innuendo, smear tactics, including some of the dirtiest and awful electioneering I have ever witnessed.

Madam Speaker, for the last couple of years since the Honourable Kurt Tibbetts has found himself in a position of leadership, just usually prior to an election this old story of barroom talk emerges. They go into their old war chests and find this file that is entitled “greatest leader.” (This is a bit of a fantasy story but it is as close as I can get to how the Opposition operates.)

They seem to smile, Madam Speaker, and hold it tightly against their chest. They close their eyes tight and float away in clouds of grandeur and imagine themselves as kings and queens on top of their political game. They sing and they dance and they proclaim religion. They frolic along, their childlike imagination causes them to see pictures of themselves on this folder that holds a file.

Madam Speaker, I believe that as they are skipping along and enjoying themselves chanting ‘*I am the greatest! I am the greatest!*’ suddenly they realise that their other colleagues have joined them. No one saw them coming, they just suddenly appeared. I believe also, that they each begin to wonder if they were overheard calling themselves the greatest, because we all know that that could be disastrous if the wrong Member of the Opposition hears anyone else calling themselves the greatest political leader.

Madam Speaker, they each open this folder with their picture on the front. Smiles, I imagine Madam Speaker, slowly turn to expressions of an-

guish and total disapproval. I can only imagine that this is the kind of world that the Opposition lives in. They slowly look up from the folder only to find mirrored expressions on their faces and the faces of their colleagues, and they each begin to stutter and in unison they say, “*How can this be?*”

They turn their folders inside out and reveal the source of their torment—the portrait of the current Leader of Government Business. And it is labeled “Still the Greatest.”

I can only imagine that this is the kind of world that the Opposition lives in, Madam Speaker. And after this unveiling and they realise, it is like they all come up with a plan to dethrone this well respected and much loved Leader. They search high, they search low; they search east, they search west; they have gone north, they have gone south; they went to West Bay, George Town, and they even went to Cayman Brac and found nothing of substance except that this gentleman—this courageous Leader, a friend to all—will have a drink and loves to play dominoes!

Madam Speaker, please tell me—anyone, please tell me—where is the crime in that?

So, they decide each year around this time that this is the approach they are going to take forgetting, of course, that they tried the same thing before, and before that, forgetting, Madam Speaker, that it did not work that time either. You see this is the kind of thing that continues to happen with this Opposition, this UDP Party, Madam Speaker. They seem to forget things that they said yesterday, things they did yesterday and they bring them up again as if they were brand new and believe that the public forgot about it as well.

These people seem to be locked in some kind of time warp. Maybe, Madam Speaker, the results of the election in May of next year will break the spell and finally release them from years of torment.

Madam Speaker, the Leader of Government Business has never tried to hide the fact from anyone that he will have a social drink. He is a man; he is a real man, Madam Speaker, who does not have to hide behind anyone or . . .

**An hon. Member:** Go off the Island every chance he gets to gamble.

**Mr. W. Alfonso Wright:** . . . hide behind anyone’s closed door, Madam Speaker . . .

**An hon. Member:** Go Bahamas and gamble—

**An hon. Member:** Yes!

**An hon. Member:** —in the name of Christianity.

**Mr. W. Alfonso Wright:** . . . to have a drink. The world knows that.

He does so openly. He does not hide in a hypocritical fashion to do so.

Madam Speaker, he does not get on a flight and travel overseas to satisfy his habit. With him, Madam Speaker, you know exactly what you get. You know exactly what you've got. No mystery in this man.

He has no compulsive or obsessive habits that have to be fed. What he does, he does in a controlled, mature and responsible manner.

Madam Speaker, like you, like many of us in here, we have known the Honourable Leader of Government Business for many years. For me it is in excess of thirty years.

Madam Speaker, I will tell you this: My first encounter with the Honourable Leader of Government Business was not a good one. I remember it clearly. I applied when he worked at the *Nor'wester* Publishing Company for a job and he would not give it to me! So, Madam Speaker, I'm saying to you that in time I have grown to understand this man. Now, I think he eventually left that employment about six months later, and I went back and got the job.

[laughter]

**Mr. W. Alfonso Wright:** And I didn't have anything to do with him leaving!

[laughter]

**Mr. W. Alfonso Wright:** But, Madam Speaker, as life would have it, our paths were destined to cross again. And, I would say that he has probably had the more positive of influences on my life. I have said this before and will say it again, he is not a good man because he is my friend; but he is my friend because he is a good man.

I have known him for over thirty years and have been through a lot with him. I've been through a lot! Lots of things that I can't tell you, Madam Speaker. So, I am qualified to say the things that I am saying about this Honourable Leader of Government Business. I have never seen him at any point in time, Madam Speaker, when someone had to take him home because he was unable to drive.

I've seen many other situations of people who had to be bodily picked up. People who find themselves asleep (these are males) in a female restroom and people—including the same Leader of Government Business—assist them and take them home. But, Madam Speaker, this Honourable Leader of Government Business will never stand in this Parliament or anywhere, be it private or otherwise, and mention that. He is just not that type of person. He does not believe in doing things like that. That is not his way of gaining points or confidence with people.

That is the type of man he is and that is why I admire him so. But, Madam Speaker, we ought to be careful, those of us who live in glass houses and are throwing stones.

Madam Speaker, I still do not understand why they keep this going, why they continue with the per-

sonal attacks. Will they ever deal with the pure unadulterated facts of what is happening in this country, Madam Speaker?

Do they continue because he always comes through for his people and this country? Because he is a catalyst, a beacon of hope and someone who can bring his people together who can rally the troops and help them to keep the faith and help them to help him secure their future?

Is it because he has been able to pilot another balanced budget?

Is this something that continually upsets the Opposition when they see that *'Oh boy, mm, this is a tough one. What can we find to say about this one? Mm, nothing! Well, let's go to the old war chest.'*

Is it because he has not stumbled under any pressure from the Opposition, inside or outside of this House, Madam Speaker?

The man is a stalwart! The country feels comfortable with his leadership. I know his colleagues do. Is it because against all odds he is able to keep the faith?

Madam Speaker, you would know, you have worked with him. Many people in the general public know of his talents and his demeanor, his attitude towards life.

And I can tell you, Madam Speaker, that he is a definite stabilising force. There are times, Madam Speaker, I will admit, that the bunch of us are prone to flying off the deep end, flying off the handle because of the way things appear in front of us at times. Many times we would do things, and may be justified in doing so, but would not benefit the majority. I am not afraid to tell you that, Madam Speaker.

But the country needs to know that in any situation this man that will go to a barroom and sit and have a social drink—and the man loves dominoes—as long as people will stay with him at a table he will never get up. The man loves dominoes and I venture to say he can play them too.

Madam Speaker, this country is much better off because of his ability to do some of the things that I have just said. He has the ability to sit and listen to everyone, analyse exactly what they are saying, and in the end, with few words, bring everything into perspective. And you sit back and say *'Oh my. Ooh my.'*

And I have seen it, Madam Speaker. I have seen at times when we—I myself—have not listened to his advice and usually I go astray. And I am going to give one simple example here today (and I am trusting that my colleagues will not beat me up too much.) But I am going to say, Madam Speaker, that in the constitutional modernisation process I remember distinctly all of us (if not every one, the majority of us) wanted to call the new Leader under the new Constitution "Premier" and he was not happy with it because he felt that the people would read it the wrong way or somebody would try to do exactly what they are doing with that position right now.

I know my colleagues remember what I am talking about. And we (how should I say, Madam Speaker) we mouthed him down. We joked about it at times, but in the end he said okay, if that is what you feel like, go ahead. But when it came to where people started to talk about this position of Premier . . . which, Madam Speaker, what they are saying is not correct. It is far from the truth. But there are individuals who can use situations like this or make more out of it than it is. But, I am saying in his wisdom he could foresee that that simple act would cause some consternation.

The other thing, Madam Speaker, he will never do—he will never ever come back to you and say I told you so. [I] don't ever know him ever saying that. Well, he does not have to because usually it makes such a big impact, you understand. And all it does is to force you and put you in a position where you then trust his judgment more and more and more.

Running a country is not an easy task. Those of us who have kids that run families know how difficult that is. Those of us who have businesses and have a few employees understand how difficult it is to keep everything rolling and worrying about pensions and health insurance, and how to make sure that you are doing the right thing for your business; that all your employees are okay, and this one is not going astray and you have to spend more time with this one because this one is stronger and can make it on their own for a little bit. That is the kind of thing that happens in the Government only that it is multiplied a thousand times over.

So, Madam Speaker, I wish, I pray—and this is not one of the prayers by the Leader of the Opposition—that the people will see the Honourable Leader of Government Business for what he is and assist him; allow him to do his work; allow him to do the good deeds that he is doing for this country without finding ways to distract from what we need to do.

Madam Speaker, I wonder if they continue with this negative talk because he is able to remain steadfast and unwavering in times of great stress. Is it because in spite of what negative comments are uttered about him he is stilled loved and respected by so many? And, Madam Speaker, maybe I am talking about the Leader of Government Business a little too much, because I would venture to say that the majority of our Ministers in particular, the general public sees them in the same light. They defend, they protect and they get upset when things are said that they know are not correct.

But, Madam Speaker, on a daily basis people will say to you, *'Boy you wait till I see so and so. I can tell him that he needs to stop saying those things about Kirky'*. A lot of them call him that.

But, Madam Speaker, we talk about being responsible, doing what this job entails us to do. Being responsible, that when we sit in Parliament we sit in Parliament—that this is a big part of your responsibility as well. And, Madam Speaker, so far this morning it is only the Fourth Elected Member from West Bay

that's in the Parliament. There are no other Opposition Members who have taken their seats inside the Chamber. Perhaps, Madam Speaker, they are still on the radio talk show lambasting the Speaker.

Madam Speaker, is it because he has been able to assemble and manage a productive team of individuals to help him run this country? All of our Ministers, our Backbench support, respect the Honourable Leader. And this is something that is foreign to a lot of people in this country and within the ranks of the UDP, where you can keep something together for so long; that there are no distractions, no arguments, no power struggles within the group, Madam Speaker, to keep them together. I believe that people simply do not understand that, and they believe that it is their duty to tear it apart.

Well, I don't know. I don't see how that is going to happen. This group realises that it has the respect of the majority of people in this country. We are also able to understand that what we are doing is right and that the people appreciate that, and that there is no reason to go elsewhere. We can sit and work out our differences because do not let anyone ever believe that there are no differences. We have our issues, but we sit and talk them through. And whatever the majority decides that is the line that we take.

Now, the UDP may find that difficult because of their ego: each one wanting to make a name for himself, and everybody must go his own way, and everybody might have his own little story. But not here, Madam Speaker! We have one story. We have one story, and it is keeping the faith! It is all about securing the future for the people of the Cayman Islands.

Madam Speaker, is it because this Honourable Leader has vision and brings out the best in others? This is one of the most important reasons that I like to be around the Leader, because of his ability to understand how people work, how people think and be able to make adjustments to meet that.

Madam Speaker, before one word was said in this Parliament on this budget, before the First [Elected] Member of the UDP got up to make his contribution, the Leader told us what their theme was going to be. Madam Speaker, no ordinary individual can do that. He knows. He listens and he sees the way they move and the things that they are asking, and this is like six months ago when they asked questions in Finance Committee. He remembers things and puts two and two together and he said to us, *'Here is what they are going to do'*.

Now, Madam Speaker, I believe that this is important. And I may not touch some of the other things that the general public may think are extremely important to this country right now, but my colleagues have done that and more of them will after I sit down. But I believe that this is important, that people understand that the Honourable Leader of Government, Madam Speaker—I keep wanting to call his name.

**The Speaker:** Can't.

*[laughter]*

**Mr. W. Alfonso Wright:** That people understand what we have here and the man is a true leader and has this country at heart.

Madam Speaker, the Honourable Leader of Government Business does not, has not, will not use his position in Government or as an elected member to enrich himself. He would die first!

No one will point a finger in his face honestly. People do, people do, but they are not being honest. They are not being honest! And if he has a shortcoming it is that he will not take them on; that he will not go to any length to prove them wrong. For this he depends on the good will of the people and the good Lord to see him through. But if he has a weakness, Madam Speaker, I will tell you that I wish he would not do that all the time.

Madam Speaker, I wonder if they hate him because he is able to ignore the negative comments, remain focused and get on with his job. Is it because he is the catalyst in the restoration of investor confidence in this country?

Madam Speaker, stories are plenty. The individuals that will sit down and discuss with you and explain to you incidences where they came to this country with the intention of doing business and the first shock that they got when they visited and came to talk (at this time) with the PPM Government, was that one of the first things they found was that they were brought into a room with all of the Ministers, and they wondered what was going on. On some occasions the Backbench was there as well. But they quickly told you that when they came to talk about business in this country, that they went into a room with one Minister. One Minister! And if they were lucky, at some point in time, at some later stage they may have met some of the other Ministers, but that one Minister was the person responsible for setting the stage and understanding and saying, *'You know you want to do business here? These are the things that you need to do. These are the things that the Government requires of you, and these are the things that I will require of you.'*

So, I said that to say this, Madam Speaker: They talk about investors leaving, companies pulling up and going. At this stage I can only say to you that I trust that those that are leaving are not leaving because they are no longer getting the personal attention and the favoured treatment that only certain companies got from their favourite politicians. But if that is the case and that is why they are leaving, then they were here with an unfair advantage over the other companies. So, I can only wish them well and trust that they will find some other jurisdiction that will cater to their illegal ways.

Now, Madam Speaker, from time to time climates will change and there are companies that will genuinely find that they may have it easier doing busi-

ness in other places for legitimate reasons. And I am not talking about those. I don't want to paint everyone with one brush, Madam Speaker. I don't want to do that. People set up companies all over the world and sometimes it is just easier or more beneficial for them to go to other places, just like many times people find the need to come to Cayman and find here to be a more hospitable place for their nature of business.

But, Madam Speaker, on a whole, we have had many of our new investors come to us indicating that they had tried to do business in this country before and from the onset, the first conversations they had they realised that for them to do so would have meant doing something out of the ordinary. And, Madam Speaker, a lot of these overseas companies are honest people just like us, you know. And in spite of their millions and millions of dollars they want to earn their money in a legal way and just way.

So, many of them refused to do business prior to this PPM Government coming into power. But they have come back and they have sat and talked with us. So, while there are those who, yes, may be leaving, but that happens on any regular day. You win some, you lose some! If we want to make a little bit more out of those that are leaving and not mention those that are coming, then if that makes the Opposition feel better, Madam Speaker, so be it.

Madam Speaker, is it because this Leader has been able to steer his colleagues clear of corruption? I just spoke about that, Madam Speaker.

This Honourable Leader of Government Business will have nothing to do with anything that is illegal. And none of his Ministers or Members dare come to him with anything that is even remotely untoward. It won't happen! That is the time, Madam Speaker, when he won't sit and listen to the whole story. I can tell you that. He will stop you right now and clear it up. Honesty is still one of his greatest attributes.

Is it because, Madam Speaker, he refuses to get down in the gutter when his detractors keep trying to lure him there? Madam Speaker, again, I have said sometimes that I wish he would because he can manage any of them in any circumstance. And sometimes I wish that there was a little of the 70s and 80s left in him. But, Madam Speaker, I am grateful for who he is and what he has meant to this country.

I listened intently to the Leader of the Opposition and the Second Elected Member for West Bay talk about this Government having no vision and, by extension, not planning for the future of this country. The Leader of the Opposition always takes advantage of every opportunity to criticise our plans for the advancement of education in this country. Madam Speaker, we have a lot of educated people in this country, a lot of smart people. And I would say, thank God.

The Leader of the Opposition continually uses the Prospect Primary School as his party's flagship education project. And you know what, Madam Speaker? I thank the UDP Government from the bot-

tom of my heart for building the Prospect Primary School. It was well needed. The location, I believe, was excellent. And I do believe that that was an excellent idea. It is a well built facility and I can understand why they are so happy and proud of the Prospect Primary School. And this country owes them a debt of gratitude for doing that. Well built, served us well in Hurricane Ivan because it was so designed. However, Madam Speaker, it was an expensive structure. And the only way you put together the kind of schools that you want, and incorporate the type of hurricane shelters that this country must have, is by spending more money than you would normally spend on a simple school.

Now I would have believed that they would have understood that. But, Madam Speaker, I need to go back to where they said that this Government has no vision and that they had it all. One year after the school was commissioned, it was over capacity. Now, what kind of planning is that? What kind of vision is that? But we must give him credit for building the school.

Madam Speaker, the other project that the Leader of the Opposition continues to talk about is [the ITALIC programme]. This is another bragging point for the Leader of the Opposition. Maybe he has not noticed. I don't know who else has, but I certainly have. None of his colleagues ever mention it. I wonder why. I wonder why, Madam Speaker. I wonder why they don't brag about [the ITALIC project]. Is it because they understand the true picture and understand exactly what went on with [that project]?

Madam Speaker, ITALIC was an elected government's project. It was a project that came from the elected Members and it was forced upon the schools. The teachers were not in tune with it; they did not agree with it, but they were forced to accept it. Madam Speaker, time proves all these things to us.

Why did [the ITALIC programme] not do well if the teachers were embracing it? I think that we need to understand; we need to come to terms with these things, Madam Speaker and call a spade a spade. Don't let the Leader of the Opposition continue to fool people about ITALIC being such a wonderful programme. There was some merit to it. I will not say that it was totally useless. But it was a project of the elected government and not born out of the schools.

In the same breath I want to say, as far as education is concerned, that the Honourable Minister for Education, Alden McLaughlin, I find him to be one of the [greatest] visionaries this country has ever seen. I have a tremendous amount of respect for him but, Madam Speaker, he is not alone. Yes, the man has a vision, but we have it in every one of our Ministers.

One of the greatest politicians, a Statesman, this country has ever seen, is our current Minister for Health. He stands tall and strong among the best of them.

Madam Speaker, our Minister for Tourism has had his share of issues. They have tried in I don't know how many different ways to derail the things that he is doing. But, again, he is standing steadfast, head to the wind and moving forward, moving east, Madam Speaker! Moving east!

*[laughter from the Speaker]*

**Mr. W. Alfonso Wright:** Sure, he can stand tall.

*[laughter]*

**Mr. W. Alfonso Wright:** He does so all the time. He finds a way, Madam Speaker.

Our Minister for Communication and Works—whew! What a man! The action man! Yes, they referred to him as the Roundabout King. But, again, you know it's a little bit of a joke but there is vision involved in this too.

The way that the structures of the new road had to go, the way that we had to build things, some things had to come first. And in many instances it was the roundabouts because the roundabouts are where you filter or disseminate the traffic in different directions. So, many times your roundabouts had to go in first. And there were many people, including the Opposition, who were confused as to why so many roundabouts. But now as the main thoroughfares come together we understand the value and exactly how the roundabouts work.

Vision? I would say so. A little bit high and out of some people's perception, that they don't really understand and can't see what is happening until you put the full picture in front of them.

And I will say to you, Madam Speaker, that in some of these discussions we have had about roads, I have been confused myself. Some of it I just could not see it coming together. And the area next to Brown's Esso was one really confusing part for me. I see how it has come together now, but it was difficult for me to grasp that. I will admit that. But the Minister has his passion; he has had the vision to set up the Cemeteries and Parks Unit.

Madam Speaker, we may not have been able to see then how useful that would be, but, by and large, it has proven to be a very useful addition to our departments. And it is working well and it has also facilitated the employment of many Caymanians, Madam Speaker. And I congratulate him every day because I think the way it has turned out has been by his insistence that that unit should cater mainly to our own Caymanian people. And he has done very well with that. He has been able to have that filter down to staff. Again, they have gone with him and I am so proud of that little unit, Madam Speaker.

**The Speaker:** Honourable Member, is this a convenient spot to take the morning break?



**Mr. W. Alfonso Wright:** Yes Ma'am.

**The Speaker:** Proceedings will be suspended for fifteen minutes.

**Proceedings suspended at 11.31 am**

**Proceedings resumed at 12.02 pm**

**The Speaker:** Please be seated.

Proceedings are resumed. Debate continuing on the Throne Speech and Budget Address.

Fourth Elected Member for the district of George Town continuing his debate. Fourth Elected Member, you have one hour and one minute I am informed.

**Mr. W. Alfonso Wright:** Thank you kindly, Madam Speaker.

Madam Speaker, I was about to move on to speak briefly about our Ministers, the way that they operate and their vision for the security of our little country and livelihood for all of our people and how they come together to make sure that that Cayman dream is a reality.

Madam Speaker, I wanted to speak briefly about the Minister for Education whose responsibility also includes Culture. The Honourable Minister saw it fit to take part in the recent Batabano Carnival. He wore a costume. The Minister of Education, Training, Employment, Youth, Sports and Culture, is that type of person.

As I spoke about the Leader of Government Business of his love for dominoes, the Minister of Education, Training, Employment, Youth, Sports and Culture loves to have a good time. He loves to dance. And as the Minister for Culture, I was absolutely proud of him taking the decision that he was going to take part in the Carnival, so much so, Madam Speaker, that I made the decision that I would be a Marshall and walk alongside my Minister during the parade.

Now, the Leader of the Opposition finds it necessary to criticise him for that. Madam Speaker, what better way of getting your people involved in things like this than by leading by example?

Now, certain things fit certain people. You know, Madam Speaker, I can understand the Leader of the Opposition criticising the Minister for Culture for doing that because he himself may not fit into that role as somebody who can jump down the street and put on a costume and enjoy it. I can understand that he may have difficulty wanting to do that, or he says that his religion forbids him from dancing now.

But we know that the Leader of the Opposition is a good-time man himself, and loves to dance as well. But he made the remark, talking his usual nonsense, that the Minister of Education should be doing the people's work instead of jumping up and down in the street. And there is a time for everything—there's

a time to laugh; there's a time to cry and there is a time to die. But, as long as we are here, Madam Speaker, we are to make the best of life. And it is not all about work.

The Minister plays a very important role in doing what he did that Saturday. I would encourage all my other Ministers to join him next year because I can tell you this much: the Minister of Education and Culture, once he is in good health, is going to be there again next year. And perhaps our Minister of Dance—the Third Elected Member for George Town—will be joining us as well next Batabano.

Madam Speaker, the Leader of the Opposition, again mentioned (and another Member of his party also mentioned), the fact that the way we have administered and interpreted the Immigration Law is not the way that he intended it to work. Madam Speaker, didn't he and his government not do enough damage with his status grants in 2003?

How could it be right to give permission for hundreds of exempted employees' positions in certain companies, not even knowing what those positions would be used for? Companies were given just blank numbers of exempted employees, to fill in the blanks whenever they needed to, that at some point in time they would just be given a list of one or two hundred exempted employees that that would be that company's allotment. Whether or not that was for a fund manager or whether it was for an administrative clerk or for a messenger, we had no idea where those positions were going to go and how they would affect Caymanians.

Now, the Leader of the Opposition continues to speak about this and criticise us for curtailing that, saying that in order to keep business running freely in this country, that the way he planned this thing for exempted employees to work, we have gone against that.

Well, Madam Speaker, remember where the Honourable Leader of the Opposition started with his status grants? And, I heard him on the radio this morning saying (when he was asked by the talk show host this morning) if he had the opportunity whether he would do it that way again, and his answer was 'No'.

Now, if something you did in the past was so right, so justifiable, why wouldn't you want to continue doing the same thing? You must, at some point, recognise that what you did was wrong, and have no desire to do it that way again.

Now, Madam Speaker, I need the public to understand that just like the Leader of the Opposition piloted the status grants in 2003, he is upset that his plans have not gone through as he intended them, and is continually speaking about the exempted part of this that we have curtailed. And I want people to understand that should the Honourable Leader of the Opposition ever become part of another government that he will pick up where he left off and go back to the immigration policies the way that he intended it and

will do what he wants to do with the exemption section of it to suit himself and his special interest to the detriment of the Caymanian people.

That is a project that he has started, a project that he is proud of and at any point in time that he has the ability, he will revert right back to it if the general public, the voting public of this country ever, ever give him an opportunity to do so again.

Madam Speaker, we need to understand what happens here with carte blanche exempted employee status, and what it does to the young Caymanians who have been working towards a promotion or otherwise a salary increase and the fulfilling of their dream for a better life for them and their family. And understand how uncertain it makes life, and how unhappy it makes people who are progressing; people who want to move forward and who deserve the right to move up the ladder, when you sit in a company and work and work, and do what you are supposed to do, and you believe that at some point in your life this is what is supposed to happen to me. *In another year or two after I have done my studies; I've done this, I've worked in this department and now it's time for me to move up to another job.*

And suddenly, Madam Speaker, there is some work permit employee over you whose position you should aspire to move to; all of a sudden there is a big party in the office. And what it is for? That employee who you were supposed to replace has now been granted exemption; now has exempted employee status.

So, Madam Speaker, what does this do?

What is the morale expected from a young Caymanian employee who has just been dealt that blow?

Do they continue to work?

Do they continue to improve?

Do they continue to make sacrifices?

Will they still have the desire to work late to complete projects knowing that there is no end in sight; that there is nothing to look forward to?

You see, Madam Speaker, they kill us every way they can. First they say that we are not qualified for the jobs that we want, and then we make the qualifications and they then find another way of keeping us down. And, I dare say, Madam Speaker, that Members of the House of Assembly who have been elected to look out for the welfare of our people should not be assisting companies in placing glass ceilings over Caymanians.

So, I ask only that people think this through and understand the way the Leader of the Opposition operates and understand that if you give him another opportunity—look out! You think things are bad now? Put him back in there.

Madam Speaker, one of the things that has continued to confuse me is the Leader of the Opposition and his Party talking about Government spending too much money. The Leader of the opposition continues to mention this approximately \$90 million he left

when he was uprooted from his position as Leader of Government Business in 2005. He does this continually with pride. Brags about it every chance he gets: *'I left the Government some \$90 million. What they done with it?'*

Now, Madam Speaker, anybody with any political savvy, anybody with any pride that would get up and speak about \$90 million that was just sitting there while his people were suffering; while the hospital was in need of funding; while people were still in trailer homes after Hurricane Ivan; while his constituents were battling horrendous streams of traffic; schools bursting at their seams, Madam Speaker. But the Leader of the Opposition is bragging about this money that he had sitting there—while we had a lot of money in the bank, we were starving to death.

Now, I ask you, Madam Speaker, where is the vision in that? I don't know. I can't prove anything. But I do believe that the Leader of the Opposition was banking on winning the election and having a good bit of money to start off some other wonderful programme for him and his party.

Well, there was a party all right but he was not invited to it.

And I want to say, Madam Speaker, that I trust that this wonderful country will always understand the things and the way that the Leader of the Opposition continues to operate.

I want to briefly get back to Education and what I always perceive as his lack of appreciation for it. It is difficult for him to understand, to accept, exactly what education does for a country and why it is so important. Madam Speaker, over the years we have left our education system behind. We have simply gone along, done what we have always done with it, but we continued to expect different results. Buildings were not adequate; facilities were not adequate; teachers were not in tune with things Caymanian, with the way that we wanted our children to be brought up. They were teaching all right and, thank God. I have the utmost respect for all of our teachers. I think they deserve a lot more respect than they get. But the whole complex issue of educating our children has to be thoroughly thought through and planned out and legitimate goals set, and we should have measuring sticks to make sure that we reach those goals.

Madam Speaker, I can understand how the majority of people feel about the large amount of expenditure that we are embarking on with building the schools. But, like the roads in this country, they have been left for so long that in order to catch up you cannot do it piece by piece. It just does not come together right. You must put all your ducks in a row; you must cross all your t's and dot all your i's and set your plan in motion. It does not make sense, Madam Speaker, to put a four-lane highway, two lanes going west and that ending up into a one lane cul-de-sac or something of the sort. That does not make any sense! You have to put all your plans together and work them accordingly.

So, we have to do the same thing with our schools. You cannot have one school with the size capacity that we need, you cannot have one school with all the facilities that are necessary, you cannot have one school with one set of teachers that teach one way because of the environment that they are now in and have the other schools in other districts do something completely different. It is difficult to do what the majority of the public wants us to do in saying build one school at a time and you take your time and move it in that direction. That is not the way the system works best.

Now, we will have to do what we have to do as far as our financial constraints are concerned, Madam Speaker. But, ideally, the Minister is right; the Minister is on top of the game when he talks about building the three high schools at one time. That is the way the plan will work best. That is the way that this country needs to go so that our children in years to come will be able to benefit and qualify in their country for the jobs that many of the expatriates and many of the exempted employees that the Leader of the Opposition wants, are taking.

It is a difficult thing, Madam Speaker, because the benefits of this are quite a [distance] in the future. You will not see the benefits of this a year after the schools are built. Maybe not even five years. It may take ten to fifteen years before we come to realise. And that is what keeping the faith is all about. It takes our people to sit down and analyse what is happening here and take time to understand what the Minister of Education and his team has been saying, and give us the opportunity.

Let's not fight against the schools, Madam Speaker. Remember that we are not going outside of our borrowing limits. We are doing nothing of the sort. We can't do it! But it is necessary for us to move forward with the schools in the way that they are planned.

But, as usual Madam Speaker, it is difficult—more so, I believe, for Members of the Opposition, not to mention the Leader of the Opposition who really, really does not put the education concept together. It is something that completely eludes him. And I have asked him, I have asked other Members of his party a long time ago to please understand that they are not serving the country, they are not doing anything good for the country when they keep him in the position that he is in because education, in particular, if for no other reason—just ignore all the other problems that he causes—but his understanding and appreciation for education, Madam Speaker . . . if we go by him and the way that he operates, we will all perish. But maybe there is light at the end of the tunnel.

I also need to impress upon everyone that the schools on their own is one story; but this country is—and I will repeat this—the country is always in need of hurricane shelters. We are in a hurricane prone area. That will never go away, so we will always need hurricane shelters, Madam Speaker.

Now, do we build these new government buildings and make no provisions for hurricane shelters in them?

If we do that you are going to have the other set of people who will tell you that now you are wasting government's money—and I would agree at that stage, Madam Speaker. Any major government structure that goes up now like that has to have provisions in it for a hurricane shelter. Now, whether it's 20 per cent, whether it's 30 per cent, Madam Speaker, whatever the cost is this country must be prepared to pay for that and understand the benefits that we get from it, and know that when hurricane time comes that we have somewhere to go.

Not all of us will be able to build homes that will withstand the winds and the ferocity of major hurricanes, Madam Speaker. Not all of us can afford to build in high areas where flooding may not occur. So, as a country, as a government, we have to take those things into consideration and make provisions for our people in times of great need that they will have somewhere to go, at least during a hurricane and for some time after.

So, if the additional cost of these schools, Madam Speaker, is because we have to include hurricane shelters then, when the Opposition—or the detractors—talk about the schools being too expensive, I think they need to explain that as well to the general public and let people understand. Right now, Madam Speaker, we are short of adequate shelter space, and the addition of these schools will double what we have now. So, we are on the right track. And I hope that at the end of the day we can go through—although one or two of them may be a little delayed—and be okay in the end.

Madam Speaker, cost of living: I will only touch on one basic area. We all know what the effect of the cost of oil and gasoline has on our country. But it is not just our country; the entire world is going through a crisis right now. The cost of oil, in turn, is causing the cost of everything to increase making life difficult for those around the poverty level or in that area, who have just been scraping by. So, life has gotten more difficult. But I want to say, Madam Speaker, every month, in particular when I look at my utility bill, I thank the Minister responsible for utilities in this country for his efforts, his tenacity and his determination to go the direction he went with his team in organising, in setting up and negotiating on our behalf with Caribbean Utilities Company Limited.

Madam Speaker, I have seen a tremendous decrease in my utility bill. And I am grateful for that. And I know and understand that it must be happening to everyone else as well. Now, I will say this much, that in all of the negatives that are happening now with price increases it would be a lot worse if we did not get some relief with our utility bills. It would be a whole lot worse. But because that is positive we do not hear that talked about on the talk shows anymore.

Because that's a good thing that seems to have been forgotten.

And it is something that we need to pay attention to as Caymanians, you know, Madam Speaker. We complain a lot. And a lot of times we complain when we do not have any reason to. A lot of times we complain because we heard someone else complain and it sounds good, and we want to repeat it. But it has no effect on us what is being complained about. So, good news we need to talk about that as well.

There's been quite a bit of relief in mortgage rates also, Madam Speaker. Interest rates have gone down. So, there are two positives. And people, as the Second Elected Member for Cayman Brac and Little Cayman spoke about, need to take time to understand what they can do with their mortgages, even if it is a recent mortgage if it is a year old. I am sure that you can go in and talk to your banker because adjustments can be made.

Madam Speaker, I just refinanced my mortgage and it has made life quite a bit easier for me. I still don't have enough to save, but I can manage my bills a bit better now. But it has made a tremendous difference in my life. I want to encourage people to go in and talk to their bankers. It is as easy as that. The Government does not have to do everything for you. We need to make an effort to help ourselves a little bit more. We need to understand that when things get tighter, when the bills are now higher than what we earn that we need to cut back on things. We need to plan our days.

We talked about this in here before and in many instances, Madam Speaker, some of our constituents were upset because they said that we were trying to tell them how to spend their money. But, when they can't make their bills and they have to go to other people, including us as representatives, then they are telling me how to spend my money. I will help whoever I can, Madam Speaker, but in many instances there are individuals that you just cannot help because you understand that they did not have their priorities sorted out. And if you help them they are going to go back into the same system that they have always been and do not make life any better for themselves or their family.

We need to sit down and budget and look at the things that we can now do without. If you live in the outer districts and you have to travel into George Town, Madam Speaker, rather than do that two or three times a day, plan your day so you reduce the time on the road, reduce the gasoline that is burned, and accomplish more things on that one trip. Some of us it is just fashionable, we just love to drive. And I guess the next thing we are going to do now is to blame the Minister for roads because the roads are so nice and such a pleasure to drive on that people may want to drive on them more.

But, Madam Speaker, we need to budget and take time out and look at the things that we can do without, and do without them for a while until you are

in the bracket again or when things stabilise that you can afford to do those things. But if you could do without it, Madam Speaker, for that period of time, it means that you do not need it. So, that extra money that you find yourself with when the time comes, we need to put that aside.

As a country, one of our great failings is that we fail to save. We do not pay much importance on putting aside something for a rainy day. If we get an increase in salary we find something new to spend it on. If we find ourselves with a couple extra dollars we decide that we need a new car or we need to remodel the house, or we need new furniture or we need to change the roof. And, Madam Speaker, a lot of times these things are not necessary, it is just a want and desire because the neighbour next door just redid their lawn and planted trees and we can't stand ours looking like this if theirs is looking like that.

But that is not what life is all about, Madam Speaker. We need to take time to sit down, discuss the things that are important to us, understand how we are wasting our money and the importance of saving something for the rainy day.

Madam Speaker, there are so many people in this country who are still of the old way who would die before they come and ask you for a handout. I know of a lady in George Town who had some hurricane damage to her home. A beautiful lady. The National Hurricane Fund assisted the lady in getting her roof fixed and she still had some issues with it so the district fund assisted her in getting part of it resolved. And here is a lady who talks to you on a regular basis and she is always reminding you of others in her community who need help: *'Oh you know so and so down there need . . . so and so . . .'* That is the type of individual she is. She will never ask you for a penny or help, even though the Government had put itself in a position where they were helping people, she still would not go and ask for that help.

People had to go to her. And at the point, Madam Speaker, where we finally got her roof secured for her, just out of the blue someone said to her *'Well what about the interior of your house? Was everything okay in there?'* She kind of turned her head away and [was like] *'don't worry about that'*, kind of thing. But we insisted: *'Are there any other issues?'* She said, *'My son, the old cabinets were under salt water ya know. They not no more good'*.

So, there are still many of those people in this country, Madam Speaker. We got the cabinets fixed for her but it was a lesson for me that this lady who was in need, but because of her upbringing the way she understood life, she did not want Government or anyone else taking care of her. She would fight and battle with her kids until they got it resolved, but she was not prepared to ask.

You know it was a bit of a tearjerker for me when I understood exactly what had happened to her and why she would not ask for help.

So, I know that we have lost a lot of that along the way and there are many individuals in our community now who believe that it is Government's responsibility to take care of them. So they don't plan for their future; they don't stay on their jobs because if they are not working they can go to the Department of Social Services and apply for a voucher for food for a couple of days or get rent paid for a couple of months. And we have accepted that as a way of life where we believe that it is our God-given right to those funds, and it is the Government's obligation to do so.

But it is making us a nation of very little values. We need to do what we can to change that. We need to stop the tide. We need to get families to stop doing that because what is happening, Madam Speaker, the children are growing up in the home and believing that that is the way that they should go; that a job is not something that they really need, somebody will take care of them.

You know the days, Madam Speaker, of people going out of the way to save money, the one thing that they always made sure of was that they were able to bury their loved ones. And that is something that we do not seem to pay a lot of importance to anymore, that that last dignified act is an act that the family wants to take pride in, in saying that you know *I am able to take care of my mother, father and grandparents*.

There will always be cases where some people have it harder than others and Government must assist. We acknowledge that. But many times, Madam Speaker, there are too many cases where people can afford it but they make the Children and Family Services Unit believe that they can't, just so that they don't have to spend their own funds. That is distressing and disheartening when people will go to that length.

Madam Speaker, just a word of advice to all of our people, that you are responsible for yourself and your family. Please understand that the more Government has to give you personally for you to live to pay your rent, buy food for you, the more that the Government has to do that, it is less money that they are going to have to hire teachers, police officers, to fix the roads, to build hurricanes shelters. We need to understand that if you take it from somewhere, wherever you get this money from, something else suffers. Because the expectations on those levels have not changed, they continue to expect better roads, better schools, better hospitals; but they still expect Government to take care of them as well, and the two things can't work.

So, my appeal is not to insult anyone, Madam Speaker, but to ask our people to get back to being proud, to being ambitious; to strive to take care of yourselves. In the extreme, Madam Speaker, when things go absolutely wrong for you and you can no longer help yourself, that Government will come in then and try and help you get back on your feet; but not to maintain you for the rest of your life. That is the

other thing that happens. Once you help them out with a few things they expect that it must continue.

Again, this is part of the education process that I was speaking about that the Leader of the Opposition does not understand, where you educate people in the schools but you also educate them about life, about how they survive in this world and the importance of us making sure that our kids are properly educated so that they can get the jobs.

We have too many work permits in this country, Madam Speaker. But if we had more Caymanians qualified to take these positions that they are saying we are not qualified for, life would be better for a whole lot of them. Their earning power would be a whole lot better for them to be able to take care of their families.

That leads me into a wish of mine. I trust that it is something that we have loosely talked about within our Government. It was something that I talked about along the campaign trail in 2005, and that is a manpower survey in this country where we simply understand exactly what jobs are available in this country, a comprehensive survey, and we understand how many people in this country are qualified for those positions.

Madam Speaker, I have talked about this before but it is something that is dear to my heart, that if the survey shows that we have 15 quantity surveyors in this country and their positions are all filled, but 10 of those positions are filled by people on work permits, we know that in our curriculum our career counseling that we should be driving some kids in those areas to take over those positions that are held by people on work permits.

If there were 15 jobs for quantity surveyors, again, and we found that we had 20 Caymanians qualified already and these positions were all filled, then I believe that common sense needs to come into place somewhere where the career officers will know how to direct these kids when they are going off to school that, *'Yes, if you want to go and qualify as a quantity surveyor understand that when you finish school you may not get a job because that particular job area has been saturated'*.

But, Madam Speaker, in many other areas where expatriates seem to do best is where we need to be able to look at it in bold letters and understand that there are 500 jobs in the hospitality industry and there are 50 Caymanians working in there and the rest of them are held by expatriates on work permits. So that we can know and see that here is an area where Caymanians are lacking, here is an area where Caymanians can move to if they get themselves qualified. And explain to them the benefits of it, that it is a job like any other. It is an honest living.

So, this is something that I hope that my Government will be able to look at, Madam Speaker, because I think it is well needed. We have done all the other things. We have done the national assessment of living conditions; we have a new education plan; we

have done our new Immigration Law and I believe that the missing link with all of this right now is for us to conduct a thorough manpower survey in this country so we know once and for all what is out there and what direction we need to go.

And set it up in a way, Madam Speaker, that it is maintained on a regular basis. It will also make a big difference when work permits are being issued. The information is there, that we know exactly who is who and where people and what their qualifications are. So, it has to assist us, especially with our immigration policies. But it makes the Caymanians understand that the Government is battling for them and that they know that we have done what we can to identify the positions that they should be striving for. And as a government, you then can move forward with all certainty to assist those Caymanians in making sure that they get those jobs. At that point you can do that. Right now it is rather difficult, if at all possible, to move in the direction that we need to move with helping get our people in the jobs that they want.

Madam Speaker, another thing that I wanted to talk about has to do with tourism and culture. It is to do with tourists coming here and getting a piece of the Cayman experience. I have gone to many countries, travelled all over the world to Lions Club conventions, to CPA conferences, I have been to hurricane conferences; lots of things in different areas, Madam Speaker, that at some point in time during the course of these meetings there is something called a cultural night. Regardless of what else you see in the community that you are visiting, you are usually exposed to some of the raw meaningful, but down to earth, culture of that country you are visiting. That is missing in Cayman, for a lot of other reasons. I see it as a possible joint project between the Hotel Association, the Department of Tourism and the Department of Culture, where we organise cultural troops so to speak, where people are trained—our local Caymanian people, as best as we can—who will be proficient in the art of Quadrille, for instance, the old Caymanian ring games, the old Caymanian storytelling, and we turn this into some kind of show that will go around all of the hotels, the areas that tourists frequent a lot, so that we know at the Holiday Inn on Tuesday night it is cultural night; at the Westin, Wednesday is cultural night; on Thursday, at the Ritz it is cultural night, and we are able to make sure of the content that our tourists see and understand that it is pure Caymanian culture. These individuals who do this, Madam Speaker, may have to be employees of the Government, but they are developed by the Cultural Foundation and the Department of Tourism, and whenever they go to perform at these hotels, the hotels pay for their services.

Maybe there are other ways of working it out, Madam Speaker, but we will ensure that our tourists have a Caymanian experience and it is something that everyone will look forward to one night or the other at either of these hotels. And they can be used for other

things, Madam Speaker, but it is another source of employment. It is another source of pride for Caymanians to be part of a troop like that.

We import too many things from other cultures in this country, Madam Speaker. If our cultural director is from Barbados, Trinidad or Jamaica, that does not matter to me. But they must have the desire and respect to try to grasp things that are Caymanian and try to make their presentations based on that, and not simply make it easy for themselves to teach what they know or what they brought here.

So, that is another one of my appeals for us to get into this area where we make sure because a lot of our tourists come here and leave and the one complaint they continue to have is that they saw nothing Caymanian. The manpower survey I talked about earlier will help assist us in making sure that the employees they meet at the hotels and barrooms; bartenders, waitresses, people who are tending to the rooms and reservation clerks, if we do the manpower survey the right way with our other employment agencies it will ensure also that more Caymanians will be seen at these establishments.

I know that everything cost money but I believe that it is something we can work out and I would like to appeal to the Hotel Association. Maybe this is something that they can do on their own, to look at this, because we are lacking in a true Caymanian experience in our tourist industry.

Madam Speaker, spending money: Again, we continue to be criticised for what appears to some people to be overspending. And I had to laugh when one of the Opposition Members starting talking about a new airport. Now, the airport is currently going through extensive renovations and I would like to take this opportunity to thank the Minister responsible for the airport, the Honourable Charles Clifford, for his determination in seeing that through. I know that we are going through some inconveniences now as we travel, Madam Speaker. But if you have any little bit of vision at all, you can understand that it is going to be a beautiful project when it is done. So, we are making our efforts to make sure that when our tourists come in, when we come back home, when we are leaving, that our experience there is a whole lot better.

But I had to laugh, Madam Speaker, when a Member of the Opposition said that—the Leader of the Opposition again. Same man. Same said guy—

**An hon. Member:** Who?

*[inaudible interjection and laughter]*

**Mr. W. Alfonso Wright:** —who, Madam Speaker, talked about moving the airport somewhere else. Now, how in the world can you complain and ridicule and criticise a government for spending what they are spending now for necessary projects, and you talk about relocating the airport, Madam Speaker?

Where in the world would we get that kind of money from now?

**The Speaker:** Honourable Member, I believe from my calculation you probably have about eight minutes left. Something like that.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

Madam Speaker, the airport as we are doing it now will serve us well for a long time to come. Because the part that he mentioned about general aviation is real. That is real. And that is a part of our investors and tourists alike, that we do need to make a little bit more provisions for. But, again, the Minister is working on those plans. Now, we can do a lot of it right there. Who knows what the future will bring, but right now the Owen Roberts International Airport is quite adequate.

I want to move from air to sea, and speak a little bit about what the Leader of the Opposition said about the cruise ship facilities and the cargo dock. And we know that the cargo dock and cruise ship facilities have been a bit of a controversial item for a long time and in years to come will probably remain that way.

Originally, Madam Speaker, the idea (since we understood that we had nowhere else to go as far as the dock was concerned) was to shift the cruise ship part of the dock to what we consider the south terminal, and move the cargo dock north separating that. And that was the premise that we proceeded under as a country.

Now, Madam Speaker, out of the blue, I don't know whose wisdom it was, but the decision was then made to split the facilities that we had there and have tourists on the south terminal and tourists on the north, and cargo in the middle. Now, for the life of me I still cannot figure why we thought that was best. Anyway, that is the way it is and that is the way we are proceeding right now.

The Leader of the Opposition— and this is not the first time I heard him say it. He said it here again in his debate contribution to the budget. He makes light of it when he says that one of the best harbours in the world is in the Cayman Islands and it is the North Sound. And he goes on to say, *'But you'll never be able to do anything with that'* in a contemptuous tone.

I want to say, Madam Speaker, here's another warning from me, that (it is my opinion) for the frequency . . . And nobody else mentions the North Sound. Nobody else talks about the North Sound as a possible cargo dock; but the Leader of the Opposition continues to mention it. It is something on the forefront of his mind. I caution the people to be careful, but I can see it now, Madam Speaker. If he gets the opportunity that Leader of the Opposition will simply say, *'Well, you know what, I mentioned that four or five times for the last four years and nobody objected to it.*

*So I believe that I have the right to go ahead and develop the North Sound as a cargo dock'.*

This is the way that the Leader of the Opposition operates. He drops things, he says little things and he waits on your reaction. And if you don't pick him up he will do it again and again. And what it does for him is that he then starts to believe it. The many times that he repeats something it stays in his mind and it becomes law. It becomes the way of the world to him.

So, I am going to lay a caution to everybody to beware of the Leader of the Opposition. If he ever gets his hands on the reins of this country again, that the North Sound could be in danger.

Madam Speaker, I want to take my last few minutes to talk about some of the issues brought forward by the Honourable Third Official Member in his contribution entitled "Maintaining Fiscal Prudence in Challenging Economic Times." (The Leader of Government Business has always told me from our Lion's Club days that I have a problem saying the word fiscal and I usually say physical.)

*[laughter]*

**Mr. W. Alfonso Wright:** And I probably did just now too. But, Madam Speaker, the Honourable Financial Secretary talked about the Cayman Islands Economic Forecast and he said:

**"In view of the changes in the economic prospects for the world's major economies which are key markets for the Cayman Islands, the forecasts of real GDP growth for the Cayman Islands have been lowered to 1.7% for the 2008 calendar year and 1.4% in 2009. It may be noted that while these growth rates are lower when compared to those in 2005, 2006 and 2007, they are slightly higher when compared to the economic performance between 2000 and 2003 when GDP growth occurred at an estimated average rate of 1.3%.**

**"The key assumptions for the forecasts in 2008 and 2009 are that the financial services sector will remain resilient and that the high-end stay-over tourism market will remain relatively buoyant. Given the GDP growth expectations, unemployment rates in the Cayman Islands are forecast at 4.1% in 2008 and 4.5% in 2009.**

**"For the Cayman Islands, the forecast inflation rates are 3.1% in 2008, and 3.0% in 2009. The actual inflation rate in 2007 was 3.2%" [2008/9 Official Hansard Report p. 7]**

Madam Speaker, we know that from time to time economies throughout the world will have their highs and lows. And we know that our little Cayman Islands, in the corner here, depends on a tremendous amount of what happens on the world economic stage. And we try our best to mitigate as best as we can when those things happen [so] that we can survive. Now, we have always produced a balanced budget. We have always been mindful of our spend-

ing. We have kept our percentage below the danger level and, Madam Speaker, because of excellent balanced budgets produced in the last three years, because we were mindful of the possibilities knowing what the world economy was, and understanding that this country was going through a boom dictated primarily by the construction industry right after Hurricane Ivan, that it could not be maintained. Okay?

Because of prudent budgets, because of making sure that we did not overspend as we went along, we are now better able to withstand what is going on in the world economy. Because we were not foolish, because we did not overspend; because we did not do as the Opposition continues to say '*oh, you are doing everything to get re-elected*'. . . I mean, if you really want to get down to it and analyse the way that this Government has done, it has simply not done things that will help it get elected.

I mean we have taken some big chances; we have taken on things that people were scared to do for years, for decades, Madam Speaker. We are here for the benefit of the people of the Cayman Islands. And I dare say that I am proud of the fact that we have had a sensible Government, and I congratulate the Honourable Financial Secretary for his guidance, because at times, Madam Speaker, I know that they (Cabinet and the Honourable Financial Secretary) at times do have difficulty working things out. Again, they end up with the best possible product at the end of the day. So, I am very confident that the difficult times that we are experiencing right now is but for a time.

But I am also mindful, Madam Speaker, that because we have been so careful, because the country has been so well managed, that we are in a better position today to withstand the slowdown of the world's economy. With that, Madam Speaker, I thank you.

**The Speaker:** Proceedings will be suspended until 2.15 pm.

**Proceedings suspended at 1.03 pm**

**Proceedings resumed at 2.31 pm**

**The Speaker:** Please be seated.

Proceedings are resumed. Debate continuing on the Budget Address and Throne Speech. Does any other Member wish to speak?

The Minister responsible for Tourism, Environment, Investment and Commerce.

**Hon. Charles E. Clifford:** Thank you very much, Madam Speaker.

Madam Speaker, as I rise to debate the Budget and Throne Speech for 2008, I note that the Opposition is still absent from the House. But I am fairly sure that before I take my seat they will come into the Chamber one by one, or collectively perhaps.

Madam Speaker, in his Budget Address the Honourable Third Official Member was able to demonstrate that this budget presented to this honourable House for this upcoming financial year is compliant in every respect to the principles of responsible financial management. There is no need for me to go over what the Honourable Third Official Member has already said, but clearly, he has demonstrated that the budget that we have presented to this honourable House is compliant.

Madam Speaker, I wanted to make specific reference to the repeated misrepresentations on the morning talk show about the level of government debt. Despite the assurances and the statements made in this honourable House by the Honourable Third Official Member the talk show host continues to misrepresent the facts in that respect. Be that as it may, this is what we have come to expect from that host, and I am sure as we draw nearer and nearer to the elections in 2009 we will have more and more of that type of misrepresentation. I say today what I have said on so many occasions in this honourable House: the Caymanian people are smart people. They will not be misled, they will not be fooled; and they have proven that time and time again. They demonstrated that in May 2005 when the United Democratic Party was once again trying to trick the people of this country into voting them back into office.

Before I get into the subjects for, which I have constitutional responsibility, Madam Speaker, I want to deal first of all with a few items particularly with respect to my Ministry and Ministry staff, and then to go into the various projects within my constituency and to finish off my debate going into detail on the subject areas for which I have constitutional responsibility.

Madam Speaker, I am very, very proud as the Minister of Tourism, Environment, Investment and Commerce, to stand here today and commend my Caymanian staff, my senior managers in the Ministry, for the job that they have done, certainly over the last year, and since I have been in office as a matter of fact. I certainly expect no different from them as we go into this new financial year.

Madam Speaker, I know I have taken my share of criticism and I have had my share of challenges, and I have been accused of all sorts of things, that I am getting rid of this one and that one and the next one. I want to say that I am very proud today to be in charge of a Ministry that has the five Caymanians it does in the senior positions within the Ministry. The Chief Officer, Mrs. Gloria McField Nixon; two deputy chief officers, Mr. Samuel Rose, who is the Deputy responsible for administration and environment; the Deputy Chief Officer responsible for Tourism is Mrs. Oneisha Richards; the Corporate Communications Officer is Mrs. Andrea Fa'amoe; and the Human Resources Manager is Mrs. Dawn McLean-Sawney.



Madam Speaker, these are all qualified capable Caymanians and Caymanians for which the country certainly should be proud.

This Government, Madam Speaker, is very, very happy, and the Leader was very, very proud to announce the cost of living increase that we have granted to the Civil Service. And while I speak specifically of the staff within my Ministry, I know that every Ministry and every Portfolio has dedicated staff that work night and day on behalf of the Government and the people of this country. Madam Speaker, they certainly deserve the increases in salary that they have received. And I say, again, that it is not wise for any government to continue to procrastinate and to wait, and to wait, and to delay increases in salaries for civil servants and then be faced with the situation that some governments were faced with in the past, where you have delayed it for so long that you have to give double digit increases to try to play catch-up with the private sector and essentially create an unnecessary burden on the revenue of this country.

Thankfully, Madam Speaker, we have taken a different approach and we believe that we have to keep up with the cost of living and to give civil servants the increases that they deserve so that they too can maintain the standard of living that they are accustomed to. In fact, we compare much better today with the private sector than we did many years ago, and, indeed, in his policy statement, the Honourable Leader of Government Business invited and encouraged the private sector to follow the Government's example and to look at their individual operations and businesses, and to make sure that their employees too are treated fairly in this respect. And we can only hope, Madam Speaker, that the private sector will take those recommendations and that encouragement on board and, in fact, follow the Government with its lead on this matter.

Madam Speaker, I want to also pay tribute and thank my constituents of Bodden Town for the trust which they continue to give me and my colleagues from the district of Bodden Town, and to say that Bodden Town has been neglected for so many years that we often hear the comment nowadays, *'Well Bodden Town is getting so much more than some other areas.'*

The truth of the matter is, Madam Speaker, we do look at priorities and we have to decide on areas of priority, but the district has been neglected and under-represented for so many years that, finally, we have representatives in Bodden Town who are prepared to go to battle for their people and secure what needs to be secured. Madam Speaker, I will just use as an example and go through some of the projects that we have underway. When you consider a district the size of Bodden Town, and the fact that to this day, we still do not have a fire station in that district, it says a lot about the type of representation that the district has had in the past.

We know, Madam Speaker, that our own colleague, the Honourable Minister for Health, has fought for many years, for many of these things, but when you do not have the backup support that you need from your other colleagues it creates an issue, and it creates an issue when it comes to budgets. But he has certainly tried and now he has the support that he has been waiting on and it is beginning to pay dividends.

Madam Speaker, as you know the project to establish the fire station has commenced in the district of Bodden Town and, indeed, it is going to be much more than a fire station on that site. We are also going to be creating a full emergency services centre with a new police station and emergency medical response unit, a helicopter pad and some other components. And we are very, very proud of that and I want to thank my colleagues in Government and, in particular, my colleagues from the district of Bodden Town for their strong support with that particular project.

Madam Speaker, the Civic Centres—and I say Civic Centres because there are going to be two. We have one now in the Bodden Town district, and as you know, that was severely damaged during Hurricane Ivan, and as a result of that we made the determination that it could not be rebuilt to category 5 standard so we would look at establishing a category 5 hurricane shelter/civic centre elsewhere in the district.

So, we have repaired the old civic centre; we have created meeting space on the top floor and we are going to outfit the bottom floor of that civic centre for the vehicle licensing unit for the three eastern districts of Bodden Town, East End and North Side. There is funding in the budget, Madam Speaker, for the commencement of the new Civic Centre, which will be constructed on a parcel of land behind the Bodden Town Primary School. And, as I said, that facility will be certified to category 5 hurricane shelter standards and it will also include substantial sporting facilities within that civic centre along with offices for MLAs, showers, changing rooms, et cetera.

Just moving back very briefly to the emergency services centre, I need to say that while the construction on the project is about to commence and the site filling and preparations are almost completed, a lot of work has gone on in relation to the Bodden Town emergency services centre. We have looked at specifications for the equipment, as an example, for the fire station and the fire service has had on order now for some time the equipment for that station, the trucks, et cetera, that will be required. There is significant lead time from the date of order to the date of delivery, and we want to ensure that when that facility opens in 2009, that all of the equipment will be on-land and ready for use.

I know also that the fire service has invested quite a bit of time and effort in making sure that all of the HR components are in place so that the station is fully staffed when it opens in 2009.

Madam Speaker, we realise that our Bodden Town cemetery is almost at capacity and we have been concerned about that now for some time. We are looking, in conjunction with the Ministry responsible for cemeteries, at purchasing and acquiring additional property in Bodden Town. We have looked at several parcels and we are in active negotiations for the acquisition of those parcels to create a new cemetery not very far from the existing one for the Bodden Town district. And it will be large enough to serve us for many years into the future.

Madam Speaker, another project that we are extremely proud of, and that is connected to the “Go East Initiative,” is the expansion of the CoeWood Public Beach in Bodden Town. My Ministry is in the position to purchase two additional parcels of property, one on the east side of the CoeWood Public Beach and the other one on the west side of the Public Beach, to expand that beach and make it a lot larger than it was before. That particular property is going to essentially be the centre for cultural and recreational activities for the Bodden Town district and it will have on it a launching ramp and a dock. We will maintain the cabanas that are there and build, perhaps, one or two additional cabanas. We are going to designate the area to the west side of that property as a swimming area, because we do not want people swimming on the eastern end which is where the launching ramp is going to be.

We are also going to be building the “Go East” kiosk on that site and they will be available to people in the community who will be interested in promoting and selling their arts and crafts and local food, and even individuals who wish to start small businesses such as kayak tours, fishing tours or snorkeling tours, who simply do not have the wherewithal or a location to operate from. This will essentially be an opportunity for them to start that business.

As always, we have the Cayman Islands Investment Bureau (CIIB), the Department of Tourism (DOT), and the Cayman Islands Development Bank (CIDB) standing ready to assist those individuals who come forward with small business development ideas.

I want to pay tribute as well to the Bodden Town Action Committee that has done some very, very important work in the district. In fact, just this past Saturday we had the unveiling of a sign at the Guard House Hill in Bodden Town, essentially welcoming people to the historic district of Bodden Town, the first Capital of the Cayman Islands. It was attended by a good cross-section of the community and I thought the ceremony went very well. The sign is beautiful and very appropriate for the area. I want to take the opportunity again to thank the committee for their work on that project.

Madam Speaker, I also want to say to the committee (as I said to them on Saturday) that the CoeWood Public Beach, as we move into the development phase of that public beach, it is an important project for public/private sector partnership and we

expect that the Bodden Town Action Committee will partner with us as they have done on so many other projects, and assist us not just with the redevelopment of that site, but also with the maintenance of the public beach once it is redeveloped.

I also said in my remarks on Saturday that we are aware that since we have purchased those two pieces of property and expanded the area, that there are some undesirable activities going on there. The public beach is intended for wholesome activities for families for the community and we are simply not going to be tolerating that type of behaviour on our public beaches. So, Madam Speaker, what we propose to do when we move into the redevelopment gear to establish all of these facilities on this beach in Bodden Town, is to shut the beach down just prior to the redevelopment—fence it off properly, have it properly secured—and proceed with all components of the redevelopment simultaneously, and then to reopen the beach under new rules. And those new rules will certainly be strictly enforced, and we have already had meetings with the Royal Cayman Islands Police Service about the current activities on that beach and what we expect going into the future.

I have to also commend the Royal Cayman Islands Police Service for their commitment to the project and for ensuring that the beach is reserved for wholesome activities and for community activities.

What I just mentioned, Madam Speaker is not unique to the CoeWood Public Beach. It is a situation that we face with most public beaches in the Cayman Islands and in Grand Cayman, in particular. And, it is something that we need to pay keen attention to. I know that the Minister with responsibility for Works and Infrastructure, who has established a unit to deal with beaches and cemeteries, certainly has this at the top of his agenda as well as to look in more detail at how we best manage our public beaches going forward. But we are very much looking forward to the commencement of the redevelopment, which we hope to get underway by the first week in August and to the ultimate completion of those facilities to enhance the opportunities in the eastern districts.

Madam Speaker, those types of facilities are also going to be available in North Side and East End as well, so we are going to have kiosks built in East End and North Side and, indeed, in this budget, we have \$400,000 budgeted for the acquisition of additional public beach in the North Side constituency.

**The Speaker:** Wow!

**Hon. Charles E. Clifford:** Madam Speaker, we are also very fortunate and very grateful to be in a position very recently to officially open the Savannah Post Office. That was well attended. It was a large crowd there that evening and clearly it is a project that is well appreciated by the community. Again, I want to commend my colleague, the Minister with responsibility for Communications for his commitment and for helping

us to realise this project. It is a beautiful facility and it will serve the community well into the future, and it is a community that we all acknowledge as the fastest growing community in the country.

Madam Speaker, we are also going to be establishing the Police Marine Unit as we promised in our political manifesto and from the political platform during the last campaign. We have also done significant preparation in relation to the Marine Unit, the Coast Guard and the Marine Base Station. The Royal Cayman Islands Police Service has been engaged in extensive research over the last three years in developing specifications for the vessels for that unit. Those vessels are on order. The Marine Base itself, that site has been secured and some site preparation work has commenced and so we expect that in the not-too-distant future we will have, as we promised the country, a properly functioning and effective police marine coast guard unit fully supported by air support.

Madam Speaker, this is something that I have always said—long before I came into this House—that we needed to secure our borders properly because if we wait until the contraband comes in or goes beyond our borders and into the community, we have essentially lost the battle. So, we have to stop it before it gets to that point and we are not living in a fantasy land, Madam Speaker. We do not expect that we are going to be able to stop everything. This is a fight that must be continuous. It is going to be a fight that is going to last forever, in my view, for a very, very long time. We have to simply dedicate the resources that we know we can to the cause to make sure that we can fight it effectively and that this country remains one of the safest in the region.

There is too much at stake, Madam Speaker. Our economy is built on tourism and financial services—two very, very fragile industries that can be damaged significantly by things such as out of control crime. We as a government have an obligation to guard against that. And, Madam Speaker, one of the most important components in guarding against that and making sure that your country remains safe is to properly secure the borders. And that is exactly what we set out to do.

Madam Speaker, I want to speak, as my colleague did, on the Savannah gully because that too is a project that has been outstanding for many, many years. I know that my colleague, the Minister for Health and Human Services, has certainly fought over the years to try to address this issue. I remember as far back as 1997, when I transferred from the Royal Cayman Islands Police Service into Central Government as the Deputy Permanent Secretary in the Ministry, is when money was first budgeted for this project to fix the gully issue. Here we are 11 years later still talking about it and the problem is still not fixed.

But let me say this, no one, Madam Speaker—because I have been there and I know—no government has made the progress that this one has with respect to addressing that issue. We have looked

at the options. The Minister responsible has brought in consultants. We have had district meetings. We have had consultations with key stakeholders, and we have had recommendations. The Government has committed to funding this project, which is quite substantial. We have an initial estimate, which is several million dollars, and we have committed as a government to seeing that project through and making sure that it is properly funded and completed.

We know what the hold up is. We have had objections from some people in the district and the Government, as you know, is not exempt from due process. The application which has gone to the Central Planning Authority is essentially in limbo at this point because of the objections that have been lodged.

Madam Speaker, all I will say at this stage is that while many people in the community have many ideas about how best to address the situation . . . I do not pretend to be an engineer and what we have done is, we have brought in professionals, we have brought in civil engineers and also specialists who deal with coastal issues such as this and they have made their recommendations to the Government, which we have accepted. What I do know is that the situation as it currently is cannot be left alone. It just simply cannot be left unchecked and unaddressed. Whatever we do in that area has to be well thought out, and I believe that it is going to help. Now, none of us can guarantee that but we do believe that it is going to, at a very minimum, mitigate the impact of a storm passing to the south of Grand Cayman.

Madam Speaker, I suppose it would only be those who live in the area who are directly affected who can really, really appreciate the danger and the risk that is posed as a result of that. I do think, Madam Speaker, while we would never want to take away the ability of anyone to object to something for which they think they should be objecting to, I would simply ask those who are objecting to consider the matter; to consider the damage that has been caused time and time again for many, many years—long before this Government came into office. Consider the damage that has been caused to so many homes in the Newlands and Savannah area, and to rethink the objection and ask themselves whether it is absolutely necessary for them to proceed with those objections.

As I said, Madam Speaker, at the end of the day, if they feel strongly enough about it and they have their reasons for objecting, then I suppose that is what they will have to do. But I make that plea because I believe that this project simply cannot be delayed any longer.

We wanted to get this project underway in December last year because we understand that it will take about six to seven months to complete. We have been advised by the engineers that this is not a project that you can do during the hurricane season because you would not want to be in the middle of the project when an event occurs, because that could be

quite serious. The Minister and the consultants have explained to us that the concrete requires, I think up to 30 days to properly cure. So, the ideal time is to commence the project in December and to finish it ahead of the hurricane season. We were comfortable with doing that, Madam Speaker, because we know that the active part of the hurricane season really starts towards the end of August. So, even though the hurricane season officially starts in June, we did have some additional flexibility, we believe, between June and the end of July, middle of August, before we get a lot of activity.

Unfortunately, it is what it is and we will take it one day at a time and hope that we can get formal approval from the CPA shortly for that project. Then we can do a proper risk analysis and assessment and determine exactly when it will be best to commence that project. My view on it, Madam Speaker, is the quicker the better. But I do recognise that there are some risks with starting it after June.

Madam Speaker, quite a [few] roads have been repaired and paved in the Bodden Town district. My colleague, the Third Elected Member for Bodden Town, spoke about some of them. I believe, he also made reference to the fact that the Cumber Avenue and Gun Square area has been paved and I do not think that had ever happened before, and we were very pleased to be in a position to make that improvement in that community along with many more improvements.

We know that the Mission House, as an example, was completed by the National Trust and, again, my Ministry is very, very pleased to be in a position to give the National Trust an annual grant to assist with their operations. The Mission House, as you know, is located in the Gun Square area and it is adjacent to another project we were very instrumental in, the Nurse Josie Senior Centre. And we have also purchased an additional piece of property adjacent to Nurse Josie's Seniors Home so that we could utilise that area properly. The Harwell McCoy Senior Park is also located in that area. So, that is a perfect mix, Madam Speaker—the seniors' Home, the park and the Mission House—for us to create a cultural centre and a tourist attraction that will complement the Go East initiative and we are working towards that end.

There is a lot more road work, street lighting, et cetera and speed bumps to be done in the districts. We have done a lot already since we have been in as the Government and, in particular, my colleague, the Third Elected Member for Bodden Town, certainly stayed on top of those issues for us and has been very effective in working with the Ministry responsible to make sure that we have put in place the proper street lighting, speed bumps and that we have paid attention to the district roads and we have dealt with those in order of priority. Madam Speaker, the National Roads Authority and the Minister responsible for Infrastructure has supported us every step of the way

and we are very grateful for them for their commitment to the district.

Madam Speaker, in the Newlands area we have under construction the Newlands launching ramp. In fact, the launching ramp has actually been finished. [One of the] other two components of that project is a parking lot, which is quite a large parking lot. I think it can park up to (I think 30 trucks and trailers), and we are also going to be building a dock adjacent to the launching ramp to make the whole boating operation a lot safer. I know, Madam Speaker, and those who are familiar with that area, and who visit there on weekends, in particular, will know that a very large percentage of the population use that area on weekends. I know just from the feedback that we have received since we have completed the first component of that project, the launching ramp, that the community is very appreciative to the Government for those achievements and for putting that in place.

Madam Speaker, the East/West Arterial, not a lot has been said about that during the debate, although my colleague, the Third Elected Member for Bodden Town, did mention it in his debate. Again, I want to pay tribute to the National Roads Authority and my colleague, the Minister for Infrastructure, for their commitment to this project. We just ask that the community be a little bit more patient. It has already significantly improved the travel time into George Town from the three eastern districts in the mornings. But we have to recognise that some of the work, particularly the work in front of the Lion's Centre and along the Red Bay area by Hurley's, is still not finished, and the extension of the Linford Pierson's Highway is also not yet completed. When all of that is done it is going to make a tremendous difference. Once the work is finished in front of the Lion's Centre, I think that people will have even additional relief at that point. But it has made a difference and, again, I want to thank the National Roads Authority and my colleague Minister.

So, there's been a lot going on in my constituency, Madam Speaker. And we heard all sorts of comments from the other side of the Floor about these projects. You know, Madam Speaker, they like to be negative and they will talk about spending too much money on the Emergency Services Centre, spending too much on the East/West Arterial, and we will hear all of those criticisms; but when they get to the point of actually voting the funds, the Opposition usually falls in line because they do not want it to go on record, you see, Madam Speaker, that they are against these projects. But they will make their little comments here and there; they will make their comments to the press about the Government spending too much money.

Madam Speaker, we hear them talking about coming to Bodden Town for constitutional meetings and to the other districts for constitutional meetings, and for meetings on this and that and the other. When they come, particularly to my district, I want them to tell the people of Bodden Town why they were bad

mouthed the Government for spending money on the East/West Arterial, why they were bad mouthing the Government for spending money on the Bodden Town Emergency Services Centre. So, when they come to hold their meetings, if they do not answer those questions I can assure you we are going to raise those questions again because we are going to be having our own meetings, and they are going to have to be accountable for what they say.

But, as I said, Madam Speaker, they will come and say, *'But we voted the money for this.'* We understand that and do appreciate that, but we have heard their comments as well. We have heard their criticisms. And let me tell you, Madam Speaker, they accuse the Government of all sorts of things, but you see they really cannot accuse anyone on this side of some of the things that they have been accused of. So, they come up with all sorts of things; all sorts of accusations. And they talk about good governance. Madam Speaker, can you imagine the Opposition, the current Opposition, preaching about good governance?

Madam Speaker, I only need to refer them to the several Auditor General's reports on their Administration, and the types of activities that were occurring; the types of things that have been reported on; the types of criticisms that have been leveled by the Auditor General. If that is what they term good governance, then there is something wrong, and that in itself is a very, very serious warning sign to this country.

I am going to say a few things on the Commission of Enquiry because the Governor mentioned it in his Throne Speech, and the Leader of the Opposition (although I was not here, I was off the Island when he was debating the Budget and the Throne Speech) mentioned it as well. Madam Speaker, I know that the Commission of Enquiry and the Commissioner made several recommendations with respect to good governance issues. What troubles me about this, Madam Speaker, because some of the recommendations are good, in my view—I do not support all of them but I will speak to that in a few minutes just very briefly. But, Madam Speaker, what troubles me is that this whole thing was put in the context of addressing good governance issues.

Madam Speaker, I do not think I would be where I am today if we had had an effective governor in 2004. But the circumstances were what they were at that time, and I took the decisions that I did because I believed that it was in the best interest of the country to do so. When I ultimately decided to run for political office and to talk to the country about some of these issues, I did so because I believed then, as I do now, that it was not in the best interest of this country for it to go into a general election in 2005, not knowing of these issues. That certainly was not in the best interest of the country. So, Madam Speaker, I certainly make no apologies for that. I have said that before and I say again that, perhaps if we had had an effective

governor at the time I would not be standing here today; I may still have been a senior civil servant. But it is what it is and that governor refused to come here to testify and I don't have to say anymore than that.

But, Madam Speaker, I think the Government could have certainly saved a lot of money, because you know, when this matter was first reported by Mr. Desmond Seales I was expecting the current governor to come and say something to me or to ask me what my response was, because I would have certainly told him. It would have been as simple as that. And all of the other recommendations with respect to document handling and protocols with respect to that—which we never had in government, and which the Commission is recommending we have now . . . Madam Speaker, we have the wherewithal within central government to come up with those recommendations. We certainly did not have to pay two hundred and forty something thousand dollars to get those recommendations.

As far as what I did is concerned, when I resigned, someone just had to ask me. Someone other than the press that is, because I was not getting engaged in any conversation with the press on this issue. But certainly, if the Governor or someone appointed by him had come to me and asked me, I would have told them, Madam Speaker. But the matter was reported and the next thing I knew the press was calling asking me if I had any comments on the appointment of a Commission of Enquiry, which I knew nothing about. I had not even been advised. The press was advised before I was. And so that is how the game has been played, Madam Speaker.

Many people have come to me and said, *'We don't understand how you do this. How can you continue to do this in the face of all of this criticism?'* Madam Speaker, it is very simple: this is my first time in office but politics is not new to me. I have been around politicians for quite a long time. I knew what to expect. And when I took the course that I decided to take to go down this road of making sure that this country knew the type of government that they had in office when they went into the elections in 2005, I did so in the face of advice that told me, *'You understand that when you go up against this kind of thing you are going to be attacked and attacked from every direction you can think about.'* I understood that, Madam Speaker.

But you see, they underestimated me: I come from a very disciplined environment and I can maintain my cool and I can wait for them to ask questions and to make statements and I can respond calmly. I do not have to jump up and down and go all over the place and say all sorts of things. I know how to deal with those issues and so they were surprised at that.

But, Madam Speaker, all I can say is (and I have said this before, I have said it in the press briefing and on other occasions) no one can convince me to this day that the people in this country believe that exposing corruption is worse than the corruption itself. I know that there are more law abiding citizens and

honest people in this country than there are criminals and corrupt people. So I go about my job as a legislator, a politician and as a representative of the people with that certain knowledge with confidence that the people in this country understand what has gone on. And, Madam Speaker, it is not for this Government to say that X, Y or Z should be charged with any criminal offence. That is not for us to decide. What we have said is that there were obviously some very, very serious issues and some serious irregularities going on. They have been validated by the Auditor General. So much so, Madam Speaker, that he has referred those matters to the Royal Cayman Islands Police Service for an investigation.

I don't know what the result is going to be; it is not for this Government to determine that. That is for the Police Department and the Legal Department to determine. What I do know, Madam Speaker, from my experience as a police officer, and it can be very frustrating sometimes, is that sometimes you know that a crime has been committed but you just can't come up with the evidence to prove it. And, Madam Speaker, that may very well be the case in respect of some of these things. We don't know. But what I do know is that the burden of proof, as far as the community is concerned, is quite a different matter, than the burden of proof in the courts of this country.

The community understands, Madam Speaker, what has occurred here. It does not matter what else happens after this point, you know. The community understands; they understand very, very clearly what has occurred. It reminds me of a case I had one time in court and my good friend, Mr. Kipling Douglas. I was presenting the case and the defense lawyer presented at the end, to say, that essentially there was no case to answer and that the person should be acquitted because the prosecutor had not discharged their burden of proof. And, Mr. Douglas responded by saying, *'Well, my view on the burden of proof is that the Crown must prove its case beyond a reasonable doubt, but the Crown is not required to prove its case beyond a shadow of a doubt'*. So, I just make that distinction, Madam Speaker, because the community is wise.

One of the many things I can say about Caymanians: is that we are very wise people, Madam Speaker. We would not have been able to achieve the types of things that we were able to achieve back in the 1930s when so many of our Caymanian men went to sea with very little education, but yet, so many of them were able to become captains or chief engineers—and to take leadership roles in the Merchant Marines. That is something, Madam Speaker, that is very significant and it speaks to the type of people we are, and the intelligence that we have. I caution the Opposition to be very careful—they can fall into their own trap if they want. It does not matter to me. But they must realise the mistake they made in the last election and for them to believe that they can continue

fooling the people of this country, they are making a very, very sad mistake.

Madam Speaker, I am going to turn now to some of the areas for which I have constitutional responsibility.

As outlined in the Throne Speech and the Policy Statement, my Ministry will continue to pursue policies and programmes aimed at sustainable development in the Cayman Islands, particularly in the Tourism and Commerce sectors. There is little doubt that as we face a rapidly changing world, uncertain economic times, and the real effects of climate change, a national paradigm shift is needed in the way that we live, work and interact with our natural environment. As the Minister with responsibility for the key economic drivers of tourism and commerce, and the first steward of our environment, it is our duty to set a course for our beloved Cayman Islands that promotes sustainable investment.

Madam Speaker, the Go East policy which was developed last year, seeks to encapsulate the promotion of an investment in tourism and commerce that complements the unique and pristine natural environment in the eastern districts. Therefore, the Go East policy will be fully realised in the 2008/2009 financial year by the stabling of the policy framework, the establishment of an integrated counsel and the creation of specially designated facilities within the eastern districts beginning in Bodden Town. This policy, Madam Speaker, pursues environmental, social and economic welfare in tourism and is guided by extensive input from residents and businesses within the eastern districts.

Madam Speaker, the subject of tourism is certainly very, very important. As I said earlier in my contribution, it is one of the main economic drivers in the country. And, Madam Speaker, I want to make reference, again, to some of the things that we hear, particularly on the morning talk show, and how we hear repeated references despite and in face of the statistics that are published publicly on the Department of Tourism's website with respect to air arrivals into this country. We hear repeated attempts and statements, actually, by the host of that show, about tourism being down.

Madam Speaker, nothing could be further from the truth and, in fact, you only need to ask those who work at our airport, whether they are working for the airlines, customs, immigration or in some other office or occupation at the airport. They will tell you the difference that they have seen in air arrivals in the last three years. Madam Speaker, I don't have to go through the statistics in detail, but I will say that from January 2006 up to the present time we have seen increases in air arrivals over the previous year. So, we compared month to month from 2006 to present and we have seen increases. Last year we ended the year 9.1 per cent ahead of 2006, and so far this year we are running about 9 per cent ahead of where we were in 2007.

So, just to give those three months very quickly: In January 2007 we had 23,726 air arrivals; January 2008 we have had 25,845. In February 2007 we had 27,947 air arrivals and in February 2008 we have had 30,380. In March 2007 we had 35,146 air arrivals and in March 2008 we have had 38,425.

Madam Speaker, I understand what is going on on the talk show. We understand that one of the hosts, Mr. Solomon in particular, has declared his candidacy already. So, he has already set himself up as a politician. Madam Speaker, my view on that is, that while there is nothing wrong with that, that is his right, the ethical thing for him to do each morning as he starts that radio show is to remind the public that he is seeking office in 2009 and that he is in opposition to the Government, so that he does not continue to portray himself as this neutral moderator or talk show host because that, Madam Speaker, is very, very deceptive. So let him declare his interest and go about his business and do his radio show; but do not start the show every morning as if he is this neutral moderator that is there to essentially serve the public. He has an interest. He has a conflict of interest, as a matter of fact, for as long as he does not declare that interest. And so, we will see where we go from there.

I am not going to even bother to table the statistics because they are available for public consumption. They are on the Department of Tourism's website. But I just wanted to speak briefly to cruise arrivals because we have seen a decrease in cruise arrivals. But, of course, last year and the year before that, in 2006, the big cry was that we had too many cruise visitors and that George Town was too crowded; that the sandbar was too crowded; that the West Bay road was too crowded that residents could not get from A to B because of cruise visitors. And now that we have had a slight decrease, and I say that Madam Speaker, because we still ended the year last year at some 1.7 million cruise visitors. So, that is something that many other Caribbean islands certainly wish they had. That is not an insignificant number. It is though a more manageable number for us, and I don't know why people would complain, other than for political reasons, at what is in effect a slight decrease in cruise arrivals.

Madam Speaker, I want to say that the Leader of the Opposition is constantly talking about how "*you deal with the cruise industry*". I am as familiar as he is with the cruise industry. And his attitude, as it is with everything, is to go in beating up his chest and raising his voice and trying to bully people. Well, Madam Speaker, that only works for certain audiences; it certainly does not work with big corporations like cruise lines. They haven't gotten to multi-million dollar profits by being stupid, and so they will sit and listen to people like the Leader of the Opposition and when he leaves the room they will have their little chuckle and go about their business.

Madam Speaker, this business today is about diplomacy. That is what it is about. In fact, the politics

of the 21<sup>st</sup> century is about diplomacy, and that is how you operate. So, the style of the Leader of the Opposition, Madam Speaker, that is what we term "old school politics". It does not work anymore. It didn't work the last time and for some reason he thinks it is going to work this time. Well, we will see. But, Madam Speaker, when you get on the world stage and you are dealing with world leaders or you are dealing with major corporations, you have to have the ability to negotiate. Madam Speaker, there are even times when you're coming from a position of weakness where you don't have enough eggs in your basket. And I will just use as a very, very quick example, air services agreements, which is a very technical area but an area that we have been working on now for very many years because the air services agreement that we had in place many years ago was allowed to expire in March 2005—before we came into office—and that agreement had in it a number of protections for our National Flag Carrier. We have been working since that time to put a new agreement in place.

Madam Speaker, these are very, very technical areas. In fact, any good negotiator would understand that it is not your policymakers that you put at the negotiating table, because there is a tactical reason for that. And so, you put your technical people there. There is a point and time that the policymaker comes into the room or comes into the process, but you do not come in at the front end because that is what causes it to fail. I know some people have a different approach. The Leader of the Opposition likes to beat up his chest and talk about, '*Yes, you gotta do this and you gotta do that.*' Madam Speaker, all that matters to us, all that matters to the Government, all that matters to the people are results. That is what matters. And you get that through intelligently debating and negotiating issues and being diplomatic. You don't get that by creating enemies.

Madam Speaker, there is so much more I could say about that but I do think that the art of diplomacy is certainly an area in which the Leader of the Opposition has been found wanting, and I will just leave it at that.

As far as cruise tourism is concerned, because I was speaking on the statistics, and I just wanted to say that in our discussions with the cruise lines and with people connected to the cruise lines, there are several things happening in cruise tourism right now, and one is that the demand for the Caribbean region as a whole has been dropping off and there are a few reasons for that—and they have said this to every Caribbean country—the Caribbean product is getting a bit stale. A lot of their passengers are repeat passengers. So if you have a combination of the Caribbean product being perceived as stale, coupled with a US recession, connected to the strength of the Euro, you automatically see a shift in demand for cruise from the US market to the European market. As a result the cruise industry has redeployed a number of their ships over to Europe.

To give an example, Madam Speaker, we have the Freedom class ships and there are three ships in that class. We have *Freedom of the Seas* and *Liberty of the Seas* (both of which call on Grand Cayman). The third ship, *Independence of the Seas* is about to be launched. In fact, it may have been in the last couple of weeks. But just to prove a point, Madam Speaker, when that ship was designed and when it actually went into production it was destined for the Caribbean when it came out of production. So, it was going to be on a Caribbean itinerary. The ship is now coming out of production and going straight to London. It is going to be based in London. So, that just shows you how the demand has shifted. It is not going to be that way forever.

The US economy is not always going to be as slow as it is now or in recession. That will change. Some people have estimated that it will last six months, some have said it will last eighteen; some have said that it will last several years. We don't know what the answer is, Madam Speaker. But we do know that at some point the US economy will bounce back. We know what we have to do with respect to our product, and we are going to do that. Once that happens and the US economy gets back into a stronger position, then the demand will shift again and ships will be redeployed again. That is just how economies work.

So we have to prepare for that, Madam Speaker. I only mentioned that because the spin that the Opposition will put on it is that Grand Cayman has essentially seen a decrease in cruise tourism and the rest of the Caribbean has not. The truth of the matter is, Madam Speaker, most of the major ports, like Jamaica and Puerto Rico, are in a similar position to Cayman; they have seen decreases. It is only the new ports that have seen increases in cruise arrivals and that is only because, in many cases, they are going from zero to something. So, they have seen increases because they have developed ports.

I also note in the contribution of the Leader of the Opposition (as I said, I was not here for it but I've read the *Hansard*) where he mentions Cuba, specifically with respect to cruise tourism. Madam Speaker, we have talked about Cuba. I have talked about it and we have done as a Government what he did not do as a Government, or as a Leader of the Opposition, or as Minister of Tourism. We have planned for it. We put it in our manifesto. We said that we were going to diversify our tourism markets, that we were going to be investing heavier in Europe and Canada. And we have done just that because Europe and Canada both have access to Cuba already. So, we have planned, Madam Speaker.

Do you know what? It is a pity that that type of planning did not take place ten or five years ago because we would have been further ahead now. But we have planned for the eventual opening of Cuba. My personal view is that that is not going to happen overnight. We have seen some changes in policy in Cuba

itself and we are going to see some changes in policy in the United States. But Cuba, in my view, is going to be in turmoil for some time as it tries to make that transition from Communism to Democracy, and that type of environment is not going to bode well for tourism.

Be that as it may, Madam Speaker, Cuba is a beautiful country and it will eventually open up and become a significant issue for us in our primary market in the United States, and we are beginning to prepare for that. As we have said, we do not want to put all of our eggs in one basket.

As far as cruise tourism is concerned, we have discussed that issue as well, and islands like Cayman and Jamaica are in good positions geographically to benefit from Cuba. And we have had these discussions already, Madam Speaker. He talks about I don't talk to the cruise lines. I have meetings all the time with the cruise lines—very, very frequently—and I have discussed issues like Cuba with the cruise lines. I can tell you that their view on it is that they would not develop a Cuban itinerary in the same way that they have developed an Alaskan itinerary. So, they would not have an itinerary that leaves somewhere in South Florida and goes to seven or nine ports in Cuba. They simply wouldn't do that and they have their reasons for that. So what they have said is that whenever Cuba gets to that point where it opens up and where they have a new itinerary that includes Cuba that islands like Cayman and Jamaica will benefit from that because of our geographic location.

So, you may have something leaving out of Tampa, Fort Lauderdale or Miami, that would call on a port in Cuba, or perhaps two ports in Cuba, Jamaica, Cayman and, perhaps, Cozumel. So, that is how they intend to structure it and we will obviously work with them in that regard.

I want to say this about Cuba, Madam Speaker—Cuba is a member of the Caribbean Tourism Organisation. Cuba, unfortunately, is not allowed to attend meetings of the CTO in the United States, as an example, because their Minister cannot get a visa to go. But Cuba is very much a member of the Caribbean Tourism Organisation. And so, it is wise for all Caribbean countries not to see Cuba as the enemy, but to see Cuba as someone that they can partner with, in respect to tourism, because it makes sense for that to happen. Already, Madam Speaker, on our Cayman Airways flights to Havana we have been picking up some European traffic coming through Cuba.

Those are the types of possibilities that exist. Those are the types of opportunities that exist. And so, as we move forward as we look at the developments and watch very, very carefully the developments in Cuba, we understand that not only are there challenges with respect to Cuba opening up, but there are also some great opportunities. And, Madam



Speaker, we fully intend to pursue those opportunities as we move forward.

So contrary to what the Leader of the Opposition has said, and very much unlike him and his government, this Government has planned for the eventual opening of Cuba to the tourism market.

Madam Speaker, as the 2008/2009 fiscal year begins, the Department of Tourism is going to be initiating work on updating a tourism economic impact study. When it is completed the Ministry and Department of Tourism will then have much better economic insights which will enhance the policy development and decision making with respect to tourism and the tourism industry, and will also allow us to better allocate and reallocate resources.

Madam Speaker, in the last four years we have had significant increase in funding to the Department of Tourism for product development and human capital development, and this has certainly resulted in a number of new initiatives and programmes. At the end of the day, the Department of Tourism has essentially two focuses: We have to focus on promoting and marketing the destination to make sure that we keep visitation where it ought to be and where it needs to be to keep the economy going, and at the same time we need to make sure that we develop our product so that it remains strong and that is it not perceived, as I said earlier, as being stale. An important part of that product, Madam Speaker, is in fact, our people. And I am going to speak to a very important programme in a few minutes with respect to that.

Given the challenges that we have certainly faced, and when I say 'we' I mean the world because the world economy is facing challenges now. The US, in particular, as I've said, is in some difficulty. So, we have had to be very, very careful with how we allocate resources and have had to be more strategic with our marketing efforts. The Department of Tourism continues to certainly work harder and smarter so that we get the best value that we possibly can from the investment that we make in tourism.

Madam Speaker, three years ago the Government was certainly acutely aware of the importance that the National Tourism Management Policy had for the country and we were determined to update and implement a revised National Tourism Management Policy. The consultant hired, actually by the previous government to do the tourism management policy, was also hired by this Government to essentially update the policy because not very much of the recommendations that are contained in the policy had been implemented. And I will grant the Opposition this, as they were the government at the time, that a lot of disruption was caused as a result of Hurricane Ivan. Many of the implementation plans were not able to be achieved because of the focus that had to be placed on recovery. And so, many of the recommendations simply needed to be enhanced, reworked and reordered with some new recommendations, of

course. But many of the things that had been recommended under the old policy are still very pertinent and very live issues that we need to address.

Madam Speaker, I am also pleased to say that the Department of Tourism and Cayman Airways continue to work together in a strong, smart and strategic manner. Cooperation exists at all levels of both organisations. And while each organisation has a unique business purpose with its own set of goals and objectives, there are multitudes of instances where the two can, should, and do work together.

As an example, the Department of Tourism provides marketing, promotions and public relations services for the National Airline in the United States at no cost, allowing the country to benefit from significant economies of scale and cost savings. And the marketing teams in both organisations work very closely together.

Moving beyond a marketing relationship, the Department of Tourism and Cayman Airways also work together in the area of product development and training. The National Service Excellence Standards Initiative, which has now successfully been branded as Cayman Pride (and Pride standing for personal responsibility in delivering excellence) was made available to Cayman Airways at no additional cost, allowing the National Airline to save significant dollars, and at the same time, allow it to develop a vigorous, measurable and customised programme to raise customer awareness levels across all of the customer touch points of the airline experience.

So, that programme is not finished. It is quite a robust programme. Even after the initial training and programmes are implemented there is a maintenance component to that programme that ensures, going forward, that all of the agencies, including Cayman Airways, has a maintenance programme in place that is capable of being audited and that corrective measures are able to be put in place as soon as we recognise that something has gone wrong. Cayman Airways is currently the only tourism partner which is currently receiving every component of the Cayman Pride programme.

Madam Speaker, I mentioned the very shaky state of the US economy. As far back as the Tourism Conference in 2007, we were talking about the whole issue of the US economy. So, long before we heard mention made, even within political circles in Washington about the state of the economy, we were talking. I was talking about this in my remarks at the Tourism Conference at the Marriott, about the unusual number of foreclosures that we had noticed in the US market, and that this was something that as a department and Ministry we were following very, very closely because we had concerns about it. And here we are today, understanding that the US economy has significantly slowed and is more than likely in a recession as we speak. So, we had begun to think about this and prepare for this from some time ago.

I hosted a meeting in New York last year, Madam Speaker, at which we talked about this issue and we talked about mitigation plans for this downturn in the US economy. We came up with some ideas, some mitigation plans. Those meetings that had started in New York were continued in Grand Cayman where we brought in our private sector. We talked about partnerships, we talked about the issues and how best we could put our money together and get the best of value that we could for the country. Madam Speaker, I want to thank the private sector for their efforts and for the time that they invested in sitting down with us discussing these issues. Clearly, they too understood the importance of this.

Madam Speaker, we spent some long hours talking about strategies and programmes, talking about the competition, talking about what to anticipate and how best to address it. And I want to say now, that during the winter season we are very fortunate to . . . Let me put it this way: The visitors that we get during the winter season are traditionally visitors who have a significant amount of disposable income. And they are what we term as recession proof visitors. So, we are not too concerned about our winter season. We're just about to come out of the winter season and coming out in a very strong position ahead of where we were last year.

My concern, Madam Speaker, and the Department of Tourism's concern is the summer because the visitors who come to our shores in the summer – that come to the region in the summer – do not necessarily have the level of disposable income that those who come to us in the winter have. So, that is an issue for us and because of the state of the US economy, we expect that whatever negative impact we see, we will see that during the summer months, and so we have been preparing for that and trying to gear up our mitigation programmes to deal with that.

Madam Speaker, only because it would put us in a somewhat uncompetitive position if I were to go into detail with respect to those programmes, that is really the only reason why I don't feel it is right for me to go into any detail about those programmes because competition is a real issue.

Madam Speaker, I can tell you when I came into tourism in 1997, it really was not that competitive. I mean it was almost as simple as you build it and they would come. It is not like that anymore. We have seen tourism destinations emerging in places that we did not expect because people understand the value of the tourism dollar. And, I mentioned this on a previous occasion in this House, but when you see states like Colorado in the United States, states that are landlocked—yes, they have lakes but they are landlocked—promoting scuba diving, you understand very clearly how fierce the competition is. They create beautiful artificial reefs in these lakes and they promote scuba diving in Colorado. So, think about that! Scuba diving and skiing! I mean skiing in the snow and at certain times a year scuba diving.

I just mentioned that, but we have other issues such as on the cruise side where we have seen where cruise lines have gone and just bought vacant plots of land on the Mexican coast, and they have just gone and invested in infrastructure. They have created their own little ports. They have put roads in just to service the port, they have put in electricity, water, everything; they have just created a Port of Call, and they go to that. We have seen them buy islands in the Bahamas; we know that they are actively looking at some Cays in the Gulf of Mexico, which they are looking at to develop as Ports of Call.

Madam Speaker, there are places in the world today that in 1997 no one would have ever imagined that they would be tourism destinations, but yet, they're very much on the charts; they are very active. And so, the Caribbean region as a whole has recognised that. We have had these discussions at the Caribbean Tourism Organisation level. Ministers have had caucuses on this and we have talked about the Caribbean in general and how to promote the region.

As far as individual promotions and marketing strategies are concerned, that is something for individual countries to do. But as a region, the Caribbean Tourism Organisation plays a very, very significant role.

So, Madam Speaker, it is not how it used to be. We have to work smarter. We have to be more creative and more targeted than we have ever been before. As I said, I am not going to go into a lot of detail. We have a lot of programmes ongoing with the private sector that we hope will mitigate the impact of the US recession and that we are able to, at least, keep our numbers in the summer to where they were last year. And, if we are able to exceed them then, of course, Madam Speaker, we will be very happy about that.

I wanted to speak about two promotions that we are doing and one is a strategic partner with Nickelodeon and we have partnered with Nickelodeon before, Madam Speaker. This one is a different type of partnership. But, as we know, Nickelodeon is the single most powerful brand, which speaks to the family market in the United States. And I remind us again that the United States is our primary market. We get some 80 per cent of our visitors from the US market.

Madam Speaker, the targeted advertising and promotions would advise our target audience that one of their best loved characters, Diego, is visiting the Cayman Islands this summer. Diego will meet them at Cayman Islands Sea School and will talk to them about the importance of the environment using our Sea Turtles, Blue Iguanas and rare parrots as examples. Members of the House and community will be hearing more about this promotion as we go forward, and we expect that this will trigger additional visitation to the Cayman Islands in the summer.

Madam Speaker, our research has proven to us—and let us remember now that a big segment of our target audience is the family market—that in most

instances when a family is planning a vacation (and when we say family, we are not necessarily talking about teenagers; we are talking about young kids) that you would be surprised at the influence that those kids have on their parents with respect to which destination they are going to vacation in. And so, that is the rationale, Madam Speaker, for this partnership.

The other promotion I wish to mention, Madam Speaker, is "Cayman Knockout Championship Boxing", which will take place in the Cayman Islands on the 20 June [2008] and will be the first in our history, a live televised broadcast from the Cayman Islands on Showtime. And this will bring championship boxing. It will be a two-hour broadcast and included in that broadcast will be promotional footage of the destination, and at segments throughout the two-hour period, in between the fights, we will have additional promotion of the Cayman Islands. As the announcers come on each time to talk about the event, they will say, 'this is Showtime championship boxing live from the Cayman Islands', or some words to that effect. Our brand (our logo) will be placed in the ring. So, as you know, during boxing that is where the focus is, it's in the ring, and so people will see the Cayman Islands and or the [CaymanIslands.ky](http://CaymanIslands.ky) website advertised there throughout the event.

We have already had press conferences in the United States to announce this. We had a whirlwind tour essentially of the US where we went from Miami to San Francisco to New York and back home in three days, two and a half days, actually. We did press conference after press conference, so we had a significant turnout at all of those events. We had all of the major media there. We had all the major networks: we had the Associated Press and a lot of these networks and media houses have picked up the story, they have been running with it. It has been on blogs; it's been on various websites and our public relations unit is tracking that.

Madam Speaker, there will be additional promotion opportunities leading up to the event. We have a number of promotional opportunities that will occur, and the US media will also follow those, including the weigh-in the week of the fight. And the boxers will also be doing a number of community outreach programmes going into the schools. They have already visited the boxing gym here and they will be doing more of that. And, if not before the fight certainly after the fight, the boxers will also have an opportunity to do additional community outreach.

So, Madam Speaker, this, as I said is a live broadcast on Showtime that will bring awareness about the Cayman Islands into the homes of millions of Americans and others around the world. Madam Speaker, if we had to pay for the level of exposure that this event is going to give us, it would be in the millions of dollars. So, we see this as something that we are going to get significant value for money from.

I just want to mention here briefly, Madam Speaker, because this has been a topical issue, and

our own fighter, Mr. Charles Whittaker, we have been in dialogue with him. As you know, Madam Speaker, because we feel so strongly about Charles' participation in this event, we have offered him more than four times what fighters in his category would be offered. And last week we got a response from Charles' trainer that said they would not accept that offer. We had given them a deadline because clearly we need to move ahead with our planning and we need to know who the fighters are going to be; the promoter needs to know that. So, the deadline had passed with them saying no to the offer.

Madam Speaker, we did get an e-mail from them, I think it was today—I'm just looking at it now. Actually, it came in yesterday, on Sunday, to the Department of Tourism, which indicated that Charles is willing to fight for the amount that we have offered him. Now, Madam Speaker, I feel good about this because I really want to ensure that Charles is a part of this. This is why I took him all the way to Las Vegas with me when I first came up with this concept because I wanted him to be a part of this event. I took the unprecedented step of involving him in what was a business meeting just so that he would understand the concept.

But I made it clear that there were essentially two objectives: the primary one was a promotion of the destination to bring awareness to the destination. And to the extent that we could use that promotion to further his career as a boxer, we were more than happy to do that; that was the right thing to do. And so, we have moved along in that direction and all I can say at this point is that he has indicated he will fight for the \$20,000 but he's also introduced—and I need to say this so the country will be aware—some additional demands into this letter which some things are outside of our control so I cannot make any commitment to him in relation to that. And one of the things is in relation to his training, of course, which falls under the Ministry of Sports. That is a matter which I intend to speak with the Minister of Sports about. But we have just only received this e-mail from his trainer and I continue to hope that we will be able to move beyond this and make sure that we can in fact, have Charles Whittaker participate in this event.

Madam Speaker, no one can say that this Government, and in particular the Minister of Sports and myself, have not supported Charles. We have promoted his fights; we have given him sponsorship. The last occasion I requested (and Cayman Airways agreed) to fly in somewhere between twelve and fifteen people in relation to his fight and that was an expense that he did not have to pick up. So we have supported him every step of the way, and we are certainly hoping that he will be a part of this very, very important event. It is an event, Madam Speaker, that if he takes on the correct opponent, it can certainly take his career to the next level.

It is a type of event at which executives from Showtime will be present. They will be familiar with

the event and people that matter in that particular sport will begin to notice him in a way that perhaps he hasn't been noticed before. So, it is simply in his interest for him to come on board.

As things develop with that, Madam Speaker, I will certainly keep the country informed about it.

Madam Speaker, can I just have an indication of how much time I have left so I can plan my debate accordingly?

**The Speaker:** From my quick calculation I think it is about thirty-five minutes. I don't know if the Clerk can confirm that or say if it is more or less.

[pause]

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

**The Speaker:** [addressing the Clerk] How much is it?

**Hon. Charles E. Clifford:** I hope you are taking the last two minutes out of it.

[laughter]

**Hon. Charles E. Clifford:** Madam Speaker, I will assume that I have thirty-two minutes. Is that correct? Thirty-two? Okay.

Madam Speaker, I want to move on now to the Tourism Apprenticeship Training Council, which I appointed in August 2005. This is a programme that as a government we are very, very proud of. We have said from the very beginning that we would be focusing on education and so too has the tourism industry.

Before going into some detail about this, I just wanted to essentially put on record my gratitude to the Council and the important work that they have done since they were appointed in 2005, and I want to quickly identify them. The coaches of the Tourism Apprenticeship Training Council are: Mr. Daniel Szydlowski, the General Manager of the Westin; Mrs. Belinda Blessit-Vincent who is at the University College of the Cayman Islands. My colleague, the Third Elected Member for George Town, Ms. Lucille Seymour; Mrs. Juliette Du Feu; Mr. Philip Scott, from the Department of Employment Relations; Dr. Elsa Cummings, who is from the International College of the Cayman Islands; Miss Wendy Jackson, who is at Cayman Airways; Mrs. Chevala Burke from District Administration; Mr. Chris Sariego, who is the Acting General Manager of the Ritz Carlton Grand Cayman; Mr. Gerry Kirkconnell from the merchants sector; and Ms. Karie Bergstrom, who is the past president of the Cayman Islands Tourism Association. And, of course, Madam Speaker, the Council is supported by representatives and staff of the Department and Ministry of Tourism.

Madam Speaker, the Tourism Apprenticeship Training programme provides participants with voca-

tional skills and combines the on-the-job training at tourism accommodations and restaurants with classroom learning at the University College of the Cayman Islands and the International College of the Cayman Islands. The Tourism Apprenticeship Training programme is a fulltime programme lasting 38 weeks and successful students will walk away with the recognised CARIBCERT Certification. This is a regional certification, Madam Speaker, that is recognised internationally.

This year was the pilot year and it has been successful. We had 20 students enrolled in the programme and while we are not going to end the programme with 20 students (it is probably going to be more like 17, I believe), the second class of students will begin in September 2008. And, Madam Speaker, because we feel so strongly about this programme and the importance of the programme to the country and to the tourism industry, the Government has in effect doubled the budget for the next fiscal year. Rather than enrolling 20 students in the new class beginning in September, we will be enrolling a total of 40 students in the Tourism Apprenticeship Training programme. The Graduation ceremony for the current year will be announced a little later on and I certainly look forward to participating in that.

Just this morning I met with one of our apprentices before coming to this honourable House and this is a young lady, Miss Bethany Ebanks, who is involved in the culinary side and, in particular, she wants to do some specialisation in pastries and things like that, and she is seeking a scholarship as soon as she is finished with this programme to study at an institution, perhaps in Europe, where she can gain an additional diploma that is specific to that area.

Madam Speaker, the tourism scholarship programme is primarily geared to tertiary education and so the type of programme that this apprentice would want to pursue when she is finished with this programme is one that would not necessarily fall within the tourism scholarship programme. But, my view is that we have to be flexible about that. If we have students in Cayman who are interested in areas like this (which we don't have a lot of them) we have to do everything that we possibly can as a government to make sure that they maintain that interest. So, I made the commitment today that we will ensure that that young lady has the opportunities that she desires to take her further into that industry to make sure that she is certified.

I, myself, Madam Speaker, have appeared on several talk shows with some of the apprentices and I can tell you that they are very keen about the tourism industry, and the level of interest in the tourism industry today is much higher than it was even five years ago. And, I believe that people in Cayman are beginning to recognise that the tourism sector is certainly one that can be very lucrative. You need to take your eye off the base pay sometimes, because people in the industry will tell you that the bulk of their earnings

come from gratuities. That is an area that is very important to workers in the tourism industry. It is a very lucrative industry, whether you're in management or on the service part of it, working in food and beverage. Food and beverage, in particular, can be very lucrative just from the tips alone. And people who work in that industry, as I said, will tell you that.

Madam Speaker, the programme is predominantly aimed at high school seniors and graduates interested in tourism hospitality. The programme is designed to create a cadre of Caymanian hospitality professionals in occupations traditionally, as I said, underrepresented by Caymanians but with respectable compensation levels and career potential. Career options, at this point in time under the programme includes front office operations, food preparation, food and beverage operations and housekeeping supervisory. So, people in the country will be hearing more and more about the Tourism Apprenticeship Training Programme, which is a programme that this Government embarked upon because we felt that it was more viable, more effective, and would be more attractive than a hospitality services training centre.

What this programme allows, Madam Speaker, is a true partnership with the private sector where these students in their final semester are placed in employment in the private sector and they get to interact with real guests. They get to work alongside professionals and gain the type of experience that we need them to have to work effectively in the industry. And, perhaps as important as anything else, the private sector is partially funding this programme and we are very grateful to them for that.

Madam Speaker, the SEPP programme, which is the environmental programme for the tourism sector, is a joint initiative between the Department of Tourism and Environment and the Tourism Private Sector for improved environmental performance within the industry. Phase 1, which lasts 18 months and runs through the 2008/2009 fiscal year, began in the second quarter of 2008 and includes the tourist accommodations sector. Pilot properties include the Southern Cross Club, Little Cayman Beach Resort and Pirates Point Resort, in Little Cayman; and Compass Pointe, Sunshine Suites and Cobalt Coast Resort. Madam Speaker, we also expect the Mango Manor in Cayman Brac to join the programme. So, we will have properties from all three islands included in this environmental programme.

The 2008/2009 fiscal year will see environmental audits completed on each property and recommendations made for improvements and environmental performance. An environmental management system will then be implemented with the ultimate goal of having the properties achieved—Green Globe 21 Certification—by the end of the 18 months. Also included (very importantly in phase 1) is the greening of the Department of Tourism and the Department of Environment, an exploration and investigation into Destination Certification for Little Cayman, which if

successfully completed would be trailblazing in this region.

The benefits associated with this initiative are many and include reduced operational cost through improved efficiencies; reduced impact on the environment through sustainable tourism practices; widened market appeal to environmentally conscious travellers and tour operators; and, of course, gaining a competitive edge; enhancement of the quality of services; the fostering of good team spirit among staff; increase in customers' satisfaction by improving the tourism product; and improved relationships with the community by helping to preserve a healthy environment.

Madam Speaker, it is a very important programme and I look forward with certainly great anticipation to the progress on that initiative because it is so important to what we do when it comes to sustainable tourism.

Turning now, Madam Speaker, to Cayman Airways: Cayman Airways continues to fulfill its business plans started almost two years ago and has completed over 65 per cent of its identified action items all aimed at ensuring that the airline operates as a business and as efficiently as possible, despite the challenges faced because its unique position nationally and internationally.

The National Airline realised significant cost savings when employees in Grand Cayman were brought under one roof when the new headquarters officially opened in July 2007. Ten departments are now located within the new headquarter building. These are the administration, finance, operations, IT, reservations, city ticket office, cargo, human resources, commercial, and CAL Express. The moving to the new headquarters has eliminated rented locations at Caymanian Village, AVCOM building, Dorcy Drive, Andy's building and Mirco Centre. Madam Speaker, as I've said, the airline has been able to achieve significant cost savings as a result of establishing its new headquarters and I say again, that this was another item for which I took significant criticism.

Madam Speaker, that notwithstanding, I was determined to do this for Cayman Airways and for the country, and there was no criticism that was going to stop me, because, Madam Speaker, quite simply, the criticism was unnecessary. And again, the reason the Opposition chooses to criticise on these issues is because they can't find anything to accuse us of. They can't say that we are corrupt, but they know that we have been working hard and very hard, and they're concerned about our achievements. They know that we are going to have a lot to talk about in the next campaign, therefore, they have attacked us at every step of the way with everything that we have done to try to throw, as they say, a monkey wrench in it to stop it from happening so that we would not be in a position as a Government to say that it was done during our term.

Well, Madam Speaker, they should know by now that we are a determined bunch and when we make a commitment to the country, we believe on following through with that commitment and where we are not able to follow through with the commitment, we give an explanation as to why we could not do so.

Madam Speaker, the Airline has also embarked on a new brand enhancement campaign. This new look and feel dovetails with the renewed focus on the way business is done within the organisation. The Cayman Airways brand is symbolic of all of our people of all three Islands and it is best represented in our Flag and Coat of Arms. So far, Madam Speaker, we have had one of our 737-300 aircrafts with the new livery. Over time other items, including uniforms, other airplanes and stationery will carry the new branding. And, in fact, Madam Speaker, we have just recently acquired our third 737-300 aircraft, which is currently at Coopesa in Costa Rica, which is our heavy maintenance facility. That aircraft will be arriving in Grand Cayman towards the end of this month with the new livery and will go into service shortly thereafter.

Madam Speaker, with the assistance of the Lufthansa consultants we have appointed a new executive management team. I know that everyone is familiar with them now so I won't take the time to go into detail, but simply to thank them for the hard work that they have done since they have been in office. I mentioned during Finance Committee recently that Captain Chris Bergstrom had taken a decision to step down as VP (Vice President) of flight operations to pursue a private business interest, and he has since decided that he, in addition to pursuing that interest, will go back on line as an operational pilot and captain. We are very, very happy to hear of Captain Bergstrom's decision in that regard. At the same time (I took the occasion in Finance Committee, and I will do it again) I congratulate Captain Olsen Anderson on his appointment as Captain Bergstrom's replacement, and to wish Captain Anderson every success in his new post.

Madam Speaker, this year Cayman Airways is celebrating its 40<sup>th</sup> Anniversary. I want to take this opportunity again (as I did in Finance Committee) to congratulate the Airline on their achievements over the years. There has been a steady hand with respect to the Cayman Islands economy. Cayman Airways built the tourism industry; Cayman Airways has maintained the tourism industry and the economy, for that matter, for 40 years. We have been through difficult times. We have been through 911; we have been through Hurricane Ivan, and no doubt we will have challenges in the future. And, I can say without fear of contradiction, that every time, were it not for Cayman Airways, this economy would have been in serious trouble. We would not have been able to rebuild as quickly as we have been able to.

And, Madam Speaker, what makes an airline work, what makes a business work, is its people, its employees. I want to pay special tribute to the dedi-

cated staff of Cayman Airways. Madam Speaker, we can't say too much and we can't thank the staff at Cayman Airways too much. They go above and beyond the call of duty every day of their lives and I try my best at every opportunity to meet with them, whether it is one on one, whether it is in a staff meeting, whether it is socially, to tell them that. And. So far, since I have been Minister, I believe I have had four staff meetings with them. I'm having another tomorrow evening. In fact, it is more of a social type of event to essentially kick off what will be several months of events celebrating its 40<sup>th</sup> Anniversary.

So, Madam Speaker, I encourage everyone—Members of this House, members of the community—whenever you are interacting with the Cayman Airways staff, give them words of encouragement. Thank them for their service, and essentially, just let them know that you appreciate what they do, and the National Airline.

As part of the collaborative effort between the Minister of Tourism and the Department of Tourism, Cayman Airways added New York to its list of destinations in June 2007 with direct flights from JFK [Airport]. Madam Speaker, this flight has significantly enhanced the airlift to the Cayman Islands, and I can tell you if you speak to the tourism properties on island, particularly the hotels, they will tell you that the New York service has made a significant difference. We are running very, very good load factors on that flight. We are very pleased with it.

Madam Speaker, as you know we launched that service with a frequency of three times a week last year, and by the height of the winter season, because of demand we had to increase that frequency to five times a week. And so, we will adjust the frequency as we go along into the summer when things slow down a bit but we fully expect that as we enter the next winter season we will go back into that mode of increasing frequency into the New York market.

Madam Speaker, as part of our efforts to simplify the fleet and to further streamline its offerings to the travelling public, Cayman Airways has recently retired two of its purchased 737-200 aircrafts and replaced them with new and more efficient 737-300s. The two Twin Otter aircrafts that we have to complement the weekly jet service to our Sister Islands, I am pleased to say that as a result of representation from the Second Elected Member for Cayman Brac and Little Cayman, we have looked at the Cayman Brac jet schedule after the recent adjustments and recognised that there were some issues with it that were not in the best interests of the Sister Islands. So, we have essentially reworked the schedule, Madam Speaker, to put it back to what it was so that the jets are going back into the Brac around 5.30 pm, I think it is, in the evenings from Thursday to Sunday, and coming back out the next morning.

In addition to that, Madam Speaker, we have further enhanced the jet service by adding some additional jet service, and this is all about aircraft place-

ment and positioning aircraft for the following day as well. But, because it presents an opportunity to enhance service to Cayman Brac, we are going to continue on Fridays and Sundays the flight 107 which goes into Cayman Brac late at night and comes back out early in the morning. The reason for that, Madam Speaker, is because the two evening flights that go up on Fridays and Sundays at 5.30 pm will go up and come straight back out. So, because these are going to be scheduled flights we have the opportunity to sell both legs. The reason why that flight is coming straight back out is because that aircraft then has to go to Jamaica to service Jamaica.

Madam Speaker, just let me say something very quickly about that because when I took office we had five jets in our fleet and the aircraft utilisation was at 4.5 hours per day; very, very low—4.5 hours per aircraft per day. Industry standards, Madam Speaker, are somewhere between 12 and 15 hours a day. The bottom line was that we had too many jets for our network. So, going forward, our jet fleet is going to consist of three 737-300 aircrafts. Madam Speaker, what that does, is allow us to be more efficient, to utilise our aircrafts better, and it moves the utilisation of the aircraft from 4.5 hours to 10.4, I think, per day.

So, we're getting closer and closer to industry standards and, as I said, it just speaks to one of the efficiencies that we have been able to introduce at Cayman Airways.

Now, Madam Speaker, for a very important announcement: Again, as it relates to Cayman Brac, the Government asked some months ago for the Cayman Airways Board of Directors—and I need to just pause here to thank the Board of Directors because they too have been working extremely hard over the last several years on behalf of the county and the Airline. They have put in a tremendous amount of hours and I want to thank the Chairperson, Ms. Angelyn Hernandez and all of her directors for all of the very, very hard work and the commitment to our National Flag Carrier, Cayman Airways.

Madam Speaker, I asked the Board of Directors a few months ago—again this was at the request of the Second Elected Member for Cayman Brac and Little Cayman—to do a feasibility study into acquiring larger turboprop aircrafts for the Sister Islands, because we wanted to look at the enhanced service coupled with the efficiencies that it would bring because of additional opportunities for us in the region. Madam Speaker, the Board of Directors was very careful with their analysis. They looked at options within the region. They looked at average load factors. They looked at average fares. They looked at the current fleet. They looked at the infrastructure in Little Cayman. They looked at every component that you could imagine would have an impact, either positively or negatively on the feasibility study. The end result is that the recommendation is to acquire the larger turboprop aircrafts. So, the Government has taken the decision, and I am pleased to announce that today,

that we will be acquiring two larger turboprop aircrafts to service Cayman Brac and a number of other regional routes.

Madam Speaker, these are going to be [aircrafts with] fifty seats, and they are not the Dash-8, they're not the ATRs that you heard the Leader of the Opposition blabbering on about. We are actually looking and have decided on the acquisition of the SAAB-2000 aircraft. And it is a fifty-seater aircraft, as I have said, Madam Speaker. The reason we have decided to go in this direction is because the SAAB aircraft is in effect a much better turboprop aircraft. It flies at a much higher altitude. It can fly as high as 31,000 feet; it flies a lot faster at 425 miles an hour. So, on a flight from here to Miami, as an example, Madam Speaker, it will only be ten minutes longer on the SAAB aircraft and you can fly a lot higher.

Madam Speaker, the altitude is important because in the summer months, in particular, and particularly over Cuba, you have a lot of cloud cover. And the ATRs and the Dash-8s, their altitude is certainly restricted and you would have to be flying through a lot of that cloud cover and it would not make for a very good ride. So, we have taken the decision to go with the SAAB-2000 for the reasons that I have already stated. So, the Airline's Board of Directors is moving rapidly in that direction. They're actively going to be engaging in negotiations. I will be bringing the necessary resolution to this honourable House to deal with the matter, because as we know, when it comes on airlift, strategic airlift and airlift to our Sister Islands of Cayman Brac and Little Cayman, Cayman Airways is not just an airline; it serves so many different purposes. And it does require the support of the Government.

When I discussed this in Finance Committee, the Opposition made the commitment that if we came with the recommendation they would support it, and we are coming with the recommendation, Madam Speaker. And we are going to be enhancing service to Cayman Brac, we are going to be enhancing service to Little Cayman, and we are going to be enhancing service regionally. I'm not going to get into the detail of the various areas that we have looked at, but I can tell you, Madam Speaker, that we are going to be enhancing service regionally in Central America, we are going to be enhancing service in Cuba, and we are going to be enhancing service in South Florida. What it also allows us to do, Madam Speaker, is direct flights from either Miami or Tampa or somewhere in South Florida, directly into the Brac. So, the Brac will also have an opportunity for direct airlift from the South Florida market.

Madam Speaker, I believe that by the end of the year, although we don't have confirmation on this yet, that we will be in a position to introduce these two aircrafts into the fleet in the feasibility analysis done by Cayman Airways. We have looked at the option of keeping the Twin Otters, which we have to keep anyway, because we don't have the infrastructure built in

Little Cayman yet to accommodate the SAAB. But, either way, Madam Speaker, even assuming we had that infrastructure, there are things and ways we can structure the route network that would make sense for us to keep the Twin Otters at this time. But, I believe, that once we get that infrastructure in place there may be a case for the Twin Otters to then be sold and the fleet will then consist, as I said earlier, of the three 737-300 aircrafts and the two SAAB-2000 aircrafts.

Madam Speaker, it also presents opportunities for our young aspiring pilots to [do], as they have done with Cayman Airways Express and on the Twin Otters. That is essentially where a lot of them start with their training and they move up, eventually promoted to take on the responsibilities of flying the jets. So, we feel good about this, Madam Speaker. We feel good about the decision and about the enhanced service, and what it is going to do for the enhanced operations of Cayman Airways. As we are in a position to announce more about this we will certainly do so.

Madam Speaker, I have also mentioned . . . and Members will be very familiar because we've only just finished our debate in Finance Committee where we had to seek additional funding for Cayman Airways because of the fuel cost and the point at which fuel is at now per barrel. Madam Speaker, you know, since I spoke on that issue in Finance Committee last week (I think it was last week) fuel has already gone up \$6 more per barrel. I think it might have gone up \$7 a barrel since I spoke. So, I cautioned them that we were not at the end of the road with respect to the fuel issue, but I highlighted very importantly that were it not for the efficiencies that we were able to achieve as a result of the audit and the implementation of the audit, we would be in a much worse position. I mean I would have been coming here asking for probably \$15 million instead of \$4 [million]. But we have been able to make those efficiencies.

The other thing we have looked at, Madam Speaker, is that had fuel stayed where it was when we prepared the current budget 18 months ago, we would be \$2 million better than the budget today. But because of fuel being where it is at, we have had these challenges. And it not just us; we've heard about all of the bankruptcies in the United States and in other parts of the world with airlines. I think four airlines have gone out of business and actually stopped operating in the last three or four weeks in the United States alone. And then we've seen strategic partnerships developing between Delta and Northwest, which, if it happens, Madam Speaker, that will create the world's largest airline—if that merger happens. And that is all about trying to survive.

We have seen American go up against their rival, Continental, and British Airways. They have actually gone with them and had discussions with them about joint marketing programmes. And it is all about trying to survive this issue with respect to fuel.

Madam Speaker, it is certainly not going to be easy for the Airline. It is not going to be easy for any

airline. And, as I said, during Finance Committee, the aviation industry is heading into crisis because of fuel cost. And, Madam Speaker, fuel cost is actually linked as well to the food crisis that we are facing in the world. So, all of these things must be taken into consideration. But I know, Madam Speaker—I speak with confidence when I say that my colleagues, certainly my colleagues on this side of the House understand the importance of Cayman Airways to this economy. As I said, during Finance Committee, cost what it will, we have to support it because the cost of not supporting it is significantly more, Madam Speaker. There is no doubt about that! It is not even an option, as my colleagues have said.

Madam Speaker, I guess I got two minutes left.

**The Speaker:** I would assume that is what time it is supposed to be complete. But if you're going to be completed within the next ten minutes, I believe I do have the discretion to . . . once you're going to make it very short, not carry it into half an hour.

**Hon. Charles E. Clifford:** I would appreciate you using your discretion, Madam Speaker.

Madam Speaker, the Department of Environment is obviously a very important department. We have had the whole issue of a national sustainable development framework under discussion for some time and in preparation for this the Department of Environment established a sustainable development unit 18 months ago to prepare for this framework. Madam Speaker, we have legislation in draft form, the National Conservation Bill that has been around now for many years. It actually started under the previous administration but they never took it anywhere. This Government has certainly had additional consultation. We have listened to stakeholder groups and, Madam Speaker, I will say what I have said so many other times and that is that the Government—any government, not just this one—does not have the option of serving just one interest so we can't just look at the environmental side, or we can't just look at the development side and pick sides. We have to look at the full implication of everything we do; look at all interests and put it together, make sense out of it and make what we believe to be the best decision in the interest of the country.

The same is true with this legislation. We have taken on board some suggestions. We have amended the draft. And I am going to be discussing it with my colleagues again very shortly at caucus and we are going to work through it until we get an acceptable Bill to bring to this honourable House.

Madam Speaker, let me say now, I am certainly not (as I said earlier) living in any fantasy world. I know that this legislation is going to bring strong opinions on both sides. All I will say about it is this: I will remind the Cayman Islands community of what happened when we introduced the Marine Conserva-



tion Laws of this country. The country was divided over it. The leaders of the day took the decisions that they knew they had to take in the best interest of the country and in the best interest of future generations. Madam Speaker, many of the opponents to the Marine Conservation Law, many of them today will tell you, they will honestly tell you, *'You know it's a good thing we put that in place when we did because if we didn't we wouldn't have any conch today; we wouldn't have any lobster; we wouldn't have many species of fish'*.

Madam Speaker, the National Conservation Bill is similar in nature in terms of its implications. In fact, not preceding with it has even greater implications of not proceeding—or, if the government of the day then, not preceding with the Marine Conservation Law.

So, Madam Speaker, it is going to say the least, a healthy debate when that Bill comes before this honourable House. But we need to think, not just about ourselves and about our existence. We need to think about our children, or grandchildren, their children and their grandchildren, because we need to leave behind—we have an obligation to leave behind the proper framework, whether that is legislative policy or otherwise that will take the Cayman Islands well into the next century and that will ensure that this success story that we call the Cayman Islands lives on forever and ever and ever, Madam Speaker.

Madam Speaker, I know my time is limited. I had a lot more to say but I am going to end by saying that, yes, I know that I have been attacked and I know that I will be attacked again in the future. Madam Speaker, I am prepared for all of that. I have fought battles before and I will fight battles again. And, as I said, I don't think the Opposition clearly understood the level of discipline and staying power that I have. But I want to assure my constituents because they encourage me every day that I am here to represent them as I committed to when I asked for their support in 2005. I do not believe, Madam Speaker, based on what I have heard, that the country is out of danger as far as the politicians on the opposite side of this House is concerned, and for as long as I believe that I will continue to fight to make sure that this country is in safe hands.

The people know us, Madam Speaker. They know everyone on this side of the House. They know everybody on that side of the House. They know who is capable of what. They know all of the controversies; they know who is constantly surrounded by controversy. There is no question about that.

Madam Speaker, people know me. They know me from the time I was a police officer. They have known me since I was in central government as a civil servant; they have known me as a politician and they know that when I commit to a cause, I am committed to that cause. There is no amount of bullying that is going to scare me, whether it comes from the Leader of the Opposition or any of his colleagues. And

if they didn't learn that during the last campaign and since this government has been in office, then there is something wrong with their understanding. But, Madam Speaker, we know on this side of this House that this beloved country of ours needs a steady hand at the helm. We have that steady hand now, Madam Speaker. We are going to maintain that steady hand.

This Government is confident of its successes. We are confident of the way forward. We have plans that take us well beyond 2009. Madam Speaker, they only need to read our manifesto to understand that. And we are, as our Leader has said, keeping the faith.

Again, I want to thank my constituents, the people of Bodden Town, for supporting me and continuing to support me, and for their words of encouragement; their calls, e-mails, text messages and their letters. I assure them, Madam Speaker, I remain committed to the cause. The fight is not over yet and until I believe it is over, I am not willing to stand down.

Madam Speaker, I thank you for your time and I look forward to the additional opportunity for further comments in Finance Committee. Thank you, Madam Speaker.

**The Speaker:** That concludes the orders of the day. I will entertain a motion for the adjournment of this honourable House.

## ADJOURNMENT

**Hon. Anthony S. Eden:** Madam Speaker, with your kind permission I would just like to remind the honourable House that on Wednesday, before the resumption, there will be a presentation of the National Assessment of Living Conditions at 9.30 [am].

I beg to move that this honourable House be adjourned until Wednesday, 14 [May], at 11.00 am.

**The Speaker:** The question is that this honourable House do now adjourn until Wednesday morning at 11.00 am. All those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. This honourable House now stands adjourned until Wednesday at 11.00 am.

**At 4.38 pm the House stood adjourned until 11.00 am Wednesday, 14 May 2008.**

**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**14 MAY 2008**  
**11.30 am**  
*Eighth Sitting*

**The Speaker:** I will ask the Honourable Leader of Government Business to say Prayers.

**PRAYERS**

**Hon. D. Kurt Tibbetts:** Let us pray.

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

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

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

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

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

**Proceedings Resumed at 11.32 am**

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

**The Speaker:** I have no messages or announcements.

**STATEMENTS BY HONOURABLE  
MINISTERS AND MEMBERS  
OF THE CABINET**

**The Speaker:** I have received a notice from the Honourable Leader of Government Business—a statement.

Honourable Leader of Government Business.

**National Assessment of Living Conditions Report**

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

Madam Speaker, from the outset of its tenure, this Government has declared that improving the quality of life for Caymanians and residents would be its overriding objective. With the release of the findings of the National Assessment of Living Conditions study (with the acronym NALC), Government is now in an even better position to deliver on this key promise.

NALC is the first-ever scientific study of living conditions conducted in the Cayman Islands. The Government wishes to place on record its thanks and appreciation to the Caribbean Development Bank (CDB), the National Assessment team, and Kairi Consultants Limited; the consultants who prepared the report for their considerable efforts in bringing this project to a successful conclusion.

The study has yielded a considerable amount of valuable information. The Government intends to put it to effective use in designing a social development strategy to benefit the poor and disadvantaged among us. The executive summary, which will be officially released on Friday, confirms how truly blessed we are as a country. It shows that our problems are miniscule compared with our Caribbean neighbours.

Just a few weeks ago, before the consultants had even submitted the final report to the CDB, the Government was accused on a local talk show of attempting to cover up the NALC study. An unsubstantiated claim was broadcasted far and wide that the findings were unfavourable. Madam Speaker, it was a classic example of political mischief-making through the deliberate peddling of false information. The findings of the study, which are being released for the world to see, prove very much the contrary.

It is an immense source of pride to Government—and should be for Caymanians as well—to learn that the study found we have the lowest rate of poverty in the entire English speaking Caribbean. Indeed, at 1.9 per cent of the population, the number of persons living below the poverty line can be described as marginal. This compares, for example, Madam

Speaker, with 9.3 per cent for the Bahamas in 2001, and 11 per cent in the British Virgin in 2002. In most other Caribbean countries, the average rate is above 10 per cent.

Considered from another perspective, what the study is effectively saying is that overall, life is better by far here in the Cayman Islands, notwithstanding the few pockets of poverty, which the Government will now target for relief. What is particularly pleasing is that the Caribbean Development Bank, a reputable regional institution, has been closely associated with this study. The very same methodology was used in similar studies sponsored by the Caribbean Development Bank in other countries of the region.

The key finding of the NALC study, namely, that poverty is marginal here in the Cayman Islands, stands in sharp contrast with the doom and gloom picture of living conditions painted by the Leader of the Opposition in his budget debate contribution, a week ago. There was a deliberate attempt for obvious political reasons to convey the impression that life here was a living hell. The NALC study confounds the jaundiced perspective of the Leader of the Opposition. The findings based on scientifically gathered data using a tried and tested methodology counters fiction with facts.

This is not to say that there are no issues of concern raised in the study. To the contrary, the study lists a number of challenges which some persons are experiencing. The report acknowledges that Government is already addressing many of these issues. However, acting on information presented in the report, the Government will now look to expand its interventions with the aim of bringing more targeted relief to affected persons.

Without taking too much away from the official launch on Friday, here are a few other eye openers arising from the landmark study, Madam Speaker. Of the total number of individuals classified as poor, the majority are non-Caymanian. This finding contradicts the false view being peddled that non-Caymanians, generally speaking, are doing better than Caymanians. Where health care is concerned, the majority of respondents, 93.5 per cent to be exact, said they were either very satisfied or satisfied with treatment that they have received. This finding, Madam Speaker, too contradicts the picture of our Health Services that is painted by most critics of the Government.

A significant benefit of the NALC Report is the relevant information it provides that will allow effective targeting of relief to disadvantaged groups. It will also allow a high level of efficiency in the spending of resources than if the Government were to act without the benefit of such information. Madam Speaker, before a surgeon performs an operation he or she first seeks to determine the exact location of the problem. Scientific means are used to ensure an accurate diagnosis. Government is taking a similar approach in relation to alleviating poverty.

I want to take this opportunity to appeal to all the media to provide fair and balanced reporting and debate of the report. A lot of positive things are happening for the Cayman Islands, of which we should be proud as a small nation with limited resources.

So, Madam Speaker, it is my pleasure to commend the Report of the first-ever National Assessment of Living Conditions to this Honourable House and fellow legislators for their study and endorsement.

Thank you, Madam Speaker.

## GOVERNMENT BUSINESS

### Debate on the Throne Speech and Second Reading of the Appropriation (June 2008 to July 2009 Bill) 2008 (Budget Address)

*(Continuation of debate thereon)*

**The Speaker:** Continuation of the debate on the Throne Speech and the Budget Address.

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

Honourable Minister responsible for Education, Training, Employment, Youth, Sports and Culture.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, I am pleased to offer my contribution to the debate on the Budget Address delivered by the Honourable Third Official Member; the Throne Speech delivered by His Excellency, the Governor; and the Policy Statement of the Government, delivered by my colleague, the Leader, of Government Business.

Madam Speaker, this is the fourth budget delivered by the PPM Administration since we assumed office in May 2005. It is the fourth budget that has produced an operating surplus for these Islands. I am proud to be associated with this Administration, which has demonstrated in challenging times that it is possible, nonetheless, to deliver the necessary programmes and projects to take this country forward; demonstrated that it is possible to be optimistic in challenging times and to present to our people, and to the world as a whole, a picture of the Cayman Islands which is forward-thinking, progressive, and as I said, filled with considerable optimism notwithstanding the global circumstances. That achievement, Madam Speaker, did not happen automatically and we did not arrive at that position without a great deal of effort and careful consideration of all of the matters that we have to wrestle with.

Madam Speaker, if one listened to the Leader of the Opposition and his colleague, the economic guru, the Second Elected Member for West Bay, one would believe that this Government . . . and indeed,

Madam Speaker, if one looks at the poll question presented in the *Caymanian Compass* today, one would proceed on the premise that the Government was operating on the basis of deficit budgeting. I must say, Madam Speaker, that just the night before last, a prominent member of civil society said to me that he is struggling (this is the senior member of one of the big banks) to understand the seeming preoccupation which Cayman, particularly the press, has with bad news to the point where they will make it up if it is not so.

In a situation where you have a Government that has produced four budgets with operating surpluses; the fact that the Government's projected revenue is in decline in the global circumstances, how does that become the principle focus of any discussion? Where is the discussion about what the Government has done to ensure that we have an operating surplus? When they talk about the Government should reduce its projects, or push its projects back, Madam Speaker, that is exactly what we have done. And if anyone knows me . . . and I think by now most of the people of the country understand by my nature how hard it is for me to accept that we have to delay the completion of those necessary schools to 2010. Does anyone think that that is a decision that we came by easily? But we understand because we are pragmatic, because we are practical, because we are grounded in commonsense and reason, that sometimes—and this is one of those times—one has to adjust one's programme because of the fiscal constraints and the realities of the global environment.

Why is there is not a more aggressive roads programme in place? You think that my colleague, the Minister for Communication and Works, is happy about that? Anybody who knows him will know what we wrestled with over the course of the last six months to contain him. But every person who travels on this road network . . . Today was a perfect example because I came in really early, for me, because I don't usually come in during the rush hour. I came in the middle of the rush hour. And it is not perfect by any means, but I can tell you what, it is a whole lot better than when we took office. And that Minister, the Elected Member from East End, assumed that responsibility.

That is what this about, Madam Speaker, seeking to improve the quality of life of people who live in this country. That is what this Administration is about. You will hear no one here, Madam Speaker, stand up and boast about how well their real estate company did out of the Ritz Carlton project. Nobody on this side is going to talk about those sorts of things. None of us have any condos down at Ritz Carlton, Madam Speaker. These are hardworking men and women in this Government. We work diligently, assiduously and honestly to achieve what we can because that is our mandate. And, Madam Speaker, the same press who criticises us at every turn, now it seems ought to remember the dark days when their

members were thrown out of press conferences; when members who voted for Radio Cayman were berated by the then Leader of Government Business because they reported a particular story which appeared to be favourable to the Opposition. That, Madam Speaker, is the kind of environment which has been quickly forgotten in this apparent new love affair that is developing between the media and the Leader of the Opposition.

Madam Speaker, so be it! I said a long time ago, a country gets the government it deserves. And if they think that the Leader of the Opposition is going to be any different the next time round (if he were ever to get here) they might as well believe that leopards change their spots.

Remember that, Madam Speaker. We have delivered. We have delivered, and we are continuing to deliver.

If, Madam Speaker, I had to describe the performance of the UDP Administration . . . and I see that the Leader of the Opposition has cut his time back with the benefit of the sort of Orwellian approach of 1984. He has revised the time they were actually in office. He says they were in office for two years and ten months. I am not sure how we get to that calculation. Perhaps trying to explain why so little good was achieved in that time, because a whole lot of ill occurred on that watch.

Madam Speaker, I do not believe, in fact, I am certain that no administration in the history of these Islands has ever been subjected to more reports of the Auditor General:

1. Special Report of the Auditor General on Affordable Housing Initiative.
2. Special Report of the Auditor General on Review of the Debt Financing Arrangements for Boatswain Beach.
3. Special Forensic Audit Report of the Auditor General on the National Housing and Community Development Trust.
4. Special Forensic Audit Report of the Auditor General on the National Housing and Community Development Trust (part two).
5. Special Report of the Auditor General on the Cayman Islands' Government property insurance settlement, post Ivan.
6. Special Report of the Auditor General on the Royal Watler Cruise Terminal capital project

And one more to come on the awarding of the contracts for Boatswains Beach.

The significant thing about all of that, Madam Speaker, is who was in the chair. And I mean literally in the chair in relation to all of these projects, because things can happen in government over which you have no control if they are run by departments or agencies of government over which the elected government has no direct responsibility. But in almost every instance, the Leader of the Opposition was in

the chair. He was Chairman of the Board of Boatswain Beach or Turtle Farm (whatever we want to call it); he was Chairman of the Board of the Port Authority; he was the Leader of Government Business who sat in Cabinet and agreed, and agreed, to the arrangement with Cayman National Corporation which robbed this country of \$70 million in insurance payments that we ought to have had.

And, Madam Speaker, ask who was in charge and Chairman of the Board of the National Housing and Community Development Trust, and who was driving that process. The former Minister, Dr. Frank McField.

The reason I am raising all of these things, Madam Speaker, is because Lord knows I would rather focus on the stuff that I have in my Ministry because we have been doing a lot of things and have a lot of things to talk about—positive things to talk about. But when I hear the Opposition stand here day after day—the Leader of the Opposition, the Second Elected Member for West Bay and the First Elected Member for Cayman Brac—and heap all manner of evil upon the shoulders of this Government and, in particular, the Leader of Government Business, and portray themselves as paragons of virtue . . . Madam Speaker, it was all I could do to keep my lunch down sometimes.

Madam Speaker, the Leader of the Opposition talks about me giving contracts for the site preparation works at the schools to my friends. This man—this man who has never ever darkened the door of CTC (Central Tenders Committee), does not believe in the Central Tenders Committee process. That's not me saying that! Look at the reports! I am not going to go through all of them this evening.

He never tendered Boatswains Beach; he never tendered the Port Authority; they never tendered the Affordable Housing Project; they never tendered anything. I can say this, Madam Speaker, and you can ask any member of the Central Tenders Committee, every single project that requires CTC approval from my Ministry and, I believe, from this Government, has gone to CTC. You ask any member there whether Alden McLaughlin spoke to any of them and suggested to them that anyone or any company was awarded anything. When the Auditor General's reports are written—as they will be written on any matter for which my Ministry has responsibility—of this I can be certain: Everybody gets things wrong at times, but no one will be able to fairly say that anything for which I had responsibility did not follow the proper process and the proper course.

And he has the audacity to talk about favouring friends! Tell him to get up on the Floor of this House and explain how he comes to own an interest in a company that has a condo at Ritz Carlton.

I believe in one thing, Madam Speaker, and I really am fed up about this. Any person you see come into this honourable House as an ordinary human being who becomes a multi-millionaire while there [that

person] is bloody corrupt. Tell [that person] to explain that. I have had enough, Madam Speaker. I have had enough. I really have had enough.

Madam Speaker, I listened, and I not only listened but I obtained copies of the unedited transcripts of the *Hansard* Reports of the contributions made by the Leader of the Opposition, the Second Elected Member for West Bay and the First Elected Member for Cayman Brac and Little Cayman. I searched them for hours to see if there was something in there that could possibly help this country.

Madam Speaker, when the Leader of the Opposition comes and positions himself and his party as the "government in waiting", the country must be entitled to say, '*Mr. Leader of the Opposition, where is your plan? What is your plan? You had the helm for three and a half years, what did you do then? We know what you did then, tell us what you're going to do differently now*'. Where is it, Madam Speaker? It was a diatribe, at least, to his credit.

The Second Elected Member for West Bay, my good friend the economic guru, did give us the benefit of his views and his learning on those matters: economics, accounting, and those sorts of things. But, I heard not a shred of anything useful from either the Leader of the Opposition or the First Elected Member for Cayman Brac. They spent their time berating the Government, tearing down the Government's plans and programmes and saying what they did in the past. There is no future in the past, Madam Speaker! Absolutely none!

And it seems to me that the UDP, generally, but the Leader of the Opposition and the First Elected Member for Cayman Brac in particular, are firmly rooted in the past, not understanding that the world has moved on; that the Cayman Islands have moved on; that there is a new paradigm.

Coming here, as the Leader of the Opposition has done, and chatting nonsense about establishing an oil refinery in these Islands. Where are you going to get the oil from? He must have a special oil field down in West Bay! Of course, he is a self-proclaimed environmentalist as well. You know, I expect to find him tied to one of the Ironwood trees down by the UCCI shortly.

Madam Speaker, where is the plan? Where is the plan? This Government has a plan. We had one before we took office. It was in the infamous little red book and, by and large, we have delivered on it. We have done so imperfectly in some instances. Madam Speaker, we are human! We make mistakes. But we don't have any condos down on Seven Mile Beach, down by the Ritz Carlton. We don't make those kinds of mistakes.

Madam Speaker, they cry doom and gloom. They say we have gotten it wrong, but they provide no alternative. The Leader of the Opposition says that we are spending too much money. You know what his proposals are? To build an oil refinery! What is he going to do that with? Somebody is going to give that to

the Cayman Islands? He says also that we should go back (this is his old plan) and build a port up at High Rock—an airport up there. Those are parts of his plans. What is he going to build those with? Good will? Promises? Madam Speaker, so loud the thunder, but oh, so little it rains. And that's what the country has become used to being treated to by the Leader of the Opposition. He ought to be ashamed of himself!

Twenty-four long years! Twenty-four long years, Madam Speaker, and he comes to the House, the final budget of this term of Government and does nothing but to say 'I told you so'. I told you what? I told you that there was going to be a global slowdown? Duh! We couldn't figure that one out? Thank you for the advice, sir.

Madam Speaker, we have cut the coat according to the cloth that we have. It has been some difficult decision-making but we have done it. And that is what rankles the Opposition more than anything else—that this Government has done it. We have done more than talk. He keeps talking about his plans and reviews. Do something! Please, sir!

What does the UDP have to point to in terms of achievement in the three years they were in office? Well, we got 3,000 new Caymanians, so let's give them that one. We got Boatswain's Beach. Oh, but hang on, hang on, that is part of the budgeting problem that we have because we keep having to find money to keep Boatswain's Beach running. Why? Because it was built on a false premise!

Let me just read this little bit, Madam Speaker, that I have here. This is my stuff, Madam Speaker, but I am going to read this rather than simply speak. Since the commencement of the Boatswains Beach project there has not been a properly articulated financial strategy. As a result of poorly structured planning the first loss of the farm in years was sustained in 2004 (who was on watch then?) \$557,841, and has continued without relent, and increased virtually exponentially since then.

Two thousand and five shows a profit, but hang on, that was because of the insurance claim from hurricane Ivan. "The ordinary losses since then have been 2005—\$953,000; 2006—\$4,265,000; 2007—\$7,672,000 and forecast to be \$10 million at the end of this year".

The projected project cost, Madam Speaker was US\$44 million and the actual cost of the project was \$60 million. I think we should rename it, Madam Speaker, from Boatswains Beach to McKeeva's folly. And he has the audacity to stand on the Floor of this House and lecture this Government about fiscal prudence and careful financial planning? Madam Speaker, he has more nerve than a toothache.

Madam Speaker, I will tell you this: I have done some tough things in my life [but] this is the toughest I have ever done. I will tell you what—I shall persevere, not because I am married to this job or deeply in love with this job. Lord help this country if this leadership is put back in the hands of the Leader

of the Opposition. It is one condo he got last time, Lord knows what he is going to get this time.

*[inaudible interjection]*

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, perhaps if the Leader of the Opposition spent a little more time on this Island, a little less time in his yacht, frequented places like Las Vegas and the Bahamas a little less, we would not have had the gambling with this country's future that has gone on in the past. Madam Speaker, enough about all of that, but I had to get that off my chest.

Over the last fiscal year my Ministry has seen a number of significant achievements. In the course of this fiscal year we have . . . and I am about to outline our programme and projects. We will deliver these services in a range of ways through legislative reform, program improvements across units, and an intensive capital works agenda. And while I am talking about the intensive capital works agenda, Madam Speaker—for which we have been wrongly criticised—I want to say this: The economic guru that the Second Elected Member for West Bay holds himself out to be . . . I really am not sure that he is right about suggesting that in the current environment, where there is slowdown in the global economy, that the right thing for us to be proposing to do, as he seems to have proposed to do, is to cut civil service jobs and shrink government financial injection into the economy.

The Leader of the Opposition and the First Elected Member for Cayman Brac and Little Cayman talked about unemployment. And there are problems with employment, Madam Speaker. I live that every day of my life. I understand that. But if we do not ensure that the domestic economy continues to be vibrant as a Government, we would be derelict in our duties. It seems, Madam Speaker, from what the Opposition has said, that if they were in this role they would cut all major capital projects. They would cut the size of the civil service and would be able to boast, not of a \$13.3 million dollar surplus, as we are doing, but perhaps a \$100 million in surplus, and that, Madam Speaker, would be a very, very good comfort to people who were unemployed and for businesses that were made to struggle even more than they have to currently struggle in this environment. Because that is what they are suggesting!

Madam Speaker, the Government has taken a conscious decision to go ahead with major capital projects at this time, at least in part, because it is the right thing to do from an economic standpoint. And because of the benefit with the best advice that we could get and have, it is perfectly affordable. It meets all of the standards, even the very exacting standards of the UK in terms of debt service ratios and the like.

So, at one of their press briefings or mouthing offs on one of the radio shows, I hope they could explain to the country how it is that they expect things to

improve if civil servants are out of jobs and if there is less money circulating in the local economy. All of us, Madam Speaker, do not have a condo on Seven Mile Beach to go back to. In fact, most of us do not.

The initiatives of my Ministry build on the previous years' achievements based on an overall four year delivery focus aimed at building excellence and service delivery to all our stakeholders. Policy reforms to meet the changing needs of our community and a continued engagement with our many stakeholder groups supported by research and utilising best practice.

Madam Speaker, this Government recognises the importance of an efficient and accessible employment relations entity to our national wellbeing. And following extensive review and consultation we are now in a position to make much needed improvements to our services in this area. We have, Madam Speaker, over the course of the past year, restructured the Department of Employment Relations and that department is now well set to provide enhanced employment services to the people of these Islands and, specifically, to our business community. The new fiscal year will start with a new director in place providing fresh impetus and leadership. And despite all of the preaching on a certain talk show, I am afraid to disappoint them, but the new director of Employment Relations is as Caymanian as I am. In fact, Madam Speaker, the First Elected Member for Cayman Brac and Little Cayman, I am sure, despite her views about the Government, would applaud the Government in this rare instance, because he is a Bracker.

Plans include strengthening the capacity of the Department of Employment Relations Administration to ensure the delivery of an improved customer focus, better utilisation of technology in delivering more support to employers and employees, and a more proactive approach to building relationships with public agencies and our business community. The recent adoption and utilisation of job placement software has provided a seamless interaction between the Department of Employment Relations, Department of Immigration and employers, successfully opening the door for many more Caymanian people to be placed in vacancies and gainfully employed.

In the last 10 months since the software became fully operational, placements have increased from an average of 6 per month to 24. Additionally, where as many as 60 waivers per month were being issued to the Immigration Board, due to a more coherent collaboration process with the Department of Immigration (which I should say, Madam Speaker, actually has direct access to the database), we have virtually eliminated this concept of letters of waiver.

Madam Speaker, there are a couple of more things I want to say about the matter of labour. We have had for some time a labour consultancy report entitled "A Review on the Functions and Organisational Structure of the Department of Employment Relations and Labour Legislative Framework of the

Cayman Islands" done by Mr. Samuel Goolsarran completed at the end of September of last year. That report makes a number of recommendations. We have carried forward a significant number of them in relation to the organisational structure of the Department of Employment Relations.

As far as changes to the legislative framework are concerned, I have in the past announced my view that we ought to have a national minimum wage in place. I have also indicated, Madam Speaker, my agreement with the recommendation to fundamentally alter the current tribunal system to put in place a labour commissioner or a labour magistrate, or employment magistrate (whatever we wind up calling the individual) so that there would be fulltime qualified persons in place to ensure that labour justice is properly and fairly administered.

There are, Madam Speaker, a number of other proposals which are to some extent controversial, such as the recommendation to remove the provision for a waiver of overtime, and a number of others. I have been in discussions with the Chamber of Commerce regarding this report and I am awaiting a written report from them.

I spoke this morning at the opening of the Cayman Islands Human Resource Society of Professionals, and I said to them there that I wish to engage them also in this discussion about possible changes to the Employment Law.

Madam Speaker, there is currently an Employment Law that is somewhere in abeyance. I'm not sure where it is because it was actually passed by the Legislative Assembly back in 2004 and assented to by the Governor subsequently, but has never been proclaimed. So, it actually is not in effect. The present piece of legislation is some 20-odd years old, and I believe all who worked with it know that it needs some amendments, some improvements to reflect where the world and Cayman has gone in those two decades. But I am not about to impose or to force a piece of legislation upon the people of this country without careful consideration and consultation. So, I am hoping, Madam Speaker, that during the latter part of this year, I will be in a position to bring to this House, either a new piece of legislation or amendments which will improve employment relations in this country, that will create a better framework, but will not have the far reaching and sweeping effect of the Employment Law which is currently in abeyance and which caused such major controversy.

One aspect of employment relations is good employment practices. And it is in this area that Investors in People's Standards are poised to take off. In 2002 the first license agreement to deliver the Investors in People's Standard was signed. And, Madam Speaker, for those who may not know IIP, it is an international standard that sets out how good organisations manage and develop their people—their most important asset. Based on good practice among leading employers it provides a framework for organisa-

tions to strive for improved business performance through people.

It originated in the UK and was developed so as to help the UK move from an industrial economy to a more service-based economy. Since 2002, staffing for this project has only been part-time which has not allowed our business community to reap the full range of benefits of the programme. Today, Madam Speaker, we have ensured the sustainability of this very important project with the acquisition of a full time head of Investor in People's Services. Prior to my taking office one company, KPMG, achieved the standard. Since I took office three years ago, eight organisations attained the standard: CUC (Caribbean Utilities Company); Julius Baer; Appleby (all three entities of that firm); Unicredit Bank (formerly Bank Austria); and the National Gallery.

More recently one of my Ministry's units, the Education Standards and Assessment Unit (formerly known as the Schools Inspectorate) was recognised as an investor in people. I am very proud of this, Madam Speaker.

Between 2002 and 2005, when the previous government demitted office, their efforts resulted in just one success. Madam Speaker, in the same period of time, this Government has delivered eight fold. And presently, there are six more organisations working towards the standard. This speaks volume to the extensive tangible efforts we are making to promote the standard and its value to the human capital development of these Islands. We are not, however, simply satisfied with this significant improvement. Over and above the previous government, we continue striving for ever greater results. Our goal for the next fiscal year, therefore, is to see 10 new organisations attain the Investors in People's Standard, and to recruit a further 10 to start the process. This, Madam Speaker, is how this Government delivers on its promises.

This is Government in action and in partnership to improve the quality of life for the people of these Islands. And, when we talk about the people of these Islands, Madam Speaker, we need to address the needs of people of all ages. The National Pension's Office has a particular responsibility to protect the futures of our people as they progress towards retirement. In this regard, the National Pensions Office (now with three full-time inspectors) will be better placed to monitor compliance with the provisions of the National Pensions Law. This will entail a more proactive oversight of employers and pension plan providers alike.

At the same time, it is also important that the people of the Cayman Islands appreciate the need to plan effectively for retirement. Accordingly, the National Pensions Office will be actively engaged in a comprehensive public awareness campaign.

At the other end of the age spectrum, our Youth Services Unit will focus its efforts on supporting the development of the recently launched Cayman Islands National Youth Assembly, which is but one

example of its efforts to encourage more consistent and meaningful participation by our youth in our country's development. Madam Speaker, I look forward to presenting to this honourable House the first position papers, which is currently being prepared by the membership of our National Youth Assembly.

Whether for the old or young, there are aspects of my Ministry's work which span the entire age spectrum. In education, we believe in life-long learning, just as in sports we promote sports and health activity for all. The key to the provision of lifelong learning and the improvement of literacy is an effective public library service.

In the 2008/2009 financial year, the Public Library Service looks forward to two significant developments. The West Bay Public Library will open to the public over the summer and once opened will be the largest district library in the Cayman Islands boasting the largest collection of materials.

For 24 years the Leader of Opposition has sat in this honourable House. And his district—which re-elects him and re-elects him and re-elects him—never had the benefit of a library. Perhaps, Madam Speaker (and I'll come to that), that is why he places so little value on education. Or perhaps because he places so little value on education he doesn't bother about things like a library.

It will be equipped with a learning centre and multiple computer access points, allowing expanded programming in the area of research, homework assistance, and literacy programming. As with all other branch libraries, a qualified community librarian has been hired to manage this new library and work closely with all various community services in the West Bay district. But I should say, Madam Speaker, in fairness to him, at least he has not come to this honourable House and opposed that project in the way that he is opposing a school for West Bay. But I will have a bit more to say about that.

The Second significant development is the Maples' addition to the George Town Public Library. This project will add some 12,000 square feet of useable space to the George Town Library. The Maples' donation of US\$2.5 million is greatly appreciated by this Government. Whilst these funds will be paid out over a number of years, they allowed the Government to start the project now. This donation demonstrates the company's commitment to serving its community, assuring a broader range of library services than we have ever had. The Government looks forward to sharing with Maples in the opening of this outstanding development for our community later this year.

With the Harquail Theatre already operational, this library project, along with the opening of the National Museum building in November, will significantly increase the cultural opportunities available to our community and visitors to these Islands. The Museum building returns to operation after extensive renovations and refurbishment work allowing us to reclaim an important part of our national heritage. In addition, the



Board of the National Art Gallery plans to see groundbreaking for its new permanent home taking place in late summer.

Madam Speaker, this Government's commitment to advancement of sport for all and the promotion of physical activity in the Cayman Islands will see the establishment of our first national sports council and work started on our first piece of legislation for sports later this year. These efforts will bring together all sporting associations across our Islands, ensuring a strategic focus on the ongoing development of sports at the national level. Additionally, this process will ensure greater collaboration between the various sporting associations and other stakeholders, including schools.

Over the past three years my Ministry has worked assiduously to restore our sports facilities. Madam Speaker, virtually every sport facility owned by Government in the Cayman Islands received some damage, in some cases major damage, during hurricane Ivan and, in any event, maintenance and upkeep on those facilities had been neglected for years. The completion of the track and the pitch at the Truman Bodden Sports Complex and the two fields at the Ed Bush Stadium in this fiscal year will provide much needed facilities for both track and field and football enthusiasts. These facilities, as well as the community fields, are being restored and returned to service at international standards.

This level of sporting facilities will not just allow for team and league games, but also provide the opportunity for regional and international competitions to be held here in the Cayman Islands. And I should add, Madam Speaker, because the Leader of the Opposition was responsible for this too when he was Minister of sports, we discovered when we were repairing or replacing the track at Truman Bodden Sports Complex, that the track had never been certified for international competition. And we found out why. It could not be certified because the turning radii were far too tight to meet international standards, and so, the country had been led to believe by the Leader of the Opposition—who was then Minister of Sports—that this was an internationally certifiable facility. It was not! It will be now.

Work will continue into the new fiscal year on the Annex field with the provision of proper lighting and seating as a component of its phased master plan development going forward. Madam Speaker, on the Annex field we have now had placed FIFA (International Federation of Football Association) two-star rated artificial turf, which is the same turf on which some of the World Cup games were played. It has been an expensive and long exercise involving far more work with the work lasting much longer than had been predicted. But we are almost there now.

As part of the measures that we have taken as a Government, Madam Speaker, to adjust our capital project programme bearing in mind the present economic conditions, I have had to defer the further

major work on the Annex project. The master plan was estimated to cost somewhere between \$10 million and \$12 million, which would have provided the place with stadium seating for just under 4,000 people, proper changing facilities and concession areas. Because of the budgetary constraints, we will obviously complete the turf in another three weeks, I am told, and we will put in stadium quality lighting this year, and will put in some seating. We are working, Madam Speaker, to have that designed in such a way that it does not adversely impact the overall master development plan for that facility but, instead, will complement the larger stands when they actually go ahead, hopefully (if I'm around) in the 2009/2010 financial year.

Madam Speaker, the work for my West Bay colleagues on the Ed Bush Stadium is almost complete. The turf has been re-laid there, and just about all of the works necessary in relation to the stands and other facilities have been done. I can tell them and the country as a whole that we are also going to repave the parking lot, and I am hoping that we can reopen that over the summer.

Madam Speaker, over the past three years I have focused on extending support to sporting associations, particularly at the level of youth development programmes. This is already beginning to reap dividends as we see the emerging talent in swimming athletics, football, rugby, basketball, to name a few. These efforts, therefore, make me very proud to salute the Cayman Islands team which will represent the Cayman Islands in the Beijing 2008 Olympics: Cydonnie Mothersill, Shaun Fraser, and Brett Fraser.

I, and many others, Madam Speaker, are still optimistic that two of our athletes, Ronald Forbes and Tyrell Cuffy, will still qualify for the Olympics this summer.

Closer to home, Madam Speaker, I had the privilege over the past two years to support boxing events for our prize boxer, Charles Whittaker, who has over and over again made us proud. Madam Speaker, I was pleased to hear from Minister Clifford (and I think he mentioned it in this honourable House), that despite statements otherwise Charles has now agreed appear as part of the fantastic boxing promotion that is being put on by the Ministry of Tourism under the auspices of Showtime. And, I am hopeful that the details of that will be sorted out shortly, which include matters in relation to his training and so forth.

I am, as I always have been, Madam Speaker, happy to do what I can from my Ministry's standpoint to assist Charles and to give him every opportunity to do as well as he possibly can in the upcoming fight.

Madam Speaker, as Members of this honourable House will recall, this Government saluted the achievements of three of our lead athletes: Charles Whittaker, Cydonnie Mothersill and Shaun Fraser, for the first ever Cayman Islands Spirit of Excellence Awards on National Hero's Day this year. These

young Caymanians display outstanding discipline and the determination to succeed. They are superb role models for our youth. On that day, as well, we celebrated the outstanding performance of our special Olympians: Kevin Anglin, Chris Samson, Andrew Smiley, and Waide McLaughlin, who represented the Cayman Islands at the Special Olympics in Shanghai, China, winning a total of nine medals of which six were gold.

On this occasion, as well, Madam Speaker, Waide McLaughlin was presented with the Sports Person of the Year Award. Madam Speaker, we have much to be proud of in our youth. We hear a lot of negative things, I know. And those are worrying. But I am passionate about ensuring that the efforts we make in youth, sports and education, are fully aligned so that we provide the greatest possible opportunity for each young person to achieve their full potential.

Restoring our existing sporting facilities, encouraging and supporting our athletes along with outstanding sporting provision in the new secondary campuses will ensure sports for all for the first time, from east to west. In Cayman Brac, work continues towards the completion of the sports complex, and funds have been allocated for the acquisition of property which will facilitate the development of a new secondary campus on the Bluff as well.

Madam Speaker, before I leave the whole issue of sports facilities, I want to say that the work on the Bodden Town field is nearing completion and when that is done, Bodden Town, like George Town and West Bay, will have top quality turf on which the game of football can be played not just at a local level, but at an international level. Once those three fields are operational, West Bay and the two in George Town, we will then proceed with work at East End and North Side to complete those fields. We have had to keep those two fields operational while all of the others have been out of commission. So, I am hopeful that by the start of the next football season all of the fields which have been out of operation this past year plus (just about a year now), will be back fully operational and then work can proceed on East End and North Side fields.

Madam Speaker, work will continue at a rapid pace in the area of Education, building on the range of initiatives completed since the start of the transformation process in 2005. In programme improvements in Education I am particularly proud of the recently launched Better Pathways—Brighter Futures Strategy, which is intended to provide an opportunity for all secondary students to realise their potential through a broader and more flexible range of education options geared to meet the diverse range of needs they present with.

The national curriculum will be formerly initiated with the start of the school year 2008, and a range of professional development interventions over the year will support teachers and other educational personnel in the delivery of the 21<sup>st</sup> century teaching

and learning practices. All secondary and primary staff have already had training regarding the new curriculum and the leveling form of assessment which will provide clear evidence of a student's actual skills, abilities and knowledge within each subject.

The focus on literacy will expand within enhanced programmatic changes at primary and secondary levels. This will include the complete restructuring of the way in which reading is taught in primary schools to ensure a strong foundation in literacy amongst younger students, and provide the best possible base for their journey along the education continuum. However, our commitment is to ensuring high standards in literacy for all of our students. We are moving aggressively to provide literacy intervention and remediation for secondary students as well. In addition, following the evaluation by the Education Standards and Assessment Unit of the Young Parenting Programme, a framework for an education curriculum has been devised, including literacy and numeracy programmes fully adopted by the YPP. The students will have the potential to leave this programme with at least one qualification that is internationally recognised.

The clear priority will always be to improve the quality of teaching and learning within our education system. This includes extending the range of learning styles currently used, including greater use of project work to encourage students to have greater engagement and ownership of their education. Considerable emphasis has been given to increasing parents' awareness of the new curriculum through parent workshops in each school. These workshops have included considerable detail on the new ways of assessing students to reflect their abilities and skills in each subject.

The Leader of the Opposition has claimed that the new national curriculum is, and I quote: “. . . **nothing more than a replica of the British national curriculum.**” [2008/9 *Official Hansard Report* p. 33] And that the old national curriculum contains what teachers need to get the job done. I would propose, Madam Speaker, that this conclusion depends on what job the Leader of the Opposition thinks we need to do. And if that job is to ensure that 70 per cent of our students cannot attain expected levels at the end of secondary school, then the evidence to date supports his conclusions.

If, on the other hand, the mission we are undertaking is the one that this Ministry supports—developing the full potential of every child—I ask him, where are the results from the years gone by? To the assertion that our new Caymanian national curriculum is nothing but an import, I would urge the Leader of the Opposition to actually study the published curriculum documents where he will find detailed the names of more than 100 local educators who helped to write our first truly comprehensive Caymanian national curriculum drawing on best practice, not merely from one

country, but successful education systems around the world.

The new national curriculum is very different. Perhaps his advisors and speech writers would like to read it sometime.

In his research on curriculum topics, the Honourable Leader of the Opposition has yet again been totally ill advised and misinformed of the facts. Luckily for our students, the many local experts who contributed to the new national curriculum were better equipped to prepare our children for success. If the Leader of the Opposition wishes to see a copycat curriculum, I would urge him to compare the old national curriculum for science with the same section of the 2000 English National Curriculum where he would find the only difference to be the substitution of the words "Cayman Islands" for the word "England". This cannot be said of the new national curriculum.

But, Madam Speaker, I really don't expect any different. The Leader of the Opposition and his colleague, the Second Elected Member for West Bay, have done everything in their power to keep the education transformation process from proceeding. From the day in October of 2005, when I brought a motion to this honourable House seeking to have the House adopt as the blueprint for the transformation process, the *National Consensus [on the Future of Education in the Cayman Islands]* document created by the educators and stakeholders in education who attended the first National Education Conference in September of that year, they fought to keep it from happening. They even got up, Madam Speaker, on the Floor of this House and moved a motion to have it deferred because we needed more time to consider whether or not there were problems with education in Cayman.

And the Leader of the Opposition actually said we are gambling with the Children's future; we are experimenting with their future. And every step of the way they have fought the transformation process. They have done so on the Floor of this House, they have done it on the talk shows; they have done it through the media; they have done it through the so-so, so-so, so-so, so-so, which always gets back to me in any event.

**The Speaker:** Honourable Member, is this a convenient point for a luncheon hour?

**Hon. Alden M. McLaughlin, Jr.:** As convenient as any Ma'am.

**The Speaker:** Proceedings will be suspended until 2.30 pm.

**Proceedings suspended at 12.44 pm**

**Proceedings Resumed at 2.44 pm**

**The Speaker:** Please be seated. Proceedings are resumed. Debate continuing on the Throne Speech and Budget Address.

Honourable Minister for Education, continuing his debate. Honourable Minister, I have been passed a note; you have 51 minutes remaining.

**Hon. Alden M. McLaughlin, Jr.:** Thank you Madam Speaker.

When we took the luncheon adjournment I was dealing with the allegation by the Leader of the Opposition that the national curriculum was simply a copy of the English national curriculum. I had pointed out that this, unlike any attempt at curriculums in the past in the Cayman Islands, was actually something that had been developed through extensive consultation, research and work by more than 100 local teachers.

I had referred him, in particular, to compare the old national curriculum for science with the same section of the 2000 English national curriculum, and he would see that in that case the only difference between those two documents was the substitution of the words "Cayman Islands" for "England." That is not the case with our new national curriculum.

In a first for our system, enthusiastic teachers are working collaboratively to produce units of inquiry sharing our own best practice across schools. Dozens of high quality units have already been produced and more are on the way as I speak.

To those, like the Leader of the Opposition, who feel that the new national curriculum is a foreign imposition, I will mention three of many units produced by young Caymanian teachers. "We came here by boat—An exploration of our national origin" by Miranda Banks. A unit called "National Pride" by Patrice Dilbert, and a study called "Comparing North Side with West Bay" by Erica Daniels. That is what we mean when we talk about a truly national Caymanian curriculum: a programme of study which is firmly rooted in our local culture, but which prepares our children to engage confidently with our globalised world.

This emphasis continued throughout the education system right up to the Caymanianisation of external exams where, for example, the new Vocational Leisure and Tourism course allows students to earn O-level qualification whilst studying our local tourism market and the worldwide industry.

Far from being rejected by our teachers, as the Leader of the Opposition has alleged, the new national curriculum has been embraced by the vast majority of our teachers, perhaps because of their opportunities to participate in its development.

All primary schools are working toward registration into the international baccalaureate programme. Already six of our primary schools have registered for candidate status in this programme, the first government schools in the Caribbean to have done so. The application process for secondary school pilot project to introduce the international bac-

calaureate (IB) diploma programme is well underway. This pilot project is expected to start in September 2009, with full implementation in September 2010, offering a gateway to excellence for Caymanian students within the government school system.

The exciting, Better Pathways—Brighter Futures Initiative allows for a range of new post-16 options now planned to be available to students as early as school year 2010/2011. These option programmes will take place on the existing George Hicks campus. This means that students leaving public secondary campuses from September 2010 will have access to the Better Pathways programme which includes technical and vocational programmes, opportunities to re-sit examinations, supervised work placement programmes, and government assistance for those choosing to study A-level courses.

Madam Speaker, the Leader of the Opposition also went on at length about ICT and the ITALIC programme. Considerable focus has been placed by this Government on ensuring that our students have access to the most effective ICT hardware and software. And please note, Madam Speaker, my use of the word “effective”. The Leader of the Opposition, ignorant as he is of these things, speaks with great pride about the money spent by his government on ICT. We can attest to the fact that the \$13 million—the untendered \$13 million—spent on the ITALIC project under his government, under his Minister of Education, Mr. Roy Bodden, enriched the coffers of IBM greatly. That’s what they did! Thirteen million dollars!

To be fair, there were good aspects to the ITALIC programme, the laptops for teachers’ initiative among them. But perhaps, the Leader of the Opposition, when he so proudly proclaims about the email programme for teachers and students, is unaware that this aspect of the programme—for which his government paid so lavishly—never actually worked, despite years of training and implementation efforts. Doubt me? Ask any teacher in the system.

In fact, Madam Speaker, the first functional email system for all educators was implemented during this budget year which is now coming to a close. This is but one of the many examples that typify what went wrong with ITALIC and shows how out of touch with reality the Leader of the Opposition, his advisors, and speech writers are!

Or is it just that no one was really held accountable for the large sums of money spent on this and other projects while he was in charge and his Minister of Education, Mr. Roy Bodden, was asleep at the wheel?

The ITALIC project totally ignored perhaps the most significant innovation in educational ICT—the interactive white board. In this area, Cayman is still years behind our international competitors. But the Leader of the Opposition will be pleased to know that due to the investment by this Ministry and this Government, we are catching up rapidly.

Madam Speaker, the Honourable Leader of the Opposition goes on to demonstrate yet again how ill informed his advisors and speech writers are about professional development of teachers in ICT. In fact, just this year we appointed an ICT integration officer to work as a coach with teachers in schools. Thanks in large part to his excellent work, you can visit schools across the Islands today and see teachers and students confidently using a range of equipment, including interactive white boards with sophisticated educational software that greatly expands the range of appeal of learning in the classrooms.

And Madam Speaker, although the Leader of the Opposition is not here and his deputy, the Second Elected Member for West Bay, the most vocal opponent to the Transformation of Education exercise that is underway . . . I am saying publically that I invite them and the rest of the Opposition to come and visit the schools and see for themselves what is going on in this amazing transformation in education that is occurring in Cayman. The two of them, in particular, are so plainly out of touch with what is going on that perhaps they can be forgiven for opposing every single advancement or initiative that is being proposed by me, the Ministry, and the Government.

Perhaps, Madam Speaker, if they could get past the fact that after 24 years in office the Leader of the Opposition can point to absolutely nothing he has done to advance educational opportunities in this Island . . . and perhaps he will also say in light of their claim to this office of government staking a claim, who are they going to propose as their new Minister of Education? Are they going to bring Mr. Roy Bodden back out, dress him up, give him another book to read, and sit him over here? Or are they going to appoint Capt. Eugene, the Fourth Elected Member for West Bay, as the Minister of Education? They need to tell the country who they are proposing since I am doing such a poor job at it.

Or, maybe the Leader of the Opposition—himself an educationalist, no doubt—will take over this role. They need to tell the country what they are proposing!

I would go further, Madam Speaker, and venture to suggest that the Leader of the Opposition inadvertently revealed his government’s fatal flaw regarding ICT when he dismisses the importance of technical support for educators. You see, Madam Speaker, it is one thing to read something; it is another thing to understand what it is you are reading. I would suggest to the Leader of the Opposition that before he trots out these nice-sounding statements and speeches that he recites here so regularly, that he understands what it is that has been written for him and check, perhaps, to find out whether or not it has any basis in fact.

He is correct when he cites the expenditures for computer hardware under ITALIC. The hardware was impressive. Unfortunately much of the time it failed to work.

Our focus, Madam Speaker, has been on technology that makes a difference in teaching and learning. For it to make a positive difference teachers must be able to depend on reliable and effective systems. Had previous governments—including his!—planned for the 21<sup>st</sup> century learning environment we would not have been faced with the necessity of rebuilding virtually from scratch many aspects of the much vaunted ITALIC computer infrastructure, so that we now point with pride to a fully functional wireless facility in all of our schools—computer systems that actually work.

In the ITALIC project, ITALIC stood for “Improving Teaching and Learning in the Cayman Islands.” And the previous Minister believed that they could do this by committing large sums of money on computer hardware and software and by their generous support of IBM. I believe, my team believes, that the only way to improve teaching and learning is by improving teaching and learning. And we have focused our efforts on what teachers teach and what students learn. I make no apologies for directing my support to Caymanian children instead of large foreign corporations.

Madam Speaker, the Leader of the Opposition—he’s a real educationalist, you know. He is. [He] mentions with pride a review that he claims his government made of technical and vocational education. I would rather speak not of what we have reviewed, but of what we have introduced. Talk is cheap, Madam Speaker. Very cheap. Lord knows enough of it goes on in this House. But we need to examine what has actually been done.

Ask the Leader of the Opposition what he has done in 24 years to improve technical and vocational education. Ask him.

Ask him what his government did for three and a half years to improve education generally.

When we started, the physical plant was destroyed. All sorts of ad hoc programmes had to be put in place just to ensure that children got some kind of education. It has been three years since I assumed this office. And he has the audacity—he and the Second Elected Member for West Bay—to stand up and say, ‘*Well, there is no evidence of any success?*’

Forgive me Madam Speaker, if I become a little passionate about this.

He has sat flat on his you-know-what for 24 years! Brought down here a man with a master’s degree in education who sat down here and read books for four and a half years, and did diddysquat. When I went up to that Ministry at the Glass House, there was dust on the desk. There was no such thing as a computer on the table; the place looked like it had never been used!

Whatever they say about me when my time is over, or even before it’s over, no one will ever say that I have not worked, that I have not tried; that I have not actually made some bold initiative in the face of controversy and criticism, and in opposition by every

Member on that other side—including the First Elected Member for Cayman Brac and Little Cayman!

Madam Speaker, this is about the future of this country. This is about improving the lot of young people in this country. This is about ensuring that the people of this country are tooled and able to take advantage of the tremendous opportunities this wonderful little place creates. So, they can bash me as much as they want, but I will tell them one thing: Unless the good Lord intervenes, those schools are going to be built. They are going to be commenced on my watch. These programmes are not going to be stymied because they selfishly believe that either our people should not have that opportunity . . . the schools are too good for your Caymanian children. That is what they are saying!

They should be ashamed of themselves! The four of them from West Bay opposing school facilities and sports facilities and a hurricane shelter for West Bay . . . The West Bay people should tar and feather them!

Madam Speaker, humph . . .

Madam Speaker, I would rather speak not of what we have reviewed, but of what we have introduced. Students entering John Gray High School option programme this year—not next year, this year!—can choose from a range of challenging and accessible technical and vocational programmes which far surpasses anything we have seen before. This is what we have done, Madam Speaker. Not what we have imported someone to look at.

The installation of a new countrywide schools management system will for the first time allow for the comprehensive tracking of students’ progress and achievements throughout their school career. This will allow school leaders, teachers and parents to make better and more informed decisions about important issues regarding teaching and learning which affect students in a way that is unprecedented in the Cayman Islands.

For the first time, a clear professional development programme based on national priorities within the education service is being devised that will allow a far greater percentage of teachers access to high quality appropriate training. Teachers undertaking this professional development will always be required to share the knowledge gained with colleagues within the service.

The National Education Conference featured over 30 workshops for educators based on best practice. For the first time, many of the presenters were from within our own system. We are developing the skills and expertise, Madam Speaker, so that our own people, people within our own system, are able to pass that on to their colleagues. We have become a center for educational excellence. That is what we are aiming for.

All over the world people are looking at what is happening in Cayman. If the Leader of the Opposition even knows how to turn on a computer perhaps

he could go on and look at the website. Look at our blog and see how many people from all over the world—almost 100 countries now—are regularly checking to see what is happening in Cayman on the education front.

Madam Speaker, so positive was the feedback from the last National Education Conference, that we are considering extending the conference to two days next year.

Madam Speaker, the Leader of the Opposition has referred to the fact that teachers leaving the system this year were simply, I quote **“handed a letter and that was the end of it.”**

Madam Speaker, as you know I do not become personally involved in the routine operations of personnel practice in my capacity as Education Minister. But Madam Speaker, I did personally receive some complaints about the handling of teachers whose contracts were not going to be renewed. So, I investigated the matter.

Madam Speaker, I do not claim that the human resources processes of the Department of Education Services are perfect. And in this instance, I gave them my very, very strong advice, that the matter needed to be handled more sensitively. I can say with confidence now that in the case of each teacher who received one of those letters, they have had the benefit of an interview, a discussion, with a senior member of the Department of Education Services staff. I should also say further that every Caymanian teacher who has reached retirement age and who was not offered renewal is now being offered the opportunity to continue to work in schools as a supply teacher. I say up front that this matter, acknowledged, could have been handled better than it was.

I know as you do that Ministers do not have constitutional responsibility for employment matters. So, there are limits to what I can do. But I do not believe the Constitution prevents me from doing as I have done, offering advice and guidance about these matters which, I am happy to say, in this instance has been accepted.

What I can also say is that with the development of the new dedicated human resources unit in the Department of Education Services, personnel practices throughout the entire education system are now being reviewed to ensure that they reflect best practice. It is very clear that high quality education depends on excellent teachers and we are committed to ensuring and supporting excellence in every classroom. It is my great pleasure to pay a very special tribute to the many dedicated educators in our education system who continually strive to find cost effective and innovative solutions to a country's education issues within the necessary constraints of fiscal responsibility.

I am always delighted to receive a growing number of reports from the Chief Education Officer and the Department of Education Services pertaining to the successes and achievements taking place daily

in our classrooms. The efforts of our educators are undeniably producing dynamic and creative responses to the challenges inherent in offering the best education possible to our Caymanian children.

This focus on a commitment to excellence is evidenced by the early actions taken to restore normalcy to the offerings available to students at the George Hicks Campus after hurricane Ivan. Back in 2005, the campus was severely overcrowded, discipline problems were rampant despite the best efforts of staff, and morale of students, teachers and parents was at an all time low.

Madam Speaker, the Second Elected Member for West Bay spoke in very deprecating terms about the move we made to turn George Hicks into a campus with four schools. He demeaned it; he said it really made little or no difference. The results, Madam Speaker, actually show tremendous improvement on a range of fronts, as I outlined above in terms of morale of students, teachers, parents, discipline issues, performance issues. All have seen a marked improvement.

With the shift system in place back in 2004/2005, students were not receiving the full amount of teaching provision they were entitled to. With the creation of the four small schools on one campus, relationships were transformed. Everyone noticed very quickly the vastly improved relationships between students and staff, and the increased involvement of parents with their schools and the resulting positive impact on the learning environment.

Madam Speaker, I can also point to the very significant improvements at George Hicks where this focused effort on the part of the school leadership and teachers has led to very encouraging feedback in their recent evaluations. And I hope, Madam Speaker, in the course of another month or so, to be able to make public the reports (which I have yet to see) of the Education Standards and Assessment Unit on all four of the schools on the George Hicks campus. But feedback that we have received from inspectors is very, very encouraging.

Madam Speaker, the new governance model for education has been running for eight months now and already it is showing a very positive impact with direct support for principals and school leaders. The focus of putting the child at the very centre of education service and ensuring that we focus on supplying the services to ensure that they get the highest quality education is already showing dividends. This implementation plan approach will continue next year.

Madam Speaker, much has been said about the new school building programme. The start of construction of these 21<sup>st</sup> century secondary learning environments will guarantee further support in raising education standards throughout our system. At the primary level, work will also commence on the new George Town Primary site.

George Town Primary School has a notable history of providing high quality teaching and learning

for its students despite many challenges. It is long past the time for the teachers and students of this outstanding school to have high quality facilities which support their work rather than a crumbling long neglected facility with numerous modular classrooms.

Madam Speaker, I cannot tell you how much it hurts me to have had to come to the pragmatic decision that we would not get the new George Town Primary School completed in time to start the school year 2009. That delay is caused not just by the budgetary constraints, which I referred to earlier, but also to logistical issues involving the design of that school and the budget within which I have to work. It also has to do with the acquisition of some of the necessary property.

We acquired the property and we paid for the property on which the school is to be constructed, but new issues were introduced by the National Roads Authority in relation to access and turning radii and so forth for the busses, which will necessitate the acquisition of three very small parcels on the perimeter of this property which front onto Rock Hole Road. So, we are still wrestling with those issues, but all indications are that we should have the plans passed by the end of this summer, early autumn, and that we should be able to go to tender in about October. I hope that we will be able to actually start construction of George Town Primary in January of 2009.

I am absolutely committed. The Government is absolutely committed to the construction of this school. And I want to give every assurance to the parents, the teachers, and the supporters of that wonderful little school in the centre of George Town, that this Government is committed to delivering to them a first-class primary school facility.

And Madam Speaker, instead of opposing what we are trying to do, people like the Leader of the Opposition and people like Elio Solomon, who hoped to be a representative for George Town, ought to be supporting what we are trying to do to improve the lot and opportunities for young Caymanian children—particularly George Town children, in Mr. Solomon's case. And if the Leader of the Opposition and his tag team from West Bay really had the interests of West Bay and the West Bay children at heart, what they would have been doing would be lobbying me to build another primary school in West Bay, because Lord knows we need another primary school in West Bay. West Bay Primary School is at capacity.

I have been looking and my staff has been looking at where we can acquire property because, Madam Speaker, in the next term following the elections of 2009, God and the people willing it is my intention and the intention of this Government to construct another primary school in West Bay as well. There are now well over 500 students on that little campus. It cannot go on.

But instead of working with the Government, making these kinds of constructive suggestions, we

hear absolutely nothing from them. All they do is oppose, oppose, oppose.

But you know, Madam Speaker, I hope I am around—and it would be wonderful if I am around in this capacity, but, I hope I am around anyhow—to see the day when the Beulah Smith campus opens for the people and the children of West Bay, and to see the Leader of the Opposition, in whatever capacity he is, with the smiles all over his face shaking everybody's hand and taking full credit for having delivered this facility in West Bay—because that is what he will do!

*[inaudible interjections]*

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, it is no wonder that people have such low regard for politicians.

I must tell you, some of them, particularly some of them on the other side of this honourable House, will say anything, at any time if they think somehow it advances that particular cause. They have no self-respect, no integrity . . . How can you lie down in your bed, let alone stand up on the Floor of this House and in knocking down church door every Sunday morning claiming to be “born again”?

I can tell you one thing, Madam Speaker, I firmly believe this: that the hottest fires in Hell have been reserved for them who mock God.

*[inaudible interjections]*

**Hon. Alden M. McLaughlin, Jr.:** That's all I am going to say about that, Madam Speaker.

Let each one of us examine our own heart and think about what we say and think about what we do when we knock down church door every Sunday morning.

One thing I do not have in me, Madam Speaker, is one iota of hypocrisy. What you see is what you get!

The First Elected Member for Cayman Brac and Little Cayman carried on all kinds of things, saying all sorts of derogatory remarks about the Leader of Government Business having a beer, playing dominoes. You know what? For all the years that I have ever known him he has had a beer and played dominoes. And he has served this country exceptionally well! And continues to do so. And you know what? They might as well include me in too 'cause I'll have mine, even though I don't play dominoes!

But you know what, Madam Speaker? What you see is what you get. There is no dishonesty about me. You may not like me, you may think I'm too brash, you may think I'm too blunt 'cause I give it to you right between the eyes, but that's me. You never have to worry about me sticking the knife in your back. The Leader of the Opposition knows all too well how to do that. Although someone told me the other day that in politics a friend is someone who stabs you in the chest. So . . .

I know one thing, Madam Speaker, the people who play dominoes are Caymanians. People who play dominoes and have a beer, they vote too. They are just as much a citizen of this country as those who only go from their house to church.

In case anyone misunderstands anything I am saying . . . I am a God-fearing man. I do not profess to be a Christian, but I have as much of the Christian culture of this country embedded in me as anyone else. And I love and fear God. But, Madam Speaker, I despise the use of God's name and invocation of Christianity and religion as a basis to beat up on other Members of this House as though those who are articulating those words are somehow Saint McKeeva and Madam Pius!

**The Speaker:** I'd rather you say Leader of the Opposition. No personal names please.

**Hon. Alden M. McLaughlin, Jr.:** Leader of the Opposition, Madam Speaker. I stand corrected.

Madam Speaker, to get back to the work in education, there is much work underway now to carefully access our existing school buildings to encourage creative uses of existing spaces to facilitate improved teaching and learning.

Over the past year, much effort has been put into developing the protocols which govern the delivery of differentiated services to gifted students and those with special needs within our mainstream system of education. These achievements will now ensure that we can confirm equity for all students across our system, and ensure an opportunity for many students who would otherwise be left behind.

The increase in provision of special education needs services has allowed for much better service to our students. The waiting list of referrals is much less than was normally the case and the quality of service is greatly improving in all our schools. This is true for schools not just on Grand Cayman, but also on Cayman Brac and Little Cayman.

Madam Speaker, it seems that in his synopsis of progress made in this highly critical area, the Leader of the Opposition has again made the same fundamental error that his government made regarding children with special needs. He believes that building the Lighthouse School solved all the special needs problems of the Cayman Islands educational system. We understand now, Madam Speaker, why the Opposition has been so stubborn in continuing to equate the transformation of education with the building of new schools. Their own limited understanding of education prevents them from grasping what a transformation of education truly means.

In this way, this Government has adopted— [coughing] . . . excuse me, Madam Speaker.

**The Speaker:** Honourable Minister, you did gain six minutes. It should have been 57 minutes, not 51.

[pause]

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker, I shall need them.

Madam Speaker, the Opposition's own limited understanding of education prevents them from grasping what a transformation of education truly means.

As I said earlier, Madam Speaker, the only way to improve teaching and learning is to focus on teaching and learning. In this way, this Government has adopted a radically different strategy from that of the UDP, which boasts of the computers they bought, and the buildings they built. Their myopia, and that of their advisors and speech writers, has led them to believe that infrastructure is education.

Our focus, Madam Speaker, is not on structures but on services. While we celebrate the tremendous impact that the services available to children at the Lighthouse School provide for our most significantly challenged students and applaud the wonderful educators who work with them, this is only the tip of the special needs iceberg.

When in office, the Opposition was unable or unwilling to recognise the much broader range of special needs and learning disabilities which present barriers to learning for a significant percentage of our students within all our schools and, which, if recognised and remediated promptly, need not prevent them from achieving their full potential.

Instead, Madam Speaker, under the previous government and the former Minister of Education, Mr. Roy Bodden, too many of these students were allowed to languish in classrooms, their struggles unrecognised; suffering under labels like "lazy", "slow", and "unwilling to work", and inevitably disengaged from the learning process after years of repeated failure. We have case after case of students recommended for assessment and intervention who were allowed to progress through a school system and on to adult life without once receiving the specialised help they needed, while the then Minister of Education read his books and the Leader of Government Business (as he then was, the now Leader of the Opposition) flew around the world on planes in and out of Las Vegas, Bahamas, and places like it.

When the Leader of the Opposition asked what is being done to enhance this area, as he did in his budget debate contribution, I can respond with great assurance that the level of support to children and teachers in this area far exceeds anything we have seen before in the Cayman Islands. Let him come and refute it.

When I took over this Ministry our experts estimated that we were at least three years behind in providing assessments for the neediest children, and services to children were even more restricted than assessments. In order to correct the situation we have brought in over the past two and a half years . . . and it's a pity the Leader of the Opposition has absented himself two days in a row now so he can't hear this.



But I am sure that I can rely on the First Elected Member for Cayman Brac and Little Cayman to transmit it to him accurately.

In order to correct the situation, we have brought in over the past two and a half years four educational psychologist posts for a total of six instead of the previous two; two additional speech and language therapists, bringing that specialist staff to a total of seven; one additional occupational therapist, making a staff of four. In addition, we have introduced to our student services staff a teacher of the gifted. This is an indication of the breadth of our understanding and commitment to ensuring that all of our students are able to achieve their full potential.

Madam Speaker, the Second Elected Member for West Bay said he knows the Minister of Education is trying hard, but [asked] where the evidence of success is. Where are the results? he asks. Madam Speaker, the rewards of this investment in children may not be immediately apparent to anyone but the teachers and parents involved. But we believe that our entire community will benefit for many years to come. What we can say, however, is that our efforts have already reduced the number of children on our special needs registers because we have been able to provide them with appropriate remediation in a timely manner.

Madam Speaker, that, of course, does not fit neatly into the sort of political timeframe to which the Leader of the Opposition and the Second Elected Member for West Bay are working. They only care about tangible results which they can hold up and say, 'we did this, we did that'. That is why all they have ever talked about is building things like McKeeva's Folly, otherwise known as Boatswains Beach, and building the Port and throwing up all sorts of structures, because they care not about the things that really matter—which are the people of these Islands. They just want to hang on in office as long as they possibly can, get another condo at Ritz Carlton, do whatever it is they need to do, get another Hatteras, whatever the case may be.

Madam Speaker, this Government and this Minister are committed to programmes, to services, to plans, to projects which improve the outcome for young people in these Islands, principally young people, although we are committed to lifelong learning that goes beyond young people. But that is all that matters. We can have as much fancy buildings, we can have as much ICT, we can have everything that you can conceive that money can buy, but unless it actually improves teaching and learning, unless it actually improves outcomes, it is all for naught.

So, Madam Speaker, that is why, as committed as I am, and committed as the Government is to the building of 21<sup>st</sup> century learning environments, that is by no means the be all and end all; nor is it the focus or the focal point of the exercise that we are going through. It is because those new teaching and learn-

ing environments will improve outcomes that we are committed to them, not the other way around.

Now, Madam Speaker, I know most of that will be lost on the Leader of the Opposition because he can't think beyond a term. His whole life has always been, *Get-to-the-next-election. If I'm not in office, I want to get back in; and if I'm in I want to try to stay in.* That is how he lives.

Madam Speaker, that is not how I live. I am not a career politician. I had a good solid career from which I derived a great deal of personal satisfaction. I am here because I believe—I believed then and I believe even more so now—that the country needed good, sound, honest leadership. But the day that the people of this country decide (and that may be May of next year) that they wish to dispense with my services, I shall go. I shall go Madam Speaker, leaving, I hope, some legacy of good work—going much poorer than I entered; not as has been the case, and is the case with others in this honourable House.

**The Speaker:** Honourable Minister, to forewarn you, you have approximately 20 minutes left.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

For those young people whose needs require alternative education provisions, I am pleased to be able to say that this programme will be undergoing a comprehensive review to ensure that its programmes are brought into full alignment with the ongoing transformation of education.

But we must never forget those members of our community with serious disabilities, particularly those who are unable to care for themselves. Despite their inability to access mainstream services, they must not be shunted aside and left hidden away in the margins. We can no longer focus on a one-size-fits-all programme for persons with disabilities and must, therefore, enter the 21<sup>st</sup> century in the way that we provide educational services to these young people and adults.

This cannot be achieved by any building, no matter how state-of-the-art it is. It can only be achieved by a moral commitment to the dignity and value of every individual. In fact, Madam Speaker, this budget gives evidence to this in the output that covers the Lighthouse School, which is now re-envisioned as the Lighthouse Developmental Centre. Our overall strategic thinking takes a clear focus on the types of services our clients require. This approach will ensure that our efforts from the early intervention programme through to the services for adults are fully aligned within the education continuum.

This matter, I am pleased to report to this honourable House, represents the first time a Minister of Education has ever given this country a full commitment to ensuring equity in the provision of educational services to all the citizens of these Islands irrespective of any disability they may have.

This transitional focus now underway will complete the circle of services ensuring that no matter what the extent of limitation anyone presents with, we are morally committed to support as far as humanly possible the provision of opportunity for all to achieve their best. Madam Speaker, I look forward to the next meeting of this House at which I will be pleased to present a comprehensive overview of plans for services in this sector, that is, dealing with persons with disabilities.

We have said that this Government's focus for education is on services not on structures alone. Having said that, this Government inherited an education system with many of its school buildings reaching the end of their useful life; in addition, we quickly recognised that the number of students far exceeded the capacity of our existing buildings.

Madam Speaker, the Leader of the Opposition spoke with pride—his chest was so puffed up I thought it was going to burst!—about the state-of-the-art Prospect School which was built to house 250 students at a cost of \$10 million in 2003. What he conveniently neglected to mention, however, is that due to poor data and planning the school was over capacity just 12 months after it opened. Prospect Primary School was simply too little, too late.

Equally, Madam Speaker, had the Leader of the Opposition ever considered making provision for the projected growth of the student population—including the children of his 2,765 Cabinet status grants—we would not have 62 classes housed in modular buildings across all our schools. Sixty-two modulars. We have 62 modulars which require intensive and very expensive maintenance and remediation work. We have more than a million dollars worth of modulars and they have the audacity to stand up here, go on the public platform and on the talk shows and oppose the building of new schools? They should be beating me up to build more, particularly in their districts!

But, of course, what really matters is not the provision of education to their children; what matters is ousting the Government, in particular this Minister of Education, so that they can bring back in some scarecrow to sit down and read books when he is supposed to be doing the country's work.

Madam Speaker, for the sake of completeness, the present enrollment for the primary school system in Grand Cayman is 2,217 students. In the secondary it is 1,984, for a total of 4,201. In Cayman Brac, it is approximately 160 in the primary school and approximately 200 in the secondary school, for an approximate total of 360. So, my indications are that we have about 4,561 students in the government school system.

Again, for completeness, in the private schools there are 2,582 in Grand Cayman only.

So those are the numbers we are working with Madam Speaker. For the first time we actually have projections. We actually have projections which

take the school populations all the way up to 2012, 2014. So we are able to plan effectively.

They are beating me up about John Gray. They say we should leave John Gray, Madam Speaker. Whether I am around or not, I want the country to remember that I said this: I warrant that in four years' time we are going to have to build another one of these expensive schools that we are building now—unless something happens to the projected population growth and it falls off significantly.

Madam Speaker, in the absence of solid student data and a strategic development plan for education—which his government did not have! For that matter, the one before that did not have it either. And Mr. Truman's did not have it either. It is perhaps unsurprising that improvements in schools under the previous government were ineffectively planned and poorly executed.

When I say that our focus is on services and not on structures alone, we must acknowledge that the state-of-the-art 21<sup>st</sup> century learning environments provide a crucial service. They not only house bodies, but they nurture young minds and spirits. The country knows that this Government is committed to building new learning environments, both secondary and primary. The secondary campuses are not just to deal with our desperately overcrowded secondary schools, but have specifically been designed to provide additional capacity as the population of the Cayman Islands continues to grow.

Madam Speaker, this Government is planning for the future of education—something the Leader of the Opposition and his colleagues seem unable or unwilling to comprehend.

Madam Speaker, I have already announced the building of two of the secondary campuses, that of the new John Gray, and that of Clifton Hunter. The Beulah Smith Campus in West Bay is still the subject of very active negotiations and it is not prudent for me to comment further about that contract at this delicate stage.

That said, I will say this much: If these negotiations fall through, the extended duration for construction announced last week (a week before, actually), affords us the opportunity to re-tender, if that should become necessary, and still be able to have the school completed for the start of school year September 2010.

The Leader of the Opposition commented on the outstanding contribution of 1100 scholarships during his government's four years. Madam Speaker, I am pleased to confirm that in the last three years this Government has awarded approximately 1250 scholarships. And last year alone, a total of 800 scholarship places were granted. This is action, not just words. This increase in scholarships is, in large part, a result of the tremendous growth that has taken place at UCCI under the leadership of its president, Dr. Hassan Syed.

It is therefore with the deepest of regret that I say that the Chairman of UCCI, Mr. Conor O'Dea, has advised me, and the Board has now made a public announcement, that Dr. Syed has resigned. He is receiving medical attention due to a serious illness in Canada, and his resignation was tendered with immediate effect. Given the contribution of this man to the transformation of tertiary education in these Islands, I ask, Madam Speaker, that we all join our prayers together to wish him God's blessings for a speedy recovery.

Madam Speaker, the pace of change within the education service has been and continues to be aggressive. We are ensuring that as we change we consolidate practice and constantly evaluate the impact that any change is having. The priority is that we get it right for the young people of this country.

I am happy to defend my Ministry's record on the transformation of education so far. We have all worked extremely hard to accomplish a great deal so far, based on a clear vision, facts and strategic decision making. If the ill-advised utterances of the Leader of the Opposition are an indication of the way he and his Minister of Education, Mr. Roy Bodden, planned the education service when he led the government, no wonder education was in the mess it was when this Government assumed office.

Contrary to the shady outlines sketched by the Leader of the Opposition, I trust that I have been able, Madam Speaker, to provide you with a more accurate and engaging picture of just a few of the numerous actions and interventions in education instigated by this Government, which will produce brighter futures for our children. These initiatives will be underscored and encouraged by the introduction of new education legislation designed and drafted to reflect the reform and reconstruction of education that is so necessary, largely because of the lack of foresight demonstrated by previous governments, including the UDP Government.

Madam Speaker, if we had built new educational facilities as and when they were needed, I agree it would have been less expensive. But it is not this Government that has shirked its responsibilities to our children and jeopardized our future. Whatever they accuse us of, Madam Speaker—and, Lord, we get accused of many things—they will not accuse this Government of doing nothing. They will not accuse this Government of flying all around the world dreaming up Alnaschar stories of oil refineries and ports up in High Rock; of sitting down and reading book after book after book; of fiddling while the place burned down. They may say we are doing too much. They may say we are too ambitious. I can live with those, Madam Speaker. But history—and I don't mean history a long time from now, I mean immediate history—will show that the critical infrastructural improvements, which this Government has made and is making, are absolutely necessary, that they form the basis for the continued progress, development, of this place.

I can rest, Madam Speaker, every night because I firmly believe that what we are doing is right, necessary, prudent and progressive, and what we were elected to do.

The new Education Law will make provision for education in primary and secondary schools, in tertiary education institutions, for education in early childhood institutions and for lifelong learning. That is not just education for the select few, but for everybody. Nor is it education just for the sake of it; it must be the best possible quality of education for all. If we compromise standards we run the risk of the graduates from our government schools becoming second-class citizens in their own country. This is precisely why the new education legislation will enshrine a coherent and structured commitment to the promotion of high standards in education.

The realignment of Education Services seized the Education Standards and Assessment Unit (formally known as the Schools Inspectorate) providing independent evaluations of all schools in the jurisdiction which served to initiate a school improvement cycle and, where necessary, subsequent reviews to ensure that the quality of teaching and learning in all schools improves wherever possible.

The world continues to watch and track our rapid progress. My Ministry's blog continues to attract a large following. Since it was set up, people in 108 countries have logged on to read it. The very positive story of Cayman's education journey is beginning to appear in international publications, and a number of international speakers are constantly referring to the transformation underway here.

Madam Speaker, I had the great honour and privilege of being invited to speak at the World Education Ministers' Seminar in London in January of this year. What did they ask me to speak about? Building 21<sup>st</sup> century learning environments.

So, Madam Speaker, while the Opposition continues to languish in the time warp they have created, believing that the world has stood still since they demitted office, we have moved this country forward. We have developed progressive initiatives, plans, and programmes. We have had the flexibility, the insight, to be able to adjust what we are doing to take into consideration the economic environment in which we are now operating, but we have been able to do so in a way that has not derailed any of the major plans and programmes which we are committed to and which we firmly believe the country requires and desires. We have had to defer some things. We have had to delay the projected completion dates of some things, notably the schools, which are near and dear to my heart. But they will proceed, Madam Speaker. They will proceed in the face of opposition from the Leader of the Opposition and his UDP team. They will proceed in the face of opposition from Elio Solomon and his Rooster team, because from my analysis those are the two principal sources of opposition to improving education in these Islands.

**The Speaker:** Honourable Minister, you are winding down?

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, this is about building brighter futures. This is about building a better Cayman Islands, this is about improving the opportunities and the lot of the people who live and work here and, first and foremost, those who are natives of this blessed land.

Madam Speaker, I hope that a lot of soul-searching goes on over on the other side of this House for I shall tell them that, unless something happens to my tongue, the country shall be reminded in the months to come as we continue to make progress and achieve results from the many initiatives of this Government but, particularly, Madam Speaker, nothing is dearer to me than the education subject for which I have constitutional responsibility.

This country shall be reminded every time I have the opportunity to speak, whether it is to two people or to hundreds, whether it is from a public platform or from the Floor of this House, or in somebody's living room, they shall be reminded of the obstacles and the hurdles to improving teaching and learning; to improving opportunities for their children which have been put in the way and are continuing to be put in the way of me and this Government as we try to improve opportunities for Caymanians and the people in these Islands. For that, Madam Speaker, is what the Opposition has done. Whether it is selfishly because they do not want to see other people do well, or whether it is simply part of their political strategy to tear down what this Government is doing, they are seeking to prevent Caymanians, but particularly young Caymanians, from having world class facilities, having world class opportunities to do well, to develop themselves and to be able to contribute to their families, but in the broader sense, to the continued progress and prosperity of these Islands.

That, Madam Speaker, is a terrible legacy for the Opposition to leave. But I have every confidence in the good sense, the good judgment of the people of these Islands. I am nearing the end of my second term in this honourable House. I have been around politics most of my life. I know that while there are criticisms, while we do not always get it right, while people are unhappy about a number of things that the Government has said, done or not done as the case may be, that goes with the territory and with the job you have.

I know that most people in this country understand that there has been good stewardship; that this is a Government that they trusted and the Government that has delivered budgets with operating surpluses, budgets which support the social fabric of this country, budgets which improve the infrastructure of this country, budgets which improve opportunities for Caymanians to do well. Madam Speaker, what more

can one ask of a Government, but to do it honestly, as this Government has done?

When people come to make the decision to exercise the franchise they will, as they always do, evaluate who is best to serve as their representative; who is best to give them the kind of government that they want, that they can be proud of. I know that when they look at the other side led by the Leader of the Opposition they will do as they did in May 2005—

**The Speaker:** Honourable Minister, I have given you an additional 10 minutes, can we wind down now please?

**Hon. Alden M. McLaughlin, Jr.:** They will do, Madam Speaker, as they did in May 2005. They will judge them and find them wanting.

Madam Speaker, it has been an honour to be able to contribute to this debate on the Budget [Address], Throne Speech and Policy Statement by the Leader of Government Business. I thank you for your indulgence and I thank the broader listening community for their indulgence in listening to what I have had to say.

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

Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker. What an act to follow!

As I listened to the Minister of Education, it was very touching remarks. As I rise to make my contribution to the Throne Speech and Budget [Address] debate, it is ironic that the two pledges and highlights within the "Red Book", the PPM Manifesto, were the focus on education, first, and healthcare and human services second. I must say that towards that end we have worked diligently.

We are not there yet, Madam Speaker. Over the past three years we have come a long way, but still there is much to be done. Once the focus is put where it should be—on our people, the ultimate beneficiaries of all the efforts we make here in this Legislative Assembly—once we have our people at the forefront despite the interaction at times across the Floor . . . it's about our people and making life better for them.

We had the opportunity this morning because we got the presentation from the National Assessment of Living Conditions (NALC). It gave us a bird's-eye view of where we still have to go to bring all our people along. And I am committed, with the support of my colleagues in this Legislative Assembly, to do [my] endeavour best to make it as good as possible for all residents of these Islands to enjoy peace and tranquility. Madam Speaker, it is something that we all have to work towards.

It was quite timely this morning, as I will now go into more detail in my Ministry, and I will lead with the National Assessment of Living Conditions.

As I said earlier, for decades our economic growth has been remarked upon by many. Perhaps even the envy of some people. All of us have benefited from this and we have all lost something by it. What the National Assessment of Living Conditions has found confirms what many observed; that we have a very low proportion of persons in absolute poverty, or to use a common expression “below the poverty line.” I do not say this as a boast, Madam Speaker, because as long as one person has to do without or go without, none of us in this Christian community ought to be entirely at ease.

Having said that, let me go on to say that this is why we commissioned the National Assessment of Living Conditions study to once and for all have a proper basis for making decisions about support for the needy. We also acted out of an awareness that if we are not careful we will complete the legend of yet another one of those historical places that became so obsessed with wealth that it self destructed.

Madam Speaker, I am certainly in support of economic wellbeing. I am making the point, however, that it is past time for us to make serious efforts to balance the national agenda. And the side of that balance needing more weight added to it is the side calling for a priority place for human development.

I am proud of you, Madam Speaker, in your time here. As I often allude to, we came into this Parliament at the same time. You led a few minutes different. Yes. You have led the charge. I vividly remember you, the lady Member for Cayman Brac and the former lady Member for George Town, Ms. Berna Murphy, and Miss Heather Bodden. But you are still here and so is the First Elected Member for Cayman Brac and Little Cayman. The vision you folks had in making things better for our people, especially focused on the women. And I am pleased to say that we have another lady Member over here on our side, the Third Elected Member for George Town, and she is taking up on those very reins that you guys held on to and have promulgated for so long.

It was interesting as I listened this morning and you brought that point out from the consultants that the women, even though it was not a huge significant difference, but the women are the ones who have the most difficult times, who have it so hard, so very hard in that area when services and money are not available to help them. So, Madam Speaker, you ladies can take pride in the efforts you have contributed to these Islands, the elevation that you have come to—Speaker of this House. I always look up to you, always respect that your heart is there and you proudly represent our Islands when you go away.

Madam Speaker, it seems to me that we must use this priority, the human development that I alluded to earlier on, or continue in default of a conscious choice to simply allow changes such as the displace-

ment of heritage and our heritage keepers. More bluntly, we can chose through the rush to get ahead to continue to spread to our children and elderly the already all-too-common experience of sheer neglect and being unwanted. How sad.

What is my Ministry's initial response to all this? Madam Speaker, the overarching strategic goal of the Ministry of Health and Human Services is to develop a holistic approach to addressing human needs. It is my aspiration. It can only be done with the support of my colleagues here in this Legislative Assembly. In order to accomplish this, we are undertaking major reforms within the Ministry and its agencies, and I will touch on them in due course. We are introducing changes in structure and focus aimed at ongoing alertness to discovery of needs. And we shall advocate for and seek to empower people to take responsibility for and to make right decisions in their own lives, with some support if necessary, for as long as really necessary. I am determined with my Government support and Members of the Legislative Assembly, to convince them and to press myself to accomplish this paradigm shift.

Our task as legislators, and more so Members of Cabinet, is to set a course for the good governance of these Islands, of our people. And in my view, the surest foundation for good governance is the wellbeing of all our people. One may ask why the Ministry needs to reform the way it operates. I will briefly comment on that again.

First, we know that large and growing sums of public funds are being spent on helping the relatively poor to make ends meet. I answered that in a parliamentary question earlier in the year. It was surprising the multiple millions that we spend, but all for the right reason—to make life easier and somewhat better for those who need that help. These are persons who are not absolutely poor, but need a hand up to make it. We are also spending on the care and protection and correction of young persons whose life paths are at risk. We are spending to treat persons who are mostly sick with diseases brought on by poor living habits.

Madam Speaker, I see some of my colleagues riding a bicycle. I would like other areas of exercise. I know, Madam Speaker, that you do your thing in North Side. And it is evident by the condition you are in! I would like to encourage all our people to do this. It is one of the big steps in reducing the overall cost of the provision of healthcare in these Islands. We all know the problem, especially with the cardiac situation. The more we exercise the better off it is for us. And there are so many other benefits. You know, once the weight goes on we are susceptible then to diabetes, hypertension, you name it.

We also know that the growth in these expenses outstrips the growth in our revenue base. The projected growth in these social patterns suggests a picture of our society that would become less and less pleasant to live in with higher percentages of persons in poverty, growing numbers of delinquents or disaf-

fectured youth, and stressed out, chronically ill adults with the associated disabilities, dependencies and dysfunctions that come with such conditions.

In terms of our response to these challenges, we also know these facts: We cannot continue our old Band-aid approach with so little money for poor relief, or inject more cash into healthcare. We have to get at the root causes of these situations. Work right across Government and join our partners in civil institutions to really turn this around. This means lots of rethinking and re-tooling. We must begin to see each of our areas of work through the lens of what the whole human being requires. In other words, we must address human needs in a holistic way.

Over the last two and a half years my Ministry has been analysing the rapid changes within our society and has made several policy proposals to deal with the negative development. This analysis was undertaken with professional assistance of my staff and with broad consultation with residents from all walks of life, as well as regional and international consultants. This exercise has resulted in the development of a strategic plan to guide the work of my Ministry over the next three years, 2007/2010 actually.

One of the activities from which we hope to gain significant insight about the needs of Caymanian society and the consequent requirement for institutional response has been, as talked about earlier, the National Assessment of Living Conditions. I am pleased to report that a national consultation exercise will continue to be held this week on the now draft report.

I would like to take this opportunity, Madam Speaker, to encourage everyone to take time to attend the public meeting on Friday at Sir Vassel Johnson Hall at the University College of the Cayman Islands and please offer their comments on the draft report.

I also trust that all Members of this honourable House will play their part in supporting the implementation of the recommendation arising from this historical study. I have no doubt in the commitment of my colleagues here.

To do business differently also requires updating the Ministry's vision, mission and strategic goals to reflect the needs of current society. As a result of our collaboration across the Ministry, we jointly identified the core values to which the Ministry is committed, namely, justice, empathy, excellence, commitment, and integrity. Based on these values the vision of the Ministry is optimal wellbeing for all.

In keeping with this mission the Ministry of Health and Human Services is committed to empowering people in the Cayman Islands to achieve optimal wellbeing through strategic policies, innovative programmes and proactive services. And we have determined that all of these components must be governed by the highest principles of justice, personal and public integrity and excellence of standards. Based on these principles, the needs of Cayman, and

the roles of the Ministry, eight broad strategic goals have been identified for the Ministry of Health and Human Services:

1) Ensure human development is a top priority of the Islands.

2) Achieve seamlessness in policy planning and service delivery. Madam Speaker, what we want to see in this area . . . if one of our clients should be identified, for example, by the Children and Family Services (better known as Social Services) there is a need for counselling or there is a need for medical care, instead of having to go to another agency, that referral can be made directly to one of our partners in delivery services.

3) High quality at the best value for health-care and human services. I do not have to tell this Parliament about the very high cost of healthcare. We continue to try to manage, but one of the best ways to reduce this, as I alluded to earlier on, is taking more responsibility for our own actions.

4) Achieve gender equality, which I know has always been one of your visions, one of your dreams.

5) Strengthen families and communities.

6) Promote wellness and preventative care.

7) Develop civil partnerships to secure and deploy appropriate levels of communal resources.

8) Invest in staff wellbeing.

Madam Speaker, this latter one is important. For the people within my Ministry and the departments for which it is responsible, it is very stressful. It is very difficult. We often have to see the end result of some negative actions which our people end up having to deal with. It is so important that we support staff and give them better working environments and give them time, especially with their families, Madam Speaker. I have always said it is important—the most important thing as far as I am concerned—family relationship.

The clarity that these goals provide has brought us to the conclusion that we need to adapt and make changes in the structure of the entire Health and Human Services system. My Ministry is determined to do it now and act decisively in order to meet the needs and expectations of the Caymanian society, and to do so efficiently and in a sustainable manner.

Madam Speaker, we are aware that a greater degree of personal responsibility is called for, which I have alluded to so many times. In fact, it is necessary to make these proposals work. But people need to be informed and encouraged to participate, first in taking care of themselves and their families, but also in public affairs. Government must become more of an agent of empowerment, not just a regulator or service provider. In fact, empowerment ought to reduce or contain government's role as a service provider. As you have heard me say so many times, give a man hook-and-line, not just a fish. He needs the fish to get started, but give him the ability to raise himself up and provide for himself and his family.

With this principle of empowerment, the reform process was initiated with an internal review of the Ministry's structure and operation. Consequently, policy and administrative work have now been separated in the interest of greater efficiency and staff accountability. Without the invaluable leadership of my chief officer and the dedication of all staff, the completion of the internal restructuring process would not have been possible.

I will now speak briefly to the changes in human services. In the area of human services, the following reforms are being implemented. First, to support the mainstreaming of the gender equality perspective in all areas of government, it was decided to appoint an officer of gender affairs in July this year. This officer will review the national policy on gender equity and equality and the proposed implementation plan.

Madam Speaker, I would just like to pause here briefly to thank you and the Third Elected Member for George Town for travelling to Quito, Ecuador, last year to attend the national conference there so that we may have a better understanding of what the other territories around us are doing. I look forward to continuing to ask you ladies and also the First Elected Member for Cayman Brac and Little Cayman, to provide assistance in these areas. Once again, it is all for the betterment for our women. And as you know, Madam Speaker, I speak so many times [about] the women of these Islands . . . where would we be today if it wasn't for them?

*[applause]*

**Hon. Anthony S. Eden:** When we were away at sea, sometimes . . . yes, they say don't go to see the sea, go to see the feel. There were times when we were living it up. But the ladies were here taking care of those few little dollars we sent home, building our homes. I will always be indebted to the ladies.

I always remember my dear mother, her precious memory . . . because of strong people like her, wonderful people with magnificent personalities.

Madam Speaker, just to divert from where I was in this, when I see the job that you all did with the children in those days and what we, as hard-back men now living here all the time with our families allow our children to get away with. But you ruled with an iron hand and an iron fist. Sometimes all you needed was the look. It is so difficult for us to continue the way we are going, but we can make a difference. And we do not need to bring in consultants to get us back to the days where we were.

I know it is difficult. And the very report I talked about earlier on indicates that. But let us work together. Let us empower our women; let us do what is the right thing for them. They went a long way in building these Islands.

Second, to strengthen families and communities and to better manage respective client needs: The

Department of Children and Family Services will be divided into three departments. One will focus on the provision of social services; another will focus on community affairs and adult services, and the other on child and youth development. The latter I look forward to working with my colleague the Minister of Education, the Honourable Second Official Member, and Honourable First Official Member, in trying to deal with the number of these situations. The creation of these three departments will better manage the broadening responsibilities and improve relevant policy development and oversight. It has also been designed to implement recommendations arising from the National Assessment of Living Conditions study.

More specifically, the Department of Social Services will have several areas of concentration:

- 1) To enable vulnerable persons to improve their living conditions.
- 2) To address issues of inequality within society through the development of relevant social policies.
- 3) To work on the development of a national plan for the elderly and enhance their lives via more purpose-built facilities, programmes and services.
- 4) To properly manage financial assistance provisions for those determined to be in need.

Madam Speaker, I visited the Brac last year and saw the addition of the Tibbetts Annex to the Kirkconnell Senior Centre over there, it is quite an outstanding facility. And I do not have to say your dream, especially for North Side, you have been waiting over 15 years on this. My Government has committed to doing one in North Side. We have been up to East End to look at that. We are in the process now of renovating the Golden Age Home in West Bay. Oh, Madam Speaker, it could be so painful when you go down there and see how some of those people live. And I know as a Minister you witnessed this. We, as a nation, cannot allow this to continue when we talk about hedge funds and one trillion dollars. What are our people getting? It is time to put some of this money where our people need it. And I know that the Government that I am now a part of—and this entire Legislative Assembly—think similar when it comes to these people. We have to make it better for them. These things must be across all party lines. It is about our people; it is about making our people better.

The Community Empowerment and development Agency will build on the work of the Women's Resource Centre to provide programmes especially designed to meet the needs of women. I am back right to where I started; to our women.

I would like to take this opportunity to take my hat off to one of your North Side young ladies, Miss Tammy Ebanks Bishop. Tremendous leadership! You know, I must now confess, Madam Speaker, because of that young lady and a paper that I saw her present, I did not quite understand what gender affairs was all

about. She is a sharp young lady and has much potential for these Islands in leadership positions and in helping our people and our women (once again) to attain a certain standard that they so deserve.

**The Speaker:** Honourable Minister, if you are going into another section, I will entertain a motion for the adjournment at this time because it's just like two minutes to the hour of interruption.

### **ADJOURNMENT**

**Hon. Anthony S. Eden:** Thank you, Madam Speaker. I beg to move the adjournment of this honourable House until 10 o'clock tomorrow morning.

**The Speaker:** The question is that this honourable House do now adjourn until 10 o'clock tomorrow morning. Those in favour please say Aye. Those against No.

**Ayes.**

**The Speaker:** The Ayes have it. This honourable House stands adjourned until 10 am tomorrow.

**At 4.27 pm the House stood adjourned until 10 am Thursday, 15 May 2008.**





**OFFICIAL HANSARD REPORT**  
**THURSDAY**  
**15 MAY 2008**  
**11.24 AM**  
*Ninth Sitting*

**The Speaker:** I will ask the Honourable Second Official Member to say Prayers.

**PRAYERS**

**Hon. Samuel W. Bulgin:** Let us pray.

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

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

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

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

**The Speaker:** Please be seated.

**Proceedings resumed at 11.26 am**

**The Speaker:** Proceedings are resumed.

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

**The Speaker:** I have received no messages or announcements.

**STATEMENTS BY HONOURABLE  
MEMBERS AND MINISTERS  
OF THE CABINET**

**The Speaker:** I have received no notice of statements from Members or Ministers of Cabinet.

**GOVERNMENT BUSINESS**

**Debate on the Throne Speech and Second Reading of the Appropriation (June 2008 to July 2009) Bill 2008 (Budget Address)**

*(Continuation of debate thereon)*

**The Speaker:** Continuation of debate on the Throne Speech and Budget Address. The Honourable Minister responsible for Health and Human Services continuing his debate.

Honourable Minister.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

When I paused for the intermission yesterday I was speaking on the separation of the different responsibilities within the now existing Children and Family Services that will take place in July.

Before I start this morning, I just wanted to share this one with you and the Parliament, when we were talking about women, which we talked about yesterday.

It says, "God may have created man before women, but there is always a rough draft before the masterpiece."

**An hon. Member:** Ha, ha.

**Hon. Anthony S. Eden:** I think that is very appropriate for our women here.

*[laughter and interjections]*

**Hon. Anthony S. Eden:** I was asked to repeat that, Madam Speaker, with your permission!

"God may have created man before woman; but there is always a rough draft before the masterpiece."

*[laughter and applause]*

**The Speaker:** We need a light note in here this morning.

**Hon. Anthony S. Eden:** Madam Speaker, when I took the pause yesterday I was commenting on the Community Empowerment and Development Agency. What they will be doing is to build on the work of the Women's Resource Centre to provide programmes especially designed to meet the needs of women; and to facilitate community development via its community development unit and community development officers in all districts. As we know, in the past the community development officers were attached and then they were separated. Now we are bringing them back and making sure that each district has one of them to deal with, not only our seniors, but with anything that needs to be looked at in a comprehensive manner. And also enable our young people to assist them wherever necessary and empower and motivate parents to work together in order to build up positive and effective parenting skills.

On that line, Madam Speaker, with your permission, last night I spoke at a function at the Bodden Town Primary School. I thought it was good information and with your approval I would like to speak briefly to some of the comments I made. Some of this came from a magazine I subscribe to known as the *Good News* magazine. It was in the March/April 2008 issue. It is referring to 10 practical ways to teach your children right values.

**"1. Model good values . . . set a good example for your children. They learn from seeing how you treat them, overhearing your interactions with others and observing what you do in different situations . . .**

**2. Apologize to your children when you make mistakes. When you fall short with your children, not only do you need to acknowledge your mistake, you also need to tell them you're sorry.**

**3. Use everyday experiences as a springboard for conversation. Almost every day something happens [in the news or otherwise] that can provide you with an opportunity to teach your children about values. Use these incidents as conversation starters.**

**4. Read the Bible with your children. Plan some Bible studies . . . each exploring a different moral [value]. You can discuss many Bible stories.**

**When you're finished reading a Bible passage, talk with your children about specific values and what they have learned.**

**5. Share your personal experiences. Most of us can look back at our past and think of a lot of experiences that taught us some valuable lessons. Be willing to share some of those stories with your children.**

**You may also want to share some stories where you made bad choices and had to learn some lessons the hard way.**

I am sure, Madam Speaker, when we all reflect back to when we were growing up this can easily come in very handy.

**6. Hold your children accountable for their mistakes. Your children may get themselves into trouble now and then.**

**You may be tempted to rush in and immediately try to 'make things better' for them . . . If you rescue your children every time they make a mistake, they won't take responsibility for their actions.**

**7. Don't let your children take the easy way out of challenges. You should require your children to finish projects they start, even if their endeavors get tough or tiring.**

**You don't want them to become quitters.**

**8. Involve your children in encouraging and helping others. It's amazing how helpful they can be to others just through simple acts of kindness, such as making get-well cards for people who are sick, befriending shy or new kids at school, opening the grocery store door for [an elderly person].**

**Try to motivate your children to do these kinds of things.**

**9. And Madam Speaker you have heard me say this many, many, many, many, many, many times Monitor television viewing and Internet use.**

**Granted, you can't shelter them from everything, but you can and should limit their exposure to television and the Internet.**

**Consider putting [televisions and] computers only in areas of your home where the whole family congregates together. "You don't want your kids surfing the Web on a computer in their bedroom . . . If your children do have computers in their bedrooms, install parental controls so that they're not going to sites you don't want them to see.**

**10. Applaud good behavior. When you observe your children doing something good, let them know you are pleased with their actions. Positive reinforcement is a wonderful thing. Sincere praise goes a long way in reinforcing behaviors you'd like to see . . . Point out specific actions your children did that were good, so they know exactly what behaviors they should keep doing.**

Finally, in order to instil values such as respect, kindness, honesty, courage, perseverance, self-discipline, compassion, generosity and dependability, we need to communicate with our children. Do not let yourself get so busy that you stop having real conversations with them. It is very, very important.

**Talk about what they did right and what they did wrong; how to make better moral decisions and what character traits God wants to see in us."**

I will close this section out by commenting on an article from one of our own counsellors located in Cayman Brac Counselling Centre, Joachim J. B. Skyea. He says, "All children are born perfect. They are indeed gifts from God. Unconditional love is the key ingredient in raising healthy children. Responding

in anger to a child's behaviour only instils fear and mistrust. Understanding and rewarding good behaviour are the building blocks to successful adulthood. We want our children to have good memories of their younger years, filled with joy, happiness and lots of love. Healthy happy adulthood is dependent upon a healthy happy childhood."

Madam Speaker, I hope that these few pointers will be helpful for especially our young parents and one-parent families that have to deal with the raising of children on their own. Yes, it is a difficult life out there, but if we work together and try to assist wherever possible and whenever necessary to help these parents we can make a difference.

Back to the Community Empowerment and Development Agency, the last area that is talked about here is to empower, motivate and educate young mothers in order to instil confidence and equip them with necessary life skills, which is something I alluded to earlier on.

The Department of Children's Services will:

- 1) Focus on implementing legislation such as the Children Law and the UN Convention on the Rights of the Child.
- 2) Implement the adoption of Children Law and Regulations which is now, Madam Speaker, I am pleased to say, in its final stages, and the recommendations of the National Child Protection Strategy which will be completed this month, May of this year, and December 2006 respectively. Address issues related to the report on risks and vulnerabilities facing children of the Cayman Islands.
- 3) Enhance Youth Rehabilitation by overseeing the operation of the Cayman Islands Youth Facility with the appropriate therapeutic programmes and services so that youth who are experiencing difficulties can have their needs met on island instead of being sent away.

And finally, advocate in conjunction with existing Youth Services agencies for amenities and programming to enhance recreational and psychosocial development opportunities for young persons.

Madam Speaker, in regard to Human Services, the Department of Probation and Aftercare is now called the Department of Community Rehabilitation in order to reflect a broadening scope of activities. It is charged with implementing existing legislation including the Alternative Sentencing Law, 2006, which uses a community based approach to sentencing in order to achieve greater success in rehabilitative efforts. This department will also manage the range of rehabilitation orders handed down by the courts, as well as by the parole board, and will focus on increasing the role of the community in the reintegration of offenders into society.

Planned changes in the Health Services: Within the Health Services, the Ministry is working to implement the following changes: A regulatory department will be established to monitor the delivery of quality healthcare services to our people and compliance with statutory health insurance requirements. In order to establish such a department the Health Insurance Commission and the Health Practice Commission will be placed under common management.

Also on the Ministry's agenda and in fact, already underway, is the implementation of a new governance model for the health services authority. This will in due course require certain amendments to the Health Services Authority Law, 2005, and the development of regulations to clarify the responsibilities of the Minister, the Board and the Chief Executive Officer. These are changes I hope to bring later on this year.

In order to determine how best to structure the new governance model and rebuild health services in the Cayman Islands an essential part of the reform will be the establishment of public health as a government department. The Ministry is currently in the process of issuing a contract for a situational analysis of the public health system. In addition a task force will be established to determine whether responsibility for Cayman Islands National Insurance Company (CINICO) should be transferred to the Portfolio of Finance and Economics. We have briefly talked about this. There is nothing specific looked at. It is just our feeling that a move like this should enhance the independence of CINICO and prevent internal conflicts that may arise as a result of the Health Services Authority, and CINICO falling under the purview of the same Ministry.

The Ministry believes that open debate on the position would be beneficial as this is a matter of national benefit and ownership needs to be clearly established. It is my firm belief that we need to take a very, very close look at the operations of CINICO and deal with whatever changes are necessary.

As honourable Members will be aware, the Government has accepted a motion calling for the establishment of a long term residential mental health facility to enhance the lives of this particular group of the vulnerable in our society and the lives of their families, many of whom have been affected.

Before this facility can be established, however, I have committed to first conducting a comprehensive review of all the relevant services in order to determine the extent to which we are able to address mental health needs and to identify any gaps or shortfalls in the service. Such a review will assist with the development of a national mental health policy for the Cayman Islands, as well as inform the development of an appropriate facility.

The Ministry fully supports streamlining of the mission and staff strengthening of the National Drug Council which is now currently underway. I will consider any necessary changes to the National Drug

Council Law, 2003, to ensure the implementation of the National Anti-drug Abuse Strategic Plan and to strengthen the Council's role in advising on policy, conducting research and carrying out roles of coordination as well as monitoring and evaluation of drug treatment programmes.

Madam Speaker, in winding down the section that pertains to my responsibility as the Minister, I must say I wholly and fully believe that reform is essential to the sustainable development of Health and Human Services, as it clarifies the focus of service delivery and operational management. In other words, what people can do for themselves, who needs what kind of help and how it can almost effectively and efficiently work together. Reform will create a system that is better equipped to respond to the changes and needs of our society.

As our ultimate aim is the optimum wellbeing of the public, we cannot compromise on these principles because they not only reassert some of our traditional values, but are also alive to the growing needs of our changing society. We must therefore, all be active and committed partners in this reform because if we do not act now, we could all too easily slide into social crisis. Certainly, at the very least, a high quality of life will ultimately allude us if we do not act, starting at this very upcoming budget, to focus across the board on human development priorities.

Madam Speaker, although my other two colleagues have already spoken on the developments in my own electoral district of Bodden Town, I would like to thank the people who have had the confidence in sending me here for four consecutive terms. I am committed with my two colleagues, the Honourable Minister of Tourism and the Third Elected Member for Bodden Town, to continue to represent them fairly and robustly.

Madam Speaker, I was amazed that in three short years with the three of us working together as a team, what we have been able to accomplish, put in place, put in train, for the district of Bodden Town. I will briefly touch on some of them.

In another month or so we will be opening the new women's wing of Caribbean Haven; the rebuilding of the J. M. Bodden Memorial Civic Centre. As I visited there with some of the ladies from our senior citizens group . . . it is quite a fine job. I must thank the Leader of Government Business, my colleague, for expediting this. God forbid . . . we know it is not strong enough for a category 5, but I am made to understand that it can be used for up to a category 3 and then subsequently after, if necessary, for housing after a hurricane. It is very well furnished. I think they are just waiting on some chairs. I anticipate the opening some time later on this month.

The new civic centre, which will be built to a category 5 hurricane shelter, which is adjoining the Bodden Town Primary School, emergency services centre in Bodden Town which will house the domestic fire station, ambulance services and the police head-

quarters in Bodden Town and a number of other police functions will be decentralised into that specific area.

We are very proud, the three of us, of the completion of the Nurse Josie Senior Centre. It is finally becoming functional thanks to the leadership of Miss Flo and her people, Miss Agnes and others. Every Saturday afternoon just about, unless something unusual comes up, between 2 and 6, these ladies gather there for some artwork, some craft. It is good to see how they are coming together and using it as a social outing, especially some of our seniors that will get bored.

I would like to thank my colleague, once again, the Minister for Tourism, for purchasing the adjoining house to the Nurse Josie Senior Centre. This will be fixed up and because they are close together I know we are looking at putting a breezeway between the two and joining them together.

We finally, Madam Speaker, got the Dart Park. All in this very same area is the recently opened Mission House. This little area of Bodden Town, some of the older people are saying that it is bringing life back to that area. There is so much history, tradition and the way of life, how things used to be. A lot of reminiscing takes up their time as they have their little bush tea and so on. It is good to see them coming out. I encourage them.

The Savannah Post Office: Madam Speaker, we waited on this for 16 years. Oh, what would we have done without my colleague from East End, the Minister of Works? I remember when I was in government back, I think, in 1997/1998 I was instrumental in purchasing this piece of land and I think you were in Cabinet at that time, Madam Speaker. The land around the Savannah Primary School came up for sale and we quickly took the opportunity to buy it. We looked not only for the post office, but possibly putting a fire station. But the fire station will now go further up the road which will be more beneficial in that area.

The East/West Arterial: Wow! It is so nice. Madam Speaker, when we now get off work in the evenings, something that used to take half an hour, forty-five minutes . . . especially [for] the people in the little district of Newlands, it must be a real godsend. But by going through that specific area it then frees up all of the other eastern districts and central Bodden Town. Traffic just rolls.

Minister, on behalf of the people of Bodden Town and all the eastern districts, thank you, thank you, thank you! And I know more is to come.

**The Speaker:** Just teach the police how to use the roundabouts.

**Hon. Anthony S. Eden:** Madam Speaker, other road works. I never thought I would see the day when we would get Cumber Avenue and certain areas in North Sound Estates . . . and I know that in working with my Cabinet colleagues, and specifically the Minister for

Works, the North Sound Estates and a number of other subdivisions, Savannah Acres, Savannah Meadows, we need some work there. But we will be endeavouring as we need to do in all our districts, including yours, Cayman Brac and wherever, to make sure that our people have decent roads to drive on.

The Savannah sea wall: I will say that I am a bit disappointed that we did not get it going. But this Government is committed that once all of the approvals are put in place that we will start that as quickly as possible. Immediately after, God willing, hurricane free season coming up. I know God is going to bless us. I have that feeling, so that we can get our people some relief because for so long I have seen them suffer when the water comes in there. I have said before Madam Speaker, it does not have to be a category 3, 4, or 5, [but] any time the wind hangs to the south out there the water comes through the gully. I know some of your family members, especially after Ivan, caught living holy hell. I know some of my colleagues have land in that area. As a matter of fact, our Minister of Communications and Works lives in that area. But I can assure you that it is not his focus that it will benefit him, but it is all the other people up above and behind going into Newlands that will see the benefit of this.

The new headquarters for the Drugs Taskforce will be started where we will be housing the new boats we are buying. I know that the Second and First Elected Members for Cayman Brac and Little Cayman will be pleased to know that one of these boats will be stationed in Cayman Brac. And, as we have said so many times, we have to break that cycle of drugs coming in from wherever. We have to monitor it closely.

CoeWood Beach: Once again back to my tourism colleague, the Minister for Tourism. In his Go East project he has bought two additional pieces of land. We look forward in the upcoming budget to start working on that, clearing it off, securing it, so that it is used for the proper reasons. It is something that Bodden Town will be proud of.

Our Honourable Leader has introduced the Saturday Market at the Grounds. Every time I see people, they so very much appreciate the opportunity to go there. I know this is just the tip of the iceberg, Madam Speaker, as he has some great plans for that area—the Agri-tourism project. This is what visitors look forward to. Where they can go and get a piece of what is actually Cayman. Madam Speaker, I know that you and your people from North Side will have the opportunity to continue to supply us with some of the wonderful produce from up in the North Side district.

I am not a boater per se—I went to sea for two years and every other day I was seasick! But I am pleased to say on behalf of the people of the Savannah/Newlands/Bodden Town district and probably the whole island, once again our Minister of Works is working diligently on the Newlands Ramp at Rackleys [Canal]. I understand it is greatly utilised. Thanks again.

My Minister of Education—and I can thank him on your behalf and on behalf of the people of East End for the planned construction which . . . Madam Speaker, remember just a short while ago you and I went and broke some ground there. But I don't know what happened to that, the first ground. But I can see where the second ground is. That building now will soon become a reality.

**The Speaker:** We broke it twice.

**Hon. Anthony S. Eden:** In the Frank Sound area.

Madam Speaker, we have come a long way in a short time. Yes, the spending is significant. But it certainly goes on things we need and the buildings cannot be moved and it is all for the benefit of our people, especially our young people—the focus. They are the future of these Islands and must do what we have to.

We also must take care of our seniors. And we have a number of projects as you know ongoing with that.

Madam Speaker, I would like to take this opportunity to thank some of the people who are assisting within my Ministry, externally, in trying to assist and encourage people to live and eat healthy. I will speak of Ms. Suzie Soto who has started the Cayman Heart Fund. There will be a fair on Saturday at the Family Life Centre. There will be a seminar Friday evening. This is all about educating our people to live healthy, to eat healthy, which is so very important.

I noted that in today's *Caymanian Compass* one of our local doctors said "A healthy diet for children should limit the intake of fats, salt and sugars. When feeding children from the family pot, these should be added after taking out the child's portion. A balanced diet, along with regular exercise is vital for healthy growth and development."

I must also take my hat off to the Cayman Islands Cancer Society for the proactive way they are promoting wellness and health. Dr. Yen and Miss Christine Sanders did a wonderful job in raising funds for the mammography machine at the hospital. It just goes to show, Madam Speaker, when people in the private sector get involved and work in partnership with government, the NGOs (Non-governmental organisations) . . . This is a place we all live in. By doing these things it makes the Cayman Islands a better place for all of us to live. It is investment for the future. Once the investors, visitors, tourists see an island that people can look up to, that has standards, it means well for us.

Madam Speaker, this leads me into a letter that I see in the *Cayman Net News* today. We all know the furore that has been going on in regard to the situation at Royal Palms. I think this individual looked at it in a light that we all as Caymanians would reflect and support.

It is not about tearing people down, it is about others respecting a little island nation, as we found out

yesterday, probably of an indigenous population (if I can use that word. I have to be careful now in the fancy world out there of the 25,000/30,000 of us that are left), a lifestyle that we have always lived by that we try to adhere and, oh my goodness, there are many of us here that are hypocrites and whatever. But besides that, there are certain standards we have always lived by. But it is just like Mr. Reid . . . not necessarily all of this, probably for effectiveness I should.

..  
 “Dear Sir,

“The recent “gay kissing” incident at Royal Palms is another example of the culture-clash . . .” This is what I am talking about Madam Speaker. “. . . occurring between traditional Caymanian society and foreign ideals which some individuals try to impose on us, their host country. Mr Chandler obviously provoked this incident in order to try to make a point about discrimination against homosexuals.”

“Cayman’s public decency laws are supposed to reflect the moral and cultural views of our community. Homosexuals should not get preferential treatment in an effort to be politically correct in our treatment of gays. I have personally asked even heterosexual couples who were behaving inappropriately in my presence to stop, or take it to the privacy of their bedroom. The public’s views on proper behaviour are to be protected by the law.”

“Public decency laws are meant to set out the minimum standards of acceptable behaviour for our society. Standards of decency will vary depending on the culture of the particular country”, which I alluded to earlier, Madam Speaker. We have always lived by this, at least for my 63 years. “Most nations have laws against indecency, which prohibit certain acts and behaviour. Conservative Muslim nations, for instance, have very strict public decency laws which regulate dress (no scantily dressed cheerleaders) and conduct (no suggestive behaviour).”

“English law defines indecency as ‘anything which an ordinary decent person would find to be shocking, disgusting, or revolting’.” And evidently, Madam Speaker, this was the feeling of some of the people at Royal Palms that night. “In Cayman, that must include public sexual displays by homosexuals as well as other acts. It is irrelevant that such behaviour might not be “shocking” to people living in England, which is far more liberal and its people are accustomed to seeing such public behaviour. Cayman is a more conservative, Christian community and its laws on ‘decency’ are therefore different.”

“Even though it is liberal towards gays, England still also has laws on public morals and decency. . . .” Quite interesting, Madam Speaker. “. . . against homosexuals, such as “solicit- ing/importuning between men for an immoral pur-

pose”: (section 32, Sexual Offences Act). These offences are measured by that society’s view of decent public behaviour or immoral conduct.”

“Clearly, we need to urgently review whether Cayman’s public decency laws are able to uphold our ideals of decent public behaviour. The police appear to have concluded that our laws are not sufficient for them to take firmer action against Mr Chandler’s offensive behaviour.”

“Mr Chandler and other critics are now declaring Cayman to be some backwater nation of bigots.” How sad, Madam Speaker. We who have obtained one of the highest standards of living literally in the world and because we want to uphold a feeling of our people of our ancestors for 500 years, people are going to call us bigots? You’ve got to be joking! “However, Mr Chandler should bear in mind how peacefully his destructive little antics were handled – by all accounts, politely and diplomatically.” Madam Speaker, just to intervene here, I understand that when this individual was told to get his act together he did that to the police. Oh my goodness. “There are many other places where his disrespectful and deliberately offensive behaviour to the locals would have elicited a far different response from the public and the authorities.”

Maybe he should go to Jamaica or one of those far-east countries. Why can’t people respect other people’s culture and wishes?

“If Cayman is too conservative for your particular tastes or lifestyle, then you may choose to go elsewhere. As much as I can try not to judge, I draw the line at having you flaunt your [lifestyle] [homosexuality] in my face, in my home, in my country! I resent any effort to turn Cayman into a mini-England or a mini-USA . . .” (or a mini-anywhere, I will add) “. . . to suit your selfish purposes. Cayman . . .” and the world knows “. . . is a conservative Christian community and we are not comfortable with displays of [this type of homosexual] behaviour in public. If you cannot accept or respect the views of your host country, you should reconsider whether this is a place for you.

And in the final paragraph, Madam Speaker, it is advocating and suggesting to us to put in place proper legislation that defines.

Madam Speaker, this leads me into an article that I have saved for two or three months when we were talking about the proposed Bill of Rights. This article appeared in the *Caymanian Compass* and comes from the Human Rights Committee. I quote: “There is concern amongst the Human Rights Committee that sending legislation back to Parliament. . . [and I am referring to earlier on when they talked about Courts would be able to make a declaration if a piece of local legislation breached rights contained in the Constitutional Bill of Rights.] . . . would evolve, become highly political and contentious issues said the Deputy Chairman at a meeting in South Sound.”

They go on to say: "In a small legislature that has a small number of representatives they could become massive election issues in essence, giving the particular issue greater significance than they had, initially. Instead, the Human Rights Committee wants any new constitution to allow courts to strike down domestic legislation that conflicts with fundamental rights contained in the Bill of Rights."

I know, I am a Cabinet Minister, and I have not discussed any of this with my colleagues. But I am prepared to say that as long as I am a representative of the people and I do not have to sit in Cabinet, I will not ever endorse that the courts have the ability to strike down any legislation that we, the elected representatives of the people, put in place.

**Ms. Lucille D. Seymour:** Hear, hear.

**Hon. Anthony S. Eden:** Madam Speaker, we have come a long way. For those who may not believe—and I am a firm believer in the Bible—there are standards we need to [uphold.] We have been blessed, miraculously blessed. As we look, and we went through the pure hell of Hurricane Ivan, one or two lives lost. It is a total miracle when three point something billion dollars of damage was done and look where we are less than four years later with God's help, and all of us as representatives working together, have rebuilt these Islands.

There are many tough times out there, Madam Speaker; situations we have no control over. No control. We get criticised for the high cost of living. What do you do? What is the great United States doing?

The cost of fuel, Madam Speaker: A few weeks ago the Organization of the Petroleum Exporting Countries (OPEC) said—they finally put it in the paper—that even if they added one million barrels a day to production it is not going to stop it from going to \$200 a barrel. As residents of these Islands we need to be prudent in what we do. We need to think about what this can mean to our people, especially those on the lower end; those that were talked about in the National Assessment of Living Conditions, how we are going to make it easier for them. How are we going to assist them? Those one-parent families!

I know our Leader has been meeting with the business community and they have literally indicated that right now their hands are tied. Most of the difficulties come from the source of where they buy their goods. But we are committed in the PPM Government to deal and work and try to make it easier for our people.

The Government has decided to add another 10 per cent onto the Seamen and Veterans and also the financial assistance to those that are in the area of indigence. It is not a lot, but whatever we need to do we will continue to do it. These Islands have a group of very concerned and dedicated representatives. I remember when I and the Second Elected Member for

Cayman Brac and Little Cayman talked. One of his philosophies that I think we are all adopting is *let us not give them a fish, let us give them hook and line; let us provide, let us continue to educate.*

**Ms. Lucille D. Seymour:** Empower.

**Hon. Anthony S. Eden:** And the word that the Third Elected Member for George Town uses, the real word, and we talk about it so much—empower. Empower our people. Provide areas where they can benefit. They can learn and build themselves and their families up.

Madam Speaker, I will table this little comment from a past legislator, some said one of the greatest politicians to ever sit in this House was my cousin, James M. Bodden, Sr. It is so pertinent to Cayman as we continue to develop. He said, "We must welcome the future remembering that soon it will be the past. And we must respect the past knowing that once it was all that was humanly possible." I think that reflects well on all of us here as legislators what we have done in the past.

One last quote, Madam Speaker, and I got it this morning from one of my constituents, Miss Twyla Vargas. Every now and then she sends me one. This pertains so much to all of us. It's headed "Laws of Success" and it's very short. "The greatest mistake is giving up. The greatestcrippler is being afraid. The greatest handicap is ego. The most potent force is to be positive. The greatest thought is God. And the greatest victory is to be blessed."

Madam Speaker, I want to thank you and Members of this House and all our support staff for getting us through another financial year. I want to commend the Honourable Financial Secretary for bringing once again a positive Budget, a Budget that will benefit our people living here that have seen some difficult times.

Thank you.

**The Speaker:** Proceedings will be suspended until 2 pm.

**Proceedings suspended at 12.15 pm**

**Proceedings resumed at 2.15 pm**

**The Speaker:** Please be seated.

Proceedings are resumed. Debate continues on the Throne Speech and Budget Address. Does any other Member wish to speak? [pause] Does any other Member wish to speak?

The Honourable Minister for Communications and Infrastructure.

**Hon. V. Arden McLean:** Thank you, Madam Speaker.

I rise to make my contribution to the Throne Speech of 2008 delivered by His Excellency the Governor on 30 April to this honourable House; the Policy



Statement delivered by the Leader of Government Business on the same day; and the presentation of the Budget and Budget Address delivered by the Hon. G. Kenneth Jefferson, the Financial Secretary and Third Official Member.

Madam Speaker, I know that much has been said so I will not keep this House very long for fear of repeating much of what has been said already. Having said that, I believe there are a number of areas I would like to respond to, particularly some of the positions and statements made by the Opposition.

Before addressing some of those, let me say that this is my 8<sup>th</sup> contribution to the Throne Speech in this honourable House since being here. I should thank the people of East End for trusting me and giving me the opportunity to represent them. I will forever be indebted to the people of East End. I just hope that I have done them proud.

Madam Speaker, if I were a man of the perceived cloth that the Leader of the Opposition puts himself up to be, I would start with a prayer too, like he ended his contribution. But I know this is the silly season and the Leader of the Opposition knows that too. In the 8 years I have been here I have learned to understand this man. Madam Speaker, this will be the second election that I have been in this honourable House for. The last election he started going to church. This election he is going to church again. A couple of elections ago, when he was removed from Cabinet, he went to church to look sympathy and to try and fool the people of this country.

But his prayer at the end of his contribution is the most shameful thing I have really heard him do. If he is supposed to be born again I would advise that people take a serious look at him and his professing to be born again, because he certainly does not know anything about forgiveness, tolerance, all those adjectives that support or should be a part of a born again Christian, when he would pray damnation on another person, on a country, because this party is the party that governs this country. And he is praying damnation!

Madam Speaker, I would welcome his preacher to sit him down in a confession and let him confess his sins. We will be long past the election by the time that's finished, but at least we won't have him during the election.

I was not here for the debate, but I really thought the Leader of the Opposition went too far. He also, I believe, went too far when it comes to conventions and the respect that must be held for the Chair. I am not here to question the relationships in this honourable House, but, certainly, the Floor of this honourable House is not the place to do it. That is not to be debated on the Floor of this honourable House because there must be respect shown to the Chair. And he knows; trust me Madam Speaker, 24 years in this honourable House. And he has travelled widely. He has travelled to many Commonwealth parliaments and he understands. He understands! But he chal-

lenges everybody, especially now when it is time for election.

Madam Speaker, I think it is disgraceful when you challenge the Chair in that manner. I am not saying the Chair cannot be wrong, but you should not challenge the Chair in that manner. There has to be some discipline. But the Leader of the Opposition has no discipline. He has none. And it is disrespectful! Not only for this honourable House, but it is disrespectful to the people who elected him, who have sent him back here on six consecutive elections. Six, Madam Speaker! He must know better by now! He is bordering on disgraceful as a representative. He needs to know his place. But he likes jumping up in here and throwing up his voice. But the Leader of the Opposition's problem is coming home to roost. He thinks that he can fool the people all the time. You can fool some of the people some of the time, but you will not fool all of the people all of the time. And it is coming home to roost for him.

Madam Speaker, the Leader of the Opposition likes to stand on the Floor of this honourable House and criticise. And, yes, he comes up with all these grandiose schemes. But then he comes around and tells us that he has been in parliament for 24 years. I wonder if he is just getting these revelations now so that he can come up with these grandiose schemes. Twenty-four years? And he did nothing for them? He did nothing to promote them? All of a sudden, now, this government has to do it? Or this government should be doing it? And he cries, "*I told you so. The economy is in doldrums.*" Nevertheless, he says that he trusts the Financial Secretary, the Third Official Member, to bring to this honourable House a fiscally prudent budget. And he talks about how the UDP was so prudent in their fiscal management. Well, Madam Speaker, if you're doing nothing you can have a lot of money! That's how that works.

Madam Speaker, I have three years as a Minister, and four years in the land of wilderness that he had me in over on that side in the Opposition. But I have paid my dues. And he's not coming back over here if I have anything to do with it because if he talks about fiscal management, he must tell the people of this country exactly how he can talk about leaving \$80 million in the coffers. Twenty million of it was borrowed money. They borrowed \$20 [million] at five point something per cent, put it on fixed deposit and were only getting one point something per cent. Now you tell me what kind of fiscal management of this country that was!

*[inaudible interjections]*

**Hon. V. Arden McLean:** We have not borrowed it and put it in bank yet. We borrow it and we build.

And we built roads into West Bay which that gentleman, the Leader of the Opposition, told the developers of Ritz Carlton would not be built for 15 years. That is why I had so much trouble with them.

But he will come in here and accuse me of building the road into West Bay for my friends; my friends? I built it for the people of West Bay—things he did not do for the people of West Bay. That's why I did it. He told them not to worry about it because it would be 15 years before we do it. He was rather presumptuous in how long he was going to stay at the helm. Madam Speaker that is why I had so much trouble to get that road completed.

That is the same Father of this House who has been returned five times straight to this honourable House. Why is it now that he is lobbying me to gazette it into West Bay? Madam Speaker, I made a promise to the people of West Bay that I would gazette it before I leave by the help of God. Soon come. Within the next few weeks I hope I will be gazetting that road into West Bay. At least it will be gazetted. I did not promise anyone I would build it. Now, when the PPM is returned for its second term I will put it into West Bay. That's only 8 years, Madam Speaker. He had 24! It is the same land. It has not moved. We may have lost a little beach on West Bay Beach, 10 or 15 feet. Same place!

But you know what it is Madam Speaker? He is so embarrassed by that same road to the people that he claims to serve so faithfully, he is embarrassed because he—same said guy—was part of the destruction of the Master Ground Transportation Plan. Same said guy! Leader of the Opposition—the First Elected Member for West Bay.

I had to come along now some 18 years later, Madam Speaker—some 18 years later and try to get a road into West Bay. Why doesn't he stand up on the Floor of this honourable House and talk about that? That is why it is so expensive for us to get the Esterly Tibbetts extension into West Bay.

He stood on the Floor of this honourable House and voted against the Master Ground Transportation Plan that the former Minister, Linford Pierson brought to the Floor of this honourable House. He killed it! Do you know who else killed it too? Truman Bodden! Do you know who else killed it too? John McLean! They all killed it.

Now they have the nerve to criticise me; those same three. Do we not see the letters in the papers from John McLean and Truman Bodden? Yes! They know what is supposed to be done now, but they couldn't do it then! Do you know what happened to them? They couldn't multi-task; that was their problem—one thing at a time.

Madam Speaker, they must understand . . . and Madam Speaker I understand. God knows I understand that the debate and counter debate in politics means we are in an adversarial environment, eh? But when the microphones are on, when it is my turn to speak, it's my turn too. Everybody gets their turn. And one side of the story is good until the other side has been told. And the side that they would prefer this country to forget is the one where they killed the Master Ground Transportation Plan. The process that Mr.

Linford Pierson brought here was merely to gazette it as a road corridor. We could have built it over a longer period of time. But they killed it, not me. I wasn't here then. I sat on the Planning Authority at that time. When I approved it, I gave it my blessing on the Planning Authority.

But you see, Madam Speaker, there has to be vision in your leaders or your people will perish. They had no vision. The same lack of vision then, he is now carrying on today and we will never, never get any further with people like that at the helm of this country. But the future will tell the story. And I will await the future.

Madam Speaker, the Leader of the Opposition made some broad-brush statements in his contribution about cronyism, that all the cronies of this government are getting all the work. Madam Speaker, he better stay clear of that, you see. He had better stay clear of that because I did not have any partner, I do not have any partner in any business venture, that as a chairman I give consultancy to. I have none! I hope he can say the same. Madam Speaker, by extension I am painted with that brush and I take offence to it. I have said in this honourable House before—this is my third job. In the [other] two instances, going to sea [was] my first one, [then] working for CUC, and now in politics. And in those two instances I have taken less each time to come and do the job.

Madam Speaker, the Minister for Education said yesterday, I think it was, that anyone who walks out of here a rich man, if he did not come in a rich man and he walks out a rich man, he has taken something from somebody. Madam Speaker, politics is not where you make money. I want everybody in this country to know that.

I have conducted myself with honesty, integrity and justice for all. Madam Speaker, I did not say I did not make mistakes, but it was not intentional. I never made it intentionally to defraud my country or my people of anything. I hope everybody else can stand up and hold their hands up. I never once used my position to get anything to enrich myself, nor my family. I hope everybody can say the same.

So, these broad brushes that they use, these sweeping statements, they must understand that people are going to reply to them—and I will! Anyone who encroaches on my integrity must understand that I am going to reply. They might not like it, but they are going to hear it.

Madam Speaker, the Opposition, including the Leader of the Opposition, the Second Elected Member [for West Bay] and, of course my good beloved friend from Cayman Brac, the First Elected Member for Cayman Brac . . .

**The Speaker:** And Little Cayman.

**Hon. V. Arden McLean:** And Little Cayman. How could I forget Little Cayman? That is a shame!

But Madam Speaker, they are crying doom on the country. I understand politics too. I have been in it quite a while, much longer than I have been sitting in here.

The Opposition is the government in waiting. That is the fundamentals of being in here. They represent a certain sector of the population. The Government is responsible for governance. The Opposition needs to get here. They need to put us over there. Now, if they agree with everything the Government does, the people will naturally say why change when there is no need to change? That is the basics. That is fundamental.

There needs to be a line drawn in the sand with different direction, different objectives, different goals, for the people to be able to change the Government. But when the Opposition is on that campaign to do that, it should not be a campaign of paranoia. They should not frighten the people of the country. What they need to do (if I can give them some advice), is to support the principle, oppose the method. But they oppose everything. That is not the way to do it. The objective should be one country, one objective, one principle; betterment of our country.

And Madam Speaker, every one of us in here, I am convinced believes in that. But the Leader of the Opposition in his infinite wisdom and his run to try and get back out here is frightening people. And that is not good. And you know, Madam Speaker, there will be people out there who will listen to him and spread that fear amongst the people.

I am not saying that everything is glory land. I would never say that. We all have challenges. This country has challenges. But this PPM Government has taken it by the horns and we have addressed those challenges as best we can within what we have, within the resources that we have. And that is all we can do. And we must continue to lift up our people and support them.

But the Opposition is no help. All they talk about is that people are coming to their homes looking for assistance. Well, they come to ours too! And I respect that, Madam Speaker. There are some people in this country who are having some difficult times. And I encourage the rest of us to support them and help them. Let us get them up to where they are supposed to be.

Madam Speaker, if the economy is in a doldrum the Leader of the Opposition has assisted with it. He has done nothing during his tenure to better the people of this country. His latest thing was [when] he gave away over 3,000 status [grants]. As a matter of fact, Madam Speaker, some of those people have not even picked them up yet. He needs to be reminded of that because they do not even know that they have it—still over 200 to this day! I do not know whether they are in Timbuktu or the middle of the desert. Archangel Russia? I don't know. Over 200 have not picked it up yet, Madam Speaker. That was his contribution.

Madam Speaker, I believe that this country was treating people extremely unfair. There are many people who received that status who were deserving of it. I always oppose the method he used to try to keep his party in power. The method was wrong.

I think I should clear up some of what I heard him say on the radio a few mornings ago, he and the Second Elected Member for West Bay, I believe it was . . . or the Third . . . sometimes I get confused. Or both, because one can't breathe without the other. All three of them said that the PPM was involved in it too. And the PPM got what it wanted out of the grants; that we had our agents behind the scenes putting in names.

Madam Speaker, I have said this before publicly and I am going to say it again: If there is one person in this country who received a grant during that fiasco as a result of me, I challenge them, I invite them to meet me in the middle of George Town and we will have the press and point straight in my face and tell me where I did it. Madam Speaker, I have been responsible for recommending many, many people in this country for status because I believe they deserved it. And I wrote and my signature is on those letters. Bring them and I will admit to them. But I did not do anything during that time.

Madam Speaker, if you will remember, we were in the Opposition and the then Leader of Government Business walked right over to the Leader of the Opposition (the now Leader of Government Business) and handed him a piece of paper and said he was issuing 500 statuses for the Quincentennial. And he was going to allow the PPM to have 35. Those were the numbers. And the Leader of the Opposition then (the now Leader of Government Business) turned around and said so to us, and I said, "*Give it back to him. He wants to issue them, let him pick them. Arden will not be submitting any names.*" Not one of us submitted any names, unless somebody did it behind my back. But I know I speak for myself. I did not.

So, the Leader of the Opposition needs to stop talking that now too. This man is hell bent to destroy every . . . what is it? Character assassination in this country? You cannot be doing that to get your political success or maintain your political popularity. He is doing nothing.

He told me one time that I should not be here when he was in the government because it was a waste of government's money. Humph! Well if it was a waste of government money then, it is worse now with him—and we went and raised his pay!

He is warming up the seat. He needs to pass the helm over and go home. The country is not getting value for money out of him. Half the time he is not here. He is not here today. He has not been here 90 per cent of this meeting.

One thing they will not say about me, Madam Speaker, I am here. They will not say that I am not here. I had a family emergency recently and I was not

here, but I am here before anybody else—before 10 o'clock too. And I am in my office in the Glass House before 8 o'clock in the morning too. I have said it before.

My father told me two things won't kill you—crying and hard work. Stop your crying and get the job done! I have worked hard, Madam Speaker. And I take offence to the Opposition painting me with the same brush they paint everybody else with. I have worked hard. I have neglected my family, I have neglected my two sons and my wife to pay my dues and my father's dues back to this country. And the likes of him, the Leader of the Opposition, is going to question my integrity? Wrong man! He may put the saddle on me, but he won't put any bridle on me! Him, nor anyone else in this country! Tell him to go and question his own integrity. Don't question mine! And he needs to do that. The future must tell the story. He will not be any judge of that. He will not be any judge of the future—at least not mine!

As bad as the others are, they do not go that far. The First Elected Member for Cayman Brac and Little Cayman, the Second Elected Member for West Bay, and even the Third Elected Member for West Bay, as bad as they are they do not go that far, painting you with all kinds of brushes.

Now, the First Elected Member for Cayman Brac and Little Cayman, I am sure the Leader of Government Business will deal with her when he gets up because she went at him. He will deal with her and will respond accordingly with her in kind too, I'm sure. But he won't be as loud as I am, Madam Speaker. But the country remembers now that that is how I came in here. I am going to leave like that too.

*[inaudible interjections]*

**Hon. V. Arden McLean:** Yeah, yeah, yeah. This is my country, Madam Speaker. I have no place to go. And the Leader of the Opposition is not going to push me out.

If he thinks that I am going to go quietly into the night, he missed the boat! He will not take me out like how he has taken out all those alliances he had in West Bay. You cannot do that to me. I will fight . . . woe be on to this country, Madam Speaker.

I do not have a problem with many of those people on the Opposition, you know. Capt. Eugene, the Fourth Elected Member, is a good friend of mine. Pleasant person, good man! He will not accuse you of all those things. But that Leader of the Opposition, Madam Speaker, I become incensed when he starts with his behaviour.

A drowning man will grasp at any straw. He just . . . you know . . . The only thing he talks about is that we are borrowing too much money. And the same persons—his constituents . . . I hope he knows his constituents are now going to the Bodden Town constituency. He likes to say that he trusts the Third Offi-

cial Member. Well, I would draw his attention to page 13 of his constituent's presentation here.

It says, "Maintaining Fiscal Prudence in Challenging Economic Times." That is what the Third Official Member chose to call his presentation, Madam Speaker. I would draw the Opposition's attention to page 13, which is "Compliance with the PMFL (Public Management and Finance Law)." It was not easy for us to ensure that page 13 of the Financial Secretary's Budget Address was compliant. We had to cut some things. And we made no bones about that. That is what it is about. But, certainly, if you would listen to the Opposition—when the microphones are on, that is—they would want us to do nothing in challenging economic times.

I thought the responsibility of Government was to ensure that we shore up the economy and make sure our people are working. But if you would listen to them when the microphones are on, you are not supposed to do that. Why don't they go out and explain to the people if we did not start the schools or the government building. The Leader of the Opposition says people come to his doors. He thinks plenty are coming now? They will be lining up straight up along West Bay Beach if the government did nothing and does what he did. If we were to do what he did when he was here, hold that money, borrow it and put it in the bank for less interest than he was paying so that he could look good. It did not work then; it is not going to work now.

We need to ensure that the economy is propped up during these times. That is what this Government is about. What is the use of getting revenue into the Government and our people are suffering. That just does not make sense. Not to me. We need to ensure we put aside for the rainy day, but at the same time we need to make sure we keep the economy rolling.

But here is how they would do it: They would diversify the economy by bringing in an oil refinery. You know he has really got it bad now, Madam Speaker. An oil refinery! Madam Speaker, I would remind the Leader of the Opposition that I also served my time in Hell, and that was being a seaman. Okay? I did that too. For those who do not know, I can show you the discharges; plenty of them.

Madam Speaker, an oil refinery in this country? Now, I would like to see him mix that with the tourism that he is so passionate about. Mix that with the pretty white sand along West Bay Beach. He recently took me on about the Ironwood Forest. He portrays himself now as an environmentalist too. I want to see him mix a refinery with that.

Madam Speaker, my good friend, the Prime Minister from Dominica, was just playing with that idea. When I spoke to him recently he said, "No, no, no, no, no. I was only exploring the possibility." And hear where he was with our good friend south. Now if you think that isn't criminal at large . . . and I hope, I hope, that the Leader of the Opposition is not toying

with the idea of our good friend south, out there in the southeast. He talks about the borrowings of this PPM Government, the UDP would put us down a good road too. Plenty worse, Madam Speaker! Trust me!

That is how he wants to diversify the economy, bring an oil refinery. I have walked through many, many during my tenure as a seaman. Madam Speaker, you smell them for miles. It is the dirtiest place you will ever go to. And the threat of a spill is ever so present. Tell him come with it. How are we going to unload the ships? Now I know how he's going to do that, because he also talked about putting a dock in the east . . . ah! In the east, again; he starts that again. But he wants to do that for cruise liners instead of putting it in George Town. So, I suspect if he was allowed to do a dock in East End, the tourists will come in on the passenger liners, they will get off right next to the tankers with crude oil, and then they will walk through the refinery, get in the car, and then we will put them on the road that is yet to be built, the East/West Arterial, and bring them down to George Town.

Now, if you think there are not plans . . . that is the only way you can figure it out Madam Speaker, because the size tankers that he needs to bring here for it to be viable, either they are coming out of the Middle East, Pakistan, Iran, or Kuwait, one of them, wherever. Tranship somewhere else because they cannot get into Cayman. Or they are coming from the south. And if they are coming from the south, that means he is going to have a personal interest in the building of the oil refinery because we do not have the facility here to unload those large tankers. We have the depth of water, but we will have to build offshore discharge facilities. Or, he is going to dig out the North Sound where we have calm water. Now, if that is what the country can look forward to, if they ever put him back at the helm, that is a serious indictment on him before he starts!

Madam Speaker, I have said to this country before, we have done our best as the PPM Government. We have steered the course. Sometimes we had to go off a little bit, but we got back on it. We have kept the faith. We have worked hard. If the country needs to change us, understand that I too will have to live here forever. And this is not crying now, Madam Speaker. No, no, no, no, no. I too have to live here forever. So I beg of the country if you do not want PPM, make sure you find someone else, not the UDP! Find someone else, Madam Speaker. That is all I beg of this country. It does not have to be me, but make sure it's not them! Madam Speaker, I hope they are listening to this: Do not make it be the UDP.

My father told me dog will eat your supper. Trust me, Madam Speaker, dog will eat our supper if they ever take over the helm of this country again, woe be on to the . . . double oil refineries? Oil refineries, them neon signs are going to be up too. Yeah, and plenty, plenty, plenty, plenty, Blackjack. And

plenty, plenty slot machines. Every hotel bottom floor will be transformed into a casino.

My fellow Caymanians, whoever is hearing my voice, it does not have to be Arden McLean but make sure . . .

The Constitution is currently going through a lot of debate about human rights and the churches are weighing in on it, and thankfully so. But if you think that's bad, wait for the gambling. The churches are really going to need to keep the faith then. The Christians will really need to keep the faith because it is right around the corner if they ever, ever make the Leader of the Opposition become Chief Minister or Leader of Government Business or Premier in this country again. He does not spend enough time in this country to know what is going on in it. I am convinced that he is checking out and seeing how these things are done so that he will have a lot of experience in it when he is ready to bring it.

Madam Speaker, I realise I have gone off a little bit, but this is the time when the Opposition takes everybody for granted. I think it is necessary that I respond to some of their rhetoric. It is nothing but political rhetoric. We will soon have enough time for that. The campaign trail will soon start.

Madam Speaker, I would now like to turn to some of the areas that I hold responsibility for. But before going on to the Ministry, I would like to talk about some of the things that are being done in my constituency, in particular, and then talk about some of the things we hope to do and what has been done in North Side as well, your constituency Madam Speaker. I have to look out for the eastern side too. I have responsibility for that as well.

**The Speaker:** Do what I asked you to do.

**Hon. V. Arden McLean:** Madam Speaker, in the district of East End, my constituency, a number of projects are ongoing for the people of that district. The wall in the lower end of Beach Bay at the beginning of the district, and at Clarinda Beach along High Rock, as most people would know, is currently out for tender. It has taken us a while to get to the engineering on it and it is now out for tender. It will hopefully come in before the end of this fiscal year.

That wall is really needed for the district of East End because East End was cut off during Hurricane Ivan. The sheet piling is in. I can say [doing it in] the manner in which it was done—by putting in the sheet piles first, under one contract, and then do the wall under another contract—we saved significant sums. And then the Clarinda Beach area will be completed as well.

We are currently working on the boat ramp and jetty at Gun Bay. One of the policies I have taken since being a Minister is that from here on jetties exposed to the ocean—such as North Side, East End, Boddin Town—will have to be built out of concrete because the first nor'easter and the wood ones are

destroyed. The first one to be built out of concrete with Government is the one at Gun Bay. It is anchored about five feet into the bedrock and then the boards will be able to come out and water can pass through. But this is the third one being built back there in as many years. Dean mashed up and destroyed the most recent one.

Madam Speaker, the Ministry of the Leader of Government Business has just purchased 8 acres of property to do houses in the district of East End and we are looking at an additional 14 acres or thereabouts for the future. I know that notices have been sent out to adjoining landowners about this subdivision, and there are 56 lots that the land can hold, that is, under the Government's low cost housing. I am planning, along with the Housing Corporation, to go to East End hopefully (it is scheduled for the 29<sup>th</sup> of this month) in order that we can showcase what that subdivision is going to be like and get people signed up for it.

There are a number of other things. Other people are going to do similar subdivisions in East End as well and I am trying to support them in order that we can have housing available in the district of East End.

Madam Speaker, one of the things I said when I came in was, like Cayman, East End is not for everybody. East End has a uniqueness about it that will not allow everybody to come in, and North Side as well. I said there was going to come a time when I was not going to support any more hotels in East End. And that time has come. Right now, Island Residences is getting ready to break ground. And Mandarin is not too far behind, at long last. And that is it. I am not supporting any more for East End. I do not have the labour up there. And then if we get it like West Bay Beach you will not be able to see the sea again. And that is not what the people of East End and North Side are used to.

That is not what the Go East Initiative is about either. It is about empowering Caymanians and trying to get them in place and make them share in this economic miracle. I am not supporting any more. I am not!

So, all those who come behind these two will have to find somewhere else to go because we cannot sustain it. The roads will not sustain it. The infrastructure will not sustain it. I mean, this is potentially going to bring us 2,000 more people in East End with these five-star hotels.

East End was not built for another 2,000 people. We do not even have apartments to accommodate these people. So it is going to be a breakneck rush now and I hope Caymanians, East Enders in particular, will build some apartments and share in some of this. I understand their reluctance because ground has not yet been broken for these, but as soon as it does it will be an indication that they can commence.

I have been discussing with the owner of the land (that the Leader of the Opposition is planning on

building the dock on) to go ahead with an 18-hole golf course. I have discussed it with many of my constituents and they support that over any dock in that area. Of course, there is going to be a lot of work to put in an 18-hole golf course in that area. Certainly, there will be blasting; but not as much as digging it 60 feet deep in that area. So, I believe it will marry good with the other two five-star hotels that are planned up there. And besides, this country needs another 18-hole golf course. And East End is a beautiful and most appropriate place to put it.

I hope the environmentalists do not come up there and lay in front of the bulldozers because I never heard of that land being of any value in that regard. Hopefully, we can get started on that. I support that. I support a golf course being right there along the scenic coastline, right there at Clarinda Beach. We have a lot of land there. I think they call it a designer golf course by one of the big golf stars. I think that would be an added [attraction] to the Cayman Islands and, in particular, to the district of East End.

Madam Speaker, we have plans to build a new retirement home in East End because the home there is really not suitable. It does not have the proper wheelchair access or oxygen, nothing of that nature that is piped into that building. It is going to be built next door to the one that exists, higher up. And it has to be built in such a manner that we do not have to move our residents during storms. Every time there is a storm threat we have to move them to the civic centre. We have to get the ambulance, we have to mobilise most of the male residents to get this done. That is not the worst of it; these people have to be exposed to the regular people and they may get things like the flu and what have you. They are not strong enough to [fight] that.

After the storm has passed we have to keep them there for awhile and it is really difficult on these people. So, we are going to ensure that this is built to category 5 hurricane standards so that we do not have to move them. It will be self-contained and they can stay right there. They will be much more comfortable there. Likewise, I think the Minister is doing the same thing in North Side.

One of the things I promised the people of East End and North Side during the last election was that if I was elected Minister of Works, I would pave the roads of the Queen's Highway and into Cayman Kai, but I was not going to do it until the main water pipes had been laid. We are nearing the completion of the laying of those main pipes, I suspect in the next few months. We have commenced the paving and we are close to Cayman Kai, fairly close to Driftwood. It is this Government's intention of finishing that shortly, as soon as we get that in and the dry season comes back around—that is, the Queen's Highway and into Cayman Kai. Those are the last main corridors that need to be paved in this country.

There are some side roads in East End and North Side that need to be done. For instance, the

Farm Road needs to be done in East End, the Hutland needs to be done in North Side and that is very important. Those are residential areas that we will be paving as well. Unfortunately, we cannot get to them right now because we are trying to finish off the East/West Arterial, which also helps us from the eastern districts as well. So, in the next few weeks we hope that will be finished and then the NRA will deploy the paver to do a number of these roads, for instance, in the Hutland. So your people can expect that we will be doing that, and then Farm Road.

No one can claim that I waited until just before elections to do what I have to do. I have been doing it for three years and I still have one. It doesn't make sense for me to slow down now!

Madam Speaker, there are a number of roads we are building inland in East End for farming, two major roads. We have to extend John McLean Drive westward. We are in the process of getting all those gazetted. We were coming up on some little difficulties. In North Side as well, the farming community has come together and we are working along with the Leader of Government Business to gazette these farm roads. I am sure he will be sending them over to me for gazettal. It will open up land for farming.

I trust that people understand what we are trying to do. We are not trying to destroy the environment, we are trying to ensure, especially now where foodstuff worldwide . . . I was looking at the BBC news recently. Thailand, the largest exporter of rice in the world . . . and the price of rice has gone up in Thailand. We need to be a little more self-sustaining. We need to grow a little more.

There was a time when the Leader of Government Business and I would get into hot arguments about that subject. I guess because I did not have much use for it and my father had made me dig so many yam holes and cassava holes . . . and the Leader of Government Business had hung on to it and he enjoys that. That is his hobby and livelihood almost. But nowadays, I am supporting his view. We need to get there. We need to do something. That is what this Government is doing, opening up these lands so that we can get in there and we do not have to be dependent upon outside sources of food, or we can assist with it.

Madam Speaker, we are in the process of starting the Blow Holes. McAlpine has committed to do the platform at the Blow Holes, which we all know is really a tourism icon in this country. We need to ensure that it is safe. Mind you, Madam Speaker, that piece of property is not the Government's. It is owned by a former Member of this Parliament. He has given us the okay to go ahead and do it.

Another thing I would like to talk to the people of East End and North Side about is cemeteries, which I spoke about some time ago. This is also my responsibility. Right now East End has sufficient space. We bought some in North Side to expand the cemetery. We do not really need it right now, but

somewhere down the road if this country does not stop . . . I will eventually finish; but the country will not finish. We are embarking on a paradigm shift when it comes to burial. We are starting to do two vaults in one, we're stacking.

I know it is not going to come across well with some of us, but we are doing some pilot projects with it and we will see how it works. We have a finite amount of land in this country and we need to ensure we utilise it properly.

So, all the plans are in place. The design has been done. We have discussed it with the funeral homes. They are all on board. So, we are going to try a little pilot on this in some of the cemeteries to see whether or not people are receptive to it. There is nothing wrong if we see down the years people do not want to do it. But I can tell you, Madam Speaker, and honourable Members, that I have had much positive representation about doing it in this country.

The other thing I have had representation about is cremation. That is each person's choice. I certainly would promote it and support it, but I am not going to get Government into passing a law as an acceptable means of disposal. If the private sector wants to do it, then that's fine by me. I am not going to go where Ms. Georgette told me not to go one night, but my personal preference is not that. That's kind of asking too much. But we are going to at least do the pilot programme.

Madam Speaker, I would like to go on to my Ministry and talk about some of those things as they also relate to our constituencies. But before I do that I would like to address an Editorial of today, 15 May 2008. The Governor also spoke about the laws I am going to be changing in this upcoming year.

One of those laws is the Cinematographic Law. I guess the *Caymanian Compass* only found out about it recently. I think it must be tabled by now. They have taken me to task; they have taken this Government to task today in their Editorial. I would just like to say to them that I respectfully disagree with their position.

In their Editorial they talked about accountability and about Richard Tucker and his report, and his opinion—because everybody has one of those. Me too! Sir Tucker said, **“If...the non-executive directors (of appointed boards) feel that they must ‘support the minister’ who appointed them, with the result that they are reluctant to bring their own skills, expertise and judgment to bear upon the matters at hand, the board of directors of the statutory authorities and government companies will serve little useful purpose.”**

And they said, **“Sir Richard’s comments were made in relation to organisations like Cayman Airways’ Board of Directors or the Boatswain’s Beach Board of Directors. But we think they could just as easily apply to members of this new Cinematograph Board.”**

They did say that the Board is made up of a majority of politicians appointed by politicians. And I read, **“On the surface, it would appear that government is merely choosing to replace a board made up of a majority of politicians with one that is appointed by politicians, removing the appearance of elected officials interfering with the censorship process.”**

And they are thinking that we do not want to take responsibility for censorship. Basically, that is what they are saying. I want to ask them when was the last time they saw me back from my responsibility. Never! But I am [asking], Madam Speaker (and thankfully the Governor agreed with me), who died and left the Governor or either one of us paragons of virtue?

Madam Speaker, why do we need politicians to go see whether it is R rated, C rated, or PG? It just does not make sense. What the Editorial did not say was that Sir Tucker also talks about the appointment of politicians to these Boards, and they should not be.

Now, here we are trying to do that on one hand, which we support—that is the only thing he said right. We support that politicians should not be on any Boards, and we have practised that since we have been here. And here they are saying that we should be on them. I would like to know who they are promoting now.

But the Governor is the head of this Board. He is Chairman. Does the Governor know anything more than anyone else in this community about R rated or PG? What they do not understand is that this is one of those laws made in 1964, when the colonial system was king of the roost! Gone! Gone! Do they not see that he does not even wear the feathers in his hat anymore? And they talk about political appointments.

Madam Speaker, somebody needs to tell me where in this world you do not have political appointments. I would like to ask them if they think the Governor is not a political appointment. What do you think he is? You think the Labour Party is going to recommend to the Queen a Conservative Member? No! It is politics! And to the victor go the spoil.

Can you see me appointing someone that is not of like mind or objectives? Could I appoint the Leader of the Opposition to a board that I have statutory authority for? Oh, another Auditor General's Report. No, Madam Speaker, I am not doing that. But, Madam Speaker, I must say that many of my boards which I came in and found, very few of those that were appointed by the UDP Government have I changed. They are still there. They work well. They do what is in the interest of this country. I do not disturb them.

I will tell you that I just appointed one to the Information and Communications Technology Authority (ICTA) as chairman. He and I argue more than we get on. That is what it is about. But it must be an appointment. I am not saying in a wholesale manner get rid of everybody that is on a board when governments change. What are they talking about?

Madam Speaker, the Cinematographic Law needs to be revised. I do not have the time for it. But if I change the makeup of the board we can get people there from the community, and I said one of those should be a minister of religion (not from this side) so that they can guide this process. All of them can guide this process. They know best what this country wants and how it should be. But here we are, wanting to be inclusive, get the people of the country on the board, and the press is beating us. Something is wrong with that.

Who do they think I am going to put on it? Pope Benedict?

[laughter and inaudible interjections]

**Hon. V. Arden McLean:** We had a run with the Born Again St. McKeeva!

I am not putting him on it either!

Madam Speaker, it is not about whether we . . . it is what the people do when they get there. You give them direction. The Governor is insensible being on this board, Madam Speaker. He does not particularly want to be on the board. When I told him he was chairman, he was shocked to tell you the truth. And they met once in the last maybe 12, 14 years. I think the First Elected Member for Cayman Brac and Little Cayman is on it. They don't meet. They just met to issue one license to, I think it was Hollywood, last year. But I think it is time. Every time you make a promise, Madam Speaker, I think they forget you made it. All of a sudden when it comes forward it becomes a big deal. I said this sometime ago, nobody picked it up in the press briefing, and now that it is here, *'Oh Arden, we will survive'*.

Madam Speaker, I want to turn to some of the areas that fall under my Ministry. I know time will not allow me to cover all of these but I will try to speak on some that are very important to the public. Let me start with what seems to be one of the most talked about projects in recent times, and that is the extension of the Linford Pierson Highway.

It is unfortunate that those who oppose this road did not have all of the information. We had a meeting last night at the Sir Vassel Assembly Hall, and I understand from one of my colleagues that the headlines on CNS or CES this morning is that there is no support for the road. I suspect there is no support for the road, Madam Speaker; but there are no alternatives to saving the forest either. There are not a lot of proposals for that.

My proposal was to try and save at least that which I could save—which is the government land—and pass that over to the National Trust. I was not going to get involved in private lands. I told them last night that there is only one of two ways to do that—compulsory acquisition, which I was not prepared to do; or if the private owners came forward and offered it for sale and we would purchase, like we did with the national park in West Bay. Each year you put money



aside and pay for the next piece and the next piece and you go into agreement with these people.

At Barkers National Park, that is the one the UDP started, each year each Government is committed (we are committed) to expand it. And we would do the same up there. Then we would not have any trouble with Arden or any future politician about putting a road through it.

But in the absence of preserving it in its natural state and its entirety, we cannot stop people from [using] their private land and building. That is going to cause human interaction. I do not want to take any land from anybody, Madam Speaker, but if they offer it up, the Government will buy it. That is a commitment this Government has made, that we will buy it and invest it in the National Trust. It is going to cost us a lot of money to re-route the road, but that is a chance we have to take.

But one of the things the environmentalists do not know is that there appears to be just as big a forest east of the Seventh Day Adventist School. But nobody is talking about that. The Ghost Orchid that is supposed to be in England at the Chelsea [Flower] Show came from there. It did not come from the Ironwood Forest. That was saved by Mr. Nixon and the people from the Orchid Society and the Botanic Park two years ago when they were pushing it down to build homes. Somebody needs to go in there too and try to save it.

Madam Speaker, I support doing something for the environment because a lot of those who are out there talking about the environment and leaving it for grandchildren and future generations . . . I have more at stake than them. At least I can show mine how to make *wawmpuhs*. I made and walked in plenty of those. I wonder how many of them can show their children or tell their grandchildren that they wore *wawmpuhs*. So, I have a vested interest in this too. They must not think that I want to destroy everything in my country. But Madam Speaker, by the same token, if I do not do what is right, those same children and grandchildren are going to talk about me like we are talking about those who came before us. So, I have to balance it and make sure we do what is right all around.

The decision is yet to be made on this. I have plenty of other work to do. We have plenty of roads to build. We need to get one in the east so that we can get from East End and North Side easier; that's the East/West Arterial. And then, that will serve the biggest purpose of the East/West Arterial, as far as I am concerned, which is to open up those lands so young Caymanians can own a little piece of this rock. That's what I want to see.

I cannot go West Bay Beach; I do not think they are going to get there either. Maybe one or two get enough money to go buy a million dollar home. But one or two is not the majority of young Caymanians. I would love to see more Caymanians owning a little piece of rock at a reasonable cost. I hope if I

leave any legacy in this country it will be that I was able to open up lands where young Caymanians owned a little piece of their rock.

Madam Speaker, the East/West Arterial is soon to be finished. Thank God! It's been a long, long journey. But I would like to publicly thank all those, especially the staff of the National Roads Authority (NRA). They have worked very, very hard, very assiduously to get this thing done with not a lot of gratitude shown.

Some mornings my ears are on fire with the talk show complaining about the roads and I feel sorry for some of those kids and some of those workers. Then, as soon as it is over, and you do not have the gridlock . . . not one person calls to say thanks. Caymanians and residents, do not be so ungrateful.

Madam Speaker, it is difficult for those guys. They work out there on that hot asphalt that is 180 degrees and then with the midday sun beating down on them they are out there labouring for this country, and they inconvenience you for a couple of minutes and they are cursed, they are decried and called everything. That is not right, Madam Speaker. I understand that we need to get where we need to get. I understand that. But have a little patience. You will get there.

I said before [neither] West Bay nor East End is moving any place; it is going to be there when you get there. Have a little patience. These guys are doing it as fast as they can. They work at night, they work on the weekend. They leave their families at home. Hopefully we will soon have it finished, Madam Speaker.

We have just completed a windscreen survey of the whole country. And while it is in its preliminary stages, a windscreen survey will tell us the condition of every road in this country and give us a better understanding of what it is going to cost to bring them up to a particular grade. Madam Speaker, I am even afraid to tell you what the preliminary cost is coming out to be because for 30 years we have done nothing. We just built the roads and left them. The surface damage . . . nobody did any maintenance, per se, we just left them. And you are looking at \$100 million.

**An Hon. Member:** Whoa!

**Hon. V. Arden McLean:** If we were to tackle that right away, we are looking at \$100 million.

It is a result of neglect for too long. So now this has to be phased over a longer period of time. There is no government that can just go and do \$100 million unless you are taxing or getting money from gambling or something of that nature. The government cannot sustain that. But everyone wants good roads to drive on and successive governments have neglected the infrastructure of this country. I hope what I am trying to put in place is carried on.

Madam Speaker, that brings me quite nicely to the unit we created since I have been here, the

Recreation Parks and Cemeteries Unit, and the Revitalisation of George Town. That has commenced. This is the first time we have seen such clean streets in George Town, because we equate tourism with George Town. That is the first place they see, particularly cruise tourism. Look at the streets in George Town now. Nobody notices . . . because that is the way it is supposed to be. But the morning there is one pebble on the road that is when we get the calls on the radio.

Madam Speaker, most people do not even know what is going on. We have men out there establishing these streets, shovelling off all the sand, and then we use the sweepers. They are working right now as we speak. And they are on different roads on George Town. Nobody sees it. All they see is a backhoe or a bobcat operating on the road. They are right now cleaning these streets.

We have a special sweeper that comes through and sweeps the street. Look at Batabano [Carnival]: By that Monday morning everything was gone. How often in the past have you seen that? It is seamless. People should be able to come to George Town to work and not see the difference, except that it is a pleasant place to work. That is our objective.

I said in Finance Committee the other day that there is street furniture we are currently ordering for George Town. It needs a little facelift and we are getting there. Look at what the little facelift in front of the Town Clock gave us. That is what we are talking about. Then, when we put the plants throughout and we put new posts for all the street signs and nice street posts (which, by the way, are on order) . . . that is what I want to see George Town become. When you look out there it is just what everywhere else is in the country, bland. It needs to be a different place to come to, and that is our objective.

The unit is doing all the beaches. Look at how clean the beaches are nowadays; void of rocks and stones that hurt children. And the parks: Look at the little park at Watlers in conjunction with those kids who were doing it. We went in there and grassed it, and we put the sprinkler system in. It is an oasis right there in the middle of that neighbourhood. And people are using it; kids are using it. That is my objective. Keep the family together. Make the parks so attractive that the kids take their parents to the parks. That is the objective of this unit.

Madam Speaker, the Ministry is very proud of the Savannah Post Office. I am so proud of that little post office. It is a new face for the people in the postal system. I said that the little one we had there was so small you had to go outside to change your mind. We have gone from 200 square feet up to 4,000 square feet. But it has different purposes. We have it as a sorting post office in case the one in George Town gets damaged.

This is what vision is about. This is what the UDP needs to start thinking about—vision! In the event we have a problem at the George Town Post

Office we will carry the mail straight there and distribute it from there. That is what vision is about. We are going to perish under that UDP if they ever get back here because they have no vision. And you know what they said about vision and the people perishing. So, I am extremely proud of that little post office.

The little post office that we came out of, the National Trust has asked us to give that to them so they can interface it with the old school house, which we will be doing. Speaking of the National Trust, the house here by Royal Bank (Ms. [Arlett] Diaz House), we are in the process of giving that to the National Trust too, but, first, I would love to see that picket fence back around it. Remember the little picket fence it used to have? That is the only wish I have, to put that picket fence around it and make it very Caymanian right in the middle of town. But we will continue to maintain it while they use it to tour as a Caymanian house, right in the middle of the concrete jungle. And that is what it will be forever, Madam Speaker.

One of the areas the Ministry is working on is vehicle licensing. There is so much going on because we have had to restructure that entire system, not necessarily the human resources in it, but where, as we speak, there are a number of people in East End, led by Mr. Perry Powell from the Ministry, finishing up the review of the Insurance Law. We have finished the review of the Traffic Law and it is with the drafters . . . well, it was with them and it's been back. But there were some changes they had to make, so shortly they will get it back to us. This is the one that will include all the graduated drivers' licences and the like.

Unfortunately it is taking some time but, Madam Speaker, these things take time. This thing has not been reviewed for years. It has been amended in a piecemeal manner and all of this has to be brought back together and interfaced. As a result, the consequential changes to the Insurance Law and other laws have to be made. You cannot just piecemeal it, as you well know. But, of course, the public is crying for it and they do not understand what it takes. It takes five or six of these people and me away from work for two or three days at a time. Then you have to look at the different laws and get them all fixed. So, hopefully that will soon be completed.

Madam Speaker, one of the other things I promised the people of this country was that I was going to take that vehicle licensing office out of the middle of George Town because that causes more traffic congestion and problems in the middle of George Town than anything else. So, I am happy to announce that yesterday they started filling in the property across from Mr. Gunther. Planning approval has been received and hopefully by the end of sometime early next year they will be able to relocate to that location. And that is going to make me feel very good because the median down through there on the new East/West Arterial will be able to control the traffic. They will not be able to go across the road and disrupt traffic. There is a 6,000 square foot building.

So everything is going to be concentrated in that building. That is decentralised and further out of George Town. Maybe we will need to get it further out too. I don't know, eventually it may build in there. Hopefully not in my time, but maybe it will.

The Eastern District Office was another one we promised the country. That has received planning approval. We are on the bottom floor of the civic centre in Bodden Town by the police station. That will serve East End, North Side, Bodden Town and I guess Savannah as well. I hear how the Bodden Towners are telling me that Savannah is Bodden Town too; but that is like East End and Gun Bay. No one can tell Gun Bayers that they are from East End. You can ask the [Deputy] Clerk. She lives in Gun Bay too, but they don't consider that East End. That is how the little local communities consider themselves. But anyway, that will serve that area and people will not have to come into town.

One of the other areas that I would like to touch on before I leave is—

[inaudible]

**The Speaker:** I do not know what we are doing. What are we doing?

[inaudible]

**The Speaker:** How much time you have left?

[inaudible]

**The Speaker:** Okay.

**Hon. V. Arden McLean:** Madam Speaker, if it is convenient to adjourn at this time I would appreciate that because the Leader of Government Business has to go to Cayman Brac to a function and he needs to catch his plane shortly. I think the First Elected Member has already left, and the Second for that purpose. But the Leader needs to go as well, if it is convenient for you.

**The Speaker:** I recognise the Honourable Leader of Government Business.

### ADJOURNMENT

**Hon. D. Kurt Tibbetts:** Madam Speaker, thank you very kindly. I move the adjournment of this honourable House until Wednesday at 10 am.

**The Speaker:** the question is that this honourable House do now adjourn until 10 am on Wednesday. Those in favour please say Aye. Those against No.

**Ayes.**

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

This honourable House stands adjourned until Wednesday at 10 am.

**At 4 pm the House stood adjourned until 10 am Wednesday, 21 May 2008.**

**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**21 MAY 2008**  
**10.35 AM**  
*Tenth Sitting*

**The Speaker:** I will ask the Third Elected Member for the district of West Bay to say Prayers.

**PRAYERS**

**Mr. Cline A. Glidden, Jr.:** Let us pray.

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

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

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

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

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

**Proceedings resumed at 10.37 am**

**ADMINISTRATION OF OATHS  
 AND AFFIRMATIONS**

**OATH OF ALLEGIANCE**

*(Administered by the Clerk)*

*By Mr. Donovan W. F. Ebanks, MBE, JP*

**The Speaker:** Please stand.

**Mr. Donovan W. F. Ebanks:** I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her majesty, Queen Elizabeth II, her heirs and successors according to law, so help me God.

**The Speaker:** Mr. Ebanks, you may take your seat. *[pause]*

Please be seated.

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

**Apologies**

**The Speaker:** I have received apologies for absence from the Honourable Minister of Tourism, Environment, Investment and Commerce who is off Island from 21<sup>st</sup> to the 23<sup>rd</sup> [May 2008], and from the Fourth Elected Member for the district of George Town; and apologies for late arrival from the Second Elected Member for the district of Cayman Brac and Little Cayman.

**STATEMENTS BY HONOURABLE  
 MEMBERS AND MINISTERS  
 OF THE CABINET**

**The Speaker:** I have received no notice of statements by honourable Members or Ministers of the Cabinet.

**GOVERNMENT BUSINESS**

**Debate on the Throne Speech and Second Reading  
 of the Appropriation (June 2008 to July 2009)  
 Bill 2008 Budget Address**

*(Continuation of debate thereon)*

**The Speaker:** Debate continues on the Budget Address and the Throne Speech.

The Honourable Minister responsible for Communications, Works and Infrastructure, continuing his debate.

Honourable Minister, I have been passed a note that you have 17 minutes remaining.

**Hon. V. Arden McLean:** Thank you, Madam Speaker.

Madam Speaker, in the 17 minutes that I have left I would like to address the issue of the economy. I know much is being said about the economy of the Cayman Islands. Madam Speaker, if anyone was to

deny that we are having challenges in the economy, that person, certainly, would not be a part of this country. We do have challenges, Madam Speaker. I do not think they are insurmountable, but, certainly, we have challenges. However, Madam Speaker, this Government has worked hard to ensure the economy keeps buoyant in this world economy crisis.

Cayman is no longer “the place time forgot” and we too become affected by the world economy. But we have worked hard. We have met with the merchants who can most influence the economy, such as large importers, supermarkets, et cetera. And, Madam Speaker, that is to ensure that we are at the forefront of what is going on and to ask for their assistance in ensuring that our economy does not become more affected by what we have no control over, which is the world economy.

I think the Leader of Government Business said that if America sneezes we catch a cold, and that is so true, Madam Speaker. But while we cannot do anything about that situation, we certainly have a responsibility to respond thereto. I want the people of this country to know that the resilience that I know my people have . . . we will get over this also.

Madam Speaker, we have had worse happen to us. We had Ivan . . . and I stood on the Floor of this honourable House and encouraged Caymanians to be like the mythical bird, the Phoenix, who after five hundred years of life consumes himself in fire and then rises from the ashes anew. And I think we will do that again. I think we will come through this. This Government has responded to the world economy by cutting our coat the size of the garment we had available to us. And, Madam Speaker, that is represented in our budget. We have no more taxes, so that is responding to the need to ensure that the people of this country will not be overburdened, particularly now when the world has a downturn in the economy. We have also put priorities on some of the projects to ensure that we maintain the economy to the best of our ability while we hold on and work through these challenges, such as the government building and starting the schools in a staggered manner.

Madam Speaker, I was just glad that my colleagues supported me in the building of two of the most important roads in this country to alleviate some of the traffic, and those are almost finished. So, I do not think we will see major projects like that undertaken in the next year. Of course, there are other projects that have to be done; some small ones—West Bay, North Side, East End, and in George Town as well, that we need to do, but certainly, it will not be that kind of expenditure for a while. That is not to say that the continuing of these roads is not absolutely necessary for the opening of lands and to make the economy . . . I don't think, Madam Speaker, we can even put a price on the value to this economy that those roads have had. But we made those decisions then and now we need to cut back on those and put

our priorities elsewhere, where more people will benefit as a result.

And we have done that, Madam Speaker. We have worked very hard. Yes, every budget is but a budget and every person wants what they want. So, we have to make some priorities and cut back and look at potential earnings and address it accordingly. And if you put taxes on, sure there are many things that could be done. I could put that road, Madam Speaker, straight into Frank Sound, which was my objective. If I had gotten it there, you know, that was my objective. But I cannot do that now.

I would like to put the road into West Bay to Batabano, but I have it to be gazetted now so that someone will come along, if it is not me—I hope it is me—to continue those. But this is not the time to do it. We have by and large done what we had to do to alleviate the traffic.

And, Madam Speaker, I can tell the country (as the old cliché goes) “steady as she goes”. We have to maintain a steady course, albeit reduced from what we were doing before to ensure that the little man, the people of this country do not suffer unnecessarily, and that is the objective of this budget. So, we are responding to the economy; we are responding to ensure that people are not overburdened with taxes, expenditures. It is bad enough as it is.

Fuel! I am just thankful, Madam Speaker, that we could get 15 per cent off CUC because can we imagine if we hadn't gotten that off the fuel price what it would be? It would be astronomical. So, Madam Speaker, it would be that much more burdensome to some of our people. We have responded and I am confident that the people will see that in time.

Madam Speaker, I know my time is short. I would like to speak on the National Assessment of Living Conditions, but time will not allow me. But again, I encourage people to read it as that is going to be the guide for this Government over the next year and for future governments to take note of and help the people who are less fortunate or those who have been disenfranchised in the past.

Madam Speaker, in closing, one of the things I would like to bring to the attention of our people is that there has been much discussion surrounding the police force in recent times. Madam Speaker, I want the country to know that we need to continue to put trust in the police force. Yes, we may have a lot of speculation as to what is going on in there, and we have had that for many, many years. I do not believe that what is currently coming to the fore represents the entire police force.

Madam speaker, the only means of protection, prevention and detection in this country happens to be the police force. In particular, the only means of protection, really, is our police force. There are good men and women in that police force. I have every confidence that that is so. I have many friends in there, Madam Speaker. I place a lot of confidence in many of those men and women in that police force. I have

worked with them and have never once heard it on the street.

Madam Speaker, my appeal to the people of this country is that . . . I am not asking them to blindly follow or be blinded by anything that would prejudice the way they feel; but, certainly, I would ask them to have some confidence in the police force. The police force is very, very important to this country. Yes, England is responsible for protection of us but, Madam Speaker, they have to come here. We are the first responders to anything in this country and we have to depend upon that police force. And if we have a few people that are being investigated, so be it. There are 400 (or thereabout) police officers in that police force.

That is the crux of the matter, Madam Speaker. Policemen are by and large doing a job, putting their lives on the line for those of us who sleep at night. Madam Speaker, these are good people and I would ask this country not to be blinded by what is an investigation that may result in a few people charged or arrested, or whatever the case may be. Somehow, somewhere, this is going to pass also. I have every confidence that the police force will rise again to be what we expect it to be; to be better than it has ever been. I know as a people we need to ensure through our support that the morale of that police force does not drop any lower.

Madam Speaker, certainly, if we speculate and start accusing people and use a broad brush the police force is going to become affected. And my appeal to the public is to give it time; let's see what happens. But remember that these police officers should not be painted with the same brush. The police force should not be painted by the same brush.

And I know, Madam Speaker, I have been one of the biggest advocates of the police force in my time and I continue to do that. But, certainly, if there are people within the police force who need investigation or have done something wrong, then [for] those people time will tell. But you cannot say that four hundred and odd police officers have done anything wrong. They have served this country well.

Madam Speaker, there are times when we talk about the provisions of investigation and it is not working and we see an unsolved crime, but we have to understand [we] don't know anything about investigation, that's their job. And sometimes, as I understand it, these things happen; but this is where it needs the country's support, the people's support to resolve these issues. Find a police officer and trust in that person. Get a relationship with that person. And that is my appeal.

And Madam Speaker, I can assure the people of this country that they will be satisfied. Find one person in that police force and trust them.

I am disappointed with what has happened. Certainly, Madam Speaker, no time is a good time for this to happen. Now is as good a time as any to have it resolved. Let's get it all over with and let's finish it up and move on. There's a future for this country. A

bright, bright, bright, bright future. The country, Madam Speaker, is in good hands. We have kept the faith. We're not perfect! We are not perfect. If we were perfect we would not be here. But we have done in the interest of this county the best way we know how. I strongly believe that, Madam Speaker. I sincerely believe that all the Members of the PPM have one thing in mind, and that is the betterment of the people that we love of this beloved country, the Cayman Islands.

Madam Speaker, I am not taking anything from the Opposition either. I believe that they have that same objective too. It is a different way of doing it, that's all. We do it in different ways and we all make mistakes, all of us. I'm not looking for any excuses, Madam Speaker. But, certainly, I don't think that there is one Member in this honourable House out of the 15 that started out in politics to make mistakes. We all started out with the same objective in mind: doing what we can for our country and making a contribution back to the country that we have taken so much from. And, Madam Speaker, that I am positive of!

So, when we look in the final analysis, this country is set on a steady course, steady as she goes. And, Madam Speaker, I encourage our people to be a part of that course. Let us come together, join hands and hearts and body and soul, and lead our country. This is our country. Every Member of this honourable House can claim they go back for five or six generations of ancestry. Madam Speaker, me too. All of us. Therefore, we must work in the interest of our country. Yes, criticism will be levelled at all of us, but by the same token we have good intentions for this country that we love.

Madam Speaker, I commend the budget to my colleagues, in particular those across in the Opposition, and I just trust that they will be able to support it and understand that we really have shaped the budget to suit the economic times.

Thank you very much, Madam Speaker.

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

Fourth Elected Member for the district of West Bay.

**Capt. A. Eugene Ebanks:** Thank you, Madam Speaker.

Madam Speaker, I rise to make my contribution to the Throne Speech delivered by His Excellency the Governor, Mr. Stuart Jack, CVO, and the Budget Address delivered by the Honourable Third Official Member, and to make some comments on the Policy Statement delivered by the Honourable Leader of Government Business on Wednesday, 30 April 2008.

Madam Speaker, as I listened to the Leader of Government Business deliver his PPM Government Policy Statement it reminded me of sitting in church listening to the preacher. The Leader of Government

Business was appealing to the people of these three Cayman Islands to give his Government another term in office. Madam Speaker, the people of these Islands (if you listen to what the public has to say) have had enough of the PPM Government.

I hate to disappoint the Leader of Government Business, but I must tell him that the people have already decided that they have had enough of the Administration of the PPM and that Government will not be getting back into power.

*[laughter]*

**Capt. A. Eugene Ebanks:** The writing is on the wall, Madam Speaker. The people have decided.

Madam Speaker . . .

*[inaudible background comments]*

**Capt. A. Eugene Ebanks:** . . . on page 3 of his policy statement it reads, **“The PPM’s assumption of office following the general elections of 2005 ushered in a new era. A new approach to governance through what is known as ‘government in the sunshine.’”**

Madam Speaker, the Leader of Government Business should have added rain to the sunshine because three and a half years later, after the devastation of Hurricane Ivan, there are still many families living with relatives and friends; many roofs that have not been repaired properly, and many families still getting wet every time it rains. So, he could have added rain to that sunshine.

Madam Speaker, pages 4 and 5 of his Policy Statement speak to the devastation of Hurricane Ivan, and it reads: **“The Government of the day, which comprised of Members on the other side, had no solutions. It proved unable to rise to the challenge of recovery and reconstruction.”** The Leader of Government Business obviously has a very short memory. If he can’t remember that far back . . . because there was no recovery of that magnitude done any quicker anywhere else in the Caribbean or the world than was done here in Cayman.

Madam Speaker, the financial sector was up and running within a matter of days and the cruise ships were back in George Town harbour within a matter of weeks, and yet, the Leader of Government [Business] would have the audacity to stand on the Floor of this honourable House and say that we have done nothing.

The first Cayman Airways flight to land after the hurricane was loaded with relief supplies, organised through the United Democratic Party, and Operation Blessing, with the help of Mr. Bill Horan. This flight was followed by two more cargo flights; eight forty-foot containers and two twenty-foot containers of relief supplies, which were all distributed through the National Hurricane Committee, the Red Cross and the United Democratic Party. Madam Speaker, this was at no cost to government.

These hundreds of tons of relief supplies were done through the United Democratic Party with the help of Operation Blessing and many other good people. Thanks to Thompson Shipping there was no charge for freight, and thanks to the Collector of Customs, he did not charge us any duty on the relief supplies. Thanks to Cayman Airways, they did not charge us to bring the relief supplies in. Madam Speaker, we thank them all.

Madam Speaker, as I listened to Members of the Government Bench castigate the honourable Leader of the Opposition, I had to think that if those Members would spend more time trying to find some solutions for the problems facing these Islands, their time would be much better spent.

As I look across I can’t see any Member of the Government Bench who has done nearly as much for the Cayman Islands and the Cayman people as the Honourable Leader of the Opposition. Just let me say, Madam Speaker, the Leader of the Opposition—my colleague—has been a hardworking representative. No one can say otherwise. However, Madam Speaker, I realise that it is only natural for Government to try to paint him and all Members of the Opposition as dark as possible; that is their job. But no one on the Government Bench has given the valiant service that the honourable Leader of the Opposition has given.

I have served on boards with my colleague, the Leader of the Opposition, and I can say that he has ensured that what the board members wanted was the decisions that were taken. The projects that we worked on are assets to the Cayman Islands and the money that was spent on them was worth every penny. It should be noted, Madam Speaker, that 99 per cent of the work was done by Caymanians and the money stayed here in the Cayman Islands. Small business people got the benefit. Caymanians were not left out, Madam Speaker, as is happening today, with the exception, of course, of a chosen few.

On page 9 of the Policy Statement, Madam Speaker, the Honourable Leader of Government Business said: **“Good things always come to those who have patience.”** I am afraid, Madam Speaker, that the Caymanian people have run out of patience. Now they need help and they are not getting the kind of help they need so their tired. They cannot wait any longer; they have to get a change.

On page 11 of the Policy Statement, Madam Speaker, I will only read a part of the third paragraph. He says, **“In the prevailing circumstances, fiscal prudence and discipline are required. We have always practiced both but they are needed now more than ever.”** But, Madam Speaker, if I recall, just a couple of weeks ago, there was an article in the *Caymanian Compass* where the Chamber of Commerce was asking government to not spend so much money or to be careful what they were spending on. I wish I had the paper in front of me, but I do not have it. I remember seeing that piece in the paper.

On page 12, Madam Speaker, the second paragraph says, “**Human belief is a powerful force. A man or woman is driven by what he or she believes.**” That is very true, Madam Speaker, and what the people are believing now is that this Island is headed in the wrong direction. They are driven by that and they are going to change it.

Madam Speaker, on page 3 there is a beautiful chorus. It says, “**Count your many blessings, name them one by one; Count your blessings, see what God has done; Count your blessings, name them one by one; And it will surprise you what the Lord has done.**” Madam Speaker, that is true. I’m not a professing Christian, I’m a God-fearing man. He should have added another verse that says, ‘*Count your many hardships, name them one by one, and it will surprise you what the PPM has not done.*’

[laughter]

**Capt. A. Eugene Ebanks:** Madam Speaker, I thank you.

**The Speaker:** Does any other Member wish to speak? The Third Elected Member for the district of West Bay.

**Mr. Cline A. Glidden, Jr.:** Thank you, Madam Speaker.

Madam Speaker, I rise to make my brief contribution to the 2008/2009 Budget Address, and the Policy Statement of the Honourable Leader of Government Business, the Honourable D. Kurt Tibbetts.

Madam Speaker, as I stand here I feel quite privileged and humbled to have been given the opportunity by the wonderful people of the district of West Bay to represent them for this, my second term, and I look forward to offering myself in continuing to be a representative of the people of that great district.

Madam Speaker, I think we have all acknowledged that times are difficult, not only for the Cayman Islands but for the world as a whole. And what we are seeing in terms of the slowdowns in our domestic economy are a simple reflection of what is happening in the wider world of which we are a part.

Before I get started into my debate I want to go along with my good friend, the Minister for works, who made the comment earlier that *all elected Members of this House, all 15 and the three Official Members*—I do not think there is any question that the intention of all the Members . . . Regardless of what people may think, this is not an easy job. It is very thankless at times and lonely at times as well. And for people to offer themselves up for public office is not something that they do because one morning they decide that they want to make their country a worse place. I think it is the same throughout the region and the world.

So, while we may not agree across the aisle specifically on some of the ways forward and what

individual Ministers or governments are doing, ultimately I think it is unanimous that we all respect each other, respect what each person is doing and what they are trying to do. The debates we have are simply a matter of expressing disagreement or highlighting alternative methods of what could happen. Especially during these times it is no time to be divided and the general public needs to understand that while we may get here and debate and discuss, there is still respect that is due, and that regardless of how difficult or tense a situation may be here, there’s an understanding from both sides as to the responsibility and the important part that we all play in the future of our beloved Islands.

Madam Speaker, having said that, we have said publicly on many occasions on this side, that we do not feel that the budget the Government has come forward with is the right direction for the country to be going. And, as you will remember, even as recent as the last part of last year, the Leader of the Opposition brought a motion recognising and warning the Government of the lack of fiscal responsibility and the concern as to what would happen going forward based on all the predictions of the slowdown and the softening of the economy. And what we are seeing now, Madam Speaker, is the fulfillment of those concerns: we are seeing the Government attempting to carry its plans forward, even in light of those warnings and predictions. [They are] still going forward with significant capital development and attempting to convince us as a country that what is being done is affordable.

I am not exactly sure where the disconnection is. If we use an example of the much talked about schools, we have heard on many occasions that there were going to be three schools built all at one time. The latest information we heard was that two of those schools had been given out for tender, and the one in West Bay, the Beulah Smith school, while there were some delays it would be happening shortly. And now, a few moments ago, surprisingly I heard the Minister for Works talking about a *staggered approach* to the building of those schools.

Madam speaker, maybe I missed [something], but in this Policy Statement I am debating, it talks about the building of the three schools. And our position has always been that schools are necessary. Infrastructure for education is good. However, we could not afford to build all the schools at one time and the country could not afford the significant cost associated with that building. If the Government has now finally realised that it is important to stagger those schools and to build in phases, I think that would be a great step in the right direction. And I am sure the public will be relieved to hear that they will not be so significantly burdened with that expense.

Madam Speaker, I strayed from my original planned topic just because I heard it on the closing up remarks of the Minister for Works, and it struck me as being strange as to what I had seen in the Policy



Statement and also had heard as far as public utterances elsewhere. But, Madam Speaker, I need to now move to debate specifically the Policy Statement that was delivered on Wednesday, 30 April 2008, by the Honourable Leader of Government Business.

Madam Speaker, I note with interest, starting from page 4 where there is still a referral to this 'government in the sunshine.' Page 4 refers to a "**government committed to and guided by the principles of honesty, openness, transparency and accountability. In our words and actions, the PPM Government has given full expression to these core principles. We have restored trust in Government, re-introduced fiscal discipline, eliminated corruption in government and upheld the rule of law.**"

Now, Madam Speaker, I have heard this before . . .

**Hon. W. McKeeva Bush:** Madam Speaker, there is no quorum.

**The Speaker:** Serjeant, would you please. . .

[pause]

**The Speaker:** The Third Elected Member for the district of West Bay, please continue your debate.

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, thank you.

Madam Speaker, as I was mentioning, those statements concerning trust, transparency, openness and accountability, and specifically the upholding of the rule of law, were things I heard touted during the campaign. However, I was really surprised that the Honourable Leader of Government Business, in light of the recent developments regarding the PPM, would still find it believable by the people of the Cayman Islands to get up on the Floor of the Legislative Assembly and continue on that same trend. I at least expected a little change to talk about honesty, openness, transparency and accountability when for the first time we have had a commission of enquiry on a sitting Minister of Government who has been found guilty of wrongdoing and obviously endorsed by the rest of his colleagues, and yet, to stand on the Floor publicly and still talk about this openness and honesty and rule of law.

Now, Madam Speaker, I know that is difficult for them to accept because even on this Floor, while we had discussions concerning paying for that commission of enquiry, there was a mix in the ranks and a question as to whether the country should pay for that commission of enquiry or not. There was a feeling, apparently from Members on the Government side, that it should not be paid for because it was started at the request of the Governor. So, certain Members of the Government challenged and questioned whether it should not be paid for by the United Kingdom. And I

remember the point being made from this side, Madam Speaker, to say that the commission of enquiry was requested. It was held, there were findings of wrongdoing.

Maybe if there were no findings, and we could say that the Governor had been off on some wild spending spree, there may have been some claim that could have been made to say that somebody else should have been paying for this. But here we have a Governor who found the need to call an investigation; statements being made by members of the press as to the delivery of confidential information by not only one, but by two Ministers of Cabinet—one bringing the information accompanied by the other one—Minister of Tourism and the Minister of Education. Two Members of a sitting Government that prior to that had discussed all talk about rule of law, openness, transparency and honesty.

And even with those public findings, Madam Speaker, to believe that those Members would still get on the Floor and talk about the same things that they were found guilty of not being—not being open, not being transparent, not upholding the rule of law.

Now, Madam Speaker, maybe it was a mistake. Maybe this was a carry forward from previous policy statements when they were still fooling the people by telling them that they were a Government of openness and transparency upholding rule of law. But if the position has now changed, then I am sure the Leader of Government Business will clarify his statement, because the Caymanian people are having a difficult time understanding how they can still be clean while there were all these accusations before as to the previous administration not being open, not being accountable. There were claims of all these investigations that were being conducted by the Public Accounts Committee. But the only one where there has ever been any finding of wrongdoing . . . guess who that has happened to, Madam Speaker. It has happened to the same group that campaigned on restoring the trust in Government, and here they are found to be underhanded, taking confidential information and finding that they were doing it strictly for their own political gain.

There were red herrings thrown up about whistle blowing and all kind of justification as to why these things were being done. But when the smoke all cleared we found that there was no premise to say that it was done for anything other than personal gain—not one Member, but two Members involved and obviously endorsed by the whole of their group. And, like I said, Madam Speaker, it was highlighted by the fact that after that investigation was conducted some Members from that side of the Government did not even feel that they should have paid for an investigation. I am sure the people of the Cayman Islands were more than happy that His Excellency the Governor started [it] so [that] we could find out once and for all who it was, as our leaders, that was really found guilty of not upholding the rule of law. Now, Madam

Speaker, having dealt with the rule of law aspect, I want to now turn to the fiscal discipline.

Madam Speaker, we have a Government here that has acknowledged—proudly, I would say—that they have embarked on the largest capital development of any government. Now, while for a long time everyone else recognised that there was danger on the horizon, and that there would be potential problems with that embarkation that the Government had gone on, they proudly continued down that path talking about being able to continue because we can afford to pay. And I have heard some of the Members get up and talk about how we should be proud and how they are proud to be part of a balanced budget. Well, Madam Speaker, it is like they say, *the devil is in the details*, and what we see is, yes, government after government . . . our good gentleman, the Honourable Financial Secretary, always comes down and brings forward a balanced budget as presented by the Government.

I heard the Third Elected Member for the district of Bodden Town make the comment as to this being the most careful and considerate individual, and if he came forward with a budget then the country could feel proud and confident in knowing that it was a good budget. And, Madam Speaker, I was wondering when I heard all the great things being said about the Financial Secretary. I could not believe that that was the same gentleman that was also bringing the budget for the previous administration that had been so castigated, because when they castigated and questioned the budget at that time it was that same gentleman who was bringing it forward. But all of a sudden he is a good gentleman now; conservative. And if he is bringing it forward then the country should have great confidence. But before, Madam Speaker, it was the Government's budget and he was just the messenger delivering it.

What we see, Madam Speaker, is a memory of convenience, once again. We want to say that we do have confidence in the Financial Secretary, and we see the numbers coming forward, but we also know that the budget is prepared and presented by the Government. I think it was only on one occasion we had a financial secretary who came down here and said, *'I've been asked to read this budget on behalf of the Government'*. And we all know what happened to that Financial Secretary. So, while we recognise this as being the Government's budget, this is in no way any question or reflection of the goodly, Honourable Third Official Member, the Financial Secretary.

Madam Speaker, we talk about a balanced budget, but we look at the numbers that are here. We just went through the supplementary exercise and what we have is a system where (you're familiar with it) the Government puts forward its proposed revenue and it goes out to the departments. The departments then come back with their projections, their expenditure, and we look at the shortfall and we go back and forth and look at ways to try to cut and ways to try to

increase to try to get to that magical balanced process so that whoever is representing the Government at the time will come down here and deliver, and the Members of the Government will obviously get up and say. . .

We've seen budgets before, Madam Speaker. I'm sure the Honourable Leader of Government Business will remember in 2000 where, yes, the previous budget was balanced but after the election you realised that significant expenditures were not paid. There was outstanding some thirty-something million dollars, I believe. Forty-five million dollars. But that Government was also quick to come down and brag that *'You know what? We have a balanced budget.'* Now, what does that prove, Madam Speaker? Is that really something for us to hang our hat on and say, *'Yes, we've done something great because we have been able to come down here and work those numbers out to be balanced?'*

I don't think that we are fooling the public anymore, Madam Speaker. I do not think that the public, understanding how the system operates, really put a lot of credence on that whole expectation that has been created, that all governments are going to work until late in the Glass House working the numbers back and forth between the revenue and expenditure and come down to say that we have a balanced budget.

Madam Speaker, we also have the Supplementary Plan and Estimates and what we know is that every year, towards the end of the year, all governments come back and say, *'Oh well, we needed more money. We ran short in these areas and so we had to come back and get more money.'* What we see, Madam Speaker . . . and it was the last supplementary we did and I remember it very clearly. There was a request for \$1.8 million, I think it was from the Judiciary, as far as legal aid. It came back down to get the budget in line. That was reduced, I think to some \$900,000, almost half of the amount. Obviously, the Judiciary knew exactly what they needed because of what they had spent the last time, so they put forward the correct amount, but to create that balance budget illusion we reduced that number to \$900,000. Lo and behold, a few months later we have to come back to the Parliament and approve the initial \$900,000 requested for the total amount that was initially requested.

Now, Madam Speaker, we see the same thing in Social Services. The Member is making a reference to us moving the . . . Since he is asking that question, what happened in 2007, Madam Speaker? We removed the amount because we felt that the Judiciary should come back with a document before they got the required amount, and in an attempt to try to force that document we moved it. Madam Speaker, the point that I am making (and I will use Social Services as an example) . . . When we put the amount for burial assistance or housing assistance, whenever we put that in we always put it in with the understanding that

more than likely we will have to come back to get additional funds. I'm only using that example, Madam Speaker, because when we get up here and beat our chest and talk about a balanced budget at the beginning of the year, that does not lay a lot of comfort to the Caymanian people because they recognise the way the system works—that whatever number we want to put in the budget to make it balance, the reality will become apparent at the end of the financial year. And so, it is great now to be able to say that we have a balanced budget; but we don't know how balanced that will be at the end of the year because it will be dependent on the services that have to be provided by those service providers that we are funding.

Now, Madam Speaker, I note with interest that as we move down the page, the same page 4 of the Statement, the Leader of Government Business refers to **“When we took office, the Cayman Islands were in [a] crisis. Devastation from Hurricane Ivan was widespread and very much in evidence across the land. Crime had become a serious problem.”**

Now, Madam Speaker, again, that statement of, **“Devastation from Hurricane Ivan was widespread and very much in evidence across the land.”** Madam Speaker, both locally and internationally, people have commented on the quick, unbelievable recovery of the Cayman Islands, specifically in that six-month period. Now to talk about devastation still being in evidence, Madam Speaker . . . well if we were that bad still six months after, how could we be so rude, I guess, to call and have a general election if the country was still so devastated? Was that fair to the public, Madam Speaker? And, obviously, what it indicates is that even six months after a national devastation like Hurricane Ivan, the country had rebounded significantly enough that the Governor's representatives and the people felt that we were in a position now that we could go forward to some sense of normalcy and even have something as significant as a general election.

Madam Speaker, what is disconcerting with that is that here we are—some four years later—and we are still talking about these EU funds finally coming to get some of the hardships that our people have been going through for the previous four years under the People's Progressive Movement, starting to get that completed. Now they are criticizing as to what was done in the first six months after the storm. And guess who is doing the criticism, Madam Speaker? The same Government that has had four years of opportunity—four years of bragging about having surpluses, but still having people getting wet, still having people living in trailer homes.

Madam Speaker, this is the fourth budget of the Government. So when I say four years (just to give understanding to my colleague over there) I mean four budgets. And we still have people suffering those same effects, the same devastation that the Leader of Government Business . . . And he would give the impression that in some way . . . What he

said is that the previous administration proved unable to rise to the challenge of recovery and reconstruction. Madam Speaker, based on that I do not even think the People's Progressive Movement should bother to run for election because if the UDP was found wanting . . . It said, **“Caymanians therefore weighed them in the balance and found them wanting.”** If they were weighed six months and found wanting after that, imagine what the PPM is going to be found after four years, after four years and four budgets and still . . .

Now, I would like not to believe, Madam Speaker, that the reason why those people have not been dealt with is so that they will be dealt with just before the election. I would hope that those people that are still in those trailer homes are not all of a sudden going to find themselves in new fancy apartments just before the election, which would be indicative that the Government's reasoning behind that four years of suffering was simply for political gain.

I would hope, Madam Speaker, that it was genuinely the inability of the Government to find a solution to the problem, not being able to deal with it even though funds were now pouring into the country; even though we now had surplus budgets. I can only hope that it was not politics being played with those individuals' lives and the disruption that was caused by so many, because that would be sad, Madam Speaker.

While politics is what it may be . . . but when we see those questions, or when we see those areas of questions and those areas that would directly impact the most vulnerable and needy in our society, we all are concerned about the best interests of the Caymanian people. We have to hope that the suffering those individuals have [experienced] was through genuine need. We know it was not through lack of money—because the Government found money, budget after budget, to talk about surpluses. The Government even found money to pay CUC (Caribbean Utilities Company) to say that we were going to take a reduction in duty cost, thereby taking a hit in the revenues so that CUC could continue making their profit margins but the consumer would get some relief.

So, the Government subsidised the cost of fuel and are quick to get up and brag about a 15 per cent reduction. But on the other hand, the services that that money—whether it is the \$6 million or more in the coffers that the Leader of Government Business referred to . . . obviously, I'm sure, the people who are still suffering from Hurricane Ivan and those who still can't get the services that Government provides would have liked to have benefited more directly from that money.

Madam Speaker, the other point from Hurricane Ivan that I see is where we said that **“crime had become a serious problem.”** No, Madam Speaker, I know that I would be wrong in reading in the inference that the United Democratic Party had been found wanting in the balance on crime. Because based on crime then and crime now, there is not any time in my

short life that I have heard Caymanians more worried about the state of serious crime. Madam Speaker, it was convenient at the time to lay blame on the previous administration and there was that promise that *help was on the way*. The Government was [saying]: *'Elect us, we're going to solve your problems; we're going to solve your hurricane problems and we're also going to solve your crime problems.'* Madam Speaker, crime—especially serious crime—is at scary levels. People are scared for the first time to live in Cayman, people are scared to travel to Cayman; and what we are seeing is continuous increases and continuous fear.

Madam Speaker, I hear my colleague, the Third Elected Member [for Bodden Town], talking about scaring people. As a responsible legislator. . . I also hear that Member getting up and speaking at funerals of young people and talking about the need for concern. And I know that while he may not be pleased with the sentiments, I know his constituents are also coming to him like they are coming to me. So, while I feel sorry for him having to be in the seat of pressure . . .

*[inaudible interjection]*

**Mr. Cline A. Glidden, Jr.:** Well, Madam Speaker, he says he does not have any pressure. I can say to him . . .

**The Speaker:** Honourable Third Elected Member for the district of West Bay, can you direct your debate through the Chair, not across the Floor answering another colleague who is making a thing? Could you continue with that debate please?

**Mr. Cline A. Glidden, Jr.:** Thank you, Madam Speaker, as I am sure exists with yourself, and exists with all honourable Members of this House . . .

**Mr. Osbourne V. Bodden:** Madam Speaker.

**The Speaker:** Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

Madam Speaker, there is no quorum and the Leader of the Opposition pointed it out a while ago, and he is not in the Chamber.

**The Speaker:** I will suspend proceedings for fifteen minutes.

**Proceedings suspended at 11.46 am**

**Proceedings resumed at 12.02 pm**

**The Speaker:** Proceedings are resumed.

I would just like to read the relevant Standing Order relating to a quorum.

### **Standing Order 13 (2)**

Standing Order 13 (2) says, **"If objection is taken by any Member that a quorum is not present the Presiding Officer shall direct that Members be summoned, the Member taking objection having to remain within the Chamber and if, after five minutes, the Presiding Officer is satisfied that a quorum is not present he shall adjourn the House without question [being] put."**

So, could we have a quorum so that we can continue the debate of the Budget Address and the Throne Speech?

Third Elected Member for the district of West Bay continuing his debate.

**Mr. Cline A. Glidden, Jr.:** Thank you, Madam Speaker. Madam Speaker, when I was interrupted the last time for the lack of a quorum, I was. . .

*[laughter]*

**The Speaker:** When I suspended proceedings.

**Mr. Cline A. Glidden:** Sorry, Madam Speaker, when you suspended for a lack of a quorum I was on the point of crime and the fact that crime [is] becoming a serious problem. I overheard my colleague saying that he is not under any pressure (and that would be the Third Elected Member for Bodden Town, Madam Speaker). What I can say is that we are not a part of the Government, but we are elected Members and we are all under pressure. We are all under significant concern; concern of the state of crime and concern for the great fears that our people—who we have been given the responsibility to represent—have continued to express and we continue to give support.

So, Madam Speaker, I am not sure how that Member can say that he is not under pressure. Maybe he takes his responsibility as a representative differently. However, again, I think it is one of those areas where we all recognise the concern; we recognise the limits as to what can happen. But collectively, both as a parliament and as a community, there is significant concern.

As my colleague, the Elected Member for East End, said earlier, we have to continue to work together and support the police. Regardless of what doubts may be cast on some members of the police force, we have to continue to believe in the police force; continue to give them our support, because policing, again, is one of those difficult and thankless jobs that cannot be done without community support. And so I, too, continue to support the Police Department and feel that justice will be done if members have acted wrongly or not. Time will tell. However, in the meantime the Caymanian people need to continue

to support our police department because as we see the continuing rise in serious crime we all have reason to be concerned.

Madam Speaker, when I made the comment earlier on about the Honourable Financial Secretary, I want to make sure when I referred to the one bringing the budget here before and saying bringing the Government's budget, I'm referring to the post of Financial Secretary, Madam Speaker, not a specific Financial Secretary, and I would expect that the same confidence and respect that is given to the current Financial Secretary would also be given to all previous Financial Secretaries who have come forth, as is their obligation, and brought forward the budgets of the respective governments of which they were a part.

Madam Speaker, moving on, having dealt with hurricane and crime, we now see that looking at the . . . I mentioned that I was a bit surprised that the Leader of Government Business referred so much in the document to trust and transparency and accountability because we recognise now and the general public of the Cayman Islands recognise that, using his own words, the PPM has been weighed in the balance and found significantly wanting. So, when I looked at the outside of the document I could understand why the terminology now being used was "Keeping the Faith and Securing the Future." I assume that the Leader of Government Business recognised that he could no longer go to the public and talk about trust, because it had been proven that the People's Progressive Movement was not a Government that you could trust. So now they have gone to 'keeping the faith.'

Madam Speaker, we see that the faith is difficult to continue to keep because we are seeing more and more a disconnect between the Government and the Caymanian people.

[laughter]

**Mr. Cline A. Glidden:** Madam Speaker, we see this discussion of trusting now moving down to a position of . . . that whole idea of faith.

Madam Speaker, we are all people of faith and we believe quite well and have many clear indications that God has been good to the Cayman Islands and continues to be good and looks out for our wonderful Islands. But, Madam Speaker, it is only so much that faith can do.

When I read this document [Policy Statement] and I see the Leader of Government Business making reference to the comparison of when you're sick, if you feel well you're not really going to get sick, and he drew that comparison to talk about having faith, that even [with] all the signs of the economy—a declining economy—around us, that we have to stay positive. And as long as we stay positive, if we *think* there is not going to be a recession; if we *think* we are not going to have a shortfall of revenue, then we are *not* going to have a shortfall. Madam Speaker, that goes a

long way to showing how disconnected he really is to reality.

The reality is that our economy is slowing down—or has slowed down. We are suffering, we have significant people . . . and so, this idea that all we have to do is *think* that things are well and that means everything is going to be well, Madam Speaker, I understand now why we find ourselves four years into this Administration in the kind of financial problems we have. When we talk about fiscal prudence, if the fiscal prudence is just *thinking* that there is going to be money to spend and it is going to be there, then, Madam Speaker, things are even worse than we initially thought.

And so, the concern of the general populace would be, as my colleague said earlier on, that in thinking that the Government is concerned about their needs, the Government feels they are *thinking* about it and so those people should be taken care of. They are *thinking* about spending money and so we should not have to worry about our shortfall in the budget; whether that's \$500,000,000 or \$700,000,000 in borrowings that we refer to and debt that the country will have. All we have to do, Madam Speaker. . . .

And I know, because some of my constituents have come to me and said that they tried that. They went to Foster's [Supermarket] and they did not have a lot of money but they picked up enough food that they needed for the week and they were thinking real positive, Madam Speaker, that when they got to the check-out line they were going to have enough. But lo and behold, Madam Speaker, regardless of how much they thought about it, when they went to check-out, it just was not enough.

Madam Speaker, that is where we find ourselves, where the leaders of our country have decided that the solution to our financial problem is that all we have to do is *think positively* and everything is going to be all right.

Madam Speaker, I feel sorry for our people who still have almost another 12 months under this very positive-thinking Administration—positive thinking but little doing—and in the meantime our people are suffering. So, Madam Speaker, the faith, understandably, is getting more difficult for the people because when they go to the store and go to pay those bills at CUC (Caribbean Utilities Company) that faith is just not working out. When the gas gets cut off, the lights get cut off and when it rains they are getting wet, the strongest faith in the world, Madam Speaker, is tested. And at those stages, while it is easy for us in here to talk about keeping the faith, we see that our people are having it more and more difficult.

Madam Speaker, I move from that point (and I guess this may be faith based as well) to the point on the National Assessment of Living Conditions. The whole process has been, I guess, trivialised to the point where we have been talking about people in the Cayman Islands being able to live above the poverty

line with some \$10.87 per day, with the food component of that being \$1.83.

Now, Madam Speaker, I know that my colleagues on the other side, like yourself, like the Honourable Leader of Government Business, know that that number is not a realistic number. That threshold, Madam Speaker, regardless of who our consultants were, regardless of where they came from, regardless of how many times they have done this before, that number is not realistic, Madam Speaker.

Now, while I understand we paid for a document and we take it, what surprises me is that the Leader of Government Business would then take that document and use that as another opportunity to criticise the Leader of the Opposition by saying that, based on this information we have only 1.9 per cent poverty in the Cayman Islands and that that puts us to the lowest in the English-speaking Caribbean, and so, obviously, when the Leader of Government Business painted a picture of difficult times, that he was wrong.

I really expected better, Madam Speaker, because I don't have any doubt in my mind that the Leader of Government Business knows the significant levels of poverty in the Cayman Islands.

Someone sent me an e-mail a few days ago and said that they would like any of the people who have referred to that document, specifically the Leader of Government Business, to try to survive for a month on a \$1.83 a day and then we would see how unreal that number is.

Now, while he had that information I can understand, but for him then to use that to say that what the Leader of the Opposition has been saying—that times are tough and people are having a difficult time surviving—that that was his justification for saying that he does not know what he is talking about. Surprised me, Madam Speaker, because what I would have expected that gentleman to do when he received that document was to probably take a similar approach to that of the Deputy Leader of the PPM, the Minister for Education. In his statements he is taking a much more cautious approach. But to put everything based on this \$10 a day, some \$3,800 a year and say that there are only 986 people that fall below that category so things are not as bad . . .

Madam Speaker, to believe that we have some 986 people that are making \$2 an hour, basically \$18 a day, surviving on \$3,800 for the year, that in itself is a crying shame. But to believe that that is the real poverty line, I hope, Madam Speaker, that while he has a lot of faith, he is not that disconnected from the reality of the Cayman Islands of which he has been elected to represent. Madam Speaker, that \$336 per month is pretty much half of what the indigent have been given to live on. And we know that they are not able to survive on the \$550 a month. We know that that has to be supplemented by children, other family members, social services, good friends. And here we are saying that really they could survive and be above the poverty level with almost half of that.

And we have the nerve, Madam Speaker, and give that kind of information and use that to justify the fact that we are rated as having the lowest level of poverty in the Cayman Islands. Take it behind closed doors, look at it, ask them to go back and revise it.

Madam Speaker, the reason why I say that that is ridiculous is because I (who did not have the resources of the Leader of Government Business) upon seeing the document simply went to the United States Department of Health and Human Services and figured I would get a little comparison as to what they have set as their poverty line. Taking into account that we import almost 100 per cent of our items from the US, all expenses, as far as utility costs, are significantly higher than the United States. But I figured we would get a small comparison, a ballpark as to the accuracy of the document that I am sure we paid money for or spent a lot of time doing. And lo and behold, Madam Speaker, where there's accessible information, I have come to find that in 2007 the poverty guidelines established by the United States Department of Health and Human Services said that for one person in a household in the 48 contiguous states of the United States, the poverty level is set at \$10,210 per annum.

So, here we go, Madam Speaker. We're living in the Cayman Islands; we're importing everything from the United States; we are paying significantly higher for all other commodities, like fuel or all of our utilities, but lo and behold, we're able to set a poverty threshold at one-third of the level of what it is in the United States. Now, what creative math or accounting would we have there, Madam Speaker? How in the world would our leaders, responsible gentlemen, take that information and distribute that to the public of the Cayman Islands and expect that they are just going to take that again and have trust that what our leaders are telling us is correct?

You see, Madam Speaker, that is where I think the Government is fooled. I think the Government is still depending on that trust that was established in 2005 where they could say anything they wanted and the public would continue to listen and not question. Nowadays, Madam Speaker, we have information that shows that what they are saying contradicts everything else that is happening anywhere in the world. More importantly, it is happening to our major trading partner where everything is imported from.

And, Madam Speaker, just to give an idea on the incremental cost of freight—not duties, but there has to be a component of freight—in Alaska that cost now goes up for one person in a household to \$12,770 per annum. So, when we take into account the cost of duties and freight, a more realistic number—very difficult but more realistic number—would be somewhere in the range of \$15,000 per year. Even that, Madam Speaker, would be a stretch. But at least, after the delays we would have expected that some level of reasoning . . . I'm sure there are other studies that have been done. This one was very easily avail-

able to me on the Internet, and right away we see that this cost, surprisingly Cayman has one-third—a person can live on one-third of what a person can live on in the United States.

Now, Madam Speaker, it goes again to the point that I made earlier. Faith is good to have, but there has to be a reality check at some point in time, and the Government is obviously removed from . . . it is one of two things, Madam Speaker, either they're removed from reality or they're underestimating the intelligence of the Caymanian public. But for them to go forward with a document without drawing any comparison, but to be able to get up and say *'this puts us at 1.9 per cent poverty level, which is the lowest in the English-speaking Caribbean and of that we should be proud'*. . . Madam Speaker, I only hope that we are not basing too many of the decisions that we are having to make on the findings in that document, because the other point that is there is that it rises significantly, obviously, with each additional member of family in a household.

So, for one person in the household it is \$10,200; for two people in the household it is \$13,000. So, it is incrementally moving around \$3,500 per year. Now, that would be difficult in Cayman because suppose our whole expense is only \$3,500 or \$3,600 for the year. And so, it would be interesting to see—and I guess we'll see that when the chart comes out—as to how much it increases for each family member in the Cayman Islands based on our assessment that has been done.

Madam Speaker, when we refer to the challenges that the Caymanian public are facing, we hear every day the greater difficulties. We hear from the Government that things are good. I must say, Madam Speaker, I did hear from the Third Elected Member for Bodden Town (in the part of his speech that I caught) where he said that he was worried. When he talked about the financial picture and the borrowing, he said it worries him too. I found that significantly concerning, being a Member of the Government, and him acknowledging on the Floor of the Legislative Assembly that he too found himself worried about the financial position.

But, surprisingly, the Leader of Government Business said that they have brought back fiscal prudence. So, maybe he should comfort his member over there to make him less worried and to have that faith, because everybody else is worried and that's a significant enough sign. However, when the members of his own group get up and acknowledge that they are worried, we should then all take that as a sign as to how worried the rest of us should be . . . because with the inside knowledge that he would have to acknowledge that he is worried, Madam Speaker . . . like I said, it makes me a lot more worried and I am sure all other reasonable thinking Caymanians will be more worried as well.

Madam Speaker, I was happy to hear and have it confirmed by my friend, the Minister for Works,

that there seems to be a new plan in place. There is going to be a phasing in of the schools. Now how that phasing in is going to happen I am not sure, but one area that a lot of the local suppliers and truckers have come to me with is the concern with fill and the ground preparation works that are there. They said that it is some \$10 million in contracts that have been given out to one entity and they would have hoped that during this difficult time that it would have been spread around a bit more to take into account some of the smaller local operators instead of giving the whole contract to one entity.

Madam Speaker, I assume that that was all done above board in a transparent fashion and so I will not carry on with some of the reasoning or rationale that was given by those operators. But just to say, Madam Speaker, that there is significant concern to the fact that such a significant contract would have been given to one entity when there are so many local truckers around that do not have work.

There was also another issue brought to my attention, Madam Speaker. I heard that it has been straightened out, but in the whole era of openness and transparency I would expect someone to explain what occurred on the sites where, apparently, it was found that some of the fill was being removed; some of the existing fill on the sites was being removed and sold, and additional fill was being brought in. I have been told that it was addressed and that it has been stopped. However, I would expect that a statement would be made to explain what occurred and who was responsible and what action was taken for that dishonest behaviour. Or maybe, Madam Speaker, it is one of those things that will have to be investigated by the Auditor General.

Madam Speaker, that whole point on the Auditor General changes the focus of my debate because we have had so much discussion about all of these value-for-money audits and so many things that went wrong; so many investigations and allegations that have been disproved during the audit process.

Madam Speaker, one of the concerns about the Public Accounts Committee, though, is here we are moving along 12 months out, less than 12 months away from the next election, but the head of the Public Accounts Committee is still a member of Government. Now, Madam Speaker, as you will remember there was a lot said about that process and how unfair that process was and how the new Government recognised that that was not the way that it should work, and that they were only going to put one of their own there for a temporary period to deal with the outstanding audits from the previous administration. Madam Speaker, here we are, three plus years later and we still have not gotten a change. We see this again, Madam Speaker, as the Government saying one thing but doing another.

I guess this is another example of the faith. They have faith that even though it is not the right thing, their colleague . . . while it was wrong for every-

one else, any other government to have it chaired by one of the Members of Government, all of a sudden their Member can stay on. Even the last administration offered the chairmanship to a Member of the Opposition. They chose at that time not to take it, if I remember correctly. They were not satisfied to only have the chairmanship; they also wanted the Opposition to have a majority of Members.

Now, all of a sudden, here they get elected, and on this transparency, openness, this accountability, something as critically important as a Public Accounts Committee . . . because understanding how unrealistic that would be. No one from the Opposition is now saying that the Government should not still maintain a majority, but at least the chairmanship, which was agreed upon, you would have expected by this time that there would have been at least an offer of a change. But, lo and behold Madam Speaker, transparency, accountability, gone out the door again. It is not convenient anymore for the PPM to refer to those things.

So, in other words, just keep the faith that they are going to do better if they are given more time. Give them more time and they are going to do better than what they have been showing us—that all they do is talk a lot but when it comes down to action, there's no action.

Madam Speaker, when I hear the reference made to a balanced budget and fiscal prudence, I can't help but think about a few days ago when we had a reference made for supplementary funds for our National Carrier, Cayman Airways. Madam Speaker, you will remember during your time (you've been here longer than me) that there was a time when the Cayman Islands used to do injections or subsidies to the National Airline—\$2 million, then it went to \$4 million—and those were big numbers. People used to talk a lot about could afford to keep the Airline. And it continued up and pretty soon it was at \$6 million, and then, Madam Speaker, we had a savior: The new Government got elected and they said they had someone who was going to come and turn the Airline around; the administration before did not know what they were doing; it was bad management when they were losing six and seven million dollars, but they had someone who was going to save it.

So, they came, got a new building, got new consultants, some \$2 million, I think, worth of consultants for our National Airline. So, Madam Speaker, the country was holding its breath, waiting with bated breath to hear how this very important asset, the National Airline, was going to be turned around and those losses of some \$4 million to \$6 million dollars, which had become pretty much the norm would be reduced. So, after paying out an additional \$2 million in consulting, buying our own building, changing some aircraft and routes that were causing the losses to the country—all because of bad management by the previous Minister responsible—all those things were now under control; they were checked, put in place.

But, Madam Speaker, lo and behold, after waiting with bated breath what did we hear were the new losses for 2007/08 for Cayman Airways? Fifteen point five million dollars! And, Madam Speaker, the PPM has the nerve to get up here and talk about the fiscal prudence?

Madam Speaker, who do they really think that they are fooling? Fifteen point five million for Cayman Airways, not taking into account the consultant fees and all the rest of the stuff that was there.

Then we move on down, we see another good example of fiscal prudence. We go to Boatswain's Beach. Again, we hear that the reason for the losses at Boatswain's Beach is because of bad management and bad planning. So, we start digging a little bit deeper and we ask, *'well what were the losses in 2005?'* When it was first opened, when you would have expected the operating losses to be significantly higher, they said, *'oh the losses in 2005 were somewhere around \$700,000.'*

Then we said, *'Well, what were the losses in 2006?'*

They said, *'Well, the losses in 2006 were some \$900,000.'*

So, one year in the PPM Administration we see the losses increasing by some \$200,000. But they are still blaming that on the previous administration. So, we decide to go a bit further out and say, *'well, what are the losses in 2007/2008?'* Madam Speaker, lo and behold, we get losses of \$8.5 million.

So, even in their first year when they took over there was \$700,000; the second year it is \$900,000. Not sure exactly about the third year, but the projected losses in this year are some \$8.5 million!

Madam Speaker, do you know what their rationale for that is? *'Yes, we're four years in but the reason for that is still because bad boy, McKeeva Bush, bad boy, the Leader of the Opposition did not have a plan in place.'* And here we are, four years later, we still have not been able to put a plan in place, and, *'oh, by the way, our losses have increased ten-fold but it is still the previous Minister's problem.'*

Now, Madam Speaker, that idea that everything that goes wrong they are going to beat up and blame the Leader of the Opposition, everything that may have happened, even four years ago . . . they were so happy to get down there and put their names on Boatswain's Beach but now when it comes to the losses, oh no, it's the past Leader of Government Business, even though he didn't have a plan placed in 2005, and we have [had] four years to get a plan and now with our plan and under our Administration the losses have gone from \$700,000 to \$8.5 million! *You must still blame it on that bad boy from West Bay. That bad Leader of the Opposition; that bad Honourable McKeeva Bush; it has to be his fault why it is bad!*

**The Speaker:** Honourable Member, could we desist from calling Members by their names please? Thanks.



**Mr. Cline A. Glidden, Jr.:** Madam Speaker . . .

*[inaudible interjection and laughter]*

**Mr. Cline A. Glidden, Jr.:** Mischief, they call it, Madam Speaker. Anyway, that just goes into account, or it challenges the statement about good fiscal prudence, and I know that is going to be hard for some Members to take, Madam Speaker. I accept that those things don't go down well; I accept that those Members are used to having it that they can get up and say whatever they want to say, and nobody is going to question. . . . If the Member thinks that I'm saying something wrong, Madam Speaker, Standing Orders are available to that Member. He can challenge me at any time. I stand by what I have said, and I still say that the time has come for the PPM to recognise that what worked in 2005 of blaming everything on the previous Leader of Government Business, the First Elected Member for the district of West Bay, that's not working anymore.

People recognise now that you have had . . . in fact, Madam Speaker, what I need to remind the public is that in the last two terms, from 2000 to 2009, the Leader of Government Business (now) would have had five years as Leader of the country, whereas the Honourable Leader of the Opposition would only have had three years. Two and a half if you take into account the hurricane and the devastation.

So, when we talk about all the blame, people are getting tired of hearing that blame, Madam Speaker. Any reasonable person would understand that if you could not get it done in five years, how can you continue blaming the person who only had three years, saying what he should have done and how much devastation he caused? And so, Madam Speaker, that little story, that little *Nancy Drew* tale is not working anymore. People are not listening to that argument anymore about *'well just blame the First Elected Member for West Bay. We haven't done anything but remember we are better than him because he was a bad boy'*.

Madam Speaker, while they may have questions about the position (I had forgotten this point earlier on, Madam Speaker) that I referred to as the Honourable Third Official Member. Not only so much the budget that was brought here, but the decision that that Member was a part of, in concern, Cayman National Corporation when the Government took a decision to inject money to allow that company to go forward. He was one of those individuals, along with the Leader of Government Business then, the First Elected Member for West Bay, who gave the financial projections and advice on that. And not only the same Third Elected Member for Bodden Town, but basically, the whole PPM has criticised that decision significantly.

So, I find it quite amusing when the Member can get up and laud all these great comments and

attributes to that honourable gentleman, because that's the same gentleman who was criticised for taking that part. But they assume, Madam Speaker, that once again they can get up and criticise the Leader of the Opposition. And there are other Members, whose integrity is being questioned. They forget what damage is done to them. They forget that it was the Second Official Member and the Third Official Member who made that decision that they so heavily questioned. But, all of a sudden now, *the Third Official Member is a good man; a conservative individual who we can trust fully when he brings his financial projections*.

You see, Madam Speaker, life has a way of coming full circle and that is why my recommendation to all of those Members . . . because when they make those irresponsible statements that will question the integrity of individuals, whether they are Members of this Legislative Assembly or members outside, they should take that responsibility seriously and they should not make those general sweeping statements, and then have to turn around and say what a good man he is and what a good budget he is bringing, only a matter of months afterwards.

You see, Madam Speaker, what we are seeing again is that whole thing: saying one thing . . . sometimes with the PPM we had, saying one thing and doing another. But what we are now saying, is saying one thing, and now saying another. So, I assume that they are acknowledging, Madam Speaker, that initial decisions that that gentleman was so involved in on behalf of the government at the time, that since he was involved and gave it his blessings, those decisions were well done.

**The Speaker:** Honourable Member, is this a convenient moment to take the luncheon break?

**Mr. Cline A. Glidden, Jr.:** Yes, Madam Speaker.

**The Speaker:** Proceedings will be suspended until 2.15 pm.

**Proceedings suspended at 12:44 pm**

**Proceedings resumed at 2.24 pm**

**The Speaker:** Please be seated.

Proceedings are resumed. The Third Elected Member for the district of West Bay continuing his debate. I have been passed a note that you have 47 minutes remaining.

**Mr. Cline A. Glidden, Jr.:** Thank you, Madam Speaker. I am hopeful that I will not have to utilise all of those 47 minutes.

Madam Speaker, when we took the lunch break I was discussing the National Assessment of Living Conditions and talking about the survey and information that has come forward. While I did make

the comment as to the difficulty with the reality of the findings in that document, I am hopeful that with continued input and dialogue we will be able to get closer to a more realistic figure. We all recognise the importance of having factual information as to knowing the levels of poverty in our Cayman Islands. Until we find that information we will not know how to move forward. So I am hopeful that the document we do have will continue to be refined and that that information will prove useful for us to be able to move forward.

Madam Speaker, I mentioned in my earlier debate concerns with the Government's spending. I mentioned Cayman Airways and Boatswain's Beach. I want to give the Minister of Education credit for the work that is being done on the playing fields. I know our sporting enthusiasts are excited about the work on the field. It is taking a bit longer than any of us expected, especially since some of the fields were going to have artificial grass, which would have, hopefully, made the installation quicker. But spending some time there I can see that we are getting very close to having those fields completed. I am looking forward to that completion.

Madam Speaker, in the district of West Bay, there has been significant concern raised in relation to the height of the fill on the property where the school is going to go. While we recognise that it is going to be a hurricane centre, and recognise the need for lifting the base, there are concerns, first of all, as to how that fill will be retained. Right now there is no retaining wall around the fill. In some places it looks as high as eight feet. There is a concern that in the rainy season, hurricane season, that that fill will be eroded and slide down causing challenges and difficulties. One part of it is against the main road, and that could cause difficulties in the road. Hopefully there is a plan in place. I assume other Members have heard those same concerns.

Also at the site where the preparation works are going on for the Beulah Smith High School, some of the homeowners are concerned. They told me it has become pretty much a valley with the ground surrounding them and they find themselves down in a valley. I am sure Mr. Eden will remember one particular homeowner was relocated for the building of the clinic in West Bay. They were moved over into a piece of property that now adjoins the land that is being used for the school. What they now have is six to eight feet of fill all around their property, but their property is in the middle of that . . . No discussion has been had with them. Every day they see the fill being built up around them. They continue to get deeper and deeper into the valley and no one has even discussed with them, so far, what the plans are.

They recognise the need for the school as we all do, and they are looking forward to the school. But they are concerned, especially with the hurricane season approaching.

I am hopeful, Madam Speaker, that there is some plan in place for the surrounding areas and also

the retention of the significant quantities of fill that has been used in the base for the schools.

Madam Speaker, we talked about the significant expense. I know my colleagues on both sides have talked about the concern for the levels of borrowing. We see that we have moved forward on a significant capital development as far as infrastructure for the country goes.

The Minister for Roads is doing some good work with roads. We see that we are going to get more roads, more playing fields, hopefully more schools. We are not sure, exactly what the timing is on schools. Hopefully they will be staggered in an affordable manner.

But Madam Speaker, we have also heard about the need for a new airport. We have heard the concerns expressed about spending significant sums of money at the current location for the airport. Due to the limitations of space at the current location [this] does not seem to be a prudent investment. I spoke to some of the people intimately involved and they told me that they figure with the current growth, the airport would probably have a 10 to 12 year lifespan because of the limitations without significant work. Whether we are going to go into the North Sound and extend the runway, whether we are going to cut off a road to extend the runway, there is still a challenge about a parallel taxiway. There is still a concern about the flight path; challenges are created over the hospital. So, there are significant questions as to the logic of spending some fifty, seventy . . . we have heard different numbers of dollars on the airport when we have so many limitations.

I know the possibility of moving the airport has been discussed before. I know the Leader of the Opposition when he was Leader of Government Business talked about a proposal to move the airport into the eastern districts. There was an idea to use the new road corridor and saying a 20 minute drive for an airport is a very acceptable distance as far as location of an airport. There are not too many other cities we fly into where we find an airport less than a 20 minute drive away. So, if we had a highway—which I am sure the Minister for Works could get built—we could move the airport for the cost especially. Since the cost of land is still low in the eastern districts, we could get a significant piece of land and move the airport.

Instead of that, we see that we are moving forward with significant expense and modification to our current airport in the same location. For some reason, while we recognise the need for improvements, we now see what seems to be a standstill at the airport. There was a lot of work being done, as far as the driveways and parking lots and so on, but now things seem to have stopped. Very recently we have seen a change in leadership at the airport as well.

Madam Speaker, I have been made to understand that the challenge that exists is that the Airports Authority is owed significant money still from our national airline, and they cannot collect their money. On

the other hand, to get the loan required to move forward with the airport, the Government would be expected to guarantee the loan and the Government does not want to do that because that changes the borrowing levels that are acceptable and we will not be able to come down and talk about being compliant with all the requirements as far as prudent fiscal management.

So, with this important part of our infrastructure we seem to be in a situation where we are not sure. We have not heard too much in this budget document or in the discussion except where the Leader of Government Business talked about the continuation of the refurbishment of the airport. But so far we have not seen projections and we have heard that Government is not willing to go forward and provide the guarantee.

So I am looking forward to hearing some updates on the airport, whether here or in Finance Committee, because I think we all recognise that even if we can't move it to another location, as far as tourism and air arrivals being important to the country, we all recognise how important it is for us to have a modern and acceptable, as far as space and capacity, airport.

We hope that that is not one of those projects that has been talked about and started but that we won't be able to see something done. Maybe in hindsight we will be able to look back and say it is not worth spending that kind of money in the current location. We might have some innovative thinking with a possibility of moving the airport to a new location.

When Members on the other side talk about concerns, one of those would be that a lot of these significant capital works projects will also be significant recurrent expenditure. But no new streams of revenue seem to be associated with those projects. If we look at the schools we will see that . . . whatever the new number is. I do not know if it is still \$100 million as first talked about, or now a more realistic \$250 million, or what the cost is. But whatever that number is . . . and the reason I ask, Madam Speaker, is because at one time I heard they were going to be between \$50 million and \$30 million each. Then I heard that the budget price came in at between \$60 million and \$80 million each. If we do 3 times \$80 million we get very close to that \$250 million. But again, maybe there is some of that creative accounting or math—

[inaudible interjection]

**Mr. Cline A. Glidden, Jr.:** Hopefully someone will correct.

But the concern would be, Madam Speaker, whether it is \$200 million, whether it is \$250 million, my understanding was that we were going to have three new high school campuses to replace the current two that we have now.

The two schools that we have now each have around 1,000 students. So, we have capacity for

2,000 students. And we are going to build three new schools each with a capacity of 1,000. So, we are moving from the capacity of 2,000 to now have total capacity for 3,000. But it is going to cost us somewhere around \$250 million in capital costs.

Madam Speaker, since we are talking about public schools the concern would be where is the revenue going to come [from] to pay not only the new capital but also the recurrent expenditure that would come along with the new schools? I hope we are not going to be charging our children more for their education. But it begs the question as to whether we are not collecting any new money on the roads, because I do not know about any tolls or taxes that we are doing for road works; we are not doing any money for policing; we are not doing any new revenue for the school. We see that we are getting a new government administration building, which is \$80 million to \$100 million—again, a service provider but not providing any new services that would generate any new revenue.

We see a new airport where we already hear that the departure tax is too expensive; Cayman is too high as a destination. So we have another \$80 million being expended with no new revenue.

Then we move right down and we hear of the grandiose plans for a new cruise ship facility. We see the numbers out for that are around \$200 million. Again, Cayman is also touted as being I think the second highest-cost destination as far as head tax. So it will be hard to expect that cruise lines will be willing to pay much higher fees for the recouping of that additional capital either.

So we see significant capital works projects, \$200 million for the port, \$100 million for the government administration building, \$200 million for the schools. We are at five. Airport, another \$80 million, \$100 million, we don't know. And then we have roads. So we are at \$500 million, \$600 million in capital works projects and no significant increase in projected revenue from any of those projects. Madam Speaker, this should cause concern, unless we go back to that whole belief in faith, that belief that once we believe it is okay, it is going to be okay.

Madam Speaker, we have many questions as far as the port goes. We do not know a lot. We have heard there is going to be a new cargo port. We heard that it is going to be privately financed. We heard there is going to be a new berthing facility. And we are looking forward to hearing what is occurring with another important component of our tourism infrastructure.

Madam Speaker, I do have another area of concern before I move into the more local politics, and that would be the whole issue as to our education system. I have heard significant claims as to the significant improvements that Government has given to education. And as I have discussed with the Minister before, I think that all previous Ministers have had good intentions from going back to Mr. Benson Ebanks' days to Truman Bodden, to Roy Bodden and

the current Minister of Education. I have no doubt in my mind that intentions are all good as far as improvement to education. And all of them, bar none, had significant changes and proposals to our education system and ways that were going to improve.

Madam Speaker, while they were all good intentions, some of those intentions proved to be good, and some proved to be not so good. But only in a matter of time were we able to decide whether the improvements were really improvements or not. From what we have seen so far, we have heard a lot of talk—we have heard that we are going to get new schools that will make for a better learning experience, and we have heard that we have a new curriculum and that the kids are supposedly going to respond better to that new curriculum. But until it is tested and proved and we see that the results are an improvement over what was there before we will not really know. All it will be is good intentions so far.

I think it is a bit premature to start talking about all the improvements that have been made because so far there have been conferences, pretty website, pretty pictures, but tangible measurable results is what counts.

Madam Speaker, on that point a concern that has been expressed to me and other Members of the Legislative Assembly concerns the recent exams set by the Education Department. A few days ago an exam was given—it was a national exam that was done throughout the schools—to try to get an assessment of where the schools were at. The Education Department apparently recommended to the schools that they would be able to get previous exam papers and practice for the upcoming exam. The students did that. The parents did that. They got those previous exam papers and when they got to the exam the students said, *oh by the way, these exams are the same as the previous ones we did at home last night and last week as practice exams.*

Some investigation has been done, apparently by some of the schools. I have heard from three different schools now that apparently whoever sets the exam took a past paper, changed from pounds and pence to dollars and cents, and gave pretty much the same exam paper to our students. So, those who had been practicing on previous exam papers obviously had great results because they will have practiced the exact same exam that was given to them as a current examination. So, what we can expect to see is very high marks by those children. And I am sure we will get that as an example as to how good our education system is now functioning. When, in reality, those marks will be significantly skewed since the examination paper, if not exactly the same was so significantly close to being the same, that children would have been given a very unfair advantage in that exam.

Madam Speaker, I know that in the system, regardless of all the changes we tout and all the improvements we make, mistakes will happen. All I want to get as a comfort level is that we acknowledge that

the examination results will not be a fair example as to what the education level of our children will be. I remember . . . it is funny how when we want to make a point we use those numbers to our advantage.

I remember after Hurricane Ivan when a similar test was used and it said school had just started back these results will not be used because it is not fair for the children. But lo and behold, those numbers were terrible; the results were bad. And the government of the day could only get up and say . . . and those numbers got reported showing how bad our education system was at the time. After taking those kinds of results it would be very simple to come back and show other kinds of results to make the case as to what a great job . . . because even in the absence of those results I have already heard the praise that we have revamped and improved education even without tangible results. So I can only imagine the mischief that could be caused with the use of, first of all, those results, as well as these results now that have obviously not been done in the right fashion.

So, Madam Speaker, when it comes down to the importance of education we recognise and give credit to the importance of education. I hope with all my heart that all of the attempts at improving education in Cayman are successful. But I also recognise that there is a challenge when politicians get into an election mode and there comes a need for credit. And sometimes we take credit where credit is not due.

Since we know of the current situation beforehand, and obviously since the Government now knows that we are aware of the current situation, hopefully some explanation will be given, some balance will be drawn, and we will get a real measure sometime in the future just as those previous Ministers of Education have had to wait for their time and the public has had to decide. But it really bothers me when I hear Members on the other side get up and talk about the great inroads and improvements they have made in education, seemingly saying that the previous Ministers have not. And, like I said, only time will tell!

Madam Speaker, the other point of concern is Social Services. When I was referring to the National Assessment of Living Conditions and about how unrealistic those numbers are as far as only 986 people being below the poverty line, it reminded me of when we had the Director of Social Services, Mrs. Deanna Lookloy, here earlier this month for the supplementary budget. She explained to us that she had seen significant increases in the number of people coming to Social Services unable to make ends meet. She said that it had gone from 1,000 in 2007 to somewhere around 2,500 in 2008. All of us looked at those numbers.

I can recall one Member on the Government side even talking about whether there were any “strange Caymanians” that were coming, or new Caymanians. She made it very clear that in the large part there were no “strange Caymanians”, these were traditional Caymanian people who were now finding it

very hard. And if we look at those numbers that in itself does not jive with the supposed 986 people that are the only ones below the poverty line because we see over 2,000 people that have to come and get assistance from Social Services regularly.

I know the attempt has always been made to say this goes back to the status grants and the new Caymanians and the work permits. And we have continued to try. It worked in the 2005 election. There was all this *we were going to have overcrowding in schools*. Now, when the Minister of Education comes out and we ask about overcrowding and he says no, it is all normal growth, we have seen no significant growth in students and education.

We talk about Social Services and we asked again about whether they are new or "strange" Caymanians (as the Third Elected Member for George Town referred to them). But we find that, no, these are traditional Caymanians.

What we are seeing is that all of those scare tactics that have been used about how devastating and how detrimental four years past, five years on from the status grants, while the Government still tries to justify everything with that, we see that the numbers do not really justify those claims.

We see that Caymanians as a whole whether it is through bad general immigration policies, bad education policies, bad employment policies, Caymanians themselves are finding it hard to make ends meet. The quicker we acknowledge that and look at doing something to fix that problem instead of trying to blame this on the expatriates, the better off we will all be.

So, Madam Speaker, I am hoping that now that we are some four, five years past that we will start trying not to blame. Before it was status grants, then it was Hurricane Ivan, and since that it has been the First Elected Member for West Bay. Everything that goes wrong it was the previous administration, even though in the last eight years, or the completion of his term, he will have served three years as Leader of Government Business, and the current Leader of Government Business will have served five. It is time, Madam Speaker, for the Government to move past that.

They cannot convince the general public any more that everything that goes wrong, whether it is Boatswain's Beach, like I said, or whether it is Cayman Airways, we cannot convince people any more that during that time the losses were around \$6 million and \$7 million and now the losses are \$15.5 million but in some way it still has to do with the previous Leader of Government Business. It is time to take responsibility for those decisions that have been made. The logic that Boatswain's Beach loses \$500,000 in 2005, but loses \$8.5 million in 2008 and in some way we are going to still blame that . . . that is not going to work with the general public any more.

Madam Speaker, I am hopeful that in our next 11 months and a bit that the Government will stop

continuously trying to blame previous administrations and stop blaming previous events, whether it is Hurricane Ivan . . . The time has come now for the Government's campaign. They were given the opportunity to lead the country and now they have had that opportunity going on four years.

If they have not been able to do that well, then just accept that some people can and some people can't. You have now been given your chance to, and if you don't do it, accept the responsibility of coming to the people in the next general election and saying, *You know what? Thanks for the opportunity, but I failed you*. Instead of still trying to find some ridiculous method of putting the responsibility and blame on somebody else.

Madam Speaker, the next 12 months (we have not actually heard an actual date for the elections, but the next 12 months) will be a trying time for the Cayman Islands because not only will we have an economy that appears to be in recession, but we also have a Government that is doing everything possible to try to get re-elected. So, while we have seen a lot of money being spent so far, and we have heard the concerns and the resistance to a reduction in that expenditure and the justification to talk about *yes, we have a balanced budget and everything, once we think positive and remain thinking positive, everything should be okay*.

But here we go, Madam Speaker. We will see more and more desperation on the part of the Government attempting to convince the public that they should give them an additional term because they were not able to do it in four years but if you give them another term they will be able to do this. Madam Speaker, as my colleague said earlier on, I have no doubt that the good Caymanian people will not be fooled by that. I think we have seen in the past that they come and vote out those people who do not perform when given a chance to represent them.

So, Madam Speaker, I look forward to the next 12 months. I look forward to our continued discussion on the Constitution. Maybe I missed it because I was absent a few days last week, but I heard during the supplementary that we were soon going to get a date for the referendum. I do not know if we have gotten that date for the referendum yet and whether we are satisfied that the amount of necessary discussions and education with the public has been held and that we are ready to move forward a referendum. I recognise fully that the reason for the Government going back on their position and delaying the initial date for the referendum was that they did not feel that they had the political support at the time and very smartly they decided to listen to what has been our initial call for a delay. But even that, they would not come out and say or give any credit to the fact that the Opposition had gone out and spoken to the people and recognised the need. Apparently they have not done that. But they came back after realising that they would fail or lose the referendum and they have now

decided to delay the referendum. Apparently there is still some magically picked date.

For a while we heard there was a fixed date because if we didn't have it soon the UK was going to ram constitutional changes down our throats. But, as with many other things we were able to find out that was just a scare tactic that was used. We had an unequivocal statement from the Foreign and Commonwealth Office saying that was not the case.

So what we know now, Madam Speaker, is that any deadline or perceived deadline or timeline for referendum or constitutional change is not being driven by the Foreign and Commonwealth Office or any external power, but is being driven by our local populous, namely, the Government of the day, the People's Progressive Movement.

We are not sure, we have not been able to find out . . . I have heard a lot of criticism of the previous Leader of Government Business, the Honourable Leader of the Opposition, and they keep talking about he stopped the process. And, yes, Madam Speaker, he did stop the process because going far and wide throughout the Island you found there was no support for the constitutional process. There was no support for the constitutional modernisation. And instead of continuing to push the document after going through the process, he did the right thing to stop it.

But here we have the new government also finding the same problem, but instead of listening to the people and either stopping or giving an adequate amount of time, we continue to hear them telling the people that we have to have this process. We have to have this referendum and we have to have constitutional development or constitutional modernisation and no one knows what this unknown deadline or established date would be.

**The Speaker:** Honourable Member, you have 11 minutes.

**Mr. Cline A. Glidden, Jr.:** Thank you, Madam Speaker, I think I can wrap it up before then.

Madam Speaker, the constitutional process, we all recognise the value in taking part, the value in educating our populace. At least now we are going forward on what seems to be a level footing. Like I said I have not heard the new date, but it appears that the education process is going full swing. I know there is a discussion tomorrow between the Leader of the Opposition and the Leader of Government Business. Hopefully the process will be allowed to take the time. And also, hopefully, the Caymanian people will make it clear that they are not desiring or seeking significant political modernisation that the Government as well will do as good representatives and decide that they too may need to stop the process until the general public is desirous of such.

I am not sure that I have too much hope that that will occur, Madam Speaker, since so far the previous Leader was criticised significantly for stopping

that process. I guess it goes against the whole grain because on the one hand they say that he was referred to as a bombastic leader who used to push everything on and was some sort of dictator. Then they have to justify the position that he came back and stopped the process because of lack of support. That does not tend to go along with the whole picture that has been painted of him being the kind of dictator they would like to people to believe that he is.

Madam Speaker, the Constitution is of great importance. Regardless of what political agendas may be, I am still hopeful that as a people we will recognise the importance and step back, look in general terms and say this is what is good for the country, this is what is not good for the country, forget about who wants more power or forget about those personal fights or people may be upset because the Governor calls a Commission of Enquiry so there may be a need to take away power from the Governor. I think we have seen that the balance of power that currently exists has served us well in times of need. And while there may be room for changes we have to carefully go forward with those changes at a time and schedule that is advantageous for the Caymanian people.

Madam Speaker, I want to thank you for your continued assistance and guidance in my other role as Deputy Speaker. This will be the last Budget and Throne Speech, and I am not sure if the opportunity may arise. But, Madam Speaker, moving forward as I heard the Leader of the Opposition say already, we are looking forward to changes after the May election in the leadership of the country. And if that were to occur, it is good to know that there is a qualified Speaker that would be able to step in and assume the role. And Madam Speaker I look forward to a continued good relationship with you and all Members of this House.

I look forward to the continued blessings of the Almighty on our good ship Cayman.

Thank you, Madam Speaker.

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

The Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** Thank you, Madam Speaker.

**Hon. W. McKeever Bush:** [inaudible interjection]

**Hon. Samuel W. Bulgin:** Ghee, that sounded like a farewell speech you were making, or wha?!

[laughter]

**Hon. Samuel W. Bulgin:** Thank you, Madam Speaker.

I rise to make a contribution to the ongoing debate on the Throne Speech delivered by His Excellency the Governor on the 30<sup>th</sup> of April this year. Un-

derstandably, Madam Speaker, I will be focusing my attention on the issues relating to law and order and general anti money-laundering compliance and regulatory issues and related matters. In that respect, I will begin with an overview of our regulatory and compliance framework for our financial services centre and related services.

Madam Speaker, for many years now this very tiny jurisdiction has been feeling the brunt of (if I might describe it as) the 'wrath' of the rest of the world because of our success as a financial services centre. Indeed, in more recent times we have been attracting a lot of attention because of the exponential growth in investment funds business in these islands. This has resulted in cries from all over the rest of the world for the Cayman Islands to be reined in because in the eyes of some of our detractors there must be some sleaze that is taking place here why people with legitimately-earned money would wish to do business in the Cayman Islands.

Madam Speaker, it is no secret—certainly not to those who wish to know—that as a jurisdiction the Cayman Islands is one of the best regulated financial services centres worldwide. It is no wonder that we are the leading domicile for hedge funds. Anywhere between 70 per cent and 80 per cent of the global hedge funds are registered here in the Cayman Islands.

So, when investors seek to place their business, their investment around the world, and I say 'around the world' because the investment fund industry is distributed globally with every country now trying to attract some of the business. But, as I said, investors in financial business quite sensibly look to invest in jurisdictions that offer them a degree of confidence. And confidence in this case includes a number of things.

They look for political, economic and social stability. And as we know, Madam Speaker, Cayman offers nothing less. These investors need look no further than our Aa-3 rating from Moody's, our rating agency. We have free and fair elections constitutionally every four years. We enjoy one of the highest standards of living, not just in the Caribbean but worldwide. Accordingly, the investors are guaranteed that confidence when they think about the Cayman Islands. And given the global nature of things the information is now really just a mouse click away so they know where to find this information.

Madam Speaker, investors also look for other factors. And the Cayman Islands offer that. We offer a very experienced, competent and independent judicial system which is underpinned by English-based common law and legal systems. Indeed, our final court of appeal, our appellate court, is Her Majesty's Privy Council in London. And these are the same judges who sit in the House of Lords which is the UK final court.

We have legal systems that guarantee access to justice. We have a legal system that guarantees

equality of arms; we have a justice system that offers equitable settlement of disputes including appropriate enforcement mechanisms for contractual rights. This latter aspect is underpinned by the availability of some of the highest calibre of relevant professionals. Some of the worlds best legal practitioners, accountants, bankers, funds and companies managers, regulators, compliance officers, police investigators and prosecutors all of whom observe and where appropriate apply our regulatory laws and best practices.

Investors are given the confidence to invest here because the Cayman Islands offers them the opportunity also to lower their tax burden while at the same time meeting their tax commitment to their country of origin. The Cayman Islands facilitates tax neutrality, not tax avoidance as some commentators would have the world believe.

By investing in places such as Cayman, Madam Speaker, investors avoid being subject to double or triple taxation on their returns. We all know that lowering one's tax burden is a legitimate commercial exercise. That is why persons running for political office worldwide when they campaign, they always campaign to lower the taxes of the electors. It is a legitimate concern as a legitimate commercial exercise. That is why they do it.

Let me make it quite clear that I am not in any way saying that there are not instances or pockets of tax avoidance or evasion here. Indeed, there is no country in the world that can completely prevent such an activity. However, what I can say to this House and indeed to the rest of the world is that the Cayman Islands have said or done nothing to encourage or facilitate tax evasion.

Indeed, I go further, Madam Speaker, by saying in instances where such abuses have taken place and have been brought to our attention, the Cayman Islands have cooperated with the relevant countries in providing information and other forms of assistance, where permissible, of course, to facilitate them enforcing their laws. So, the Cayman Islands does not provide any safe haven for tax dodgers or other persons involved in any illegal activity.

Madam Speaker, continuing on the issue of investor confidence, I would simply wish to mention also that there are other factors which an investor would look to and take comfort from. They would be impressed by our well developed communication and utility network, our strategic geographical location vis-à-vis some of the world's major gateways and our accessibility from places such as London, USA, and other parts of the Caribbean because we are serviced by some of the world's leading airlines.

Madam Speaker, our attractiveness is further enhanced by the relative speed and ease with which business is conducted here, aided, of course again by the relatively low cost due to the absence of some of the more burdensome taxes and tax structures often associated with doing business in other countries and

it has proven to be prohibitive for businesses in those countries.

The fact that these Islands are so investor friendly and so attractive to business has nothing to do with any absence of regulation in the Cayman Islands. It has nothing to do with facilitating or encouraging illegal activity. Instead, it has more to do with a reflection on the burdensome tax regimes as well as other disincentives practiced by countries of origin and which, in turn, drive business offshore.

Madam Speaker, this is not just my opinion; this is something that these countries are now beginning to realise and are actively taking steps to encourage their business to stay at home. They are offering tax incentives. They are moving to lower taxes or in some cases abolish taxes. They are enacting legislation similar to those found in the Cayman Islands. They are putting in place tax neutral schemes. And some of them, I have seen one that even advertised that the Cayman Islands secrecy law is not as effective as it sounds but instead, that particular country's secrecy law is much tighter. There you go, Madam Speaker.

While I am on the issue of secrecy laws, let me just use this opportunity to explain to the uninitiated the purpose of our Confidential Relationships (Preservation) Law. This law is not about preventing the disclosure and sharing of information. Indeed, it is not a barrier to the sharing of information. Instead, the Confidential Relationships (Preservation) Law provides a dedicated legislative gateway to guarantee the provision of information to anyone, including law enforcement and regulatory agencies that have demonstrated a legitimate entitlement to the information requested.

In this regard, it is no different from the various confidentiality provisions found in the different banking laws of other countries—the USA, the UK or others—as it relates to unauthorised disclosure of clients' information.

So, it is now clear to us, given what has been happening, that it is all about jealousy by the rest of the world. They are deeply jealous about the success of these islands, and so the line of attack is not now only to seek to put us out of business but to try to lure some of these businesses back home on shore.

**Hon. W. McKeever Bush:** Madam Speaker, we've had no quorum for the last going on 15 minutes now. I was waiting to see whether they were going to come in and listen to what I think is very good information being passed on.

[pause]

**The Speaker:** Serjeant, are there any other Members in the Common Room?

**Serjeant-at-Arms:** Yes Ma'am.

**The Speaker:** Can we ask them to all come in to ensure that we have a quorum for the rest of the proceedings please? Thank you.

[pause]

**The Speaker:** Honourable Second Official Member, continue your debate please.

**Hon. Samuel W. Bulgin:** Thank you Madam Speaker.

In continuing on this theme, let me remind this House and indeed the rest of the world about how much we have done as a jurisdiction to ensure that we are not just a jurisdiction of choice but also understandably one of the most regulated financial services centres world wide.

Madam Speaker, as you and others are aware, the Cayman Islands have been reviewed over the last eight years by every conceivable international and regional reviewing agency. They include KPMG; (CFATF) twice, Caribbean Financial Action Task Force; and the FATF of course. The IMF; the OECD; and, as we speak, the IMF is getting ready to come back again. Indeed, some people say that we are review-fatigued!

We are the only country to undertake the retrospective due diligence exercise, even at great cost, while others onshore and also developed countries who pride themselves on regulation refuse to do so because, according to them it is too costly. We are one of the first countries to enter into advanced commitment with the OECD. Madam Speaker, every time there is a pilot project to be rolled out by these reviewing agencies the Cayman Islands is asked to volunteer. They ask us to volunteer to use these new methodologies: we are the guinea pigs. And they ask us to 'volunteer' Madam Speaker, but we know better because if we do not volunteer we know that we are going to find ourselves on some list somewhere. So it is in our interest to 'volunteer.'

Each time they have asked us to volunteer, in all such cases we have opened our books and in all of those instances we have been found us largely compliant and in some cases we have exceeded international standards.

Madam Speaker, I can say without fear of contradiction that the Cayman Islands as of today as an offshore financial service centre enjoys the highest rating in relation to anti money-laundering and combating financial terrorism standards, the highest rating of an offshore centre.

Indeed, the various evaluations to date have confirmed that using the most modern methodologies the Cayman Islands as a jurisdiction ranks in the top three countries of those reviewed, including FATF member countries. We are in the top three in terms of being either compliant or largely compliant with these 40-plus FATF recommendations as it relates to international standards.



Madam Speaker, you, as well as Members of this House, will be delighted, but certainly not surprised to hear, that we are rated generally higher than countries such as Italy, Spain, Ireland, Switzerland, and, yes, Madam Speaker, in some areas better than the UK. But it gets a little better as well: it is now accepted, certainly after our latest CFATF evaluation in June of 2007, that our compliance culture is generally healthier and more robust in that we generally apply higher standards than even some of our major detractors including in some areas the USA. And I think I heard someone say, "So, *what is it they want with us?*"

But let me put this in some perspective for you, Madam Speaker, and honourable Members. In June 2007, the Cayman Islands was evaluated by the CFATF (Caribbean Financial Action Task Force). The examiners were from the Bank of Jamaica, the Attorney General's Chambers in the Bahamas, a member of the Royal Canadian Mounted Police, an analyst from the United States Department of Treasury, Financial Services Enforcement Network (otherwise called FINSSEN), as well as the Deputy Director of the CFATF based in Trinidad.

Madam Speaker, they issued their report in December 2007 (six months ago) and in that report they found that the Cayman Islands were compliant or largely compliant (the two highest ratings) in 32 out of 40 FATC anti money-laundering recommendations, and six out of nine CFT recommendations. And in other areas, we were more or less partly compliant, and, Madam Speaker, these latter areas include matters such as some services not having in place screening procedures to ensure high standards when hiring certain employees and quantitatively inadequate human resources at CIMA (Cayman Islands Monetary Authority) and Customs. And on most of these other areas that they have identified weaknesses in, are areas that would be addressed when this House passes the new PCCL Law in the next fortnight or so.

But, Madam Speaker, the report went on to state, for example, that the Cayman Islands legal framework for combating money laundering and tourist finances is comprehensive and implements all the relevant provisions of the United Nation Conventions, saving one minor respect, not impacting on our effectiveness. I repeat that, Madam Speaker: "The Cayman Islands (this is the quote from the report) legal framework for combating money laundering and tourist financing is comprehensive and implements all the relevant provisions of the UN Conventions, saving one minor respect, not impacting effectiveness."

They went on to say that "the confiscation regime meets most standards and is effective as over one hundred and twenty million dollars in property has either been restrained or confiscated since 2003."

They recognised, Madam Speaker, the fact that we have had some five domestic money laundering prosecutions since 2003.

Madam Speaker, this superb rating—if I might call it that—is consistent with the earlier report issued by the IMF after its 2003 evaluation of the Cayman Islands. To give you a synopsis, I seek your permission, Madam Speaker, to quote quickly from the executive summary of that report issued by the IMF. It says, "The Cayman Islands financial industry and regulators have developed an intense awareness of the measures required to combat money laundering and the financing of terrorism. As a result of legal reforms and improved supervisory procedures since 2000, there is an effective regime to implement these procedures and good evidence of a developed compliance culture. In the last two years an extensive programme of legislative rule and guideline development has introduced an increasingly effective system of regulation both formalised in earlier practices and introducing enhanced procedures."

It goes on to say that "the anti money-laundering safety regime is robust, and that the Cayman Islands has been a leader in developing anti money-laundering programmes throughout the Caribbean region. Many in the Cayman financial sector provide leadership within the region to the Caribbean Financial Action Task Force. The system will be further strengthened as a securities investment business law is implemented for market intermediaries and by issuing guidance to all financial services providers regarding internal control and monetary audits, tightening certain provisions of the guidance notes and ensuring that adequate mechanisms are in place to safe-guard against potential risk associated with eligible introducers and to ensure ready access to identification records on clients introduced from abroad."

Madam Speaker, all these are already in place. The regulations in the Cayman Islands are in accordance with IOSCO (International Organization of Securities Commissions) principles as well as implemented except in mutual funds areas.

I pause to say, Madam Speaker, here is the IMF saying in 2003 that our regulations are in compliance, are in accordance with IOSCO principles. The point I am making is that this is now 2008 and we are still struggling to get membership into IOSCO. But there are countries with far less regulatory regime who have been granted membership of IOSCO. It begs the question, Madam Speaker. I say no more.

Madam Speaker, those comments from the IMF came as no surprise to those of us in Government and the private sector who have worked and continue to work very hard to ensure that our standards are up to international expectations. We need only to recount our combined efforts, that is, Government and private sector efforts, over the last decade and a half starting with the Mutual Legal Assistance Treaty (MLAT) with the US which has resulted in excellent working relationship with them and, particularly, with our central authority, the honourable Chief Justice, and the US counterpart, the Department of Justice in Washington.

This excellent working relationship has resulted in excess of 300 requests that have been dealt with. In doing so, in providing that level of assistance we continue to have our annual consultation talks where from time to time the US Department of Justice people visit Cayman and vice versa with a view to reviewing the workings of the MLAT and to improve where improvement is required. And I dare say that the US Department of Justice has nothing but praise for our cooperation, our effort in cooperating with them. And this is despite anything that you might have heard coming from the Floor of the US Senate and House of Representatives.

It is despite anything you might have read coming from Mr. Morgenthau, the New York District Attorney who fails to update his records.

Madam Speaker, in addition to the MLAT, we do have other legislative and regulatory as well as institutional frameworks in place. We, that is, CIMA (Cayman Islands Monetary Authority) and Cabinet, as well as industry stakeholders, continually update and reissue statements of guidance or guidance notes to service providers in the Islands on the prevention and detection of money laundering. These guidance notes are not just general but are sector specific and cover other areas such as insurance, company formation and management, staff training, record keeping, know your customer requirements as well as SAR (Suspicious Activity Reports) all these requirements. These guidance notes are used to buttress the actual anti money-laundering regulations issued pursuant to the PCCL for the first time in as far back as 2000.

So, it was no surprise to us that the CFATF observed in their latest report that in terms of overall anti money-laundering compliance, the compliance culture prevailing in the Cayman Islands, it was evident to the assessors that the country in general and the financial services providers in particular, all have a keen sense of awareness of these anti money-laundering and CFATF issues.

Unlike some countries, the Cayman Islands enacted aspects of money-laundering legislation as far back as the 1980s starting with the Misuse of Drugs Law. And we have since improved on that, in 1996 with the enactment of the Proceeds of Criminal Conduct Law to cover money-laundering in all other areas. These have served us well. So well, that they have been copied and used by other countries.

In keeping with our role of lead jurisdiction in this area, we have recently completed a review of the Proceeds of Criminal Conduct Law and in the next couple of weeks I will be piloting a complete revised and updated PCCL reflecting the most up to date best practice among others. To complement the PCCL I need to also briefly mention the existence of our Terrorism Law that was passed in 2003 and, of course, the various related United Nations Orders that helps underpin that legislation.

We have also an Information Tax Agreement (ITA) with the United States. And that is as far back as

2001. In this regard we have also enacted the necessary legislation to underpin that agreement as well as any similar agreement that we will be entering into in that respect.

Madam Speaker, the actual form of agreement that was used is consistent with and acceptable to our G8 friends. They found it (to use their words) consistent with the high standard of transparency and exchange of information for tax purposes.

Related to this is the fact, honourable Members will recall, that we have also enacted what I might refer to in short as the EU Savings Directive Law. This was enacted to provide the framework, both legislative and institutional to create the capacity to provide information to member states of the EU.

So we have done our part, Madam Speaker, in attempting to partner with other countries to fight crime as well as other unacceptable behaviour. Indeed, as I speak, CIMA continues to do a wonderful job in working with international regulators in the financial services industry to ensure compliance with best practice. It is working closely with agencies such as the UK Financial Services Authority (FSA), the USA Securities Exchange Commission (SEC). There has been ongoing discussion with International Organisation of Security Commissions (IOSCO), and it has signed Memorandum of Understanding and other bilateral with overseas regulators as well. It is working closely with the offshore group of banking supervisors, it is working closely with the offshore group of insurance supervisors, and these efforts are all aimed at shoring up CIMAs ability and, by extension the Cayman Islands' ability, to provide international cooperation and cross border supervision and other related assistance.

The same may be said of our Financial Reporting Authority (FRA) which has done extremely well in restoring the confidence and respect of not only the local financial industry but its international counterparts as well.

So, Madam Speaker, we continue to do what is right, we continue to do what is balanced. We continue to do what is reasonable to maintain not just the good reputation of these islands, but also our competitiveness in the international financial services business. Having done so as a Government we wish to salute all the stakeholders, those in Government, the Portfolio of Finance, the Attorney General's Chambers, the RCIP, CIMA, FRA and others.

The Government also salutes the dedication, commitment and professionalism of our friends in the private sector, our legal practitioners as well, our accountants, our insurance professionals, our companies experts, our funds administrators, trust experts, real estate practitioners, bankers, we salute every one of them. We appreciate their efforts despite the challenges. And I say challenges, Madam Speaker, because for the Cayman Islands it is a continually shifting goalpost. And there is no such thing as a level playing field.

On every single occasion that we have been reviewed, and we think that we are just about ready for membership in some of these international bodies, we are told, *"Hang on. We need to take one more look at you and we are going to be using a new methodology and thereafter we will get back to you."*

So, Madam Speaker, we continue to comply. We continue to persevere and we will continue to be competitive. And I am confident that we will take our seat at the table not too long from now. We will not be fighting with them. We do not believe in confrontation. We believe in dialogue, and we will not give up. Instead we will continue to negotiate our way to the table.

Madam Speaker, I was going through my usual email traffic and I saw an email with an article written by a Hannah M. Terhune. I do not know who she is. But I found it interesting because I spoke about the competition in the hedge fund industry and jealousy. This is what she said: "Many countries are competing against each other to provide the best playing field from a legal standpoint for private investment hedge funds. For a new look low budget offshore fund, Anguilla or the British Virgin Islands and not the Cayman Islands, may well be the best choice. Best location for offshore funds? The short answer is that no one place is best. You can form an offshore fund in any location that makes sense and is affordable. There are many areas of the world that are considered prime offshore centres. The most widely used and the most expensive locations are Bermuda, Guernsey, Hong Kong, the Isle of Man, Jersey, Luxembourg, Mauritius, Singapore" . . . and it goes on and on.

"These locations provide a welcoming climate for funds in terms of the ample and pricey supply and sophisticated lawyers, bankers and consultants offering legal and accounting advice."

Madam Speaker, it is a competition. That's what it is. A lot of the rhetoric that we hear has nothing to do with any concerns about whether the Cayman Islands is well regulated or not. They are insisting and they are jealous and adamant that some of the business here must be moved to their jurisdiction. That is what it is all about.

**The Speaker:** Honourable Second Official Member, is this a convenient point for me to take a 15 minute break?

**Hon. Samuel W. Bulgin:** Thank you Madam Speaker.

**The Speaker:** Proceedings will be suspended for 15 minutes.

**Proceedings suspended at 3.43 pm**

**Proceedings resumed at 4.08 pm**

**The Speaker:** Please be seated.

Proceedings are resumed. The Second Official Member continuing his debate on the Throne Speech and the Budget Address.

**Hon. Samuel W. Bulgin:** Thank you, Madam Speaker.

May I now just focus briefly on some areas mentioned in the Throne Speech mentioned by His Excellency the Governor?

His Excellency mentioned the issue of a criminal justice strategy. In that respect I wish to point out that as we speak there are a number of different initiatives being pursued by different agencies and departments in Government as well as outside of Government, all aimed at enhancing our criminal justice system in general

Not too long ago, the judicial department working along with other agencies rolled out the first drug rehabilitation court. This is a facility aimed at providing an alternative to the traditional method of fine and imprisonment for persons who have an obvious drug abuse problem, that is, a drug addiction problem that drives that person to committing other criminal offences invariably aimed at feeding the insatiable drug habit. The criminal justice strategy and in particular the drug rehabilitation court, is a multi-agency alternative approach to this endemic problem and from all indications it is doing very well as we speak.

But there are various other initiatives in train that could benefit from a more coordinated effort and by extension greater cohesion if not oversight. Indeed, I can say that there is probably no single agency tasked with coordinating some of the various strategies being pursued at the moment, and this is no reflection on anybody. Strategies such as outstanding recommendations on the Crime Study Report, the Alternative Sentencing Initiative, the Post Sentencing Parole Probation and Aftercare matters, prison reforms, early intervention policies for at risk youth, and witness protection and the proposal to enhance the provision of forensic and related services. These are all different initiatives being pursued within Government at the moment. Well intentioned.

But what is being contemplated is a sort of a more collaborative approach within Government as well as outside of Government. So, the Cabinet has recently approved the formation of a Criminal Justice Strategy Management Group for the Cayman Islands that will be tasked with the responsibility of overseeing or coordinating these various criminal justice initiatives. It is contemplated that this criminal justice strategy management group will comprise His Excellency the Governor as Chairman, and will include the following persons or agencies: a representative from the judiciary, which is the Chief Justice or his nominee; it will include the Leader of Government Business, the Hon. Chief Secretary; Commissioner of Police; Attorney General; Hon. Minister of Health and Human Services; probation services rep; Hon. Minister of Educa-

tion; Chief Immigration Officer; and probably the Collector of Customs, as well as other relevant persons and agencies.

It was further agreed, Madam Speaker, that the office of the Governor working along with the Attorney General will provide the necessary secretarial support to this particular group. This secretarial support will, of course, include preparing written reports on the various initiatives of the group, attending meetings and preparing minutes therefrom as well as liaising with relevant overseas agencies.

It is also anticipated that there will be close working relationship with other Caribbean Overseas Territories as well as the UK in order to effectively implement some of these initiatives.

Madam Speaker, matters such as the proposed regional witness protection programme, the provision of enhanced forensic services, the proposal for close cooperation for the secondment of police officers from the Caribbean Overseas Territories, the training and secondment of specialist prosecutors as well as others will require significant cooperation with the relevant regional counterparts. In this regard, the Leader of Government Business was able to secure the necessary political commitment from some of the elected leaders from the other Caribbean OTs at the last Overseas Territories Consultative Council (OTCC) meeting held in London as well as at the pre OTCC meeting held here in Cayman last year.

So, Madam Speaker, we are confident that there will be the necessary political and institutional support for this exercise. Her Majesty's Government is also very keen to provide technical and possibly limited financial support for some of the initiatives, preferably a specific project with a regional component.

As indicated earlier, some initiatives are already at various stages of implementation and merely require the necessary coordination and support. The drug rehabilitation court is already in operation. The law to provide for wider sentencing options is also already enacted but awaiting a commencement date. This will be done soon, Madam Speaker. As soon as issues such as the electronic monitoring component as well as some of the key staffing issues are sorted out.

The various recommendations from the Crime Study Report are also to be implemented. The Hon. Minister of Health and Human Services and I, as well as others are due to meet shortly to move this initiative forward. Further, it is hoped that after an upcoming meeting of the Caribbean Overseas Territories Attorneys General working group each Caribbean Overseas Territory will be able to sign the relevant Memorandum of Agreement and also to enact the Criminal Justice Protection Bill to implement the witness protection programme among the Caribbean OTs.

We will also at that meeting be discussing the regional buy-in for the proposed forensic laboratory.

Madam Speaker, I turn briefly to the issue of human rights. There was a time when we could say that the human rights issue was an emerging issue in the Cayman Islands. Although it is no longer an emerging issue it is now an everyday issue. It is now here. It is in this regard that I wish on behalf of Government to pay regards to the excellent work of the local Human Rights Committee. They have done very well to heighten awareness and sensitise our people on their human rights. In this regard the HRC deserves our encouragement.

The Government, as is expected, will continue to examine and where appropriate take on board the recommendations contained in their various reports. There are some that can be and will be dealt with quite easily. However, there are others that require more long term policy decisions and are therefore under active consideration by government.

Finally, on the issue of human rights, it is as good a time as any to remind the Human Rights Committee that while it is readily understandable by some of us who are lawyers that their efforts will invariably seem to be concentrated on the plight of certain groups, care needs to be taken not to fall into a situation where the HRC is perceived to be only concerned about the rights of criminals in our society. If this ever happens, as is the case in some other countries, the HRC could lose credibility as the majority of our people will become very suspicious of the role of the committee. So care needs to be exercised and the HRC needs to be seen as addressing the plight of all persons in need of such attention, whether they are victims or accused.

Madam Speaker, finally I wish to briefly comment on the Government's upcoming legislative agenda. I mentioned earlier that we will shortly be debating the revised Proceeds of Criminal Conduct Bill aimed at modernising even further our anti money-laundering legislative and, by extension, institutional frameworks. When enacted, it will among other things introduce for the first time a civil forfeiture component for the confiscation of proceeds of crime even where there was no criminal conviction, but where the evidence shows that the proceeds itself flows from some unlawful conduct.

Additionally, there is currently in circulation a bill (perhaps in green form by now) that we are hoping to enact in the next couple of weeks. In short, it is a bill to legislate for integrity in public life. The anti-corruption legislation will be a revolutionary piece of legislation that will impact not just legislators, Cabinet Ministers and public officers, but also our friends in the private sector. I will endeavour to say more on the scope of it when I pilot it shortly in this House.

Madam Speaker, in the same vein I am hoping on behalf of Government to shortly bring to this House a completely revamped Police Law that will bring greater clarity to the role and functions of the RCIP. This piece of legislation will address a number of issues pertaining to superintendence and admini-

stration of the RCIP including the creation of an independent civilian complaints body that will bring greater transparency in how complaints against the police are dealt with.

I wish not to say more about the proposed legislation at this point, Madam Speaker. Suffice it to say that in due course the public will get an opportunity, as will Members of this House, to comment on the draft bill prior to its being enacted.

That piece of legislation it is also proposed to deal with powers of search and seizure, pre-detention powers, and right to counsel among others.

Madam Speaker, you have already heard from relevant Ministers on the proposed legislation to regulate smoking in public places, regulation to deal with children, regulation to deal with marine conservation, road traffic legislation, employment, education as well as others. All speak to a very ambitious, aggressive and comprehensive legislative programme for the coming months.

There are other pieces of legislation relating to the financial industry, law and order issues, the criminal justice system, prisons, parole, mode of trial for certain offences, which we are hoping to have in place in the coming months.

We are confident that to the extent that all these measures are aimed at improving our safety and our general wellbeing that they will gain the support of not just all honourable Members of this House but that of the general public at large.

Madam Speaker, I certainly thank you and honourable Members for their attention in regard to my presentation. I hope I have been able to enlighten the public at large on some of these issues that have been swirling around (for want of a better word) in the public domain. I certainly thank you all.

**The Speaker:** As there are only five minutes to the hour of interruption, I would entertain a motion for the adjournment of this honourable House.

Honourable Leader of Government Business.

## ADJOURNMENT

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

For the benefit of everyone, the Cabinet will be hosting a press briefing tomorrow morning and then there is the Chamber of Commerce luncheon, which will have the Leader of the Opposition and I dealing with some questions, and several Members will be attending that. So, I move the adjournment of this honourable House until 2.30 tomorrow afternoon.

**The Speaker:** The question is that this honourable House do now adjourn until 2.30 tomorrow afternoon. Those in favour please say Aye. Those against No.

**Ayes.**

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

This honourable House now stands adjourned until 2.30 tomorrow afternoon.

**At 4.25 pm the House stood adjourned until 2.30 pm Thursday, 22 May 2008.**

**OFFICIAL HANSARD REPORT**  
**THURSDAY**  
**22 May 2008**  
**3.19 AM**  
*Eleventh Sitting*

[Hon. Cline A. Glidden, Jr., Deputy Speaker, in the Chair]

**The Deputy Speaker:** I will ask the Honourable Temporary First Official Member to say Prayers.

**PRAYERS**

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

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

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

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

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

Proceedings resumed at 3.21 pm

**READINGS BY THE HONOURABLE  
 SPEAKER OF MESSAGES AND AN-  
 NOUNCEMENTS**

**Apologies**

**The Deputy Speaker:** I have received apologies for absence from the Honourable Speaker, the Honourable Leader of the Opposition, the First Elected Member for Cayman Brac and Little Cayman, First Elected Member for West Bay, the Second Elected Member for West Bay, and Fourth Elected Member for West Bay.

On behalf of [this honourable] House, I would like to express condolences to the Fourth Elected Member for the district of West Bay, and his family, on the loss of his brother. As Members, we all feel his loss and we will continue to lift him and his family up in prayer.

**STATEMENTS BY HONOURABLE  
 MEMBERS AND MINISTERS  
 OF THE CABINET**

**The Deputy Speaker:** I have received no notice of any statements.

**GOVERNMENT BUSINESS**

**Debate on the Throne Speech and Second Reading of the Appropriation (June 2008 to July 2009)  
 Bill 2008 Budget Address**

*(Continuation of debate thereon)*

**The Deputy Speaker:** At this time I call on the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Mr. Speaker, on behalf of my colleagues (I know you have), I would personally also like to offer condolences to the Fourth Elected Member of West Bay and all of the extended family as to the untimely passing of his brother.

Mr. Speaker, as [you and I] have discussed, and as I have discussed with all of my colleagues here, the numbers are short today. In addition to those whom you have mentioned, we also have the Fourth Elected Member for George Town and the Honourable Minister of Tourism who are off island on official business. It is going to be difficult to be quorate during the entire afternoon.

All Members have agreed, and I want to thank you for also agreeing for us to simply adjourn this afternoon and resume at 10 o'clock tomorrow morning.

## ADJOURNMENT

**Hon. D. Kurt Tibbetts:** Accordingly, I move the adjournment of this honourable House until 10 o'clock tomorrow morning.

**The Deputy Speaker:** The question is that this honourable House do now adjourn until 10 o'clock tomorrow morning. Those in favour please say Aye. Those against No.

**Ayes.**

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

**At 3.25 pm the House stood adjourned until 10 am. Friday, 23 May 2008.**

**OFFICIAL HANSARD REPORT**  
**FRIDAY**  
**23 MAY 2008**  
**10.32 am**  
*Twelfth Sitting*

**The Speaker:** I will ask the Second Elected Member of Cayman Brac and Little Cayman to say Prayers.

### PRAYERS

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

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

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

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

**The Speaker:** Please be seated.

**Proceedings resumed at 10.34 am**

**The Speaker:** Proceedings are resumed.

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

#### Apologies

**The Speaker:** I have received apologies for late arrival from the Honourable Minister responsible for

Health and Human Services and the Second Elected Member for the district of West Bay.

I would also like, on behalf of all Members and myself to express condolences to the Fourth Elected Member for the district of West Bay on the passing of his brother yesterday.

### STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

**The Speaker:** I have received no statements by Honourable Members or Ministers of Cabinet.

### GOVERNMENT BUSINESS

#### Debate on the Throne Speech and Second Reading of the Appropriation (June 2008 to July 2009) Bill 2008 (Budget Address)

*(Continuation of debate thereon)*

**The Speaker:** I recognise the Honourable Leader of Government Business.

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

I am extremely happy that my colleagues who are on this side of the aisle made sure that we are quorate this morning. It is very noticeable that not one Member of the Opposition is here. Nevertheless, perhaps just like constitutional modernisation, we shall move on.

Madam Speaker, you will recall that when I delivered my policy statement at the start of this budget debate I began by quoting from the ancient wisdom of the book of Ecclesiastes, specifically chapter 3, which reminds us that there is a time and season to everything under the sun. When I drew that reference I had no idea at the time of its immediate relevance to the Leader of the Opposition. However, as fate would have it afterwards, his rambling and uninspiring contribution to this debate provided strong confirmation.

I listened very intently to everything that he had to say—his many moans and groans; his amazing fascination with the past; his absolute failure, Madam Speaker, to articulate a clear vision for taking this country into the future. Here was a golden opportunity which any serious Leader of the Opposition would have seized to convince the country that his vision represented the better option. However, as has become the norm, the Leader of the Opposition again missed the boat.



Desperation, Madam Speaker, was written all over his presentation. Over, and over, and over again he complained of being subjected to criticism as if criticism is not part and parcel of politics. And, Madam Speaker, for the Leader of the Opposition to complain about criticism, my Lord, what should I do? It seems to me that he loves being in the kitchen, but he certainly detests feeling the heat. All I can advise him is, if that is the case, then his only option is to get out!

Madam Speaker, the rambling presentation by the Leader of the Opposition painted the sad image of a drowning man clutching at straws; someone attempting a grand last stand because somehow they sense the end is near. And the Leader of the Opposition has very good reason to be concerned in his present predicament. Where his political future is concerned, Madam Speaker, the writing is very much on the wall.

His percentage of the popular vote (the statistics will prove) in his constituency has been steadily declining in each general election since 1992. That leads to the logical conclusion that a growing number of people are recognising that his style of politics is no longer relevant to their lives. It is a style of politics which is based on hand-outs, patronage. It is a style of politics which is demeaning because it promotes dependence. It is about handing out fish instead of teaching people how to fish.

No wonder those on the other side have difficulty understanding our philosophy of politics and government. It is obviously totally foreign to their way of thinking. The politics of this Government is about empowering people. It is about teaching people how to fish instead of encouraging them to ask for a fish.

Let me pause for a second, Madam Speaker, to make sure that I am not misunderstood. I know, and I live it daily and my colleagues do too. We know that sometimes people need a fish. And we do everything possible to make sure that there is a supply. But Madam Speaker the whole difference . . . we do not want our people to spend the rest of their lives in that state of mind and being. So there has to be a blend.

And Madam Speaker, do you know what else? Let me tell you the danger in that, and I really pray to my God that I am not misunderstood. But there is a clear and present danger for that because it passes on from generation to generation if the government does not take proactive steps to tool people, to make sure that the new generation has every opportunity for a good education. So you see, Madam Speaker, when he speaks to us not caring, it is just his style to play to those same minds that have immediate needs. And we understand their immediate needs. But we cannot spend all of the country's resources shoring up those immediate needs—and keeping them in need. It makes no sense!

We have to take the limited resources to assist these people but at the same time we have to look to the generations to come. That is why the new schools are being built. That is why there is a whole

transformation in education today, Madam Speaker. He and his colleagues need to understand that, and they should not . . . and, Madam Speaker, some of them have good sense. They should be ashamed to come on the Floor of this House and preach that message and tell me about me being slick? Ha, ha! Madam Speaker, I cannot see any of them yet to point to who is the slickest; but I would have difficulty if all of them were here in deciding who is!

Madam Speaker, in essence, what we are doing is making every best attempt possible to create opportunity through the right blend of politics for persons to achieve their potential in the context of this free market system that we have. What this honourable House was treated to last Wednesday was a recitation of gloom and doom from the Leader of the Opposition, a string of inconsistencies and contradictions, and a copious serving of the most absurd and outrageous claims which the Leader of the Opposition has not supported with any relevant facts. He just does his usual thing.

Let me give you a good example, Madam Speaker. In describing the current conditions in the country he claimed, and I quote from the *Hansards* with your permission. He says, “**Today our people are enduring the worst economic times in the history of this country.**” [07 May 2008] You could not ask for anything more outrageous, Madam Speaker, more preposterous and more unbelievable. This, Madam Speaker, is a classic example of taking politics to the most ridiculous extreme for self-serving purposes.

If he believes that Caymanians are enduring the worst economic times in the history of this country, he is essentially saying that much of the hardships that our forefathers endured were much better than today. But he will still get up five minutes later and talk about how much we need to revere them because of the hardships they went through to make life better for us. So what is he saying?

Making such a claim, Madam Speaker, has only highlighted the Leader of the Opposition's own—and I should add, his party's—increasing irrelevance to the Cayman Islands of today. It simply portrays him as a man hopelessly trapped in the past, a man who has been bypassed by time and has become fossilized because of his refusal to recognise that times have changed and there [is need] for an adjustment in thinking—he thinks there is no need.

In the context of Caribbean politics, the Leader of the Opposition fits the description of the *Hero in the Crowd*—the political personality of the 50s and 60s who was the subject of Archie Singham's well-known book of the same name. That time, Madam Speaker, is gone. Long gone! The people of this country, indeed, the people of this region, are no longer interested in the one-man political shows of heroes in the crowd; in leaders who market themselves as saviours of the masses, yet in many instances cannot even save themselves.

The Leader of the Opposition is clinging to this antiquated model of leadership, when I say consensus leadership is the new model and the one that works best. Leadership by consensus is the type which this Government provides.

I am not on an ego trip, Madam Speaker, in politics, so I have no desire to be “a hero in the crowd”. I think you know me well enough, how well I like to not be seen, actually. My desire is quite simple: to make a difference for Caymanians without being a hero in the crowd. In the “hero in the crowd” model, the leader makes the decisions and the people have no input.

The leader, after all, Madam Speaker, is considered the fountain of wisdom. He acts as if he knows what is best for all the people because he contemptuously believes that they are incapable of thinking for themselves. In the consensus [leadership] model, which this Government has been practicing and will continue to practice, the people are consulted. Their views inform the policy-making process.

This is why we are planning a referendum on where we go with the Constitutional Modernization. Madam Speaker, it is too significant a national development for the people to be excluded. In his contribution, the Leader of the Opposition demonstrated utter contempt for the Government’s plan to consult the people via a referendum. He called it a “so-called” referendum and his choice of words reeks of contempt. But, Madam Speaker, nothing else and nothing less is expected from the “hero in the crowd.”

After listening intently to the Leader of the Opposition, there is only one logical conclusion which can be drawn, and that is that the political season of the Leader of Opposition has long gone. But what is most interesting, Madam Speaker, is that the Leader of the Opposition himself seems to have finally come around to recognising this reality. He made a significant comment when he was delivering his address. The comment has apparently escaped the attention of most everyone. But I tell you, it suggests to me that he has given serious thought recently to throwing in the towel and riding off into the sunset.

I am going to quote him, Madam Speaker, from the *Hansard*, “**....it has not been an easy road these 24 years . . .**” he told us last Wednesday. He went on, and I quote again: “**I have made up mind that this would be my last debate for a Throne Speech. But I am not too sure that it won’t be.**” Those are his exact words as recorded in the *Hansard*, unedited though it be. So he cannot come now and deny saying it.

“Made up my mind” means he has decided. And saying afterwards that that this would be his last debate on a Throne Speech leaves absolutely no doubt in my mind as to what thoughts crossed his mind. If he has decided that this will be his last Throne Speech, then it means he does not plan to be around for another. The statement makes it pretty clear that he is contemplating his exit from politics.

But Madam Speaker the man I know is not quite as simple as that. So, an equally important question arises. And that question is: Could this be just a clever tactic that the Leader of the Opposition is using as part of a broader strategy for survival? It cannot be ruled out. Recognising his growing irrelevance, could it be that he is merely seeking to whip up sympathy in the hope that his supporters would come rushing to him and pleading, as the song says, ‘*Oh, no! Don’t go! Please stay!*’ hoping this would give him a new lease on his political life.

It fits perfectly with the political personality of the Leader of the Opposition. Nothing demonstrates how divorced he is from current reality than his failure to recognise and accept that the whole world has changed—and it continues to change in fundamental ways. We cannot pretend, as the Leader of the Opposition has done, that this does not have implications for the Cayman Islands.

Fortunately, his de facto deputy, the Second Elected Member for West Bay, has demonstrated in his contribution that he knows better. But in acknowledging globalisation and its effects on the Cayman Islands, he is clearly at odds with his leader whose presentation suggested that it is business as usual. But he went down the wrong path too, Madam Speaker (that is, the Second Elected Member for West Bay), because instead of lecturing us on this side about globalisation (because there really is no need to do that, we understand that), he should be lecturing his own leader and bringing him up to scratch.

The Second Elected Member for West Bay occasionally adopts a realistic and pragmatic approach to issues that certainly sets him apart from his leader. In fact, I tend to agree with people who sometimes say they see a promising future for him in politics. However, just like me, Madam Speaker, whenever that is said, they immediately emphasise that it is conditional. They say, if the Second Elected Member for West Bay is to live up to his promise and achieve his true potential he, of necessity, must free himself from the influence of his leader. And you saw the stifling influence of his leader very much at work in parts of the contribution of the Second Member for West Bay.

As a professed born-again Christian, the Leader of the Opposition would be the first to jump up and say we must refer to and praise the Good Lord for everything and at all times. Reflecting the Christian heritage of this country, Madam Speaker, which is also part of my experience, I began my policy statement by quoting Scripture—followed by a well-known hymn. Instead of applauding us for upholding that Christian heritage at a time when there is concern about the increasing secularisation of society, we are condemned by the Second Elected Member of West Bay for doing that.

This is just another example, Madam Speaker, of the confusion in which the Second

Elected Member for West Bay finds himself because of the overpowering influence of his leader.

The Leader of the Opposition also read out a hymn and called on the name of the Lord in his contribution. Doing so was perfectly fine for him, but not so for us. I want to remind the Second Elected Member for West Bay that all men are equal before God. I do not know where he makes his judgment from. He must understand that there is not one rule for Peter and another for Paul.

In speaking about the effects of globalisation in my policy statement I emphasised that Caymanians could no longer afford to see their existence in isolation from the rest of the world because of our economic interdependence. I never denied at any time that we [do] not face challenges as a result of the present uncertainty in the global economy. We are very aware of that. To do so would be to bury our heads in the sand. However, I do believe that despite these challenges we in the Cayman Islands are still better off than people in many countries and have a lot to be thankful for. And that is all I was saying; nothing more than that. I never denied the challenges.

It was against this backdrop that I said one only had to look at BBC World or CNN on television, to see how much—despite the challenges—we have going for us when we compare ourselves to many other places. That is all I was saying. And the key message I was saying was that we have our challenges, but we must be thankful for where we are. That is all I was saying. All that happened, Madam Speaker, is that I said it first. That's all that happened. I will make sure I don't say it first next time.

Madam Speaker, in an act of political mischief the Leader of the Opposition and his colleagues twisted my words and sought to convey the impression that I was dismissing the challenges that some Caymanians are facing by telling them to go and watch BBC World and CNN. All I can say, Madam Speaker, [is that] from a supposedly born-again Christian, I would expect better.

Madam Speaker, this Government is committed to doing everything we possibly can to make life better for all Caymanians. But we need to appreciate and accept that the resources are limited. The priorities are everywhere you look around, and we have to do the best we can with those resources to move the country forward while at the same time doing the best we can for the plight of those in need.

It is a balancing act, Madam Speaker. We cannot have it too much one way or the other. We cannot as a nation make that mistake. And I need everybody in this country to understand that. Those same ones who are in need to those who make millions must understand that. If we do not move the country forward, the next generation is going to really face the times that the Leader of the Opposition was talking about because we will all have missed the boat and not have the strength to swim ashore. That is what will happen to us.

But he stands up on every occasion possible and plays the game to tell those people that we do not care. And he knows better! Him! He knows better! But his success has totally depended on him playing that game every day of his life; his political success. Sometimes I believe that he has convinced himself that is so because he becomes so vehement.

Madam Speaker, the other thing, because I do not engage like he does . . . because you see, he needs the war zone to perform. He cannot get up on his feet, think on his feet, and articulate his thoughts. He needs to get into a battle to shine. Otherwise he is Joe Blow. People need to understand that. And I know that excites people, but they need to see the depth of the reasoning and the rationale. That is all they have to do.

Madam Speaker, let me provide an example of how the Leader of the Opposition trips himself up when trying to score his cheap political points. In my policy statement I emphasised the need for Caymanians to think positively in tackling the challenges facing our nation, especially against the backdrop of the current global economic downturn. The Leader of the Opposition trivialised and dismissed the idea. Yet, in his presentation, he preached the same message.

Hear him, Madam Speaker, and I am (again with your permission) going to quote him from the *Hansard*. He says, "**I believe that when we are united in a good cause, nothing in the world can stop us as Caymanians from doing good. There is nothing we cannot do.**" [7 May 2008]

So, Madam Speaker, the Leader of the Opposition is in full agreement with my position about the benefits of thinking positively.

Down through history, persons have recognised the benefits of positive thinking. It is emphasised in the Bible and other ancient writings. The Roman poet, Virgil, for example, wrote: "**[They can do all because they think they can.]**" People have picked that up and used that for messages time and time again. So what is he saying?

Soapbox, holler, and go on. That will get some people excited, that will win him his popularity back. And that is all it is about for him.

Madam Speaker, he talks about me having the audacity? Let me tell you something. I do not know where he gets the audacity from to want to question whether I care about the people of this country or not. He needs to look at himself in the mirror.

He has only proved by his feeble presentation that Caymanians would be taking a huge gamble if they were to again entrust their future in his hands, along with the others on his side. Everything he has said suggests it would be a return to the bad old days. Fiscal recklessness, for sure, would be the norm. This Government, Madam Speaker, has produced a budget surplus for the past three years. But it is apparently a source of great annoyance to the Opposition.

The Third Elected Member for West Bay took time to talk about this. And they are always balling up these big figures and making their rounded figures. Pretty soon they will have it to how many billions of dollars . . . and then they will call it a slip of the tongue when you take them to task.

Madam Speaker, for the year ended 30 June 2006 there was a cash balance of \$89.4 million, and there was an operating surplus of just under \$59 million. The following year (which was last year) there was a cash balance of \$101.3 million, and a \$66.5 million operating surplus. What is projected for 30 June of this year, the cash balance is expected to be \$111.5 million. It shows that the cash balances have increased annually. The operating surplus has not increased accordingly because the way we are doing what we are doing is sensible. We blend our borrowings with our operating cash surpluses to finance the capital projects.

So, if we have the cash and we are in compliance with the Public Management and Finance Law, we need to take some of that cash and inject that into the capital projects because then we do not pay interest on the loan that we would borrow. And we certainly are going to pay more interest than what we get with the cash in the bank.

That's simple. That is how we do at home, Madam Speaker. It is nothing more than that. It is just a bigger world: same principle. And that is what they have been arguing about and talking about reckless spending. This record does not speak to reckless spending.

Madam Speaker, if they had had any kind of plan and had been prudent and wise in their fiscal spending during the three and a half years they were there, we would not have had to pack so much in in one term. Life would have been a lot easier.

**Hon. Anthony S. Eden:** [inaudible]

**Hon. D. Kurt Tibbetts:** Madam Speaker, I am reminded by my very wise colleague, the Minister for Health, to give a good example of what they call prudent fiscal management. And you will remember this Madam Speaker.

They took out a bond issue. It took them almost 18 months to complete the bond issue deal. And the amount of money that had been set to borrow from the very beginning . . . by the time that 18 months had passed the government had paid down some \$21 million in principal on the loans they had then, and this bond issue was supposed to pay off the loan and everything was going to be nice.

So, they did not need to borrow \$21 million out of that and they were paying five point something percent interest on that bond issue. But do you know what they did? They did not say let's decrease the bond issue by this; they took all the money. They paid 5 per cent on it and then they put the \$21 million in

general reserves and got 1 per cent for that. You tell me that's prudent fiscal responsibility.

Then they come talking about reckless? [*Hissing sound of teeth*]. Madam Speaker, forgive me, Madam Speaker. I did not mean that. We just get carried away sometimes and you think and you remember what was said. So forgive me.

The Leader of the Opposition portrays himself as the man with the plan. He actually had the nerve to call me incompetent. But I am old enough, Madam Speaker, that it just blows away and I do not screw my face any more and get bad thoughts in my head as when I was a lot younger, thank God.

He mentioned a plan for prosperity but failed to provide any details for the benefit of the country. So he is not even quite talking on the surface. It is somewhere else up in the sky. He is asking Caymanians to buy his political product, but he is refusing to give them the benefit of knowing what it contains in specific terms. So, Madam Speaker, I am saying that he must reveal his hand. No one buys a chicken in a bag these days. They always want to see what the chicken looks like first. Madam Speaker, in this year of our Lord 2008, I say Caymanians surely deserve much better from the Opposition!

Madam Speaker, I am not going to respond to the emotional hype of the Second Elected Member for West Bay. He is misguided and he was simply echoing his master's voice. As I said, he is capable of much better when he speaks for himself.

The Minister of Education has already brilliantly countered the claptrap which the Leader of the Opposition made about education. It seems the Leader of the Opposition cannot comprehend the complexities of modernising education to meet the demands of the time. Interestingly, he lavished praise on our road development programme and our Minister of Works. This is a very welcome effort in light of his criticism on previous occasions.

You see, Madam Speaker, his style of politics . . . he has to try to tarnish whoever is on the opposing side. If you check his political history he has married and divorced every sensible politician that was in the Cayman Islands since he entered the arena. And every time he divorces, it is because he has to climb their shoulders to push them down so that his head can be seen above the crowd. He has never climbed it on his own! It is always because he makes someone else look bad. Christian? My . . . Christian?

[laughter and inaudible interjections] *Devil* . . .

**Hon. D. Kurt Tibbetts:** Madam Speaker, there is no need for me to dwell on the Leader of the Opposition any more. He is a worried man. He showed particular worry—

**An Hon. Member:** Give him more! Give him more of that. He's not even here!

**Hon. D. Kurt Tibbetts:** He showed particular worry, Madam Speaker, when speaking about corruption allegations made against him. Like me and every one else, he only has his conscience to deal with.

The Leader of the Opposition sits on the horns of a dilemma. He is caught between a rock and hard place. Every time he speaks, he does more and more damage to his already battered credibility. And he certainly did substantial damage in his contribution to this debate, Madam Speaker. I leave him to his own devices.

Madam Speaker, it is important that I address some other rather disingenuous comments from the First Elected Member for Cayman Brac and Little Cayman.

I will begin, Madam Speaker, by simply giving her a little bit of advice. She needs to come down from her house on the hill and spend more time in the community that she represents. She needs to end that practice of isolation, which a number of Cayman Brackers have complained to me about. If she would come down off of that hill and spend more time in the community she would recognise the growing disenchantment with her representation.

In fact, I would highly recommend that the First Elected Member for Cayman Brac and Little Cayman occasionally play a game of dominoes and hang out with the boys as I find time to do when I am in Cayman Brac.

And Madam Speaker, she took it on her own to say that because she learned—she too learned well from her master. That is the only way they can play the game: Complain and berate people. That is all it is.

**An Hon. Member:** *Blackgyaad!*

**Hon. D. Kurt Tibbetts:** *Blackgyaad* is the right word. That's it!

They spend their time doing nothing else. They do not come with anything sensible, they do not bring any sensible propositions in the Legislative Assembly and yet still they keep talking about the bad government, the this and the that. Madam Speaker, those days are gone. People understand what politics is in the Cayman Islands now and they want representation that will work for them. And the people of Cayman Brac are no different. They want results.

Madam Speaker, I know that I am not perfect. And I know, like all of us know, the demands are great and it is physically impossible to satisfy all of those demands. I know that all we can do is do our best. But I am not spending all of my time going around telling people about them. She stood up here and she talks about she makes no apologies . . . watch me now, Madam Speaker, please.

And she says she is sick of hearing people, constituents, come in to her MLA office to tell her how the government vehicle is parked at Ed's Place after

hours in the night . . . because I'm in the back playing dominoes.

Madam Speaker, I leave those things alone most times, but the whole world is going to hear it today.

Let me explain to you. I want you to think about it Madam Speaker. In Cayman Brac, Cayman Brac is still a lot more laid back than Grand Cayman. And any time after midnight is only like 25 years ago in Cayman . . . any time after midnight is a rare occasion you see a car on the road. I can tell you because I know. But she is sick of people complaining to her about seeing the government vehicle at Ed's Place after hours? Who is there on the road to see it? Tell me!

And Madam Speaker, let me explain the facts because I know you know me. I am a careful person. Where Ed's Place is there are two pieces of property. One is where the liquor licensed premise is, and there is a second piece of property behind there. That is the place where sometimes we sit and play dominoes. We do that for the same reason, Madam Speaker, that whenever the premises has to close we are not breaking the law. That's the reason for it.

Madam Speaker, I am going to tell her this: She might spread rumour, she and the bunch of them, but she or none of them will ever see Kurt Tibbetts inebriated. They will not see me gambling. And they will not hear that I drove the government's vehicle ran it off of the road, mashed it up, carried it to the airport the next morning, said nothing to anybody, jumped on the plane and came back to Cayman. They won't hear that! They will not hear that.

And she is going to come and tell me about playing dominoes at Ed's Place?

Madam Speaker, I will give you the best joke of all. Madam Speaker, she comes from a good family. Many of them I know very well. In fact, we grew up like family, and still are. That is why I have difficulty. . . but she doesn't, so . . . sometimes I can't either.

I went to the airport last Thursday evening, a week ago. I was going over to Little Cayman along with the First Elected Member for Cayman Brac and Little Cayman and the Second Elected Member for Cayman Brac and Little Cayman to have a little opening of a building where the district officer will have his own office, customs and immigration can occupy whenever they come there. And they had planned it so we said we were going to go.

I got to the airport Thursday evening, Madam Speaker, when I left this Legislative Assembly. My wife checked me in, thank God, so I was on time. I saw her good brother at the airport. I shook his hand as usual said, "Hello, how are you doing?" And we exchanged pleasantries as we always do.

And Madam Speaker, the first thing he asked me was, "Are you going to the Brac?"

I say, "Yeah man."

Do you know the first thing he asked me? "You want to play a game of dominoes tonight?"

That is the first thing he asked me. Is he a bad person? Of course he is not! There is no evil in that. But you see, they would concoct a story to make it sound like I am going against every wish that the good Lord has. That is what it is.

[inaudible interjections]

**Hon. D. Kurt Tibbetts:** Madam Speaker, playing a game of dominoes with my friends, many of whom I grew up with, many of them are respectable citizens in Cayman Brac, they hold decent jobs, they have wife and family. They are evil? They are not! They are the same ones who vote for her!

[inaudible interjections]

**Hon. D. Kurt Tibbetts:** Yes!

But, Madam Speaker, because a few things are happening in the Brac, they will not speak about the “things”, they have to find fault with me, because it was not them. That’s all it is. Madam Speaker, playing a game of dominoes with those fellows has value. It allows me to mingle with people to hear what is happening.

I did not even know this, Madam Speaker, but I am being advised by one of my colleagues that playing dominoes delays Alzheimer’s coming on!

[laughter]

**The Speaker:** I play them.

**Hon. D. Kurt Tibbetts:** Madam Speaker, as this debate has heard from the Second Elected Member for Cayman Brac and Little Cayman, Cayman Brac has entered an exciting phase of development. Nothing happens very, very swiftly in the Brac, but things are moving and that is good news because it means there will be more opportunities for Cayman Brackers. Unfortunately, the First Elected Member cannot claim credit for this good news, because it is not due to her efforts but rather the confidence of investors in response to the policies of this Government that have created the necessary enabling environment.

Madam Speaker, as I stand up here it just echoes in my mind the things she would say. She keeps trying to paint this picture, that this Government ostracises her when it comes to dealing with Cayman Brac and Little Cayman. Let me tell you, Madam Speaker—and she dare not tell me that I lie because there are things that I do not often speak about that I know. And I know that you know how I am. But I am going to tell you one of them.

I heard her saying afterwards that she was not invited to something. I was standing by the person who was on the phone calling her. I was standing next to that person (but I am not going to call names) who invited her. And she turned around afterwards and said she was not invited. If she wants to confront me,

she can do so. I really do not want to get that closely involved, but if I have to I will. That is the life!

You see, Madam Speaker, they sit and they concoct a plan. So here’s the plan now. *The way for me to get the people of Cayman Brac and Little Cayman sympathising with me and regain my popularity with them is to make them believe that the Government is trampling all over me.*

Madam Speaker, the district commissioner and his deputy are witnesses—and the former district commissioner who was there before Mr. Ernie Scott took over—all three of them are witnesses that I specifically gave instructions to—all three of them one by one from day one—that there should be no distance between the First and Second Elected Members of Cayman Brac and Little Cayman when it came to whatever district administration was doing, that both of them must be involved. So, if she is saying that, she is saying that it is the district commissioner and his deputy that are doing it. And I know that that is not the case. Enough of that. Finished!

Madam Speaker, the Opposition is desperate. It is written all over their faces. The bulk of their criticism of this Government’s performance can be compared to the straws which a drowning man always tries to clutch at. The stewardship of this Government can stand up to any rigorous scrutiny and pass the test and in most instances with flying colours. It is a record that we are proud of. Even with all of the battering rams that they send at us.

Of course, we would have liked to do more but, Madam Speaker, circumstances sometimes dictate that you have to be realistic. They have said that themselves.

**The Speaker:** Honourable Leader of Government Business, is this a convenient time for the morning break?

**Hon. D. Kurt Tibbetts:** Yes, Madam Speaker, thank you.

**The Speaker:** Proceedings will be suspended for 15 minutes.

**Proceedings suspended at 11.30 am**

**Proceedings resumed at 12.02 pm**

**The Speaker:** Please be seated.

Proceedings are resumed. Honourable Leader of Government Business continuing his debate.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. I would like now to spend a few minutes to clear up some things that were said by the Third Elected Member for West Bay about education more than anything else.

He seemed . . . and I know he is attending law school now and I applaud him for that, and I am certain that he has to read a lot which is always good for our vocabulary. But the Third Elected Member for West Bay seems to have a huge problem with the word “staggered.” In his debate he mentioned it easily a dozen times.

Somehow or the other he seemed not to understand what the Minister for Communications, Works and Infrastructure was talking about when he mentioned about staggering the building of the schools. The Third Elected Member for West Bay kept asking . . . and you see, this is part of being in the Opposition—even when you know it does not exist, you try to create doubt. He kept asking about the schools being staggered.

Now, Madam Speaker, let us understand the sequence of events. During their contributions, he and the Leader of the Opposition reminded us about a motion brought by the Leader of the Opposition some time back and talking about how they warned the Government about this “wild spending”, according to them. Madam Speaker, here are the facts regarding the schools. And people need to understand and appreciate those facts.

In the transformation that is going on with education, after having the various conferences the Minister of Education has held, he has brought together all of the stakeholders taking all of their views formulating a plan. Madam Speaker, the results of those policies that have been developed through those conferences, have said that the secondary education system in the Cayman Islands needs to be a seamless one, not a two-tiered educational system like what exists now, meaning you spend three years at what we know as the middle school, and then you matriculate to high school for the next three years. So, what will happen once that new system is put in place is that you will have full fledged high schools and you will have a five year high school course to take your external exams.

Then there will be another year, Madam Speaker, of compulsory education which moves the child either towards tertiary education or towards what they call Tech/Voc, technical or vocational training. That is geared so that you do not have 15 and 16 year olds exiting the system, can't get a job, and all hell breaks loose in their lives. That is what it is about. It makes all the sense in the world.

Now, Madam Speaker, in order to accomplish that, because of the numbers that we have (we only now have the old John Gray site as a high school), the plan is for what is now known as the middle school to be converted into that extra mandatory year and whatever other technical and vocational training will be available, whether it be made available through the University College of the Cayman Islands or whether it has a separate unit that is developed for that.

Madam Speaker, the facts are: The University College of the Cayman Islands is bursting at its

seams. They have moved with numbers going from 650 to 3,600 in but a couple of years. That is good. But that creates space problems. How the University is situated now, because of the forest and because of other things, there are problems with expansion. So that has its own problems right there. So you do good, and you are still paying a price. But that's okay. So they have to work at that.

But when they move into the new system now, Madam Speaker, one year after that new system begins, you are going to have students leaving that system, because you cannot stop the whole world. So, when the whole system trips in you will have people moving in at every year into the high school. So, one year after that system trips in, you are going to have that extra year of school beginning. That is how I understand the plan.

Therefore, Madam Speaker, that means that what is known as George Hicks now is already occupied; the John Gray site is at its very end physically as the structures that exist. Some of those structures are 50 years old. They have all kinds of problems with the labs and everything else. So, luckily there was enough space for that property that the new high school can be built in between the existing high school and the UCCI campus. When those buildings are finished and they are ready to open that then they will knock down these older buildings and create the other structures and the other facilities and amenities that have to come on stream for that new high school.

We have the Beulah Smith site in West Bay and we have the Clifton Hunter site in Frank Sound for which I know, Madam Speaker, you have been fighting long before you were even elected. I thank God we are able to see that before our exit from these hallways.

So, Madam Speaker, in having a system like that, you cannot begin with one high school and wait to build the next one and the next one. Where are you going to put the children? How is the system going to work? You cannot have two different systems working all the time. You cannot have one high school operating as a full-fledged high school and then another one with a middle school and a high school and one is six years and one is five . . . I do not think I have to go any further. I think the point is made. Hence, the reason why all the high schools need to be on stream at the same time so that the catchment areas can begin to operate and all three of them will have their numbers.

The John Gray campus is going to have . . . [inaudible interjections] . . . I am lost for one word here, Madam Speaker, forgive me. Anyway, unlike the system that we have now, we have what I would have to term a module of 250 students which makes up one school. So, the John Gray site, when that is completed for instance, because that is where the largest catchment area is that will have 4 different modules of 250 students each in it. So each of the modules will be self contained with 250 students and then the facili-

ties and amenities are common to those 4 different modules.

The Clifton Hunter site in North Side will have three, I believe. And the . . .

**An hon. Member:** Academies.

**Hon. D. Kurt Tibbetts:** Academies is the right word. Academies. The Minister of Education is at a meeting inside and he immediately found that I was floundering and he did not want me to bastardise what they really were. So we are going to have academies of 250 students each.

So we will have one with 4, one with 3 and one with 2, Madam Speaker, because the projections are such that those are the needs for the immediate. And then what will happen . . . oh, by the way, it is good to see one Member of the Opposition finally arriving in the Chamber at 10 minutes past 12.

**The Speaker:** He sent his apologies.

**Hon. D. Kurt Tibbetts:** Madam Speaker, moving on . . . [addressing the Opposition Member] I'm in good form you know, be careful.

Madam Speaker, moving on to explain the system when all of the students move to the new system every student who is going to be attending secondary school will have to be in that one system and we need the three schools to be able to accommodate the number of students.

So, the academies that are in West Bay, for instance, when there is need for a new academy to be built, it is being built modular so that one academy can be added and the next one can be added. But the maximum number of students in each high school will be 1,000. When we get to that point years down line and we need another high school, then that is what is going to happen.

So, having explained all of that, Madam Speaker, I get back to the "staggering" Third Elected Member for West Bay, because he staggered all over his debate with this word "staggered".

[laughter]

**Hon. D. Kurt Tibbetts:** What the Minister for Education had said and what the Minister for Communications and Works said when they spoke to the construction of the schools being staggered, that all had to do, Madam Speaker . . . because when we crunched the numbers, and when we determined the real cost of the schools, we accepted that it was pushing the envelope a bit far to begin the construction of all three schools immediately simply because of cost.

So, what we are doing is staggering the construction of the schools and we have pushed back the beginning of this new education regime one year. So, instead of September 2009, it is going to be September 2010. And you are going to have the schools com-

ing on line at different periods until then. And then everything will start together. So we are simply pushing the cost into an extra financial year, Madam Speaker, so that the country can afford it.

And we have also had to take into consideration, which we immediately did once the projections were given to us, and they are very conservative, that the income the Government will have in general revenue on an annual basis for the next two years will decline. Will decline—decline meaning for the last three years Government revenue has steadily increased. And it is not going to happen all the time, Madam Speaker. It is just like everything else in life. So, because those projections came to us we realised that the sensible approach (because we cannot change the plan by way of what the objective is) was to slip another financial year into the whole affair which gives us the latitude to comfortably build the schools.

That's the stagger, Madam Speaker. And for the love of me I cannot understand what the Third Elected Member for West Bay was staggering on so much about.

The truth is, Madam Speaker, how he was speaking by innuendo. I realised what he was doing. He was trying to make it sound like because four of the five elected Members in the Opposition are from West Bay that this Government was not paying attention to West Bay and that West Bay would get everything last! That is what he was trying to say! Sure that was what he was saying in his loyally staggering way.

But that is not the truth, Madam Speaker. The truth is that the contractual arrangements allowed . . . well, not allowed, but caused difficult negotiations to take place and those negotiations have been protracted. I am told that as of this morning everything is going well and it is expected that the contract should be signed very early because the negotiations have been kind of hot and cold. But the legal representatives for both sides now seem to have it all hashed out.

So we will have the contract for the new John Gray High School and the Clifton Hunter High School signed very shortly, hopefully just a few odds and ends to tie up. And the one for West Bay will be done the same. The school in West Bay will, it is anticipated, Madam Speaker (once everything goes to plan), start in September this year which will still allow for September 2010 for it to begin in the whole system. That is the stagger, Madam Speaker.

I thought that I would explain to not only the elected Members for the district of West Bay, but to the listening public who are from West Bay, so that they will understand. There is no difference in our minds with West Bay and Cayman Brac and Little Cayman and George Town, East End and North Side and Bodden Town. The plan is a national plan. It is not disjointed. It is a seamless plan. We have just had to adjust the capital expenditure of the plan.

Madam Speaker, I trust that the Third Elected Member for West Bay will stagger no more!



[laughter]

**Hon. D. Kurt Tibbetts:** Madam Speaker, there is another point the Third Elected Member for West Bay made when he was speaking about budgets and year end.

Now, Madam Speaker, just allow me, and hear this carefully please. I do not know if it is the first time but I know it is not common. When we were bringing the budget here, after the Budget Address, the Throne Speech address, and my Policy Statement, before we began the debate on the budget and went into Finance Committee, we held Finance Committee for supplementary expenditure for this fiscal year. And I am going to tell you why, Madam Speaker.

Our desire was not to mislead this country and our desire was not to mislead the Opposition. So what we did was we held Finance Committee for all of the supplementary expenditure that was required by Ministries and Portfolios for the fiscal year ending 30 June 2008. And we took all of those figures into consideration in the preparation of the budget.

Many governments would have prepared the budget not basing it on that and do finance committee on supplementary expenditure afterwards so that the picture would be prettier. Not us, Madam Speaker.

The Third Elected Member for West Bay was staggering on that too, like that was wrong! Madam Speaker, what can we do right in their eyesight?

We could have . . . did he say “not much”?

[Addressing the Second Elected Member for West Bay] No, not a rough bunch . . . a very misguided bunch! And perhaps you, sir, in your own wisdom in time will extricate yourself from the wings of your leader and be your natural self to realise your potential—through the Chair, Madam Speaker . . .

Madam Speaker, this Finance Committee that I was speaking about had implications on the yearend figures. We knew that. It also had implications on what borrowings could take place next year. We knew that.

But, Madam Speaker, I have been on the receiving end of that the very first time I was elected to Executive Council. I heard them mention that too. And they finally told it half-truth this time. I am shifting gears, Madam Speaker, but that's okay. Because when they said that the first time they said it was my fault and we were just coming into the Government.

The Leader of the Opposition mentioned in his debate about us having to borrow money to fund recurrent expenditure. Sure we had to do it because that is how we found it!

So, Madam Speaker, not only because of those experiences, but those experiences helped me to know that we must not do that. And we did not do that. We did it right. But they complain again.

Madam Speaker, you may well have a final tidying up with Finance Committee after the fiscal year end, 30 June this year, but it will only be odds and ends. All of the major supplementary expenditure has been accounted for in this budget that has been pre-

sented. So it cannot be any more real than it is Madam Speaker.

I think enough of this staggering because I am beginning to feel a little bit unsure on my feet myself. Permit me now, Madam Speaker, to address some of issues related to the Ministry for which I have responsibility, that is, the Ministry of District Administration, Planning, Agriculture and Housing.

As I said on April 30 in my address, this PPM Government is extremely concerned over the rising cost of living in the Cayman Islands. Indeed, the past year has brought home many reminders of the fluctuating world economy—including the cost of oil. Up until this morning early I was watching CNN and in the US the gas prices are at a new high and it seems to be happening every day.

Government, along with the private sector, has to remain vigilant and carefully watch the global economic climate to see how these complex conditions will affect our Islands.

And let me say this, Madam Speaker: Very recently we had a meeting with the merchants. And the answers (as I said on the 30<sup>th</sup> when I spoke) are not easy answers. And Madam Speaker, the Opposition will get up and rant and rave and ask ‘*What are you doing about this? What are you doing about that?*’ When they full well know that there are no magic answers to these world situations, these global situations. They know that!

We, Madam Speaker, have a responsibility to try to ensure to create opportunity for our people that they can make a living in these trying times and to be able to use government resources where necessary to assist those who are in need of aid. And, Madam Speaker, the budget is geared for that.

They tell us about all of this wild spending which is all within not only the legal requirements, but the spending is prudent and it is necessary. But if we had not engaged in those capital projects . . . you want to talk about people out of work? Then they will have something else to complain about then. Of course, because they do not have the responsibility they do not have to look at the whole picture. They can turn the picture sideways and just look at the edge of it and say they are seeing it too.

We have to take all of those things into consideration. And when we get complaints from one corner because the resources cannot handle it all, we had to take those complaints too. We did not create the economic slowdown, Madam Speaker. The Leader of the Opposition is speaking through the sides of his mouth when he talks about the rollover policy.

Madam Speaker, he talks about the rollover policy causing this economic downturn. Every one of them that does not get through the door is replaced by another one. So the same spending is going on. What are they talking about? Find out if the number of work permits has decreased. Not so. They have to live

somewhere; they have to buy their food. What is the logic?

He ought to have thought . . . he and his cohorts ought to have thought of that when they were risking the livelihoods of so many Caymanians with that sudden influx a few years back instead of making it happen in an orderly and timely fashion as what we wanted to make happen. That is what he ought to be thinking about.

Madam Speaker, do you know the other thing? And the Second Elected Member for West Bay (who is sitting in here) is as responsible as the Leader of the Opposition is for this. They brought that 2004 Immigration Law which made into law the rollover policy. They are the ones that brought it! But then they have the nerve to stand up and be cussing us about it?

And they talk about '*so loud is the thunder*' he didn't even say it right. The correct way to say it, Madam Speaker, is '*So loud is the thunder, but so little it rains.*' And let me tell you something, Madam Speaker, it is parched over that side.

[laughter and interjections]

**Hon. D. Kurt Tibbetts:** I was saying Madam Speaker, they brought that law in 2004. When we started to get a few complaints, after we looked at it as carefully as we possibly could . . . and do you know what, Madam Speaker? I will tell you what else. If they had not done that grave injustice to this country with those status grants, we may well not have had to have in force the rollover policy.

That was their answer to try to mitigate it! When they brought the law effective 1 January 2004, that was their peacemaker for the people of the Cayman Islands. That was what it was! But you know what they did, Madam Speaker? And I do not have to ask God's forgiveness because I tell the truth. They brought the law in place and they told business people not to worry. They had no intention of moving it forward and making it stay in place. As soon as the elections were over they were going to overturn that. They told business people that, because business people told me so! And not one, either.

**Hon. Anthony S. Eden:** Wow!

[inaudible interjections]

**Hon. D. Kurt Tibbetts:** Not one of them.

[inaudible interjections]

**Hon. D. Kurt Tibbetts:** So, there we go, Madam Speaker. But they will get up and do their usual skulduggery and cuss us to death about this, that and the next thing. What I just told you, Madam Speaker, is as close to the truth as I could get it with words out of my

mouth. And I do not believe that I have much of a problem with the Queen's English.

So, Madam Speaker, back to the subjects for which my Ministry is responsible. And I will do my best not to be distracted again.

Madam Speaker, chief among the concerns I mentioned was the rising price of food. Our neighbours in the region share this concern and there is indeed a renewed interest and awareness in the Caribbean of the importance of becoming more self-sufficient in our food production. I believe that now (and I have mentioned it before, Madam Speaker, but now more so than ever) is an opportune time to address the need to expand domestic agricultural production.

Madam Speaker, we are developing a short term plan for the Department of Agriculture to have outreach programmes. We have most of the evidence collected, Madam Speaker. There is a local market for many things. And the more we can produce for ourselves . . . I have high aspirations, but it would be foolhardy of me to say that in the near future we could become self-sufficient with agriculture production. That would not be the truth. But, Madam Speaker, we can do plenty better which would not only increase the earning power of the farmers, but it would allow our own people to get more of their local fresh produce. And once we can increase the volume we can stabilise prices so that the prices will not be higher than the stuff that we import. Not all of it, but some of it. And of course, it is a lot healthier. We know that.

And we have people coming to that Saturday Market at the Grounds, Madam Speaker, who are so pleased that they can get up on a Saturday morning and come and buy almost an entire meal and go home and cook. They can get their fresh fish; they can get fresh juices, fresh produce, fresh fruit . . . O, Madam Speaker it's wonderful! And we, the Government, have talked about it. And the Government is committed to putting programmes in place to induce the farming community to spread their wings.

Madam Speaker, I know you know because I have come to North Side on occasion and sat down with some people that you know very well and talked about it. They are receptive and I believe that once everybody gets into the groove we are going to see a lot better, a lot different.

This year, the Department of Agriculture will accelerate their efforts in encouraging and supporting farmers to expand production so that we can all eat more of what is produced locally. And that same Saturday's 'Market at the Grounds' which is nearly a year old, our local producers, vendors and the Cayman Islands Agricultural Society have this new outlet for selling their goods and also the supermarkets are much more receptive now to having local goods on the shelf. So the market is there.

Capitalising on this success, and expanding domestic food production, is a major goal during the new fiscal year. In terms of focus areas, food crops,

livestock, horticulture and aquaculture have been earmarked for special attention. The Department of Agriculture supports our farmers by providing services, technical assistance and training in order for them to not only enhance volume, but also to diversify products.

These interventions are aimed at helping farmers gain the best value from their products during processing, marketing and promotion. We are also going to place special emphasis on encouraging farmers to adopt a more business-oriented and technology-driven focus. Each farm business is unique and the department will shape its approach to suit clients. We are going to promote agri-business techniques and introduce enhanced production systems, including lower capital cost greenhouses.

The department is continuing to implement projects to upgrade the physical infrastructure of the agriculture sector, including building roads to access farmland, and the Minister for Communication and Works is working in tandem with that. We are going to strengthen the human resource capacity within the department itself to be able to more efficiently deliver services to our clients.

Madam Speaker, apart from our work with the farming community the department remains vigilant in its efforts to prevent the introduction of new pest and disease organisms. These represent a threat to the health of local plants and animals, as well as the human population.

Madam Speaker, here is an opportune time to congratulate young Tiffany Scott, who is a former Miss Teen Cayman Brac. She went to school in the Brac. She was successful with 10 subjects in her CXC and GCSE Exams. She is now enrolled in Middle Tennessee State University where she is pursuing her bachelor's in Animal Science doing a minor in entrepreneurship.

The other spinoff from all that I have been saying is encouraging young Caymanians to realise their potential and to get involved in that industry because there is now scope in that area.

The department is also providing technical and logistical support to major national events, such as, the Annual Agriculture Show and the Sister Islands Agricultural Show. Madam Speaker, I have to say here that the team works hard both here and in the Brac for those shows to be successful. I can safely say that during my tenure every year both of them have been better. And I am not saying that for me. I am saying that those events are going from strength to strength because there are many committed people who go way beyond the call of duty to make sure that the public enjoys those wholesome events.

Madam Speaker, the Mosquito Research and Control Unit . . . we are concerned with monitoring the regional and worldwide increase in the incidence of mosquito transmitted diseases. This year, we are going to increase our efforts on house-to-house inspections to target specific disease vectors, to combat a

possible outbreak of Dengue Fever. Countries in Latin America and the Caribbean have seen outbreaks of this disease and we are monitoring the few cases that we have had over the past year.

Again, that department is extremely vigilant and very proactive. I have to say that they certainly are doing the job producing the outputs that we pay them for.

So far, thanks to the excellent work, the Cayman Islands have been very fortunate that there has been no evidence of any local transmission of Dengue Fever. However, we cannot afford to rest on our laurels. Here on Grand Cayman, the MRCU's disease prevention programme utilises an integrated pest management approach to target geographical areas where mosquitoes are a concern to our population.

Over in Cayman Brac, the new MRCU facility is scheduled for completion in August of this year. And it is taking real good shape, Madam Speaker. Certainly that is going to be much benefit to the people of Cayman Brac. It is going to include laboratories, the necessary offices, workshops, as well as a purpose-built pesticide storage and evaporation basin to ensure an environmentally clean site. This facility, as I said, is going to greatly enhance MRCU operations on Cayman Brac, improve working conditions for staff and provide modern methods of pesticide storage and handling.

So you see, Madam Speaker, it is about planning. That facility now will serve Cayman Brac for years to come. But at least when we built it (and it is over), we can look to something else. It is not about this Band-aid approach. And I am happy to have received support to be able to complete this set of capital works.

Another concern on many residents' minds is housing costs. The Leader of the Opposition, when I spoke about the GGHAM (Government Guaranteed Home Assisted Mortgage), when he made his contribution, he was speaking about me taking away his programme and claiming glory for that. I am not claiming glory for anything Madam Speaker. But the truth is, if he were to say it, the programme had died. And the programme that we have put in place is a different programme. And it has many more safeguards for the homeowners than the other programme had.

**The Speaker:** Honourable Leader of Government Business, is this a convenient time to take the luncheon break?

**Hon. D. Kurt Tibbetts:** Yes, Madam Speaker.

**The Speaker:** Proceedings will be suspended until 2.15 pm.

**Proceedings suspended at 12.45 pm**

**Proceedings resumed at 2.20 pm**

**The Speaker:** Please be seated.

Proceedings are resumed. Honourable Leader of Government Business, continuing his winding up.

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

When we broke, I was on to various subjects under my Ministry. I want to move on to the Islands of Cayman Brac and Little Cayman.

District Administration continues to provide excellent services to the people of Cayman Brac and Little Cayman. At the top of their infrastructure checklist is the upgrade and expansion of the Islands' roads network. We will also enhance the public beach and park facilities on both islands this year to better suit the needs of residents and visitors alike.

Our partnership with the Ministry of Education has helped us to construct a sports playfield on the Bluff in Cayman Brac. The field itself was built and completed to FIFA regulations and we are going to do everything possible to host our first international soccer match there in the summer of next year. This new sporting venue will vastly expand the Sister Island's capability to host inter-island events. Local athletes will certainly get a boost from this field and we also hope to offer the space to teams from overseas who are seeking a training venue.

There are funds in the budget for the next fiscal year to continue the construction of this facility. Indeed, the trickle down effect of sports tourism we believe will benefit the Islands greatly. I can very well envision Cayman Brac becoming a popular option for overseas sporting teams seeking a unique training experience.

District Administration is also working with the Department of Tourism to develop an enhanced domestic tourism plan that responds to the needs of the businesses and the residents there. In the Sister Islands, a holistic approach is being taken in discussions regarding land use and sustainable development to determine what suits the unique needs and environmental concerns of both those islands.

Very shortly too, Madam Speaker, we will release another document of national importance, that is, the proposed revisions to the Development Plan. This long-range comprehensive document to guide land use and development on Grand Cayman is vitally important. It sets out strategic goals as well as specific implementation strategies including the supporting legislation. The Planning Department's Policy Development and Research Team, the Central Planning Authority, government agencies and the private sector have worked together to draft this document. Its suggestions certainly are worthy of careful consideration.

Also hard at work is the Lands and Survey Department, one of Government's most technologically advanced agencies. In an effort to offer the public the most up-to-date land information, this department is completely redeveloping the CaymanLandInfo website to make it more user friendly. They will also

issue an up-to-date version of the popular street atlas and are slated to host URISA's 4<sup>th</sup> Caribbean GIS (Geographical Information Systems) Conference in August of this year. This is a major technical event which presents a tremendous opportunity for us to showcase the excellent work of the Lands and Survey Department.

URISA, Madam Speaker, by the way, is an acronym for the Urban and Regional Information Systems Association.

With every government department striving to secure data and ensure disaster preparedness, the Lands and Survey Department is diligently working to scan all of its survey documentation and integrate it with a document management system. Besides assisting Hazard Management Cayman Islands (HCMI) in the further development of the Taos Storm Model across Government, they are designing a user-friendly GIS interface for this state-of-the-art storm modeling software.

In the area of Geographical Information Systems (GIS), the department is putting its efforts into ongoing development and marketing of applications and other related systems. Our marketing efforts recently bore fruit when the Turks and Caicos Islands and the Cayman Islands Governments signed a landmark agreement. It provides for the Lands & Survey Department to develop and implement a fully computerised Land Registry system and related GIS (Geographical Information Systems) system for the Turks and Caicos Islands Government.

Our vast experience in modernising our own Land Registry system gives us a voice of authority in the region. We are confident that similar relationships can be made with our fellow Overseas Territories to accelerate the standards of lands information and GIS data in the region.

I just take a moment here, Madam Speaker, to say that in discussions with fellow heads of government in the Overseas Territories in the region they are gung-ho to get our assistance and they are our brothers. So we are quite happy to do so. But just so that everybody can understand, they are doing so at a cost. So it is not costing the Government; rather, the government is actually contracting, the department is actually contracting with these other governments for a given fee.

As part of Government's hurricane/disaster mitigation plans the Petroleum Inspectorate has been working on the ground to ensure district fuel storage tanks for emergencies and disasters are being installed in Bodden Town, North Side and East End prior to this hurricane season.

The Petroleum Inspectorate requested that Industry should hold emergency drills and desktop drills in the interest of public safety. The first of these was completed by Caribbean Utilities and Cayman Brac Power and Light earlier on this year. We expect various types of exercises will be conducted by other companies later on this year.

Madam Speaker, in order to further protect the wellbeing of the general public, legislation on the safe transport of hazardous materials and a general regulation on compressed gases will be presented to the Cabinet shortly. As part of their regular inspection process, the Inspectorate will continue to monitor sites storing dangerous substances. They will also ensure that consumers get the correct amount of fuel paid for at petrol stations through annual pump calibrations.

In addition they will witness hydrostatic testing of pipelines and tanks to prevent spills, and make sure that petroleum tanks are installed properly through the planning approval process.

Madam Speaker, as I come to the conclusion, I will mention that the Project Management Unit in my Ministry is overseeing construction of the new Government Administration Building. Construction is proceeding as scheduled and we are now looking at an anticipated completion date of January 2011.

Every day I pass the huge construction site I am reminded of the importance of this project to the Cayman Islands. This new government administration building is the largest civil works project ever undertaken by the government in the history of our islands.

The new complex represents a leading example of energy-efficient building practices and environmental performance. It will accommodate 34 government agencies and provide hurricane resistant, secure, healthy and attractive accommodation to allow the government to serve the public with excellence. For our islands, this new building symbolises a new phase in the development of Government infrastructure and a new way of thinking of the Civil Service.

And, Madam Speaker, for the nay-sayers let me repeat once again, of all the capital works projects that this Government has undertaken, this is the one capital works project that is going to be self financing. The project itself is going to be at a cost of approximately \$75 million. And that is a turnkey operation. That includes the demolition of the Glass House which now exists.

There are those who have said to me that the Glass House represents history in this country and we should let it remain. Unfortunately, Madam Speaker, the numbers tell us otherwise. It is one of the most expensive accommodations operational wise that the government occupies. It simply costs too much on a daily basis to continue to operate.

When we looked at the cost of refurbishing this existing building, Madam Speaker, the new construction cost was approximately \$300 a square foot and the refurbishing cost was almost \$280 a square foot. So, really, it was a no brainer and there was no choice.

Besides that, Madam Speaker, there are but few green areas in the Capital, the district of George Town. And that area will be a park area along side the new Government Administration Building when that building is completed.

Those agencies that will occupy the new building when it is completed at present are paying close to \$7 million a year in lease payments. It is anticipated, Madam Speaker, given all of the statistics that we have available that by the year 2013, if the Government were leasing space for these agencies it would be costing Government \$10 million a year for those leased premises. So, in essence, we will have much less operational cost because of the way the new building is being built, that is, all the electricity bills and everything else Government pays for these various agencies in their rented premises; and, at a cost of \$75 million, by the end of 2016 the building will already have paid for itself. So it has to make sense.

It is not one of these things that may make sense for someone to ask 'Why are you spending the money now?' The fact is the Glass House itself is unsafe as it is now. His Excellency the Governor moved out for the same reason on the instructions of the Foreign and Commonwealth Office. And while we occupy the building now and will continue to do so until such time as the new building is built. Certainly, Madam Speaker, we could not remain as we were. So I just wanted to explain to the public that point about the fact that it is self financing.

Finally, Madam Speaker, I would wish to thank Members on this side for their contributions, and, Madam Speaker, on the other side as well. A challenging but an exciting year lies ahead. This Government remains focused, we are highly motivated to continue delivering on our promises, and we will not be distracted from doing what is right to make life better for Caymanians.

We ask the residents of this country for their continued prayers and support.

Madam Speaker, our record shows that we have kept the faith and we are securing the future. Certainly, the Cayman Islands is a better place now than when we took office in 2005. And, Madam Speaker, I dare say, the best is yet to come!

Thank you very much Madam Speaker.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Madam Speaker, there has been a robust and spirited debate of the Throne Speech that was delivered by His Excellency the Governor, the Policy Statement by the Honourable Leader of Government Business, and the Appropriation Bill now before this honourable House. The Schedule to the Bill is commonly referred to as the Budget and in this case it is in respect of the Government's 2008/9 financial year that will start on 1<sup>st</sup> July 2008 and end on 30<sup>th</sup> June 2009.

The contributions by Honourable Members have been centered on policy decisions that have been made by the Government.

Honourable Members of the Opposition have scrutinised Government's policies whilst Honourable

Ministers supported by backbench Members have explained why the policies of the Government are beneficial to the Cayman Islands. It would be unproductive for me to rehash these many discussions.

Madam Speaker, there have been fleeting remarks made about the financial statements in respect of the 2008/9 financial year. I will, therefore, concentrate my contribution on the Bill to matters that pertain to the financial statements for the 2008/9 year and the Principles of Responsible Financial Management.

Madam Speaker, when we make contributions and remarks in this honourable House we have two audiences: Members of the Legislative Assembly and the listening public. I deliberately try to use simple, everyday language so that the listening public can understand the Government's Budget. What is the Government's Budget?

Madam Speaker, Government's Budget is a list of items and their accompanying dollar value amounts that Government wishes to spend in each of its financial years that run from 1<sup>st</sup> July through to the following 30<sup>th</sup> June. The vast majority of items on which the Government wishes to spend, can be put into two broad categories: Operating Expenses and Capital Expenditures.

Operating Expenses, a good example of which would be wages and salaries costs, are those items of expenditure that are expected to be incurred each year, but the benefit of such items does not last longer than a year.

On the other hand, specific items of Capital Expenditures—good examples of which would be the construction of buildings and roads by the Government—are not expected to be incurred year after year repeatedly but, once finished, the benefit of these items will last for more than a year.

Operating Expenses and Capital Expenditures can be paid for by any combination of revenue (or Income) that the Government receives during its financial year, borrowing, and by using its existing cash balances.

Madam Speaker, I must very quickly point out that the Public Management and Finance Law, the (PMFL) does not allow the Government to borrow funds in order to pay for operating expenses. The PMFL specifies that operating expenses must be paid for solely from Government's revenue and not borrowings.

Madam Speaker, the operating expenses requested in the 2008/9 Budget can only be met if revenues are sufficient to do so. The fair and reasonable question to ask is therefore, 'how realistic are the revenue forecasts in the 2008/9 Budget?'

On page 293 of the Annual Plan and Estimates document for the 2008/9 financial year, we see that revenues forecast for the year to 30<sup>th</sup> June 2009, is approximately \$528.2 million. Operating expenses are forecast to total \$501.3 million and the interest expense forecast on Government's borrowing is ap-

proximately \$13.4 million. When we subtract these two expenses from the forecast revenue figure of \$528.2 million, the resulting operating surplus forecast for the 2008/9 financial year is \$13.5 million.

So, Madam Speaker, to repeat the previous question with a bit more precision: How realistic is the \$528.2 million revenue forecast for 2008/9?

Madam Speaker, the Portfolio of Finance and Economics has done a tremendous amount of work in order to arrive at the overall revenue estimate of \$528.2 million for the 2008/9 year. Forecasting the 2008/9 revenue figures took into account data from the Economics and Statistics Office, actual and historical data from the Treasury Department, statistics from the Department of Tourism, as well as consultations and discussions with the heads of major revenue collecting agencies such as Customs, the Monetary Authority, General Registry, Immigration and Lands and Survey. These agencies collect approximately 85% of Government's total revenues.

The Government is forecasting to collect \$528.2 million in revenues during the 2008/9 financial year. When compared to the \$523.3 million shown in the latest forecast for the 2007/8 year, the 2008/9 forecast represents a modest and conservative growth estimate of approximately 1%. This 1% growth in revenue for the 2008/9 year is even more conservative than the 1.7% real GDP growth forecast for the Cayman Islands for the 2008 calendar year and the 1.4% real GDP growth forecast for calendar year 2009.

Madam Speaker, I would like to take a few moments to further dissect the major components of the various Government revenue streams and explain some of the bases on which the 2008/9 forecasts were made.

If, for example, one were to take the current financial year, that is, the 2007/8 year, and look at the classification of the major revenue streams, the results would show that approximately \$120 million (or 23% of entire revenue) is derived from Financial Services in the form of fees collected by the General Registry and the Monetary Authority.

Madam Speaker, in my main address on the 2008/9 Budget, I outlined a set of facts and figures that spoke to the continued strength of this sector of the economy and cited current statistics to support that position. These included references to the General Registry which saw a net growth of 5% in total company registrations in the 12-month period ended 31<sup>st</sup> March 2008.

I also spoke on the Cayman Islands Monetary Authority revenue collections which were bolstered by a 14.7% increase in the number of registered mutual funds for the year ended 31<sup>st</sup> March 2008.

Other impressive performers in the financial services sector included the Cayman Islands Stock Exchange which recorded a 43% increase in its total listings for the 2007 calendar year—an increase of 51% in market capitalisation.

Again, Madam Speaker, looking at the current financial year (that is, the 2007/8 year), the financial statements show that the Government forecasts to collect \$182.1 million, or approximately 35% of the forecast total revenue from levies on international trade and transactions. These come in the form of duties on imported items such as motor vehicles, fuel, alcohol, tobacco, construction materials, food and clothing, et cetera.

While it is true that the United States is by far the largest trading partner of the Cayman Islands and while it is also true that its economy is currently experiencing significant challenges, one has to look further in examining how the revenue the Government collects is derived in order to understand the effects of a slowing US economy upon the Cayman Islands.

A major source of Government's revenue is obviously derived from items that are imported from the United States. As long as our local economy remains stable, our ability to continue to buy from the US should not be detrimentally affected by the slowdown in the US economy. We will undoubtedly see some impact from the US economy slowdown (and the revenues have been adjusted in 2008/9 to reflect that), but the effects are unlikely to be catastrophic.

Another area of significant revenue for the Government is tourism. Tourism accounts for \$28 million approximately, or about 5% of Government's revenues through tourist accommodation charges, cruise ship departure taxes, hotel licences and environmental protection fund fees.

When we look at the tourism sector, we see that air arrivals have consistently increased over the past three years. Figures for the 1<sup>st</sup> quarter of 2008 already show a 9% increase when compared to the same period last year. The Government realises, however, that there will be pressures placed on the travel industry through higher fuel costs. Therefore, while the current outlook is positive, we have taken a conservative approach and have lowered our revenue projections in this area for the 2008/9 financial year.

The Government expects to collect \$43.8 million approximately, or approximately 8% of total revenues for the current financial year from levies on property. These include stamp duty on land transfers, share transfer charges and infrastructure fund fees.

Madam Speaker, very few people are able to afford property purchases solely through their savings. Most property acquisitions are financed by borrowing from a financial institution. One of the key impediments to borrowing and, therefore, to property ownership, is one's ability to afford a mortgage.

Based on an aggregate decrease of 3.25% in interest rates over the past 9 months, the Government believes that more people will now be able to afford mortgages and loans and realise their dreams of owning property. Factors such as decreasing interest rates, continued property development, stable employment and the continued attractiveness of the Cay-

man Islands should allow the real estate sector to remain vibrant in 2008/9.

Immigration-related revenues are expected to contribute \$46 million approximately (or 9%) to Government's total revenues in the current year 2007/8. As is the case in most countries of the world, a strong economy requires skills and expertise, not all of which are available locally. With a strong and growing economy, the Government believes that there will be a continued need for imported labour for the foreseeable future and does not expect any major declines in immigration-related revenues for 2008/9.

Madam Speaker, since I have stated that the 2008/9 total revenue forecast of \$528.2 million seems reasonable in relation to the \$523.3 million that is forecast for the current year that will end on 30<sup>th</sup> June 2008, the sensible question to enter one's mind is, how realistic is the current year's estimate of \$523.3 million?

The actual revenue collected by Government in the 10-month period from 1<sup>st</sup> July 2007 to 30<sup>th</sup> April 2008 was approximately \$453 million. In approximate terms this means that the average monthly revenue earnings is \$45 million. To get from actual revenue earned for the 10 months to 30<sup>th</sup> April 2008 of \$453 million to the forecast total revenue for the year of \$523.3 million, means that revenue must be earned in the remaining two months of the year, May and June, of \$70.3 million. If the average monthly revenue earned to 30<sup>th</sup> April 2008 is \$45 million, we believe that the \$70.3 million required to achieve the year's total revenue forecast of \$523.3 million, will be accomplished in the May and June 2008.

Madam Speaker, during the course of a financial year we will monitor the actual receipt of revenue and we also frequently revise our forecast revenue estimate for a financial year. We shall do the same for the 2008/9 year. If we find that it is necessary to decrease our \$528.2 million forecast figure for 2008/9 we will do so and, expenditures will have to be adjusted accordingly.

Madam Speaker, an important requirement of the PMFL that is often not emphasised enough is the fact that Government must not only achieve a surplus from its own activities—meaning that Government's own revenue must be greater than its operating expenditures—but Government must still achieve an overall surplus even after bringing into Government's own books the performance of all its Statutory Authorities and government-owned companies.

Madam Speaker, we see from the Government's Income & Expenditure Statement on page 293 of the Annual Plan & Estimates document that when the surpluses and deficits of statutory authorities and government-owned companies are added together, there is a resulting net deficit arising from their activities of \$11.6 million that is forecast for the 2008/9 year. Further details of the performance of individual statutory authorities and government-owned compa-

nies are provided on page 306 of the Annual Plan & Estimates document.

We see from Government's Income & Expenditures Statement that because the cumulative result of statutory authorities and government-owned companies' performance is a forecast deficit of \$11.6 million, this figure is shown as if it were an actual expenditure of the Government.

The forecast surplus for the 2008/9 financial year of \$13.5 million is after taking into consideration an overall forecast net deficit in the performance of statutory authorities and government-owned companies. If these public entities were forecast to break-even in 2008/9, Government's own forecast surplus would have been \$25.1 million instead of the \$13.5 million that we are forecasting for 2008/9.

Therefore, Madam Speaker, the important and often understated point is that Government, by the Public Management and Finance Law, is required to comply with a very exacting and all-encompassing financial performance regime.

Madam Speaker, the point was made by an honourable Member of the Opposition that an initial Budget that is brought to the Legislative Assembly before the start of a financial year will normally show a surplus but during the course of that year there will be Supplementary—or additional—expenditure requests that call into question or doubt the surplus that was stated in the initial Budget submitted to the House.

Madam Speaker, each time that the Government brings a supplementary expenditure request to the Legislative Assembly for approval it must present a set of financial statements that show the results and position of the Government if the supplementary expenditure requests are approved. These most current financial statements do not abandon the details and the forecasts made in an earlier set of accounts—rather it builds on, and updates, those earlier financial statements.

Madam Speaker, the need for the Government to maintain an operating surplus isn't just restricted to the initial Budget documents that are presented prior to the start of a financial year. The Government must maintain an operating surplus throughout an entire financial year and the emergence of supplementary expenditure requests during the course of a year do not alter this legal requirement.

Madam Speaker, I wish to conclude this part of my contribution by stating that the very foundation on which a realistic and affordable budget rests, is having a set of revenue forecasts that are robust. The Government has done its best in presenting revenue forecasts that are realistic and, as a consequence thereof, there is adequate support for the expenditure requests that are contained in the Bill before this House.

Madam Speaker, I will now turn to the Principles of Responsible Financial Management that Government must comply with because they are contained in the Public Management and Finance Law.

In very simple language the Principles are rules that Government must abide by in the conduct of its financial affairs and those Principles or rules are intended to cause governments to achieve and maintain financial results and positions that reflect sound financial management. There are five main Principles that the Government must comply with.

Firstly, the Government is required to achieve an Operating Surplus. I have stated previously that this is not just restricted to Government's own activities but it must also include or take account of, the financial performance of all statutory authorities and government-owned companies. There is compliance with this Principle because the Government is forecasting an overall surplus for the entire public sector of \$13.5 million for the 2008/9 year.

Secondly, Government is required to have assets that have a total value which exceed its total liabilities. Once again this Principle does not just restrict itself to central government's own position it looks at the entire public sector—which includes the position of statutory authorities and government-owned companies. When we look at the balance sheet shown on page 294 of the Annual Plan & Estimates document we see that included in that balance sheet is the net worth of public authorities, at a figure of \$208.7 million. The Government and the entire public sector therefore satisfies this second Principle because the value of total assets are expected to exceed total liabilities by \$532.6 million.

The third Principle requires that the cost of servicing Government's borrowings (and such cost is defined as principal repayments and interest payments) that those costs combined should not exceed 10% of Government's revenue.

The Government's forecast interest cost for the 2008/9 year is \$13.4 million, and its forecast principal repayments are \$27.2 million. Those two figures combined, Madam Speaker, give us the total cost of \$40.6 million forecast for the 2008/9 year. And when this figure is divided by the expected revenue figure of \$528.2 million, we get a debt service ratio of 7.8% which is below the 10% limit. Therefore, Madam Speaker, there is compliance with this Principle.

Madam Speaker, I should also point out that our definition in the Cayman Islands of debt service ratio is more exacting than the normal international definition of debt service cost—which is ordinarily restricted to just principal repayments. If we applied this international definition to the Cayman Islands, our debt service ratio would be 5.1%.

Madam Speaker, the fourth Principle requires that the net debt position of the Government at the end of each financial year should not be more than 80% of central government's revenue. The net debt position refers to the debt balances of central government plus a portion of the debt balances of statutory authorities and government-owned companies that have been guaranteed by central government and



from that combined figure we then subtract the value of central government's cash balances.

Central government's debt position forecast at 30<sup>th</sup> June 2009 is \$412.8 million and we see from pages 297 and 298 of the Annual Plan & Estimates document, that the position of statutory authorities and government-owned companies debt that has been guaranteed by government, and brought into the net debt calculation, is \$89.5 million. These two figures therefore sum to \$502.3 million, and when we subtract the central government's forecast cash balances at 30<sup>th</sup> June 2009 of \$118.5 million, the net debt figure is \$383.8 million. And when we divide this amount by forecast operating revenues of \$528.2 million, we arrive at a net debt ratio of 72.6%. As this is less than the limit of 80%, there is compliance with this fourth Principle.

Madam Speaker, once again we see that the regime which Government must comply with is exacting and wide ranging in its outlook to include statutory authorities and government-owned companies.

One second, Madam Speaker. [pause]

Thank you, Madam Speaker. I was looking for some information on the total value of borrowing and therefore debt of statutory authorities and government-owned companies have incurred which has been guaranteed by the government. I was looking for the precise figures, but I do not have that on hand. Certainly from memory, I recall the figure is somewhere between \$110 million and \$115 million, that is the value of borrowings of debt by statutory authorities and government-owned companies that the government has provided a guarantee for. What we have done in the net debt calculation is that we have brought into our own calculation approximately \$89.5 million of that \$110 million to \$115 million guaranteed by government. So in percentage terms, we have brought into our own calculation approximately 75 per cent of what the government has guaranteed in respect of statutory authorities and government-owned companies. We have brought in approximately 75 per cent of that figure into our own calculation.

The fifth Principle requires that Government must have a level of cash balances at 30<sup>th</sup> June 2009 that is sufficient to cover 90 days of Government's expenditures. The daily cost of operating Government now is approximately \$1.3 million. A 90-day expenditure coverage level would therefore require a cash balance at 30<sup>th</sup> June 2009 of \$117 million. As the Government forecasts to have a cash balance at 30<sup>th</sup> June 2009 of \$118.5 million, there is also compliance with this Principle.

Madam Speaker, the 2008/9 Budget therefore complies with all of the Principles of Responsible Financial Management.

Before I conclude, I would like to answer the query raised about the cost of the new high schools. Madam Speaker, the Central Tenders Committee (CTC), acting upon recommendations of the Ministry of Education, has approved the award of contracts to

construct the Clifton Hunter Campus at a price of approximately C\$56.7 million. And it has approved the award of the contract in respect of the John Gray Campus at a price of approximately C\$59.0 million.

I understand that the CTC have already met, or will be meeting this afternoon with officials from the Ministry of Education to consider awarding a contract to construct the Beulah Smith Campus in West Bay.

In conclusion Madam Speaker, I would end by noting that the 2008/9 Budget, which is essentially the Schedule to the Bill now before the House, is fully compliant with all of the Principles of Responsible Financial Management that are specified in the Public Management and Finance Law. The Bill is supported, in the Government's view, by revenue forecasts which have been robustly prepared and we believe, realistic.

Madam Speaker, I thank all honourable Members for their contributions to the Appropriation (July 2008 to June 2009) Bill, 2008, and seek their support for the Bill.

Thank you.

**The Speaker:** The question is that a Bill shortly entitled the Appropriation (July 2008 to June 2009) Bill, 2008, be given a second reading.

Those in favour please say Aye. Those against No.

**Ayes.**

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

**Agreed: The Appropriation (July 2008 to June 2009) Bill, 2008, given a second reading.**

**The Speaker:** That concludes the orders of the day. I will entertain a motion for the adjournment of this honourable House.

## ADJOURNMENT

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

As you have just said, this concludes the debate on the Throne Speech and Budget Address. We will now progress to Finance Committee. So, with your permission, I move the adjournment of this honourable House until the completion of Finance Committee and the report is prepared and then we will resume.

The Honourable Third Official Member has asked me to advise Members that Finance Committee will commence at 10 am on Monday with the Minister of Communication and Works doing the first one.

**The Speaker:** The question is that this honourable House do now adjourn until the completion of the business of Finance Committee.

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

**Ayes.**

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

This honourable House now stands adjourned.

**At 3.11 pm the House stood adjourned until the completion of the business of Finance Committee.**



**OFFICIAL HANSARD REPORT**  
**FRIDAY**  
**20 JUNE 2008**  
**4.14 PM**  
*Thirteenth sitting*

**The Speaker:** I will ask the Honourable Leader of Government Business to say Prayers.

**PRAYERS**

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

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

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

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

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

Proceedings resumed at 4.16 pm

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

**Apologies**

**The Speaker:** I have received apologies for absence from the Honourable Second Official Member, the First Elected Member for Cayman Brac and Little Cayman and the Second Elected Member for Cayman

Brac and Little Cayman . . . and I am being told the Third Elected Member for the district of George Town who is on a CPA conference overseas.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**MOTION TO DEFER BUSINESS UPON  
THE ORDER PAPER**

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, the Report of the Standing Finance Committee [on the Appropriation (July 2008 to June 2009) Bill, 2008] has taken us just about all day. It is almost 4.20 in the afternoon and the Order Paper was prepared, but in consultation with other Members of the Legislative Assembly, we are in agreement and in discussions with your good self, I would move to defer all other business on the Order Paper except the business of Statements by Ministers of the Government. And I would move the deferral of all of that business until we resume on Wednesday.

**The Speaker:** The question is that the Presentation of Papers and of Reports, as well as Questions and Government Business be deferred to the next sitting of the Legislative Assembly. Those in favour please say Aye. Those against No.

**Ayes.**

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

**Agreed: Presentation of Papers and of Reports, Questions and Government Business deferred to Wednesday 25<sup>th</sup> June 2008, with the exception of Statements.**

**STATEMENTS BY HONOURABLE  
MEMBERS AND MINISTERS  
OF THE CABINET**

**Correction to *Cayman Net News* publication of  
19th June 2008 in respect of matters concerning  
the Referendum**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, yesterday on the 19<sup>th</sup> of June 2008, the local publication, *Cayman Net News*, carried as its headline "Referendum Vote Set for 30 July". I must tell this House and the wider community that the headline and much of the story that follows is simply untrue. Government has thus far set no date for the proposed Referendum on Constitutional Modernization. We expect to make an announcement with regard to that matter very shortly.

The *Cayman Net News* story claims, and I quote: "**The assembly opened debate on the changes and launched the required three readings of the bills** [meaning the Referendum Constitutional Modernization Bill and the Elections (Amendment) Bill] **yesterday. After the expected rapid approval, the bills will go to the Governor for his assent, then be finalised in a White Paper well in advance of the polling date.**"

As this House and all Members will be aware, this is simply untrue. The two Bills in question were delivered to the Clerk of the Legislative Assembly on May 22, and circulated to Members shortly thereafter. They have not been placed by the Business Committee of this House on any Order Paper and have not been dealt with in any way by the House.

To say that the House has opened debate and launched the required three readings of the Bills yesterday is complete and utter fabrication. Indeed, the House has been in Finance Committee for the past month, and so has had no opportunity to deal with Bills.

Madam Speaker, I felt it was important to set the record straight on this important matter and to assure the country that when we are ready to make a statement regarding the proposed referendum we shall do so publicly. And, as I said earlier, we expect to do so very soon.

Thank you, Madam Speaker.

**The Speaker:** That concludes the business of the Orders of the Day. Honourable Leader of Government Business.

## ADJOURNMENT

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

I move the adjournment of this honourable House until Wednesday at 10 am.

**The Speaker:** The question is the adjournment of honourable House until 10 am on Wednesday. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. This honourable House now stands adjourned until Wednesday morning.

**At 4.22 pm the House stood adjourned until 10 am Wednesday, 25 June 2008.**

**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**25 JUNE 2008**  
**11.35 AM**  
*Fourteenth Sitting*

**The Speaker:** I will ask the Honourable First Official Member responsible for the Portfolio of Internal and External Affairs and the Civil Service to say Prayers.

**PRAYERS**

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

*We pray your blessings upon our Monarch 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 humility may be established amongst us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Cabinet and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.*

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

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

*This is the day the Lord has made. Let us rejoice and be glad in it. And may the words of our mouths and the meditations of our hearts be acceptable in your sight, O Lord, our Strength and our Redeemer. Amen.*

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

**Proceedings resumed at 11.38 am**

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

**Apologies**

**The Speaker:** I have received [an apology] for absence from the Honourable Minister of Tourism, Environment, Investment and Commerce.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**Report of the Standing Finance Committee on the  
Appropriation (July 2008 to June 2009) Bill, 2008**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Report of the Standing Finance Committee on the Appropriation (July 2008 to June 2009) Bill, 2008.

**The Speaker:** So ordered.

Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Yes, thank you, Madam Speaker, just some brief remarks.

The Committee met to consider the Appropriation Bill for the 2008/9 financial year and the Committee started its deliberations on the 26<sup>th</sup> of May 2008, and it had its last meeting a short while ago today, the 25<sup>th</sup> of June 2008, to consider and finalise the Report that has just been tabled.

The Committee was obviously principally concerned with consideration of appropriation items that were contained in the Schedule to the Bill. The Committee approved three changes to the items in the Schedule to the Bill. It renamed one of the appropriations and it changed two of the appropriation amounts, but the net effect of those changes was to leave the total appropriation amount unchanged. So, there was no increase in the appropriations overall sought by the Government.

Madam Speaker, the Committee also considered six motions that were raised in the Committee. And I think those are obviously all well-known to Members of the House. And all of the deliberations of Finance Committee have been broadcast and continue to be broadcast by Radio Cayman.

Madam Speaker, the Committee agreed that the Report that has just been tabled be the report of

the Standing Finance Committee on the Appropriation (July 2008 to June 2009) Bill, 2008.

Thank you.

**Hon. G. Kenneth Jefferson:** Madam Speaker, with your permission, I would move on behalf of the Government that the Report of the Standing Finance Committee that has just been laid on the Table be adopted.

Thank you.

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

I don't know where we are at. Madam Clerk, next item please.

**Report and Recommendation of the Minister Responsible for Lands – Vesting of Crown land Block 106E Parcels 44, 48, 49, REM 1, 103, 141, and 175 to the Sister Islands Affordable Housing Corporation**

**The Speaker:** I recognise the Honourable Leader of Government Business, the Minister responsible for the Ministry of District Administration, Planning, Agriculture and Housing.

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

I beg to lay on the Table of this honourable House the Report and Recommendation of the Minister Responsible for Lands – Vesting of Crown land Block 106E Parcels 44, 48, 49, REM 1, 103, 141, and 175 to the Sister Islands Affordable Housing Corporation in accordance with section 10(1)(b) of the Governor Vesting of Lands Law (1998 Revision). It is also accompanied by the documents required pursuant to section 10(2) of the said Law which contains the details of the proposed vesting.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, simply to confirm that as required by the Law, the details of this land matter have been published in the Cayman Islands *Gazette* issue No. 6/2008, dated February 25, 2008; also in a local newspaper, namely the *Cayman Net News* on 25 February 2008. Also, as required by Law, three valuations have been carried out on the subject property, each valuation report forms part of the overall report and provides a general indication of the value of the property that the Government now proposes to vest.

Madam Speaker, the report deals with the vesting of Crown land located in the vicinity of Tibbetts Turn Road, Watering Place, Cayman Brac. The six parcels are being donated by the Government specifically for the purposes of facilitating the construction of two and three bedroom homes for sale to those Cay-

manians who may not otherwise have the opportunity to afford their own homes. The land at Watering Place will enable the construction of approximately 15 buildings.

The recipient of the vesting is the Sister Islands Affordable Housing Development Corporation. The Corporation is a government-funded, non-profit company established in 2006, tasked with facilitating the construction and sale of good-quality affordable housing in Cayman Brac and Little Cayman to those Caymanians who may not have ready access to traditional residential mortgage funding as offered by the commercial retail banking institutions in the Cayman Islands.

The corporation will assist successful applicants in securing financing from a funding institution. Government is further assisting with a supply of project management expertise to the corporation for the planning and construction phases.

I am pleased to report that Government seed money of C\$800,000 to fund construction of the first phase of homes in Cayman Brac and Little Cayman is in place, 10 successful applications have been received on Cayman Brac. Construction has already commenced on 4 of the homes and construction on 4 more is anticipated to begin very shortly which means that within the next 6 to 9 months we will have provided homes for 80 per cent of the successful applicants in Cayman Brac.

Suffice it to say, Madam Speaker, that the other two, if it is possible, will certainly be done along with the second phase. It is just that the original plan was four plus four. But, certainly, as I see where two more have been successful, I am certain that can be adjusted.

It is in the best public interest to vest this land to the corporation to ultimately ensure as many Caymanians on Cayman Brac and Little Cayman as possible are given the opportunity to enjoy home ownership.

Thank you, Madam Speaker.

**Freedom of Information (Information Commissioner) Regulations, 2008**

**The Speaker:** I recognise the Honourable Leader of Government Business, the Minister responsible for the Ministry of District Administration, Planning, Agriculture and Housing.

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

I beg to lay on the Table of this honourable House the Freedom of Information (Information Commissioner) Regulations, 2008.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, this honourable House will recall that the Freedom of Information Law, 2007, was passed in August of last year, which set the stage for a new era of openness and transparency in Government and this Law legislates the public's right to access information held by public bodies, such as government departments and ministries, statutory authorities and government-owned companies.

This Freedom of Information Law establishes the post of Information Commissioner, which is an independent oversight body with responsibility for the following key activities:

- To hear, investigate and rule on appeals filed under the Freedom of Information Law.
- To monitor and report on the compliance by public authorities with their obligations.
- To make recommendations for reform, both of a general nature and directed at specific public bodies.
- To refer to the appropriate authorities cases where it appears that a criminal offence has been committed.
- To publicise the requirements of the Freedom of Information Law and the rights of individuals under it.

Madam Speaker, the Freedom of Information Law, 2007, provides that the Information Commissioner shall have all powers direct and incidental as are required to undertake the functions as provided under the Freedom of Information Law, and that in the exercise of his powers the Commissioner shall be responsible for the Legislative Assembly.

The Freedom of Information Law also provides that the Information Commissioner shall be appointed by the Governor after consultation with the Cabinet and after a process which is conducted in accordance with the following principles:

- 1) Participation by the public in the nomination process.
- 2) Transparency and openness.
- 3) Publication of short-listed applicants.

The Freedom of Information Law also provides for the appointment of the Information Commissioner to be in accordance with such procedures as may be provided for in regulations made by the Governor in Cabinet.

Madam Speaker, accordingly, the Freedom of Information, Information Commissioner Regulations 2008, provide for various aspects of the process of appointing the Information Commissioner including the appointment of a selection panel, application and public nomination process, advertising, short-listing, and the interviewing of candidates. Please note also that the regulations provide that the selection panel shall consist of one member of the public and one member of the official Opposition.

Madam Speaker, the process of selecting an Information Commissioner is expected to commence very shortly with the publication of advertisements and the detailed job description. So, I would urge the pub-

lic to become involved in the nomination process using the requisite forms which are the schedule to these regulations. It should be noted that persons may nominate themselves. However, in all cases the person being nominated must sign the form agreeing to be nominated.

So, Madam Speaker, in accordance with section 57 of the Freedom of Information Law, 2007, I submit the Freedom of Information Information Commissioner Regulations, 2008, for affirmative resolution of this honourable House.

Thank you, Madam Speaker.

### **Report and Recommendation of the Minister Responsible for Lands – Vesting of Crown Land to St. Matthew's University - Block 32B Parcel 221 REM 1 (Part)**

**The Speaker:** I recognise the Honourable Leader of Government Business, the Minister responsible for the Ministry of District Administration, Planning, Agriculture and Housing.

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

I beg to lay on the Table of this honourable House the Report recommending the Vesting of Block 32B Parcel 221 REM 1 for the purposes of constructing a veterinary medicine teaching/surgery centre to St. Matthew's University in accordance with section 10(1)(b) of the Governor Vesting of Lands Law. And it is accompanied by the documents required pursuant to section 10(2) of the said Law which contains the details of the proposed vesting.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

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

First of all, let me confirm that, as required by Law, the details of this land matter have been published in the Cayman Islands *Gazette* issue No. 9/2008, dated April 11, 2008; also issue No. 10/2008, dated April 15, 2008, and also a local newspaper, namely, the *Cayman Net News* on April 15, 2008. Also, as required by Law, three valuations have been carried out on the subject property. Each valuation report forms part of the overall report and provides a general indication of the value of the property that the Government now proposes to vest by way of lease.

Madam Speaker, the Report deals with the vesting of .86 of an acre of undeveloped Crown land to St. Matthew's University by way of a 15-year lease term. Although the land is only being leased to the University, the Law states that the grant of a lease for a period exceeding 5 years is deemed a disposition, which must follow the same vesting process as applies to a conveyance of freehold land. So, because that is the way the Law reads, hence the process we are following now. But I want to make it absolutely



clear that the Crown is not vesting this land to St. Matthew's University, but it is simply engaging in a 15-year lease to the University for the purposes of them conducting the business of a veterinary college so to speak.

This site forms a very small part of block 32B Parcel 221, REM1, on Agricola Drive in Lower Valley to the rear of the John A. Bothwell Department of Agriculture Building. The University is to use the site to construct . . . and I have to say, Madam Speaker, the building is already constructed. So the site is to hold a 6,000 sq. ft. veterinary medicine teaching and surgery centre with associated car park.

Indeed, Madam Speaker, as I said the work has been completed and the centre has already formally been opened and is now in use. Its location will enable the University to work very closely with the Department of Agriculture staff and, Madam Speaker, I can report that as we speak, this is exactly what obtains.

In providing the site to the University in turn for a peppercorn rental, the Government is assisting the University to expand the scope and scale of veterinary teaching facilities available in the Cayman Islands. The facility certainly will encourage more students to study at St. Matthew's University School of Veterinary Medicine in this country as well as benefiting the people of the Cayman Islands and the local animal population.

Madam Speaker, in return for leasing the land for this building project to the University, there are some more specific benefits to the country. In particular, St. Matthew's has agreed to provide CI\$225,000 funding towards the construction of a new animal feed storage warehouse. Furthermore, the University has also graciously agreed to enter into a memorandum of understanding with Government for the duration of Agriculture technical staff at no cost; to develop cooperative programmes with the Department of Agriculture whereby veterinary care and related animal health research may be offered to the veterinary and farming community here in Cayman; and also to offer up to two scholarships per annum to Caymanian students for St. Matthew's University courses.

Madam Speaker, in tabling this report, certainly I believe that the decision to engage in this lease is beneficial to both parties.

Thank you.

#### **Financial Statements of the National Gallery of the Cayman Islands, for the year ending 30 June 2005 and 2004**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Education, Training, Employment, Youth, Sports and Culture.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House Financial Statements of the National Gallery of the Cayman Islands, for the year ending 30 June 2005 and 2004.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Alden M. McLaughlin, Jr.:** No, Madam Speaker.

#### **Financial Statements of the National Gallery of the Cayman Islands, for the year ending 30 June 2006 and 2005**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Education, Training, Employment, Youth, Sports and Culture.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Financial Statements of the National Gallery of the Cayman Islands, for the year ending 30 June 2006 and 2005.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Alden M. McLaughlin, Jr.:** No thank you, Madam Speaker.

#### **Cayman Turtle Farm and Waste Discharge into the Marine Environment—Own Motion Investigation Report Number 9 prepared by the office of the Complaints Commissioner dated 24 April 2008**

**The Speaker:** I recognise the Chairman of the Committee of the Legislative Assembly responsible for overseeing the Office of the Complaints Commissioner, the Honourable Minister responsible for the Ministry of Education, Training, Employment, Youth, Sports, and Culture.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the report by the Complaints Commissioner on the Turtle Farm and Waste Discharge into the Marine Environment, prepared by the office of the Complaints Commissioner dated 24 April 2008.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Alden M. McLaughlin, Jr.:** No, Madam Speaker.

## QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

**The Speaker:** I recognise the Third Elected Member for Bodden Town.

### QUESTION NO. 1

**No. 1: Mr. Osbourne V. Bodden** asked the Honourable Leader of Government Business, the Minister responsible for the Ministry of District Administration, Planning, Agriculture and Housing, How many families and other persons are living in trailer homes and where are they located?

**The Speaker:** Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker, the answer: The official number of persons currently living in the Government trailer homes is 122. Currently 44 trailers are occupied island-wide broken down as follows—

**The Speaker:** Honourable Leader of Government Business, could you wait one moment until I get a copy of the answer, please?

**Hon. D. Kurt Tibbetts:** Yes, Madam Speaker.

**The Speaker:** Honourable Leader of Government Business, would you continue your reply?

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker, with your permission, I had only read just about a sentence, so I will start from the very beginning. Thank you.

The official number of persons currently living in the Government trailer homes is 122. Currently there are 44 trailers which are being occupied island-wide broken down as follows:

Fairbanks site, 18 trailers with 53 persons.

Bodden Town, 13 trailers with 38 persons.

West Bay, 6 trailers, 18 persons.

Private sites, 7 trailers, 13 persons.

On the private sites, 2 are in North Side, 2 are in Lower Valley, 2 are in West Bay and 1 is in George Town.

**The Speaker:** Are there any supplementaries?

Third Elected Member for the district of Bodden Town.

### SUPPLEMENTARIES

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

Could the Minister say what are the medium- to long-term plans for the trailers and occupants, especially those located on the main sites?

**The Speaker:** Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, the Member will be familiar with the fact that property has been identified, finally, for just about every one of the districts for the Affordable Housing Initiative and the occupants of the trailer homes are presently being invited to be processed to see which one of the four available options they can fit in. In the medium term it is expected that the Housing Initiative will assist.

Madam Speaker, it is my belief that there will be a few who will need assistance and plans are afoot to provide that assistance. *'Who will need assistance'* meaning assistance above and beyond the ordinary with regard to their housing needs. They are part and parcel of one of the four initiatives. So, the land being identified, sub-division plans have been submitted for the various sites. Once Planning approval is granted construction of the homes will begin. It is just the administrative process that we are now awaiting, Madam Speaker.

**The Speaker:** Are there further supplementaries?

Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

When we finally have the trailers empty, could the Minister say what the plans are for the trailers, whether they will be shipped off, kept, and how will they be secured if they are kept?

**The Speaker:** Honourable Leader of Government Business, that is outside the original question, but if you are in a position to reply . . . Honourable Leader of Government Business.

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

There have been many thoughts expressed with regard to what should be done with these trailer homes. The firmest view at present is that a site has been identified in the interior in the East End district where these trailers can be properly stored once they are not in use. The truth is, it is not the view of any of the parties concerned that . . . and I do not speak of the occupants, I mean those responsible, the agencies responsible. It is not the view of any one of those agencies that these trailers should be sent off island because the fact of the matter is, while we pray not, there may be occasion for the need of some of them again at some time in the future.

So, the plan is to have this site properly prepared and as we are able to relocate the families who

are in these trailer homes, then we will simply store them securely. The truth is, what we do not know is how long they will last once they are in storage. But that is something we will just have to see.

So that is the plan.

**The Speaker:** Are there any further supplementaries? [pause] If not, we will move on to the next item.  
Honourable Minister of Education.

#### Miss Teen Achievements—Yentel McGaw

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

I just wanted on behalf of Government, and I believe on behalf of this honourable House, to offer our warmest congratulations to Miss Yentel McGaw, who has just returned from Trinidad and Tobago having won the . . . Miss McGaw is, of course, the current Miss Teen Cayman Islands, and she has won Miss Teen Caribbean, which is a first for Cayman. She was also the second runner-up for the title of Miss Teen Worldwide and finished by also winning the Miss Popularity award. Those are marvellous achievements. And in addition to that, she graduated from the John Gray High School yesterday evening.

So, I wanted on behalf of the Government, and I said, as I believe, on behalf of all Members of this honourable House, to offer her our warmest congratulations.

**The Speaker:** Thank you, honourable Minister.

### STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

**The Speaker:** I have received no notice of statements by Honourable Ministers or Members of the Cabinet.

## GOVERNMENT BUSINESS

### BILLS

#### FIRST READING

##### Cinematograph (Amendment) Bill, 2008

**The Clerk:** The Cinematograph (Amendment) Bill, 2008.

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

#### SECOND READING

##### Cinematograph (Amendment) Bill, 2008

**The Clerk:** The Cinematograph (Amendment) Bill, 2008.

**The Speaker:** I recognise the Honourable Minister responsible for Communication, Works and Infrastructure.

**Hon. V. Arden McLean:** Thank you, Madam Speaker. I beg to move the second reading of the Cinematograph (Amendment) Bill, 2008.

**The Speaker:** The motion has been duly moved and is open for debate. Does the Honourable Minister wish to speak thereto?

Honourable Minister responsible for Communications, Works and Infrastructure.

**Hon. V. Arden McLean:** Thank you, Madam Speaker.

I will not be long in the introduction of this amendment, but I am pleased to lay on the Table of this honourable House the Cinematograph (Amendment) Bill, 2008 . . . to sponsor, Madam Speaker.

The Cinematograph Law was enacted in 1963 and from its inception the Cinematograph Authority specifically referred to a Board consisting of the Governor, as Chairman, three elected Members of this honourable House, and one other member nominated annually by the Governor. For the most part the principal Law has remained the same with a few minor amendments over all these many years, some 40-odd years. It has served the country well over those many years as the number of the Cinematograph exhibitions operators has been very small. They have been miniscule to tell the truth. There has only been one set of cinemas here for quite a long time. There were some prior to that and they have all fallen by the wayside. People have gone out of business and the likes.

Like any other piece of legislation, sections of the principal Law now require updating to ensure the Law remains useful and practical for its intended purposes.

Madam Speaker, these amendments seek to effect change in an effort to ensure the Board provides responsive governance and effective oversight.

Madam Speaker, I think I should pause here before going through the clauses (which there are not many) and reflect on an editorial that was written recently by the *Caymanian Compass* on this particular amendment. I think the *Caymanian Compass* was wrong in its assertions and positions, and its opinion taken in the change in this, making amendments to this Law. I think it is necessary that the public have another perspective on why this Law is being changed.

The Editorial on 15 May, spoke about how “**The government wants to allow Cabinet to make all five appointments to a new Cinematograph Board, with the caveat that at least one of the members must be a minister of religion.**”

What I was concerned about in their Editorial was in one paragraph it went on to say, **“On the surface, it would appear that government is merely choosing to replace a board made up of a majority of politicians with one that is appointed by politicians, removing the appearance of elected officials interfering with the censorship process.”**

It went on to say, **“However, we wonder what will occur when appointees who owe their position to the elected officials are required to make controversial decisions about banning films or editing their content so that it is suitable for viewing in a public theatre.”**

**“Those board members are only accountable to the Cabinet members who appointed them, not the public. They are essentially free to make decisions to censor films that a politician would not dare to make because of public backlash.”**

I want to go on record to disagree with the *Caymanian Compass* in that position they have taken.

They also went on to talk about the Commission of Enquiry by Sir Richard Tucker and they quoted a section of Sir Richard Tucker’s Report and I read: **“If...the non-executive directors (of appointed boards) feel that they must ‘support the minister’ who appointed them, with the result that they are reluctant to bring their own skills, expertise and judgment to bear upon the matters at hand, the board of directors of the statutory authorities and government companies will serve little useful purpose.**

**“Sir Richard’s comments were made in relation to organisations like Cayman Airways’ Board of Directors or the Boatswain’s Beach Board of Directors. But we think they could just as easily apply to members of this new Cinematograph Board.**

**“Political appointees, attending a closed-door meeting, could easily act upon the marching orders of the politicians who appointed them and ban whatever films it is considered politically expedient to ban at the time.”**

Well, Madam Speaker, I can say that I do not know. I have not had the privilege of directing of any of those that I put on any boards. I can assure them of that. But what concerns me about that particular thing, and I want to be critical constructively, is that on one hand we do not want the politicians in these positions because they have too much power. It gives them too much power. On the other hand, when we appoint good citizens to these boards we say that they kowtow to the politician. I disagree with that. I have not had that experience in being a Minister.

Madam Speaker, the Governor who happens to be Chairman—and I have gotten permission from the Governor to say this, the Governor who happens to be Chairman brought it to my attention when I told him that he was the Chairman—that there is no way it is a waste of the Governor’s time. It is a waste of the Governor’s time to be chairman of this thing that . . . it really hardly ever meets. By Law the Governor is Chairman.

Now, he agrees with me that the Chairmanship of this thing should not be under the Governor. It should not be the Governor. Thus, Madam Speaker, we are changing it. In addition, there are three elected Members from Parliament who are members, and then another member appointed by the Governor on an annual basis. Then we have to bring it here and confirm it in the Legislative Assembly every year.

Now, all of the boards, Madam Speaker, are appointed. I just do not see any need to not make this board the same as others, that is, by members of the community being a part of this governance. Who left the politicians as the only word of morality in this country? I do not know. But certainly, there are Members in this honourable House who do not necessarily want to be appointed to this board either. And it is censorship. Everywhere else in the world there is a regulatory body, and that is what we are trying to develop here.

Now, Madam Speaker, I will agree that this Law needs a total revamping, thus the reason why if these proposals are accepted we will get the Board to go and make proposals to change the rules that govern the Board and the Law as well so that at some stage we can have things like the ratings included in the Law so that there will be proper guidelines to go by.

We spoke recently of the behaviour of young people in public. I think this all ties into it and I really believe it is timely. So, I would like to go on record to disagree with the *Caymanian Compass* in that people take seriously their appointments on these boards, whether they are political or otherwise. They see it as a means of making their contribution to their country. And I believe, Madam Speaker, it is a little disrespectful to say that those people do not have a mind of their own. That is disrespectful and we are polarising our country whereby people in this country are refusing, independent minded people are refusing to go on these boards because they are criticised so much. We are soon going to have boards without members.

Stop the criticism. I can appreciate questions being asked, but they continue to criticise people who dedicate their time to the betterment of their country. Get the politicians, sure. But come on, we have people who are decent people who volunteer their time. They lose money from their businesses to sit on these boards. But there is the constant barrage of criticism against these people and we need to start looking at it from a different perspective. We need to start thinking about those people. They have families.

I cannot see someone with their patriotism and families sit on a board just to be criticised for no reason or for reasons that are unfounded because no one took the time to go and investigate it or ask the people of the board for information.

Anyway, Madam Speaker, I would challenge the media to be very careful with that especially those same people who go on those boards are just like those people who are forming an opinion—they are

family people, they are members of this society, they are concerned about their society, and they want to make their contribution.

You want to beat up the politicians? Go ahead. That is what we are about, being beating sticks! And then we can clarify ourselves. But, for God's sake, I beg, I pray that we do not unjustly criticise the people who have come forward and used their time, their money, their expertise, their experiences to make this country one tiny bit better. It's wrong.

Anyway, Madam Speaker, let me just go through the clauses of this Bill please, with your permission.

Madam Speaker, clause 1 of this amending Bill provides for the Short title and commencement. Clause 2 provides for an Amendment of section 2 of the Cinematograph Law (1995 Revision), which is definition, whereby the definition Cinematograph Authority "the Authority" in section 2 be removed and replaced by a new definition called "the Board".

As I stated previously the Law defines the Cinematograph Authority as the Board consisting of the Governor, three elected Members of the Legislative Assembly nominated annually by the Legislative Assembly and one member nominated annually by the Governor. The use of the words "Cinematographic Authority" to describe a board is misleading. The intent of the original and current Law is simply for a board to provide oversight. It was never intended to establish a true "Authority".

Madam Speaker, as you and Members are aware, a statutory authority is required by the Public Management and Finance Law (2005 Revision) to satisfy certain requirements, particularly administrative and financial procedures. The primary purpose of the Cinematograph Law is to state the board's function and create offences for breaches under the Law. There are no provisions for its administrative and financial operations. In practice, the "Authority" always functioned as a board rather than as an authority. And this has only been since the Public Management and Finance Law has come into place. It defines "Authority" as a completely different entity.

The Board was intended to function as a board rather than an authority as it receives administrative and financial support either from the Governor's office or the Legislative Assembly, or both.

Clause 3 provides for the establishment and constitution of the Board in section 2 of the Cinematograph Law. The elected Members of this Government do not believe that Members of the Legislative Assembly should chair or be members of statutory boards. If this Bill receives successful passage, the Cinematograph Board will consist of members of the public appointed by the Governor in Cabinet. And one of those members should be a minister of religion.

Madam Speaker, I should again point out that under the accompanying regulations, the Cinematograph Rules (2003 Revision), there is a reference in

section 3 that the Governor is Chairman of the Board. Under these proposed amendments, the Governor in Cabinet would now appoint the Chairman and other persons to the Board. As I said earlier, the Governor has been consulted and he agrees with these changes so that no governor, not particularly the current Governor, but a governor, should not be chairing a Cinematograph [Board].

In 1963, maybe, when there were not that many people here, there weren't that many cinemas, it was not more than daytime, maybe. Yes, the Governor, the Administrators in those days did not have much to do and it just turned into "Governor" by virtue of change in nomenclature. But, Madam Speaker, the Governor has other things to do, more important things as head of state to do in this country than decide what rating a film has or whether the license is renewed because they did not conduct themselves in the proper manner. This Governor, this one in particular I do not know, but most governors probably do not even go to the movies in the Cayman Islands. So, there are people out in the community who understand that whose peers talk to them and that is what it is about, peers expressing their concerns and their wishes about how their country should be governed. Everybody does not go down to the Governor's house and make representation to him. But, of course, they go and talk to their peers. And that's who should be part of these boards.

Thus the establishment and constitution of the Board is inserted in section 2A of the Cinematograph [Law] and would comprise of five members appointed by the Governor and, as I said, with one of these being a minister of religion. It also provides for appointment of the Chairman of the Board by the Governor in Cabinet and for the Board to adopt appropriate procedures.

Clauses 4 and 5 provide for the word "Authority" to be removed from all sections of the principal Law and replaced by the word "Board".

Madam Speaker, I would like to personally commend this Bill to honourable Members and ask for their support. Certainly I will listen to the debate, and if there is I will reply whenever the time comes.

Thank you.

**The Speaker:** Does any other Member wish to speak? [pause] If no other Member wishes to speak, does the Honourable Minister wish to exercise his right of reply?

Honourable Minister responsible for Communications, Works and Infrastructure.

**Hon. V. Arden McLean:** Madam Speaker, just to say thanks to all honourable Members for their support. I have discussed this matter with a number of the Members. The most important thing is that when I tried putting it together recently to consider the Hollywood thing I couldn't get any members in here who wanted to sit, really, because of the same thing. They

were the ones who also encouraged me to try to change it. And that is expressed today in their silent support for this amendment.

I thank them very much, and I look forward to the amendment being part of the Bill and we will move on and appoint some people there who can watch over that aspect of the development of this country.

Thank you.

**The Speaker:** The question is that a Bill shortly entitled the Cinematograph (Amendment) Bill, 2008, be given a second reading. Those in favour please say Aye. Those against No.

**Ayes.**

**The Speaker:** The Ayes have it. The Cinematographic (Amendment) Bill, 2008 has been given a second reading.

**Agreed: The Cinematographic (Amendment) Bill, 2008, given a second reading.**

**The Speaker:** The House will go into Committee.

**House in Committee at 12.41 pm**

## **COMMITTEE ON BILL**

**The Chairman:** Proceedings are resumed.

I am to assume that with the leave of the House we should leave any minor amendments to the Honourable Second Official Member should there be any.

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

### **Cinematograph (Amendment) Bill, 2008**

**The Clerk:** The Cinematograph (Amendment) Bill, 2008.

- Clause 1. Short title.
- Clause 2. Amendment of section 2 of the Cinematograph Law (1995 Revision) – definition.
- Clause 3. Insertion of section 2A – establishment and constitution of the Board.
- Clause 4. Amendment of sections 3, 4, 5 and 8 – exhibition unlawful without written permission; contravention of permission; blasphemous, seditious or obscene films; power to make rules.
- Clause 5. Amendment of section 6 - right of police or Authority appointee to enter premises.

**The Chairman:** The question is that Clauses 1 through 5 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 1 through 5 passed.**

**The Clerk:** A Bill for a Law to Amend the Cinematograph Law (1995 Revision) to make provision for the establishment of the Cinematograph Board; and for incidental and connected purposes.

**The Chairman:** The question is that the Title do form part of the Bill. Those in favour please say Aye. Those against No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Title Passed.**

**The Chairman:** The question is that the Bill be reported to the House. Those in favour please say Aye. Those against No.

**Ayes.**

**The Chairman:** The Ayes have it. The Bill will accordingly be reported to the House.  
The House will resume.

**Agreed: Bill to be reported to the House.**

**House resumed at 12.43 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

Proceedings will be suspended until 2 pm.

**Proceedings suspended at 12.43 pm**

**Proceedings resumed at 2.37 pm**

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

## **REPORT ON BILL**

### **Cinematograph (Amendment) Bill, 2008**

**The Speaker:** I recognise the Honourable Minister responsible for Communication, Works and Infrastructure.

**Hon. V. Arden McLean:** Thank you, Madam Speaker.

I have to report that A Bill for a Law to Amend the Cinematograph Law (1995 Revision) to make provision for the establishment of the Cinematograph Board; and for incidental and connected purposes was considered by a Committee of the whole House and passed without amendment.

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

### THIRD READING

#### Appropriation (July 2008 to June, 2009) Bill, 2008

**The Speaker:** I recognise the honourable Minister responsible for Communications, Works and Infrastructure.

[pause]

**The Speaker:** I recognise the honourable Minister responsible for Communications, Works and Infrastructure.

**Hon. V. Arden McLean:** Madam Speaker, I beg to move the Third Reading . . .

**The Speaker:** Oh, I am sorry. I apologise. I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to move on behalf of the Government that a Bill shortly entitled The Appropriation (July 2008 to June, 2009) Bill, 2008, be given a third reading and passed.

**The Speaker:** The question is that a Bill shortly entitled The Appropriation (July 2008 to June, 2009) Bill, 2008, be given a third reading and passed. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Appropriation (July 2008 to June, 2009) Bill, 2008, has been given a third reading and passed.

**Agreed: The Appropriation (July 2008 to June, 2009) Bill, 2008, given a third reading and passed.**

### GOVERNMENT MOTIONS

#### Government Motion No. 1/08-09 Amendment to the Development Plan 1997—Proposed Rezoning – Winston and Hyacinth Rose

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker.  
I beg to move Government Motion No. 1/08-09—Amendment to the Development Plan 1997—Proposed Rezoning—Winston & Hyacinth Rose.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the Honourable Leader of Government Business wish to speak thereto?

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

I would first like to recite the Motion, Madam Speaker. The Motion reads:

**WHEREAS in 2006, the Central Planning Authority received an application for the rezoning of Registration Section, West Bay South, Block 5B Parcels 150, 151, and 296 (part) from Low Density Residential to Neighbourhood Commercial;**

**AND WHEREAS the CPA originally considered the application on July 12, 2006 (CPA/22/06 Item 4.1), and resolved that the rezone application be put out for public comment;**

**AND WHEREAS the proposed amendments were advertised in the *Caymanian Compass* on July 31, and August 2, 8, and 10, 2006, in accordance with section 11(2) of the Development and Planning Law (2005 Revision) and the application was placed on display in the Planning Department. During the comment period one letter of objection was received.**

**AND WHEREAS on November 1, 2006, the CPA again considered the application in light of the public review process (CPA/34/06 Item 4.1) and it was resolved to forward the proposed amendments to the Ministry with the recommendation that the proposed amendments be forwarded to the Planning Appeals Tribunal (Development Plan) for their consideration.**

**AND WHEREAS the Planning Appeals Tribunal (Development Plan) held an inquiry into the application on 10 May 2007, and subsequently recommended to the CPA that the requested rezoning be approved.**

**AND WHEREAS on September 5, 2007, the CPA again considered the application in light of the public review process (CPA/24/07 Item 4.1) and it was resolved to forward the proposed amendments to the Ministry with the recommendation that the proposed amendments be forwarded to the Legislative Assembly for approval.**

**AND WHEREAS on 12 February 2008, Cabinet approved the rezoning application and further that the matter be referred on to the Legislative Assembly;**

**BE IT NOW THEREFORE RESOLVED THAT in accordance with section 10 (2)(b) of the Development and Planning Law (2005 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;**

**AND BE IT FURTHER RESOLVED that, Registration Section, West Bay South, Block 5B Parcels 150, 151, and 296 (part), be rezoned from**

**Low Density Residential to Neighbourhood Commercial.**

Madam Speaker, having recorded in the actual Motion itself all of the facts surrounding the application for the rezoning, I do not think that I have to expand any further. Should any Member wish to speak to the Motion, perhaps if there are any queries raised, I can respond thereafter. I am certainly recommending the Motion to this honourable House.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] If no other Member wishes to speak, does the Honourable Leader of Government Business wish to exercise his right of reply?

**Hon. D. Kurt Tibbetts:** Madam Speaker, just to assume and thank honourable Members for their support which will be forthcoming with the vote.

**The Speaker:** The question is BE IT NOW THEREFORE RESOLVED THAT in accordance with section 10 (2)(b) of the Development and Planning Law (2005 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;

AND BE IT FURTHER RESOLVED that, Registration Section, West Bay South, Block 5B Parcels 150, 151, and 296 (part), be rezoned from Low Density Residential to Neighbourhood Commercial.

Those in favour please say Aye. Those against No.

**Ayes.**

**The Speaker:** The Ayes have it. Government Motion No.1 of 08-09 is duly passed.

**Agreed: Government Motion No. 1/08-09 passed.**

**Government Motion No. 2/08-09 Amendment to the Development Plan 1997 - Proposed Rezoning – City Services “Cayman” Ltd.**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, I beg to move Government Motion No. 2/08-09—Amendment to the Development Plan 1997—Proposed Rezoning—City Services “Cayman” Ltd.

**The Speaker:** The Motion is duly moved and open for debate. Does the Honourable Leader of Government Business wish to speak thereto?

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

The Motion reads:

**WHEREAS** in 2006, the Central Planning Authority received an application for the rezoning of Registration Section, East Interior, Block 63A Parcels 30 to 34, and High Rock Block 64A Parcels 34 and 36 from Agricultural / Residential to Low Density Residential;

**AND WHEREAS** the CPA originally considered the application on August 23, 2006 (CPA/27/06 Item 4.2), and resolved that the rezone application be put out for public comment;

**AND WHEREAS** the proposed amendments were advertised in the *Caymanian Compass* on September 13, 15, 18, and 21, 2006, in accordance with section 11(2) of the Development and Planning Law (2005 Revision) and the application was placed on display in the Planning Department. During the comment period no letters of objections were received.

**AND WHEREAS** on November 29, 2006, the CPA again considered the application in light of the public review process (CPA/37/06 Item 4.1) and it was resolved to forward the proposed amendments to the Ministry with the recommendation that the proposed amendments be forwarded to the Legislative Assembly for approval.

**AND WHEREAS** on 12 February, 2008, Cabinet approved the rezoning application and further that the matter be referred on to the Legislative Assembly;

**BE IT NOW THEREFORE RESOLVED THAT** in accordance with section 10 (2)(b) of the Development and Planning Law (2005 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;

**AND BE IT FURTHER RESOLVED that,** Registration Section, East Interior, Block 63A Parcels 30-34 [inclusive], and High Rock Block 64A Parcels 34 and 36 be rezoned from Agricultural / Residential to Low Density Residential.

Madam Speaker, in 2006, as I mentioned in the Motion itself, the CPA received an application from City Services (Cayman) Limited for the rezoning of the parcels which I just mentioned.

The proposed rezoning encompasses approximately 288 acres and is located on Seaview Road just west of High Rock Drive. The proposal calls for the parcels to be rezoned from the current zoning of agricultural/residential to low density residential and, Madam Speaker, the remaining facts are contained in the “Whereas” section of the Motion itself. All of the necessary procedures have been followed and therefore my duty is simply to recommend the Motion itself to this honourable House.

**The Speaker:** Does any other Member wish to speak? [pause] If no other Member wishes to speak,



does the Honourable Leader of Government Business wish to exercise his right of reply?

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, once again just to thank Members for their rather quiet support.

**The Speaker:** The question is: BE IT NOW THEREFORE RESOLVED THAT in accordance with Section 10 (2)(b) of the Development and Planning Law (2005 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;

AND BE IT FURTHER RESOLVED that, Registration Section, East Interior, Block 63A Parcels 30-34], and High Rock Block 64A Parcels 34 and 36 be rezoned from Agricultural / Residential to Low Density Residential.

Those in favour please say Aye. Those against No.

**Ayes.**

**The Speaker:** The Ayes have it. Government Motion No.2 of 08-09 is duly passed.

**Agreed: Government Motion No. 2/08-09 passed.**

**Government Motion No. 3/08-09—The Freedom of Information Law 2007 (Law 10 of 2007) - The Freedom of Information (Information Commissioner) Regulations 2008**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, I beg to move Government Motion No. 3/08-09 entitled, The Freedom of Information Law 2007 (Law 10 of 2007) - The Freedom of Information (Information Commissioner) Regulations 2008.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the Honourable Leader of Government Business wish to speak thereto?

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, when I tabled these regulations this morning I spoke briefly. I would like to take this opportunity now to simply read the content of the Motion.

The Motion reads:

**WHEREAS section 57 of The Freedom of Information Law 2007 provides that “The Governor in Cabinet may, subject to an affirmative resolution, make regulations –**

**(a) generally for giving effect to the provisions and purposes of this Law;**

**(b) prescribing the period of time for the doing of any act under this Law;**

**(c) for anything that is required or permitted to be prescribed under this Law.”;**

**AND WHEREAS The Freedom of Information (Information Commissioner) Regulations 2008 have been laid on the Table of this Honourable House;**

**BE IT NOW THEREFORE RESOLVED THAT The Freedom of Information (Information Commissioner) Regulations 2008 be affirmed by the Legislative Assembly pursuant to section 57 of the Law.**

And certainly, Madam Speaker, I give my full recognition and support to this Motion for the Regulations to be affirmed.

**The Speaker:** Does any other Member wish to speak? [pause] If no other Member wishes to speak, does the Honourable Leader of Government Business wish to exercise his right of reply?

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, just in anticipated support of the Motion from all Members.

**The Speaker:** The question is: BE IT NOW THEREFORE RESOLVED THAT The Freedom of Information (Information Commissioner) Regulations 2008 be affirmed by the Legislative Assembly pursuant to section 57 of the Law.

Those in favour please say Aye. Those against No.

**Ayes.**

**The Speaker:** The Ayes have it. Government Motion No. 3/08-09 has been duly passed.

**Agreed: Government Motion No. 3/08-09 passed.**

**Government Motion No. 4/08-09—Amendment to the Development Plan 1997 - Proposed Rezoning – Desmond Kinch**

**The Speaker:** I recognise the Honourable Leader of Government Business.

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

I beg to move Government Motion No. 4/08-09—Amendment to the Development Plan 1997—Proposed Rezoning—Desmond Kinch.

**The Speaker:** The Motion is duly moved and is open for debate. Does the Honourable Leader of Government Business wish to speak thereto?

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, the Motion reads:

**WHEREAS in 2006, the Central Planning Authority (CPA) received an application for the rezoning of Block 25C Parcel 165 (sic) from Beach Resort/Residential to Public Open Space and Block 25C 167 from Public Open Space to Beach Resort/Residential.**

**AND WHEREAS the CPA originally considered the application on August 9<sup>th</sup> 2006, (CPA/26/06 Item 4.1) and “resolved to direct staff to post the rezoning application for 60 day notification and advertising.”;**

**AND WHEREAS the proposed amendments were advertised in the *Caymanian Compass* on November 21, 24, 27 and 29, 2006, in accordance with section 11(2) of the Development and Planning Law (2005 Revision) and the application was placed on display in the Planning Department. During the comment period no letters of objection were received;**

**AND WHEREAS on February 7<sup>th</sup> 2007, the CPA again considered the application in light of the public review process (CPA/04/07 Item 4.1) and it was resolved to forward the rezone application to the Ministry of DPAH with the recommendation that the proposed amendments be forwarded to the Legislative Assembly for approval;**

**AND WHEREAS on March 5<sup>th</sup> 2008, Cabinet approved the rezoning application and further that the matter be referred on to the Legislative Assembly;**

**BE IT NOW THEREFORE RESOLVED THAT in accordance with section 10 (2) (b) of the Development and Planning Law (2005 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;**

**AND BE IT FURTHER RESOLVED that Registration Section, Spotts Landing, Block 25C Parcel 165 (sic) from Beach Resort/Residential to Public Open Space and Block 25C 167 be rezoned from Public Open Space to Beach Resort/Residential.**

**The Speaker:** Honourable Leader of Government Business, just for clarity, did you say Block 25C Parcel 167? Or is it 307?

**Hon. D. Kurt Tibbetts:** Parcel 167.

Madam Speaker, just for clarity, what is really happening is that Block 25C Parcel 165— it is being sought for that parcel to be rezoned from Beach Resort/Residential to Public Open Space.

**The Speaker:** Mm-hmm.

**Hon. D. Kurt Tibbetts:** And then Block 25C Parcel 167, the direct opposite—it be rezoned from Public Open Space to Beach Resort/Residential. And I will explain.

**The Speaker:** Honourable Leader of Government Business I understand that very clearly, but the Motion I am holding in my hand has no mention of Parcel 165. It has Parcel 307.

[pause]

**Hon. D. Kurt Tibbetts:** Madam Speaker, I have to apologise.

When the original advertising was done, it was 167 (sic). Since then there has been a subdivision and the new parcel number is 307, I think you said? That is the new parcel number. So I apologise. We are dealing with the same matter.

Madam Speaker, just so that it can be clearly explained, this seems to have been one of those—I can't even say it was a Freudian slip because it was on paper! Whereby—to tell the House where the exact location is, this is just going east directly from the Spotts' Dock to Government property where Spotts Landing is. There are several individual parcels. A subdivision was created there. And some time ago, where the public open space was created [it] was created in between several of the parcels, when in truth and in fact the original intention was for the public open space to be created at the end of the subdivision adjoining the Port Authority's property so that there would not be public open space in between the lots. And it would also give the Port Authority the leverage at some point in time in the future for any open area or public use areas that needed to be created.

This is just right east of where the bathroom block is, Madam Speaker. Somehow or the other when the lots were created there was some mistake made and it was discovered sometime later.

The purpose of this rezoning exercise is just to switch the two parcels, the public open space back to where it should be and the residential lot where it is supposed to be. That is the whole purpose of this specific application.

Thank you.

**The Speaker:** Does any other Member wish to speak? [pause] If no other Member wishes to speak, does the Honourable Leader of Government Business wish to exercise his right of reply?

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. I would ask that you simply take the vote please.

**The Speaker:**<sup>1</sup> The question is: BE IT NOW THEREFORE RESOLVED THAT in accordance with section 10 (2) (b) of the Development and Planning Law (2005 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;

AND BE IT FURTHER RESOLVED that Registration Section, Spotts Landing, Block 25C Parcel 307 from Beach Resort/Residential to Public Open Space and Block 25C 167 from Public Open Space to Beach Resort/Residential.

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

**Ayes.**

**The Speaker:** The Ayes have it. Government Motion No. 4/08-09 has been duly passed.

**Agreed: Government Motion No. 4/08-09 passed.**

**Government Motion No. 5/08-09—Amendment to the Development Plan 1997 - Proposed Rezoning – LR Development Ltd.**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** I beg to move Government Motion No. 5/08-09—Amendment to the Development Plan 1997 - Proposed Rezoning – LR Development Ltd.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the Honourable Leader of Government Business wish to speak thereto?

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

First of all to read the Motion itself:

**WHEREAS in 2007, the Central Planning Authority (CPA) received an application for the rezoning of Registration Section, West Bay Beach South, Block 13C Parcel 19 from Low Density Residential to Neighbourhood Commercial;**

**AND WHEREAS the CPA originally considered the application on May 2, 2007 (CPA/12/07 Item 4.2) and resolved that the rezone application be put out for public comment;**

**AND WHEREAS the proposed amendments were advertised in the *Caymanian Compass* on May 9, 11, 14, and 17, 2007, in accordance with Section 11(2) of the Development and Planning Law (2005 Revision) and the application was placed on display in the Planning Department. During the comment period no letters of objections were received;**

**AND WHEREAS on July 25, 2007 the CPA again considered the application in light of the public review process (CPA/23/07 Item 4.1) and it was resolved to forward the proposed amendments to the Ministry with the recommendation that the proposed amendments be forwarded to the Legislative Assembly for approval;**

**AND WHEREAS on February 26 2008, Cabinet approved the rezoning application and further that the matter be referred on to the Legislative Assembly;**

**BE IT NOW THEREFORE RESOLVED THAT in accordance with section 10 (2)(b) of the Development and Planning Law (2005 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;**

**AND BE IT FURTHER RESOLVED that Registration Section, West Bay Beach South, Block 13C Parcel 19, rezoned from Low Density Residential to Neighbourhood Commercial.**

Madam Speaker, this property, as I understand it, is located on the Esterley Tibbetts Highway. It is approximately 6.05 acres. It is just south of Lawrence Boulevard. Given the surrounding development in the immediate area it is simply that the owners of the parcel do not believe that a low density residential development would be in keeping with the development that surrounds it from all directions. They are simply seeking for it to be rezoned to neighbourhood commercial for it to be in a more compatible position for the type of development that has taken place thus far.

So, Madam Speaker, I recommend the Motion for approval to this Legislative Assembly.

**The Speaker:** Does any other Member wish to speak? [pause] If no other Member wishes to speak, does the Honourable Leader of Government Business wish to exercise his right of reply?

**Hon. D. Kurt Tibbetts:** Madam Speaker, just to say that I am at least confident that I will not get any surprises with this one either.

**The Speaker:** The question is BE IT NOW THEREFORE RESOLVED THAT in accordance with section 10 (2)(b) of the Development and Planning Law (2005 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;

**AND BE IT FURTHER RESOLVED that Registration Section, West Bay Beach South, Block 13C Parcel 19, be rezoned from Low Density Residential to Neighbourhood Commercial.**

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

<sup>1</sup> Please see page 257 where the question was put a second time.

**Ayes.**

**The Speaker:** The Ayes have it. Government Motion No. 5/08-09 has been duly passed.

**Agreed: Government Motion No. 5/08-09 passed.**

**The Speaker:** I would like to go off the microphone for one minute to ask . . . [*inaudible*]

I guess, Honourable Leader of Government Business, out of an abundance of caution I could re-read the resolve sections, if Members will allow me to.

Government Motion No. 4/08-09  
**Resolve sections re-read**

**The Speaker:** <sup>2</sup>The question is: BE IT NOW THEREFORE RESOLVED THAT in accordance with section 10 (2)(b) of the Development and Planning Law (2005 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;

AND BE IT FURTHER RESOLVED that Registration Section, Spotts Landing, Block 25C Parcel 307 be rezoned from Beach Resort/Residential to Public Open Space and Block 25C 167 be rezoned from Public Open Space to Beach Resort/Residential.

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

**Ayes.**

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

**Agreed: Government Motion No. 4/08-09 passed a second time.**

**The Speaker:** The question that I just put was in respect to [Government] Motion No. 4/08-09

**Hon. D. Kurt Tibbetts:** [off microphone] No. Wait which one of these changes . . . give me one second.

Yes, but that's what I am not sure about.

Is it 167? Or your thing has 307 and 167?

Okay. That is right. Yes.

**The Speaker:** The clarification that I was seeking was in relation to Government Motion No. 4/08-09.

Honourable Leader of Government Business.

## ADJOURNMENT

**Hon. D. Kurt Tibbetts:** Madam Speaker, that concludes the business on the Order Paper today, just to advise Members that tomorrow is Private Members' Motions so we do intend to deal with the two Private

Members' Motions. But since there are only two and we are not sure whether that will take the full day, the Business Committee will meet as soon as we conclude this [sitting] and we will also put some Government Business on to make sure that we have a full day's Order Paper tomorrow.

So, I move the adjournment of this honourable House until 10 am tomorrow.

**The Speaker:** Before I put the question I recognise the Honourable Leader of the Opposition.

## RAISING ON MATTER OF NATIONAL IMPORTANCE (SO 11(6))

### Constitutional Change and Advancement— Referendum

**Hon. W. McKeever Bush:** Madam Speaker, I want to thank you for the opportunity to raise this most important matter, which—

**The Speaker:** Honourable Leader of the Opposition, could we just state the Standing Order you are rising under? It is 11 (6).

**Hon. W. McKeever Bush:** Yes, Standing Order 11(6) to raise this matter of national importance.

Madam Speaker, the matter of constitutional change and advancement is one very important matter facing these Islands. It is one that will affect every person living in these Islands—for good or for bad is debatable.

The matter of determining what people want is by referendum. The Government is proposing to hold such a vote. Madam Speaker, it is my considered opinion that a travesty in the democratic process is occurring. Much has been said in this House, the Government's weekly press briefing and in the media houses, in particular the *Caymanian Compass* and *Cayman Net News* about a date when the Government will hold such a vote. So much so that the Leader of Government Business has had cause to raise a statement here denying a report in the *Net News* about a possible date of July 30.

Well, I can tell him that I heard that date myself. However, a date was announced by the Leader of Government Business, back in May of this year, that it would be held in the latter part of July.

From then to now (today, 25 June), all we know is that a Bill for holding a referendum was sent to this honourable House but has not been set down for debate. Also, a motion which will give the Government permission to bring the referendum law was given to Members of this honourable House but has not been made public, nor has it been set down to follow procedure in this honourable House.

For a vote by the people of these Islands to be taken in late July and all of the various important constitutional matters to be completed including the

<sup>2</sup> Also see page 256.

procedures of this honourable legislature the Opposition and, indeed the wider populace, is at a total loss to say the least as to how the Government expects us to take part in a referendum just about one month away.

Madam Speaker, let me point out a few things:

1) July traditionally is off-island vacation month and many eligible voters would have already made holiday arrangements.

2) Churches and other organisations have planned Vacation Bible School camps, et cetera, for the month of July.

3) MLAs, Members of this House have been here for at least another week and will not have sufficient time for MLAs to properly ensure that all eligible citizens fully understand the pros and cons of a referendum, the binding and non-binding aspects of the proposed referendum.

4) That the voting alternative re: the proposed referendum are understood both literally and that the ramification constitutional socially religious way of life politically and economically are understood by one and all.

5) A referendum should be an instrument to gauge and receive the widest possible mandate from the voting public.

I see where the Government says that if 7,000 people come out and they get 3,500 then that means a go for them. It means they can go ahead and put the proposals in place. That is, Madam Speaker, out of 3,500 out of 1,400 voters maybe—

[inaudible interjection]

**Hon. W. McKeever Bush:** Sorry, 14,000 voters, that [means] 11,000 people not voting for it, yet they propose to put the proposals in place.

Madam Speaker, the date and the process should not now be in a shroud of secrecy. Madam Speaker, the United Kingdom has told us there needs to be consensus between the Government and ourselves, the two parties. The Government has had the funding, the benefit of funding by the Treasury behind them to, as it is, put forward their proposals in every shape and form that they want—radio, papers, television, internet, people getting up saying their constitutional champions. And I see more misinformation out there, Madam Speaker, that would wreck our history book.

As the loyal Opposition in this legislature, we asked the Government months ago, and also just a few weeks ago in written form, to give us assistance to get our discussion paper to the people. To this day, we have not heard from the Leader of Government Business, yet they propose a vote for July, next month.

How is this going to work, Madam Speaker?

They are going to take a vote. They want consensus, or they want us to sit down and discuss it with

them? All of this for when? For when? We have not heard of a date for a vote to be taken.

Couple that, Madam Speaker . . . I see a new Election Bill before us. I do not know if that is meant for the referendum or not, but that proposes to change how people vote too, not by postal voting by a mobile voting, a new way of voting. So, Madam Speaker, we feel it our strong duty to demand today from the Government to tell us now what date the vote will be taken. Tell the country now when the Government will take a vote. What date the Government proposes to have the referendum. There is far too much confusion existing. Give us a date today—which the Leader of Government Business must, must, must know by now. It is late enough, Madam Speaker, but a further delay of announcing their date, which is expected to be in July—a month away!—is a mockery of the democratic process.

Therefore, I am asking the Government, I call upon the Government, I beg the Government to tell us when this vote will take place.

**The Speaker:** I will read the relevant Standing Order 11(6). It says, “**(6) On a motion moved under paragraph (5), a Member who is not a Member of the Government and who has obtained the right to do so, may raise any public matter for which the Government has responsibility, in order to elicit a reply from a Member of the Government responsible for the matter.**”

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, I have listened very carefully to the Leader of the Opposition and, for the most part, I agree with the logic he has prevailed upon. He said, just before he was winding himself down, that I must, I must, I must know the date by now. And he intimated that I was keeping it a secret.

That is not a fact, Madam Speaker. We have deliberated on the matter much and there is just a bit more deliberation and some more communication to take place and we will be making an announcement regarding the referendum in a few short days.

**The Speaker:** The question is that this honourable House do now adjourn. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 3.26 pm the House stood adjourned until 10 am Thursday, 26 June 2008.**

**OFFICIAL HANSARD REPORT**  
**THURSDAY**  
**26 JUNE 2008**  
**11.00 AM**  
*Fifteenth Sitting*

**The Speaker:** I will call on the Honourable Third Official Member to say Prayers.

**PRAYERS**

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

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

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

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

**Suspension of Standing Order 10(1)**

**The Speaker:** Please be seated.

But before I deal with the Orders of the day, I would like to read Standing Order 10 (1). It says, "**10. (1) Every sitting shall, unless the Presiding Officer otherwise directs, begin at 10 a.m.**"

Can I have a motion for the suspension of that Standing Order, as I have not directed us to begin at 11.00?

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, I so move.

But in moving, and it is a motion that I am moving so I want to speak to it . . . Madam Speaker, I

take a dim view, but as many days as we have been sitting we have started nearly an hour late every day. Even in the course of Finance Committee.

And the other matter that I am drawing to the attention of this honourable House is the fact that questions—even laid over from last year—are still not on the Order Paper—

**The Speaker:** Honourable Leader of the Opposition, would you move the motion to suspend Standing Order 10(1)?

**Hon. W. McKeeva Bush:** I was drawing as a matter of procedure.

Madam Speaker, I so move the relevant Standing Order.

**The Speaker:** Could I have a seconder please?

[inaudible interjections]

**An Hon. Member:** Madam Speaker, I beg to second the motion.

**The Speaker:** Thank you.

There is grave concern for the lack of persons being on time, as well as Order Papers. I was given the Order Paper less than five minutes ago. I think we have to improve everything in order for this Parliament to function properly.

Madam Clerk.

**Hon. W. McKeeva Bush:** Madam Speaker—

**The Speaker:** Yes, sorry.

The question is that Standing Order 10(1) be suspended. Those in favour please say Aye. Those against No.

**Ayes.**

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

**Agreed: Standing Order 10(1) suspended.**

**Proceedings resumed at 11.10 am**

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

**The Speaker:** I have no messages or announcements.

## PRESENTATION OF PAPERS AND OF REPORTS

### Cayman Islands Monetary Authority Annual Report 1<sup>st</sup> July 2005 – 30<sup>th</sup> June 2006

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to lay on the Table of this Honourable House the Cayman Islands Monetary Authority Annual Report in respect of its financial year ended 30<sup>th</sup> June 2006.

**The Speaker:** So ordered.

Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Yes, thank you, Madam Speaker. Just some brief remarks.

The narrative in the Annual Report, that provides details on the activities, the results and the position of the Authority for the year through 30<sup>th</sup> June 2006, runs for approximately 60 pages and the financial statements component of the Annual Report is 17 pages.

Madam Speaker, I shall concentrate on the financial statements component of the Annual Report.

The total assets of the Authority at 30 June 2006 were approximately CI\$98.8 million, and the largest component of those assets are short term and long term investments which were valued at \$86.5 million at 30 June 2006. These assets, that is, investments along with other assets, provide a backing for the Cayman Islands dollars that are in circulation.

The total currency in circulation at 30 June 2006 was \$70.6 million. This figure is further broken down as follows: Currency notes in circulation \$62.7 million; and coins in circulation \$7.9 million, for a total of \$70.6 million of currency in circulation at the end of June 06.

Madam Speaker, after meeting its general reserve, currency issue reserve, and capital expenditure reserve requirements, the Authority established the equivalent of a dividend payable to the Government of approximately \$3 million. This was paid over to the Government after the end of the financial year, the 30<sup>th</sup> June 2006.

The Authority has also exceeded the minimum 115 per cent of demand liabilities being backed by assets of the Authority. In addition to satisfying all its legal reserve backing, the Authority has a paid up capital of \$9.725 million at the end of June 2006. And the goal is to reach a minimum of \$10 million. Therefore, the goal is substantially completed by 30 June 2006.

Madam Speaker, the Authority has had a robust performance during the year to June 2006, and a

compliant position at the end of 30 June 2006. There is much detailed information in the Annual Report pertaining to, for example, the number of licensees at the end of the year, and the number of licensees that arrived during the course of the year. There is much detailed information about the activities and the results of the Authority. I would encourage all members of the public to obtain the Annual Report and to review it for their knowledge.

I thank you, Madam Speaker.

### Third Annual Report of the Law Reform Commission – 1 April 2007 to 31 March, 2008

**The Speaker:** I recognise the Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** Thank you, Madam Speaker.

I crave leave of this House to lay on the Table the Third Annual Report of the Law Reform Commission – 1 April 2007 to 31 March, 2008.

**The Speaker:** So ordered.

Does the Honourable Second Official Member wish to speak thereto?

**Hon. Samuel W. Bulgin:** No, Madam Speaker, except to say that the Report itself is self-explanatory and user-friendly. I would commend the contents to honourable Members of this House and the wider public.

Thank you.

## STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

**The Speaker:** I have received no notice of statements by Honourable Members or Ministers of Cabinet.

## OTHER BUSINESS

### MOTIONS

#### PRIVATE MEMBERS' MOTIONS

##### Private Member's Motion No. 1/08-09 Organ Donor and Transplant Programme

**The Speaker:** I recognise the Fourth Elected Member for the district of George Town.

[pause]

**Standing Order 39**

**The Speaker:** I would like to bring to Members' attention Standing Order 39, "**39. Members present in the Chamber during a debate shall -**

- (a) **enter and leave with decorum;**
- (b) **not read books, newspapers, [telephones] letters or other documents unless they relate to the business before the House;**
- (c) **maintain silence while other Members are speaking, and not interrupt except in accordance with Standing Orders; and**
- (d) **in all other respects conduct themselves in a seemly manner."**

So could we put away the telephones until proceedings are completed today please? Thank you.

**Hon. W. McKeeva Bush:** Boy she's hot stuff today!

**The Speaker:** Fourth Elected Member for the district of George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I would like to move Private Member's Motion No. 1 of 2008/9, entitled, "Organ Donor and Transplant Programme."

The Motion reads:

**WHEREAS the population of the Cayman Islands has substantially increased over the last few decades;**

**AND WHEREAS the need for the transplant of organs has similarly increased;**

**BE IT NOW THEREFORE RESOLVED THAT the Government considers the establishment of an Organ Donor and Transplant Programme for the Cayman Islands.**

**The Speaker:** Do we have a seconder?

The Second Elected Member for Cayman Brac and Little Cayman.

**Mr. Moses I. Kirkconnell:** I beg to second this Motion.

**The Speaker:** The Motion has been duly moved and is open for debate, does the honourable mover wish to speak thereto?

Fourth Elected Member for the district of George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

Transplants transform lives. Transplants are one of the most miraculous achievements of modern medicine. They involve the donation of organs from one person to another and in the UK, for instance, enable about 2,700 people to have a new lease on life each year. Transplants are the best possible treatment for most people with organ failure.

Madam Speaker, kidney transplants are the most commonly performed. Transplants of the heart,

liver and lung are also regularly carried out. As medicine advances other vital organs, including the pancreas and small bowel, are also being used in transplants. Tissues, such as corneas, heart valves, skin and bone, can also be donated.

The increasing effectiveness of transplantation means that many more patients can be considered for treatment in this way, but there is a serious shortage of donors. For some people this means waiting sometimes for years and undergoing difficult and stressful treatment. For all too many, though, it means they will die before suitable organs become available.

Madam Speaker, each organ and tissue donor saves and improves the lives of as many as 50 people. Giving the gift of life may help lighten the grief of the donor's own family. Many donor families say that knowing that other lives have been saved helps them cope with their tragic loss.

In the US, each day about 77 people receive organ transplants. However, 19 people die each day waiting for transplants that cannot take place because of the shortage of donated organs.

Again, some statistics, Madam Speaker: On waiting list (candidates as of yesterday) 99,094 individuals were waiting on transplants in the US. Between January and March of 2008, 6,623 new patients were added to that waiting list. In contrast, between January and March of the same period, only 3,374 new donors came on line. So it is clear that while the need for organ transplants continually increases, those who are willing to donate are not keeping up.

Madam Speaker, here in the Cayman Islands we have been fortunate enough, and unfortunate in some circumstances . . . we have had individuals who have been the recipient of organ transplants and I dare say that we have even had a few cases of donors from the Cayman Islands. But usually this is between families.

I would just like to speak briefly to some of the historic dates involving organ donation and transplants. And to say that in 1918 blood transfusions became established. Blood donation is something that is part of all societies nowadays, and may be something that we take for granted; but we can see how necessary and how many lives that continues to preserve and helps to improve. I am sure that at some point in time, Madam Speaker, that too may have had its difficulties being accepted by the wider community.

- 1954, the first successful kidney transplant operation was performed in Boston, USA.
- 1960, the first UK living donor kidney transplant was performed in Edinburgh.
- 1963, the first liver transplant was done in Denver, USA.

I am giving these statistics so that we can make sure that our people understand that the things we are trying to do here today are programmes that have been tried and tested and are well established throughout the world.



- 1965, the first kidney transplant in the UK Using organ donated from a dead person.
- 1967, first heart transplant operation performed by Dr. Christian Bernard in South Africa.
- 1968, first heart transplant in the UK.
- 1968, first UK liver transplant performed at Addenbrooke's [Hospital] Cambridge.
- 1971, Kidney donor card introduced in UK.
- 1981, UK kidney donor card changed to multi-organ card including kidneys, corneas, heart, liver and pancreas.
- 1983, UK liver transplant programme begins.
- 1983, first combined heart/lung transplant in the UK.
- 1985, lungs added to UK donor card.
- 1986, establishment of the Bristol Eyebank.
- 1987, first domino UK heart transplant where a patient receiving a heart and lung transplant donates their healthy heart to another (I'll explain that a little later on).
- 1994, first living donor liver transplant in UK.
- 1995, first living donor lung lobe transplant in UK.
- 2005, first partial face transplant carried out in France on November 27.

Madam Speaker, in the UK, roughly 25 per cent of the population are registered organ donors. Incidentally, again in the UK, they are celebrating their 18<sup>th</sup> National Transplant Week. National Transplant Week will be launched on July 8 of this year at the London Transport Museum in Covent Gardens. The donor programme in the UK will be 60 on 5 July. Since its creation in the summer of 1948, there have been constant developments in patient care and it has been responsible for saving millions of lives.

Some of the significant transplant milestones that have happened over the last 60 years include:

- By December of 2007, 5,328 heart transplants have been carried out in the UK.
- David Lomas, age 20, donated a part of his liver to his father, Stephen, in 2007 in the first living liver donation operation to happen in the UK.
- Transplants are now so successful in the UK that by a year after surgery 94 per cent of kidneys in living donor transplants are still functioning well.
- Eighty-eight per cent of kidneys from people who have died are still functioning well.
- Eighty-six per cent of liver transplants are still functioning well.
- Eighty-four per cent of heart transplants are still functioning well.
- For lung transplants, the figure is 77 per cent, while 73 per cent of heart/lung transplants are still functioning well.

Madam Speaker, individuals born with the killer disease cystic fibrosis now have a chance to live

longer, productive lives thanks to organ donors who can give a new set of lungs. Cystic fibrosis is a disease that is not new to us in the Cayman Islands. As a matter of fact, I know a few people who are suffering from that right now.

What can be donated? The organs of the body that can be transplanted at the current time are kidneys, heart, lung, liver, pancreas and the intestines. Kidney/pancreas transplants, heart/lung transplants and other combined organ transplants are also performed. Organs cannot be stored and must be used within hours of removing them from a donor's body.

Most donated organs are from people who have died, but a living individual can donate a kidney, part of a pancreas, part of a lung, part of a liver, or part of an intestine. Tissues, corneas, the middle ear, skin, heart valves, bone, veins, cartilage, tendons and ligaments, can be stored in tissue banks and used to restore sight, cover burns, repair hearts, replace veins, and mend damaged connective tissue and cartilage in recipients.

Madam Speaker, blood and platelets are formed by the body. They go through a life cycle and are continuously replaced throughout life. This means that you can donate blood and platelets more than once. It is safe to donate blood every 56 days and platelets twice in one week, up to 24 times a year.

Blood is stored in bloodbanks according to type A, B, AB, or O, and Rh factor positive or negative. Blood can be used whole or separated into packed red cells, plasma, and platelets, all of which can have different life-saving uses. It takes only about 10 minutes to collect a unit pint of blood, although the testing and screening process means that you will be at the donation centre close to an hour.

Platelets have tiny cell fragments that circulate throughout the blood and aid in blood clotting. Platelets can be donated without donating blood. When a specific patient needs platelets, but does not need blood, a matching donor is found and platelets are separated from the rest of the blood which is returned to the donor. The donor's body will replace the missing platelets within a few hours.

I mentioned cornea allocation before, Madam Speaker. The cornea differs from other organs offered for transplant because there is no upper age limit to donation. It can be retrieved up to 24 hours after death, can be stored for short periods before use, and can usually be transplanted without having to match blood groups.

There are two cornea transplant service eye-banks in Bristol and Manchester where donated corneas can be kept in carefully controlled conditions for between 10 to 30 days. This enables staff to ensure that there is no infection or other problem that would preclude their use. Each cornea is examined before being sent out to check that it is of suitable standard for transplantation. Patients who are closest in age to the donor are usually selected as recipients wherever

they live in the country. Tissue typing and blood group matching is used in a small number of cases where there has been a rejection over previous grafts.

I would also like to mention that we have an organisation here in the Cayman Islands, and I think we all know of them throughout the world and in the United States, in particular the Lions Club movement, as a service club whose main aim and main function is to preserve sight. The Lions also have an eyebank which was established in 1986 by the Lions Save Sight Foundation. This Lions eyebank also maintains a wait list of patients who require cornea graft operations.

Through this system about 100 corneas are provided to the eyebank for transplant each year. Corneal transplants enjoy a very high rate of success; however, Western Australia continues to suffer from a shortage of human donated eye tissue. Again, anyone can become an eye or tissue donor. Anyone.

Madam Speaker, most people can donate organ and/or tissue. All people of all ages should consider themselves potential organ and tissue donors. There are few absolute exclusions—HIV positive, active cancer, systemic infection—and no strict upper or lower age limits. Potential donors will be evaluated for suitability when the occasion arises. You are never too old, Madam Speaker. No one is too old or too young, both newborns and senior citizens have been organ donors. The condition of your organ is more important than age. Someone, for instance 35 years old with a history of alcohol abuse, may have a liver that is in worse condition than someone who is 60 years old who never consumed alcohol.

In addition, people on the waiting list may need to be transplanted with an organ that is less than ideal if there is no other suitable organ available in time to save their life. Doctors will examine your organs and determine whether they are suitable for donation if a situation arises. Usually, Madam Speaker, if one is under 18, one will require parental consent to donate organs. A lot of people believe that they have medical conditions that may rule them out. But that should not be a decision that one takes on one's own. You should consult your doctor. Although you may have what you consider serious medical conditions, you may still be able to donate your organ. Doctors will evaluate the condition of your organs when the time arises.

The transplant team's decision will be based on a combination of factors, such as the type of illness you have, your physical condition at the time of your death and the types of organs and tissues that will be donated.

As usual, Madam Speaker, in things like organ donor transplant programmes there are some religions that may not find this to their liking. I have done as much research as I could on the Internet and I have come up with a few of these church groups.

For instance, the Baptists. Although Baptists generally believe that organ and tissue donation and

transplantation are ultimately matters of personal conscience, the nation's largest protestant denomination (and there are US statistics) the Southern Baptist Convention, adopted a resolution in 1988 encouraging physicians to request organ donation in appropriate circumstances and to encourage volunteerism regarding organ donation in the spirit of stewardship, compassion for the needs of others and alleviating suffering. Other Baptist groups have supported organ and tissue donation as an act of charity and leave the decision to donate up to individuals.

Again, I am only giving these statistics to bring our people up to date. But the same fears that they may have are fears that others have encountered along the way and have found ways of solving them.

Catholics view organ donation as an act of charity, eternal love and self-sacrifice. Transplants are ethically and morally acceptable to the Vatican. Pope John Paul II stated, "The Catholic Church would promote the fact that there is a need for organ donors and that Christians should accept this as a challenge to their generosity and eternal love so long as ethical principles are followed."

Christian Church Disciples of Christ. The Christian Church encourages organ and tissue donation stating that we were created for God's glory and for sharing God's love. A 1985 Resolution adopted by the General Assembly encourages members of the Christian Church, Disciples of Christ, to enrol as organ donors and prayerfully support those who have received an organ transplant.

Church of Christ Scientists do not take a specific position on transplants or organ donation. They normally rely on spiritual rather than medical means for healing. Organ and tissue donation is an issue that is left to the individual church member.

Jehovah's Witnesses believe donation is a matter best left to the individual conscience. All organs and tissues, however, must be completely drained of blood before transplantation.

The Moravian Church has made no statement addressing organ and tissue donation or transplantation. Robert E. Sawyer, President, Provincial Elders Conference of the Moravian Church of America, Southern Province, states, "There is nothing in our doctrine or policy that would prevent a Moravian pastor from assisting a family in making a decision to donate or not to donate an organ. It is therefore a matter of individual choice."

Just a few more short ones.

Pentecostals leave the decision to donate up to the individuals.

Presbyterians encourage and endorse donation. It is an individual right to make decisions regarding his or her own body.

The last one I will read, Madam Speaker, is Seventh Day Adventists. Donation and transplantation is strongly encouraged. Seventh Day Adventists have many transplant hospitals including Loma Linda in

California, which specialises in paediatric heart transplantation.

I am making those points known publicly to help us move this through in a smooth and efficient manner where we do not necessarily get roadblocks from areas that have already been tried and tested. If we can help in providing the general public with as much of that information as possible, I believe they will more easily accept what we are trying to do here.

Madam Speaker, organ and tissue donation for living donors. While most solid organ and tissue donations occur after the donor has died, many organs and tissues can be donated while the donor is alive. The first successful transplant in the US was made possible by a living donor and took place in 1954. One twin donated a kidney to his identical twin brother.

As a result of the growing need for organs for transplantation, living donations have increased as an alternative to deceased donation; and about 6,000 living donations take place each year. Many living donations happen among family members or between close friends. Some living donations take place between people unknown to each other.

Solid organ donations: Living individuals can donate one of their two kidneys and the remaining kidney provides the necessary function needed to remove waste from the body. Single kidney donation is the most frequent living donor procedure.

Madam Speaker, depending on the age of an individual when they donate a kidney, it has been proven that if it's a relatively young person the remaining kidney will gradually increase in size to make up for the capacity that the two kidneys were able to manage. Scientists and medical doctors are still not able to successfully say why the body has two kidneys when it can really function with one.

A living donor can donate one of two lobes of their liver. This is possible because just as skin cells grow new skin, liver cells in the remaining lobe of the liver grow or regenerate until the liver is almost its original size. This re-growth of the liver to near its original size occurs in a short period of time in both the liver donor and the liver recipient.

It is also possible for living donors to donate a lung or part of a lung, part of a pancreas, and part of the intestines. Although these organs do not regenerate, both the donated portion of the organ and the portion remaining with the donor are fully functioning.

Surprisingly, it is also possible for a living person to donate a heart, but only if he or she is receiving a replacement heart. This occurs only when it is determined that someone with severe lung disease and a normal functioning heart would have a greater chance of survival if he or she received a combined heart and lung transplant. As a result, the heart/lung recipient's own heart, if it is in good condition, is then donated to an individual who needs only a heart transplant. That's what I referred to earlier. In the UK that is referred to as the domino transplant.

Suitability to donate: Each potential living donor is evaluated to determine his or her suitability to donate. The evaluation includes both the possible psychological response and physical response to the donation process. This is done to ensure that no adverse outcome either physically or psychologically or emotionally will occur before, during, or following the donation. Generally, living donors should be physically fit, in good health between the ages of 18 and 60, and do not currently have or have had diabetes, cancer, high blood pressure, kidney disease or heart disease.

The decision to be a living donor must be weighed carefully as to the benefits versus the risks for both the donor and the recipient. Often, the recipient has very little risk because the transplant will be life saving. However, the healthy donor does face the risk of an unnecessary major medical procedure and recovery. Living donors may also face other risks, for example, a small percentage of patients have had problems with maintaining life disability or medical insurance coverage at the same level and rate, and there can be financial concerns due to possible delays in returning to work because of unforeseen medical problems.

Madam Speaker, systems are in place for follow ups. Institutes are in the process of conducting studies to collect information on the outcomes of living donors over time. At present, follow up reviews of living donors by some transplant centres show that the living donors on average have done very well over the long term; however, there are some scientific questions regarding the effects of stress on the remaining organ.

There could be subtle medical problems that do not develop until decades after the living donation(s) that are not known at this time because *living donation* is a relatively new medical procedure. To ensure the safety of all living donors it is critical that long term results of the effects of living donation are studied further.

The decision to be a living donor is a very personal one and the potential donor must consider the possibility of health effects that could continue following the donation. In most cases, that decision must also take into consideration the lifesaving potential of a loved one, the transplant recipient. I am sure that nobody takes organ transplant for a joke and they understand the seriousness of it. But at times when people are faced with the possibility of losing a loved one, I am sure that that need usually outweighs any fear there may be.

Because of all the effect, Madam Speaker, especially the long term effects to the donor that are not known at this time, the Federal Government does not actively encourage anyone to be a living donor. The Federal Government does recognise the wonderful benefit that this gift of life provides to the patient awaiting a transplant and has several ongoing programmes to study, support and protect the living donors who chose to give this gift.

Madam Speaker, in our own little country we have an extremely high level of diabetes and heart disease, a very high percentage of our population suffers from diabetes and high blood pressure, quite a bit of lung disease, some serious cystic fibrosis, and a lot of smoking-related illness with lungs and so on.

I believe that an organ donor programme is one that I won't say is long over due, nothing happens before its time; but I believe that this programme has been mentioned many times in recent years in the country. I believe that it is now time for us to look at it seriously. My request here is for the Government to simply look into the programme to consider whether or not it is feasible for us to do so.

I imagine that whatever system is employed, whatever system of harvesting we decide to engage in must be one that will yield the highest potential to assist our people. I do not know whether or not a local transplant programme is possible. I believe that we will probably have to look at partnering with some entity in a neighbouring country to make this viable. Again, I leave that up to the Government to make their decision. But I do believe there is great potential in looking to partner with somewhere else.

Because of our size I do not know that we would necessarily have a waiting list for all of the possible organs that could be harvested at any point in time. For instance, we could have a programme where if we do not have a waiting list we can donate those organs to somewhere else that has a waiting list for those organs, and in turn we work out a system where the same thing applies for us where our citizens can be put on a list or moved up a list because of our donation to that jurisdiction.

Again, I do not know whether or not we may want to consider developing our own niche market in transplants here in the Cayman Islands. It is something to think about. I believe that the time has really come for us to consider this and to make sure that we now put ourselves in a position where we can help our people a whole lot more. We have a tremendous number of people right now on dialysis, people with serious heart conditions, additional liver and kidney problems. I believe that we can get over the phobia of donating our organs or assisting people after we are gone.

I also believe that because we are such a small community we may develop a problem where it is more difficult for people to become donors or even recipients because they know the individual that the organ came from. And what I just said about teaming up with some other jurisdiction may help alleviate that problem.

Also, Madam Speaker, while I gave the two different possibilities of organ donation (that is, of a living donor) I believe that what we are encouraging here is the donation of organs after people have deceased. Whether or not someone is hooked up to a machine you would not make that decision to use the organs until all efforts have been made to save the

person's life. But organ donation is usually done through accident victims and it is a really simple procedure once we have the system in place.

Our drive would be to encourage our citizens to understand that they can make a difference in someone else's life after they are gone. Remember what I said earlier, that one donor one person who will agree to donate his organs can assist 50 individuals in improving their lives.

So, Madam Speaker, I don't think I can say any more at this point. I trust the Government will see it fit to accept the Motion. I simply wait to see what other contributions are going to be made to it. But, as for now, that concludes my contribution to the Private Member's Motion.

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

The Second Elected Member for the district of Cayman Brac and Little Cayman.

**Mr. Moses I. Kirkconnell:** Thank you, Madam Speaker.

I am pleased to stand and offer my short contribution on Private Member's Motion No. 1/08-09, Organ Donor and Transplant Programme. The resolve section: **BE IT NOW THEREFORE RESOLVED THAT the Government considers the establishment of an Organ Donor and Transplant Programme for the Cayman Islands.**

Madam Speaker, before I make brief comments, I would like to take this opportunity to compliment the Fourth Elected Member for George Town. I believe that bringing this Motion is timely for the development of our country as a whole. I also compliment him on the contribution he has just made. He has done an extremely fine job of outlining the history of transplants. He outlined the medical requirements, procedures of transplants and he also brought us a global perspective of transplants and how that has moved through history, which should give us a sense as a country for why I said it was timely.

I want to talk about the local organ transplants that I believe all of us know a little bit about. I believe it is a contribution that can complement what the Fourth Elected Member for George Town brought because I am not really sure there is too much more that I can add to the history and medical procedure in the global perspective as he has quite ably outlined in his presentation.

Madam Speaker, the need for transplant organs deeply touches me, and it also touches the district of Cayman Brac and Little Cayman. When one has close friends or family members who have been blessed by the giving or receiving of transplant organs, or when one has personally witnessed the feelings of despair when a loved one is placed on a transplant list with no donor in sight, it is easy to understand the importance of this Motion. I think it is incumbent upon me, Madam Speaker, to just give a few ex-

amples of how this has touched me personally and the community that I live in.

There is a young man in Cayman Brac that is a living example of a productive citizen after transplant. The young man is a husband, a father, a son, he is a brother; he is a young entrepreneur, a fine tradesman who has a well established business. This young man received a kidney from his sister. But I believe the importance of this Motion is what would have happened if his sister was not the match for this young man. How would he have had the ability to look and maybe find someone in the Cayman Islands who could have put him at the top of the donor list? He could have been placed on a list and not received a kidney.

So, the search for this vital organ was ably met by a family member, but quite often it is not. I believe that is what this Motion speaks to for all of us here in the Cayman Islands. It gives this young man, and quite possibly other people, the ability to live a healthy and purposeful life.

Madam Speaker, that was a success story that was on the receiving end. But we always think what is the success story on the giving end? What of the person who has passed away and at his death the organs were given? That is why this Motion is extremely meaningful to me. I have comments here that were made by the wife of my late uncle, Trevor Foster, who sat many days and many years in this honourable House as a well-known parliamentarian of the Cayman Islands. I asked my aunt Mary Lou if she would like to make a comment on this Motion itself, he being a donor.

I quote: "Mose, your Uncle Trevor's desire to give back and advance humanity continued up until his death and even after. He became an organ donor at death. Our family has learned over the years that his eyes helped others to see and several more of his vital organs were given to those in desperate need of them. We feel honoured to know that since he could no longer be with us that a significant part of him lives on in others."

At Uncle Trevor's expected death, it was the unselfish but difficult decision made by his grieving family that allowed other hurting people to get a second chance at living. If the Cayman Islands had an organ donor and transplant programme in place, we could make an informed personal decision to be organ donors in our own country to help our friends, neighbours and family. This thoughtful personal decision can spare grieving family members from being faced with the difficult question that always comes immediately after a loved one passes on.

Madam Speaker, I can tell you from experience, that as you sit in that room at Baptist Hospital, or wherever, grieving at the loss of a loved one that has not made a decision in their life to be an organ donor, a team in white jackets comes in and they sit down with you and say 'Would you be willing to donate your loved one's organs to our transplant pro-

gramme?' And as you huddle there you are tortured with the right thing to do (the donation), but what did my husband or my father really want me to do? I believe that the timeliness of this Motion would help from both sides—the one that receives, the one that gives, and also the family, so they would know the right thing to do.

Madam Speaker, these two examples briefly illustrate the local need because these are our own people that have benefited in giving. The local need, I suspect, is much more than what I have outlined. I believe that each one of us here has examples running through our minds now as we speak. These examples demonstrate the good that is achieved not only for the recipient and their family, but for the donor family as well and how it helps them bear with the loss of a loved one.

I believe the importance of these comments is that it brings it home to us. Sometimes when Motions come to this honourable House and they are global in perspective, the importance for us is to understand how it is going to affect us in our daily lives and affect our community. That is why I wanted to take this opportunity to really bring this to a localised level of why I think it is so important.

Madam Speaker, I again want to say that I am very pleased to have seconded this Motion, and I also want to say that the Fourth Elected Member for George Town did a good job in bringing overarching understanding to the need for this transplant programme for this country.

So, with those few words, I speak in support of the Motion and look forward to the Government's reply.

Thank you.

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

Third Elected Member for the district of George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

I rise to support the Motion brought by my colleague, the Fourth Elected Member for George Town, on Organ Donor and Transplant Programme and to say that although it is not a bombastic Motion that we could get a lot of kudos for, it is a very, very important one.

I just draw reference in my short response here to when I take people to the dialysis centre in the hospital or I pick them up, and when I see them having their blood transferred, I am wretched with pain for them and I know that somewhere out there is an answer for them. There is an answer, to replace a kidney.

We have seen from our own experiences people who are able to afford to go to the United States to have a kidney transplant. We have seen

several persons get a new lease on life. But those donors have been their families.

I believe what the Fourth Elected Member is trying to do for us in the Cayman Islands is to set up a sort of . . . I am sure the Government will look at the details of that. But I think it is such a very important motion that we can give a hope, not just in kidneys, but as he mentioned all other organs of the body.

We have seen a lot of miracles in our lifetime in terms of heart transplant, in terms of liver transplant. I have personally known persons. We have seen people who have had their eyes . . . that is certainly a big thing here in the Western Hemisphere. And Madam Speaker it really touches my heart to know that the Fourth Elected Member for George Town would bring this Motion so that we can give others a chance to live better.

I also want to thank the Second Elected Member for Cayman Brac and Little Cayman who revealed (which I did not know) that his uncle had been a donor. That is very noble of him to have done that. I am sure he has helped many, many persons as a result of that.

So I wish to support the Motion and to say kudos to the Fourth Elected Member for George Town for bringing such a motion.

Thank you.

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

Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

As has already been said, this is one of those motions that perhaps does not reach very high on the scale when it comes to political bang, but as already been outlined by the mover the seconder and those who have contributed, the Opposition does recognise the merit in the Motion and not only the actual content of the Motion but, certainly, bringing more awareness and consciousness.

As the Second Elected Member for Cayman Brac and Little Cayman said, this is not something that from a cultural standpoint a lot of Caymanians think about and consider especially when a loved one is going to inevitably pass on in a relatively short period of time who may have a lot of healthy organs and parts to their body that could help others. It is not necessarily planned. But, certainly, we do need to encourage, and I know this has already been mentioned, but we need to continue the education and the promotion of organ donation to allow people to really take that step because it is an important one.

The mover of the Motion outlined many of the religious denominations and their stance on this. I know there are still some people and some denominations that do not agree or support this—that is donating parts of one's body. But I do believe, from what has been presented, that the majority of persons in

the community in terms of sheer numbers would have been covered by the research done and the presentation by the Fourth Elected Member for George Town. We do need to continue to encourage, to raise that awareness, so that those decisions can be made.

A lot of us will have had members of our families who would have passed on and really were healthy, for example in auto accidents, et cetera, who would not have gone down this path.

Madam Speaker, with those few words I do support the Motion. I think it is timely and it is something that needs to have front burner consideration of the Government.

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

The Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker. I rise to respond to the Motion before the House.

I would like to commend Fourth Elected Member for George Town and the Second Elected Member for Cayman Brac and Little Cayman for the comprehensive manner and for the research that has been done by Fourth Elected Member for George Town. It is such a good framework for this to be looked at.

Madam Speaker, I just wanted to give some specifics on Cayman's current situation as it relates to persons being referred overseas for organ transplants. Of those patients referred through the government hospital over the last five years (that is from 2003 to 2008), I am advised that a total of 18 persons have received transplant surgery. The most common cases involve transplant of the kidney, liver, cornea, heart and pancreas.

Madam Speaker, what I find more disturbing is the number of patients registered in the dialysis programme within the hospital, as alluded to by the Third Elected Member for George Town. There are around 40 people now undergoing dialysis there. And we are looking at having to expand.

It was found that out of this number, nine patients have been evaluated and determined candidates for transplant. Hence they are currently enrolled in the kidney transplant wait list. However, as it remains, the shortage of organs is particularly great for kidneys. Therefore, this usually results in patients being placed on a two-year waiting list and many of them are kept on dialysis for years before one becomes available. What is most disheartening, however, is that some are not fortunate to live long enough to be granted the opportunity to receive the transplant.

There is no doubt that we are presently faced with a global crisis as alluded to by the mover. There is a worldwide shortage of human body organs available for donation. In fact, the demand for donors has become so immense that people living in poverty stricken countries have been known to go to the ex-

treme of selling their own organs out of financial desperation.

I remember hearing the story that in some of these countries the police would go into an alley and find these people, some without a kidney. They don't even take them to a hospital—they just cut the organ out which is unfortunate. But that just shows what happens when people get desperate.

Whilst the Cayman Islands is currently benefiting from the US Organ Transplant Programme it is not contributing to the organ pool. I am pleased to say that in 2005 a local organ donation committee was established to address this issue. I would also like to mention that some time ago Lion, Andrew Eden, and other Lion Club members, talked about this for some time. The mover is also a member of the Lions Club, especially in the area of eyesight programmes. I must salute them for the efforts they continue to put forward year after year.

To explain, the committee pursued efforts to form an association with an organ-sharing network. To date, I have been informed that the committee continues to discuss the legal issues attached to such a programme including various implications surrounding the introduction of a brain death law.

Madam Speaker, under this law, before a legal brain death diagnosis and organ removal can occur, both the donor's prior declaration and family consent must be obtained. However, I would ask that Members of this honourable House take into consideration the ethical issues that a law of this nature entails. That is, we have to question whether the turning off and removal of organs from a loved one for transplanting would be acceptable within the Cayman culture. This has been alluded to by the Second Elected Member for Cayman Brac and Little Cayman and also the Second Elected Member for West Bay. As we know, this is something that we have to look at closely and it is a matter of a culture adjustment.

One may ask how this can be achieved. I would strongly recommend the promotion of public awareness to educate the people of these Islands about the urgency of becoming a donor. I have just seen in the last few years, especially in motor vehicle accidents where so many of our young, healthy people have died, they certainly would have been in a position to donate.

I would also like to add that health promotion schemes and disease prevention programmes that shed light on the diseases and negative lifestyle choices that may increase the need for organ transplants should also be included within the public awareness campaigns. For example, diseases such as diabetes, hypertension, and behaviours including alcohol and substance abuse, poor nutrition, a lack of exercise, are all risk factors for diseases that can cause permanent or irreversible damage to organs and tissues. Hence, such health promotion initiatives and lifestyle coaching is a reflection of the message

that my ministry is currently conveying to the public and one that I adhere to.

Furthermore, while I note that we have seen a substantial increase in the population of the Cayman Islands in the last few decades, I do not speculate that the number of persons requiring transplantation has subsequently increased.

Madam Speaker, as the Minister for Health and Human Services, I fully endorse the initiative to establish an organ procurement programme which will grant Caymanian patients access to a growing pool of donated organs. In return, the advantages of implementing an organ donation system will prove to be rewarding as it will allow Caymanian patients greater access and shorter waiting times for organ transplantation and increase their chances of receiving an organ.

Finally, I would like to once again thank the mover and seconder for bringing forward this Motion.

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

If no other Member wishes to speak, does the mover wish to exercise his right of reply?

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker, briefly, just to express my gratitude to the seconder of the Motion, the Second Elected Member for Cayman Brac and Little Cayman, the Third Elected Member for George Town for her valuable contribution, and also the Second Elected Member for the district of West Bay for making his very valuable contribution.

I do thank the Honourable Minister of Health for accepting the Motion and also I am extremely grateful for the facts that he provided. I believe that together we should be able to move forward on this in good time to help guide our country to make this of real benefit to our citizens who, as he outlined and the statistics prove, that patients are waiting for up to two years for what is now considered the simple transplant, that of kidneys. And because of where we are, out here kind of on a limb by ourselves, our citizens are not able to get on real donor lists. If we are connected to a country the size of the US with the number of citizens they have on the list, I believe that we are placed at a considerable disadvantage.

Having our own donor programme should make that better. It will not alleviate our problems completely, but it will put us in a better position to give our people a little more hope when we have our own people who are dying because of failed organs and to help create awareness in our own people that they too can make a contribution to save some of these lives. It is something that we have just not paid much attention to.

I would probably venture that the majority of our people have not even considered donating their organs because it is not something that we talk about locally.

The Honourable Minister made the point of us having 18 transplants done in the last 5 years; but at the same time we do not contribute to the pool. I think that we need to do something about that.

I also want to say, Madam Speaker, that I am a God fearing person. I believe that there is a Supreme being and that we should not attempt, this is not an attempt to replace people's faith in the good Lord and his ultimate power to heal, and that we should continue to pray in times of sickness and also in good times, and to understand that that should be your first and foremost call should always be to ask the good Lord for His healing hand to be laid upon us.

But I do believe that He has also given wisdom to man to help themselves. In cases such as this, I believe we should do what we can to assist ourselves.

That said, Madam Speaker, again I thank all honourable Members for their support.

**The Speaker:** The question is BE IT NOW THEREFORE RESOLVED THAT the Government considers the establishment of an Organ Donor and Transplant Programme for the Cayman Islands. Those in favour please say Aye. Those against No.

**Ayes.**

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

**Agreed: Private Member's Motion No. 1/08-09 passed.**

**Private Member's Motion No. 2/08-09 Shortage of Burial Chambers**

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

**Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

Madam Speaker, Motion No. 2 stands in my name and reads as follows:

**WHEREAS it is evident that there is a shortage of burial chambers throughout the Islands;**

**AND WHEREAS in the district of West Bay there exist three main cemeteries with severe shortage of burial space;**

**BE IT NOW THEREFORE RESOLVED THAT the Government considers purchasing additional suitable property, where available, and utilizing existing Government property, where available, throughout the Islands for the use of cemeteries;**

**AND BE IT FURTHER RESOLVED THAT Government give immediate consideration to a different type of burial, to that of the existing traditional way, such as two caskets in one vault and above-ground burial chambers.**

**The Speaker:** Is there a seconder?

Fourth Elected Member for the district of West Bay.

**Capt. A. Eugene Ebanks:** I beg to second the Motion.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

**Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

The Motion before the House seeks to address a very important and dire need—that of the present and future burial space. Madam Speaker, I do not know of all the cemeteries in other districts. And when I visit to attend a funeral in the other districts I notice also there is a shortage of space. But in West Bay we have three main public cemeteries, the space available in all three of them is now limited.

Northwest Point does not have room for additional spaces. It is just about maxed out.

We have been talking about improving Boatswain Bay and there is property available for the purchase of parking and for burial space to the east of the Boatswain Bay Cemetery, and I think it would be to the south, on the Powery side, for parking.

The main cemetery in West Bay is a lot more problematic. There is no more property for expansion adjoining the present cemetery. In fact, the last group of vaults that were built, I had asked that no more walls be built because we really do not have parking space and we could have utilised some of that for parking space when we have funerals. But like most cemeteries in Cayman, everybody has to park on the main road.

However, across the road on the swamp side of the main cemetery, specifically on the south side, that is the George Town side of the fire station, there are a couple of acres available. As I said, Madam Speaker, it is swamp and would need to be filled, but it is available. Probably expensive, but I do not know where else, I know of no other property in West Bay that might not draw objections from the general public. Not everybody wants a cemetery alongside of them.

Well, that's how it is.

Madam Speaker, as I said, a similar situation exists in other districts and I believe that there are also private interests that are trying to develop private cemeteries. I believe Government should encourage and support that, for the population is growing.

Madam Speaker, the Motion also asks Government to consider permitting other forms of burying of our loved ones. There is a chamber above ground, we have seen them in other countries—all of us have travelled. Also, putting two people in one vault: I believe we should consider that where that can be done.

Also, there is a possibility that someone might have a sizeable plot of land and he is capable of build-



ing private chambers for himself, spouse, or other families. Once there are proper regulations in place giving consideration to all concerned, I see no reason why Government could not allow it.

The budget contains some funds for cemetery expansion in some of the other districts. I spoke to the Minister concerned and I believe he must have already done some work on this matter. I wish, however, that Government would consider those other points I raised in connection with West Bay and other ways to bury people when that time comes.

The fact is that the population has grown and continues to grow. The other fact is that there will be a need. We are not here forever.

Thank you.

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

Honourable Minister responsible for Communication Works and Infrastructure.

**Hon. V. Arden McLean:** Madam Speaker, I thank you.

I would appreciate if you could consider us going to lunch at this time. There are some statistics forthcoming that I would like to give to honourable Members and they should be here within the half hour. If that is convenient for you.

Other than that, I can start, but I wouldn't have that statistical data for Members.

**The Speaker:** Proceedings will be suspended until 2 pm.

**Proceedings suspended at 12.30 pm**

**Proceedings resumed at 2.39 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

Honourable Minister responsible for Communication, Works and Infrastructure continuing his debate.

**Hon. V. Arden McLean:** Thank you, Madam Speaker.

I rise to speak on the Motion before this honourable House, brought by the Honourable Leader of the Opposition. I rise to speak on that and reply on behalf of the Government.

Madam Speaker, I know in the introduction of the Motion the Honourable Leader of the Opposition touched on a number of things. Particularly he addressed the West Bay situation. I would like to touch on that in a little bit, but I will also touch on the entire country as I go on.

First of all let me say that when I came into office as a Minister, I was faced with a number of issues that had been neglected for many, many, many, many, many years. One of those issues was that the provision for burial had not been looked at for a very

long time; or if it was looked at, nothing was done about it.

I set out immediately to look for properties in the country and different methods and means of disposal of human remains. The Ministry staff and I have worked very hard to try to alleviate this problem that we inherited. I can say, Madam Speaker, that I believe we have been successful to a great extent in alleviating that problem and I can report that there are only two districts in this country that do not have sufficient space for the foreseeable future at this time, that is capacity. Madam Speaker, those two districts just happen to be Bodden Town and West Bay. That is not to say that I have failed in my responsibilities. It is only that in those two areas we are having extreme difficulties in finding lands suitable for cemeteries.

Madam Speaker, I think I should start with West Bay since the Leader of the Opposition spoke on that. But I noticed that this Motion was brought and, certainly, I do not want the country to believe that I have not spoken on this issue on many, many occasions. As a matter of fact, Thursday, on 15 May 2008, was my last time speaking on it in my contribution to the debate on the Throne Speech where I said that we had bought land in North Side to expand the cemetery, how there was sufficient space in East End for quite some time; and one of the things that I said on the 15<sup>th</sup> of May 2008 was that we were going to create a paradigm shift in that we had already designed double vaults and that we had consulted with the burial homes and they were all on board. And we were doing a pilot programme with it in order to see how receptive the people were to it, and that that pilot programme would be starting in this coming financial year which we hoped would get positive response from the populace and we would extend the capacity that we currently have.

I also spoke on that day about cremation and that we were in the process of looking at the laws to ensure we make it a legal way of disposal, certainly not for Government to get into the business of building crematoriums, but, certainly, anyone in the private sector who wanted to do that could do it because currently there are no provisions for disposal of human remains in this country in that manner. However, more and more people are choosing that method and the remains have to be sent overseas for it to be done. That is usually in Miami, or in Florida. I don't know exactly where.

One of the other means that we have available for us is burial at sea, which is being monitored by the Department of Environmental Health on a regular basis. We would be surprised to know how many people ask that their remains be buried at sea in this country.

So, there are different means and methods.

I also said on the 15<sup>th</sup> of May, that we are fast running out of space for the disposal of human remains. But we were working on it.

Also on 10 May in 2007, I spoke . . . that was during that financial year, the beginning of the 2007/8 financial year, that in that year (which is the current financial year we are in) that I would be working on the purchase of land for burial. So, in two years' time and in the period of one year, that was what we were working on to try and acquire property.

Now, Madam Speaker, let me go on to say what success we have had. But I warn this honourable House that I am not prepared to explain what those evaluations are because we are in the process of negotiating with these property owners and, of course, it is commercially sensitive and I am privy to that information, but certainly until Lands & Survey has completed their negotiations and the Government decides to purchase or not purchase then I will not be disclosing those numbers.

But I can tell this honourable House that on the Boatswain Bay Cemetery there is current capacity at that cemetery up until (that is based on single vaults being built) the year 2058. However, we have not discussed this with the four elected representatives from West Bay and having visited that site with them we all agreed that there was a need for parking. I believe the Leader of the Opposition spoke of that. We engaged in looking at the possibility of purchasing property adjoining for parking and eventual expansion of that cemetery.

I can say to this honourable House that we are in the middle of negotiating those properties and I am not going to go any further than that with what we estimate the price to be.

In essence these capacities are all based on the death rate in the country which happens to be somewhere around 4.3 per thousand as it stands. That's the only measure we can use, so that is what we have to do our projections with, with a little provision for other things.

Madam Speaker, on the Northwest Point Cemetery, there is capacity, based again on the death rate and building single vaults, up until the year 2021. That is based on using 47.3 square feet of land per vault which makes provisions for sidewalks and spacing and the likes. So it's based on how much land is left. There are currently 33 vaults left there to be built on the space that is there. If we do 30 per cent double on it, it will go up to 43 and we would exponentially get more years out of it.

Madam Speaker, on the West Bay Cemetery is where we are having our difficulties. Currently there are 35 standard vaults available in the West Bay Cemetery and there is 1 oversized and 10 infant vaults available. However, we can appreciate, based on the requirements of 36 per year, or there about, we can anticipate that the West Bay Cemetery will only last . . . we have I think about 94, the capacity there. The current capacity is 94. We have 35 plus those other ones built, plus those that can be built and by the year 2011 it will be closed based on the death rate and the use in West Bay proper of that cemetery.

Now, Madam Speaker, I spoke to the Leader of the Opposition a few months ago and he really brought to my attention the urgent need about this cemetery. I explained to him that we had been actively looking throughout West Bay for property to acquire and he made a suggestion to me about a piece of property next to the fire station, which I think he alluded to when he introduced the Motion.

Madam Speaker, I followed his advice and got Lands & Survey to look into that possibility to do evaluations on that and other surrounding property. In March of this year, they sent their reports to us. That piece of property the Leader of the Opposition pointed me to is about 11.7 acres. The cost . . . I cannot make the decision on purchasing that from the Ministry. That has to be a policy decision. So, I am in the process of getting that information ready to take to Cabinet before we instruct Lands & Survey to do it because certainly in addition to the cost, we will also have to fill it in. Certainly, I totally agree it will last for a very long time for the district of West Bay.

There is other land in that area which of course is smaller and we have some estimated valuations on what the Lands & Survey figure would be – the starting point to start bargaining. Those are about 2.1 acres. So we are looking at all of those and we will see exactly what happens. But, as I said, I am not prepared to disclose those prices now, those valuations at this time.

Madam Speaker, let me just go on to Bodden Town. Again, ever since coming into office I have been looking at properties in Bodden Town. We looked at a total of six properties in Bodden Town. They range from .76 acres, 4.4 acres, 1.5 acre, .37 of an acre, 3.75 acres, .8 of an acre. And these are all adjoining properties so it would make up one big piece on a number of those for us to do this with.

I think the Leader of the Opposition in his introduction said that it is like a garbage dump—nobody wants it in their backyard. People are not overly excited about cemeteries, but I believe those are the best neighbours to have around you. At least they won't see into your place and won't talk about what's going on in your home!

Madam Speaker, we are still working on it. All I can say is that we have come upon some serious roadblocks to get properties. So, having said that, again I am not going to disclose the instructions that were given to Lands & Survey and the prices we instructed them to try and negotiate for these properties.

We have had some success stories, Madam Speaker. I announced in here that we bought two pieces in North Side, one was .85 of an acre, and the other piece was . . . I don't remember the exact size of that. But it was advertised (I can say what those were) for \$575,000 and it was adjoining the cemetery in Old Man Bay. We got it for \$475,000 because the gentleman recognised what we wanted it for and reduced it by \$100,000 after he realised that we wanted it back

for the country. So, we don't have any concern with capacity in North Side.

In the other area, down in what we call Big North Side, now—

**The Speaker:** Old Man Bay, North Side.

**Hon. V. Arden McLean:** —Old Man Bay area, we certainly have capacity there also.

In North Side we are talking about capacity of, in Old Man Bay, the year 2113. I'll be around then, Madam Speaker, but . . .

And then Big North Side is about 2178. So, we are not overly concerned about North Side. That will be another generation that has to be concerned about that.

On the issue of East End, we are way into 21-something as well. East End and Gun Bay together have properties purchased there and we have now secured that because it is on the water with the wall and we have sufficient capacity there.

On the issue of George Town, as we know the Dixie has been closed. South Sound still has some capacity, but it's small.

[inaudible interjection]

**Hon. V. Arden McLean:** Very few. But up at Prospect we have quite a lot of properties there. There are some two or three acres on the back part of that. So the capacity there is way into 2020 or 2025, something in that region. At least we have some time before we require additional capacity at the Prospect Cemetery.

So, Madam Speaker, it is basically West Bay and Bodden Town that we really, really need to work on urgently. As I said, we are in the middle of negotiations with those two districts to acquire additional property.

One thing that we need to start thinking about seriously and which I have asked the Ministry to start looking at is the provision of cemeteries inland. I know that conjures up a number of things because hitherto we buried on the beach, because it was easy to handle. But with the advent of machinery and other means of pulverising the rocks, I think it is time now that we started looking inland. And it has some benefits. It is protected from the shoreline and the like, so that is one of the things that I have them looking at—how we would do it, and the like.

I know the Leader of the Opposition spoke about above-ground vaults and burial. I know it is done in other countries. But, of course, I do not particularly like that except if it is just two or three feet above ground or something like that. But there is nothing wrong with us looking at it. That is why I said that we are looking at the possibility of what it is going to take to do inland where it is hard rock and the like so we can have some inland.

And he also spoke about private people burying in their own estate, or whatever, their own property. That has always been. We have always done that in this country. But, certainly, over the last few years it was stopped because there were no controls on it. We are in the process of rewriting the laws to facilitate the crematorium and the like and different methods. That is one of the things we have also included and are reviewing the possibilities of doing that because families can do their own if they keep the property within their families and eventually they preserve it as well.

Madam Speaker, the Leader of the Opposition also spoke about private interests creating cemeteries, and the Government should encourage that. I certainly do. I know in recent years we have had about two private cemeteries commissioned and people want to do that. That is fine as long as it is understood that it must be done in the proper manner and regulated by the Department of Environmental Health.

To that end, Madam Speaker, I recently received a very lengthy proposal from a gentleman. His proposal was that he and Government do a national cemetery. Well, Madam Speaker, while that may be a good idea, the Government maintains individual cemeteries within the districts which has been traditional, which is a cultural thing. Therefore, my reply to him was that if he wanted to engage in the private thing he had to go through Planning, he had to go through Department of Environmental Health and the Water Authority to get all those permits and approvals prior to doing it. But I encouraged him in his endeavours to create a private cemetery, if he so chooses, to go right ahead. The more others do, the less will have to be done by Government, as long as all the provisions are made.

Madam Speaker, the Leader of the Opposition said that we have been talking a lot in this country for a very long time about cemeteries. I agree with him. I totally agree with him. We have talked, talked, talked, talked, talked. No work, no work, no work; nothing done, nothing done, nothing done. That's exactly what I found when I got in!

Now I am going to do, do, do, and I am hoping that our negotiations will be successful. I am really hoping that within the next few months we can have something concrete for Bodden Town and West Bay so that we can commence. And the budget has money in here for purchase of cemeteries and upkeep of cemeteries and the likes. So much so I have done that we created the RPCU (Recreation, Parks, Cemeteries Unit). And if we look at the cemeteries now a days we will see that they are much, much better kept, and will be much better in the future as this unit develops.

All of the provisions for cemeteries, parks, beaches and the likes were scattered all over the place under different ministries. So we've brought them all together under one unit. Now the cemeteries

are being taken care of and they are managing these cemeteries.

So, Madam Speaker, we have done much on the provisions for cemeteries and taking care of our loved ones. And the Government has done much. I just beg of the people to come forward and sell their property to us in order that we can make provision for the future for the disposal of all our loved ones because the Leader of the Opposition said that is the great equaliser—death.

Thank you.

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

Third Elected Member for Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

I rise to offer my short contribution on Private Member's Motion No. 2/08-09—Shortage of Burial Chambers.

The Motion states: **WHEREAS it is evident that there is a shortage of burial chambers throughout the Islands;**

**AND WHEREAS in the district of West Bay there exist three main cemeteries with severe shortage of burial space;**

**BE IT NOW THEREFORE RESOLVED THAT the Government considers purchasing additional suitable property, where available, and utilizing existing Government property, where available, throughout the Islands for the use of cemeteries;**

**AND BE IT FURTHER RESOLVED THAT Government give immediate consideration to a different type of burial, to that of the existing traditional way, such as two caskets in one vault and above-ground burial chambers.**

Madam Speaker, following behind the Minister responsible for this area, I have to agree with him that a lot has been done since he took office to try and secure property in and around the Island. In particular, I can speak to the Bodden Town situation and I know a similar shortage exists in West Bay.

Madam Speaker, although we may not have an acute shortage in the other districts, dare I say that if we do not do the right thing in this area we will end up in the same position we are with Bodden Town and West Bay, where the need is a lot more serious at this time.

We have traditionally buried our loved ones on our beaches. There were a number of reasons for this. First of all, the settlement of these Islands was on the coast lines in the early days, and, of course, it was a lot easier to dig in sand than to dig in cliff rock or to try and do anything in a swampy area. So, it made good commonsense back then to have our cemeteries where they are historically located. But certainly going forward, as the Minister said earlier, the need to look inland and the practicality of it is a lot more easily facilitated.

Finding cemetery property is difficult and to just limit it to beach property, well then it becomes even more difficult. I know, because I have been working hand-in-hand with the Minister in Bodden Town in trying to secure property and it has been a task and ongoing as we speak.

Certainly we can find property inland now and create cemeteries such as what was done there on I think it's Old Prospect, where that was previous marshland, which was excavated, filled and turned into a nice cemetery. So, that can happen throughout the Islands. And, yes, it may take some getting used to but when you drive around the rest of the world we will see that cemeteries certainly . . . I think we must have some of the few cemeteries that are on the beach.

We can grass them and do all the nice aesthetics that will certainly make them attractive and be just as proud of them as they were in the white sand that was well kept and well flowered.

I agree with the Motion that, yes, we need to secure property. As has been said by the Minister, we have been working very hard to do this. And not just in the West Bay district, as the Motion says, but an all Island requirement.

I know also that the Motion's second resolve section refers to the type of burial, two caskets and above ground. This has been indicated on a number of occasions by the Minister as something that he was prepared to look at. I certainly would encourage that. It is something I do not think you could impose upon a family, but I think the ability to do it, if one so desires, should be there. Husband, wife, children, whatever the family relationship is— I think we have a while to go before we find strangers being buried on top of one another. But, certainly, this is something that I believe families would certainly welcome.

In many cases right now, we have husbands and wives that have secured vault space right next to each other. Laying one on top of the other . . . you may have an argument on who goes on top, but I don't think you'll have much more than that.

My personal view is too that you could go one level up above ground. Again, I don't have a major problem with that. I would not like to see two and three stories above ground, but one, as you had in the old days with tombs that we had that protruded above the ground. I think if it were done in a very nice way it would be something that would become quite attractive. Tourists actually come to the Islands, and I guess it's a morbid reason, but it is something that tourists like to do for some reason. They go around and look at grave sites and how you bury your dead and how you look after your graveyards.

Whatever we do, we have to preserve that nice look that we have been famous for. It is only respectful and right that we do so as well. Caymanians take great pride in their white vaults and their flowers and the grounds being well kept. In fact, I remember after Hurricane Ivan, after we had so much damage at

the Bodden Town Cemetery, the many calls that would come in about this and that not being right, and the fact that Mr. Watler was no longer there, and in fact he himself would call and complain about the state of the cemetery. That is something that Caymanians hold near and dear to their hearts. So we have to be very cognisant of that in whatever we do for burial grounds.

I know too that there are individuals, as the Minister said, out there who are interested—in fact there are some private cemeteries now—in developing these further. Certainly, we have to work with them. And whether it is a national cemetery or a simple private one for a particular district we have to do our best to work with these individuals to take some of the pressure off Government having to find the property which, as I have said, is quite difficult to do.

Although the Motion does not call for it, the whole idea of a crematorium in the Cayman Islands is something again that the Minister has mentioned and would be an option. But I think legislation is required to make that possible. It is not possible to do it at the moment. A lot of people choose this form of disposal for the remains of loved ones, and individuals request this for their remains. As it stands now, it has to be done off Island, most commonly in Florida.

We have a number of issues concerning burials and the way we deal with our dead loved ones. We have certainly . . . I think it is one of those things that people just do not like a cemetery next to them. So, while we still have a lot of unoccupied land in this country, there is a lot of spare land on the interior of this country, undeveloped land that I think now is the time to secure so that when the time comes you are not putting the cemetery next to someone. They will have the choice to come and live by you or not. It is forward planning and it's only right that we do so.

I simply want to say that a lot of work . . . I just want to agree and support the Minister in this area because I know how much he has talked about it and how much work has gone into this area. I want to commend the mover of the Motion as well. It is timely. We certainly have no problem, I certainly have no problem supporting the Motion, but it is important that we let the public understand that this is not just starting today; a lot of work has gone into it.

Madam Speaker, with that short contribution, I support the Motion before the House.

Thank you.

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

If no other Member wishes to speak, does the honourable mover wish to exercise his right of reply?

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, actually, I had not prepared to make any comments after what I thought would have been a simple reply by the Minister to say what was being done and to get an under-

taking to address the areas I wanted addressed. But, of course, the Government can't get up and address any matter unless they lay blame somewhere against somebody. That was evident in the Minister's remarks and in the closing remarks by the Member for Bodden Town who just sat down.

No one was saying that something was not done. What I do know is that a lot of things need to be done and we need to plan for the future. For the Minister to say there was only talk and then he did all the work is just not right.

You see, Madam Speaker, when he said he created a unit and he put these things together, it made one believe that nothing was done. Yet, he could say they were spread all over the place. Yes, they were. So you can't leave the impression that something was not done because all these years something has been done and in each cemetery some expansion was made. From the time I came in 1984 they told me I couldn't do anything with Northwest Point Cemetery. Well, we addressed the matter and certainly my great-great grand uncles and other family members are buried in a place that now other people can be buried. I just had an uncle, two uncles not so long ago, who were buried in the Northwest Point Cemetery.

So, things have been done over the years. Let's not just give an impression that something only started when this Government got in. If you left the PPM alone, they would make the Islands believe that the Islands didn't exist until the PPM got started and the PPM got elected! They would want the people to believe that. So let's not get there, Madam Speaker.

I believe that Government needs to purchase lands for the future to deal with some of these things. We must bear in mind that we also need to be prepared if anything should happen (God forbid) that we need a mass grave. So, space is very limited.

I will have to recheck to see the number of vaults in the Northwest Point Cemetery to see that it can last another 11 years, roughly. I cannot remember the year he said it would have no space. Anyway, I need to check that, and I am going to do that also.

Madam Speaker, I know Government gets criticised, particularly when Members call for Government to buy land, because people easily jump on that and like to think the worst. I cannot forget that when I was Minister of Sports back in the 1990s that I was criticised on the Floor of this House bitterly, and accused bitterly, and probably some of the accusations started back then, when we exchanged a piece of property of the Crighton family for bills, an exchange. They owed us money and we took the property. I was criticised. But what do we have there today? That is where the Prospect School is located. And good thing it was in the hurricane or we would have been that much worse off. It is now where the football centre is going to go. It made sense then and certainly it makes sense for the future.

Madam Speaker, I hope that Government will proceed to purchase the property in West Bay because I know that people do not want cemeteries close to them. The Minister spoke about people not wanting anything next to them. When I was Leader of Government Business, I wanted to move the airport and port to East End where it makes sense to put it when thinking about national development and when you really should be planning for the future. Putting the \$93 million airport where it is, Madam Speaker – God forbid (as the United Nations Report has told us) if something happens! That money will go down the drain. It makes no sense to rebuild the airport where it is; it should go east.

But Madam Speaker, the Minister just said people don't want things there and he was one of them who ranted and raved and carried on in this House about not wanting the airport up in the east, not wanting the port. So what do you think? People are going to want cemeteries by them? Where the cemeteries are located, if you can get any property, it will cost a little bit more to build on the swamp side, but it can be done. George Town showed that when they built that cemetery where it is. Well, the one in the Prospect area. And George Town hasn't really anywhere else to go except for a few families who have their private cemeteries. Dixie Cemetery is maxed out and if you look at the cemetery in Prospect you can believe there is not a lot of space there and George Town has 20,000 people.

Bear in mind that there are people coming from other districts to bury their family in West Bay. And I believe maybe North Side, I think other districts, wherever they can find space it seems like, for George Town is in a dire situation. So, when I hear the Member carrying on his little politics and the Third Elected Member for George Town cackling because he carried on his little politics, she had better bear in mind that her district is not in the best shape when it comes to burial space.

**The Speaker:** Honourable Leader of the Opposition, the Minister did say there is about 4 acres to that property at Old Prospect Road on the landside for George Town.

**Hon. W. McKeeva Bush:** On the Old Prospect? The same where the present one is?

**The Speaker:** Yes.

**Hon. W. McKeeva Bush:** Over in the swamp. See what I am saying? So, when it comes to West Bay, Madam Speaker, it is the swamp. You will have to look to . . . and Cayman had better understand that because there has been this talk about not removing the swamp, not doing this thing and the next thing. Better realise just how much of this Island is and was swamp. We would not have had anything, and the

mosquitoes would have eaten us to pieces, if we had kept it all.

Let no one say that I am saying that we have to tear it all down because there are environmental aspects that we want, as far as the environment is concerned, to preserve. But they better bear in mind that some we have to give away to the extent that we will have to use it for something else.

So, Madam Speaker, I hope it will not come down to a matter of money because as I said it is not something that we are going to run from. We are going to have the need for the space. I see that we are building more and more roads, that same Minister, more and more people will get killed. And if you are going to spend millions of dollars to purchase the land through the swamp to build the road, you are going to have to buy property for the cemetery. It is as simple as that.

We spend money on box and matches to cater to the wrong target market for tourism, so, Madam Speaker I do not see that the matter of an expense, once it is not so outlandish, is going to or should be difficult for the Government.

Madam Speaker, I certainly want to thank the Minister for moving on some areas, but let us not say that some things were not done for West Bay. We have been talking a long time and I have just been sitting back quietly waiting until we can get something done. And when other properties are purchased for other districts I simply quietly said let the other districts get and we will soon get. I did that with the post offices. But now, really, they should move to purchase those properties in Boatswain Bay and the one in West Bay central where the main cemetery is so that we can have it for the future.

I believe he said he was accepting. I am not sure whether he said that. But I hope they do.

Thank you very much Madam Speaker.

**The Speaker:** The question is BE IT NOW THEREFORE RESOLVED THAT the Government considers purchasing additional suitable property, where available, and utilizing existing Government property, where available, throughout the Islands for the use of cemeteries;

AND BE IT FURTHER RESOLVED THAT Government give immediate consideration to a different type of burial, to that of the existing traditional way, such as two caskets in one vault and above-ground burial chambers.

Those in favour please say Aye. Those against No.

**Ayes.**

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

**Agreed. Private Member's Motion No. 2/08-09 passed.**

## GOVERNMENT BUSINESS

### BILLS

#### THIRD READING

##### **Cinematographic (Amendment) Bill, 2008** *(Deferred)*

**The Deputy Clerk:** The Cinematographic (Amendment) Bill, 2008.

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker.  
I beg to move the deferral of this item on the Order Paper until the Honourable Minister is able to return to the Chamber.

**The Speaker:** The question is that the Third Reading of The Cinematographic (Amendment) Bill, 2008 be deferred to the next sitting of this House. Those in favour please say Aye. Those against No.

**Ayes.**

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

**Agreed: The Cinematographic (Amendment) Bill, 2008 deferred to next sitting of the House.**

#### FIRST READINGS

##### **Banks and Trust Companies (Amendment) Bill, 2008**

**The Deputy Clerk:** The Banks and Trust Companies (Amendment) Bill, 2008.

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

##### **Trusts (Amendment) Bill, 2008**

**The Deputy Clerk:** The Trusts (Amendment) Bill, 2008.

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

##### **Proceeds of Crime Bill, 2008**

**The Deputy Clerk:** The Proceeds of Crime Bill, 2008.

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

## Anti-Corruption Bill, 2008

**The Deputy Clerk:** The Anti-Corruption Bill, 2008.

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

##### **Mutual Funds (Amendment) Bill, 2008**

**The Deputy Clerk:** The Mutual Funds (Amendment) Bill, 2008.

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

##### **Elections (Amendment) Bill, 2008**

**The Deputy Clerk:** The Elections (Amendment) Bill, 2008.

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

## SECOND READINGS

##### **Banks and Trust Companies (Amendment) Bill, 2008**

**The Deputy Clerk:** The Banks and Trust Companies (Amendment) Bill, 2008. Second Reading.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to move the second reading of a Bill shortly entitled The Banks and Trust Companies (Amendment) Bill, 2008.

**The Speaker:** The motion is duly moved and is open for debate. Does the Honourable Third Official Member wish to speak thereto?

Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Yes, thank you, Madam Speaker, just to make a brief contribution to the Bill.

Madam Speaker, The Banks and Trust Companies (Amendment) Bill, 2008, deals with a number of regulatory and commercial matters. The regulatory matters are dealt with in Clauses 4 and 5 of the Bill which clarify certain provisions in section 14 and 15 of the principal Law.

Clause 4 of the Bill clarifies the section 14 provision on the permitted net worth gearing for banks, clarifying it to make it clear that it only relates to banks incorporated under the Companies Law and that it only applies to beneficial interests held by the bank as separate and distinct from where the bank has a legal interest derived from its conduct of normal

banking activity. For example: where it holds an interest as a security or in the capacity of a custodian trustee agent or nominee.

Clause 4(c) also copies into the Bill a protective provision from the Securities Investments Business Law to preserve due enforceability of agreements or contracts.

Madam Speaker, Clause 5 repeals section 15(1)(a) of the principal Law relating to segregation of assets and liabilities of trust companies as it has the unintended effect of overwriting the established and settled duties of trustees in a way that both confuses and undermines the existing and already satisfactory segregation standards. Appropriate segregation standards are therefore not compromised in any way by the repeal.

In addition, Clause 5 of the Bill refocuses the Authority's powers in section 15 of the principal Law under review of indemnity insurance coverage arrangements for trust companies so that the initial determination of what coverage is appropriate properly remains the responsibility of the trust company itself.

Madam Speaker, the commercial matters are dealt with in Clause 2 of the Bill. Clause 2(a) enables regulations to be made providing generally for licensing exemptions in appropriate circumstances. In the immediate term, this provision will enable a registration regime to be introduced by regulations for private trust companies, private trust companies being those trust companies that only deal with assets of parties within a defined family relationship and not third party assets as contemplated under the principal Law; and to enable the regulations to be made to better protect the status quo in relation to Sukuk structures, that is Islamic finance vehicles.

Madam Speaker, Clause 2 (b) and (c) provides for a measured expansion of permitted activities of a controlled subsidiary while still keeping the vehicle within the regulatory control via the parent and maintaining the low risk regulatory profile as before as a subsidiary will not be able to conduct any business that is not directly linked to the business of the parent trust company. Thus the primary commercial driver is the use of controlled subsidiaries for risk management purposes of the parent. It should be noted that where a controlled subsidiary seeks to be covered by the parent's fund administration license, an additional fee will be charged which will be provided for by an amendment to the Banks and Trust Companies Licence Application and Fees Regulation.

Madam Speaker, I would respectfully ask all honourable Members to support the Banks and Trust Companies (Amendment) Bill, 2008, that is presently before this House.

Thank you.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] If not, does the Honourable Third Official Member wish to exercise his right of reply?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker, just to thank honourable Members for their silent support. Thank you.

**The Speaker:** The question is that a Bill shortly entitled the Banks and Trust Companies (Amendment) Bill, 2008, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed. The Banks and Trust Companies (Amendment) Bill, 2008 given a second reading.**

### **Trusts (Amendment) Bill, 2008**

**The Clerk:** The Trusts (Amendment) Bill, 2008. Second Reading.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to move the second reading of a Bill shortly entitled The Trusts (Amendment) Bill, 2008.

**The Speaker:** The motion is duly moved and is open for debate. Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Yes, thank you, Madam Speaker, just a very brief contribution.

Madam Speaker, the Trusts (Amendment) Bill, 2008, makes a very small amendment to the existing principal Law, that is, the Trusts Law, as a companion to the regime for private trust companies to be introduced under the Banks and Trust Companies Law as the proposed to be amended Banks and Trust Companies (Amendment) Bill, 2008.

The Bill would seek to amend section 105(2) of the Trusts Law to enable private trust companies to act as trustees of the Special Trust Alternative Regime, also known as Star Trust, and also generically known as Purpose Trust. It is exactly the same obligations as other permitted trustees.

Madam Speaker, I respectfully ask all honourable Members to support the Bill before the House.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] If not, does the Honourable Third Official Member wish to exercise his right of reply?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker, just to thank honourable Members for their silent support. Thank you.



**The Speaker:** The question is that a Bill shortly entitled the Trust (Amendment) Bill, 2008, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed. The Trust (Amendment) Bill, 2008 given a second reading.**

### **Proceeds of Crime Bill, 2008**

**The Deputy Clerk:** The Proceeds of Crime Bill, 2008. Second Reading.

**The Speaker:** I recognise the Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** Thank you, Madam Speaker. I seek leave of this House to move the second reading of the Proceeds of Crime Bill, 2008.

**The Speaker:** The motion has been duly moved and is open for debate. Does the Honourable Second Elected Member wish to speak thereto?

**Hon. Samuel W. Bulgin:** Yes, thanks Madam Speaker.

Madam Speaker, the Bill before the House seeks **“to repeal and replace the Proceeds of Criminal Conduct Law (2007 Revision); to consolidate [and harmonise the various money laundering and confiscation regimes which presently exist as well as to enhance] the law relating to the confiscation of the proceeds of crime and the laws relating to Mutual Legal Assistance in criminal matters and for incidental and connected purposes.”**

Madam Speaker, at present there are two main statutory regimes which deal with confiscation of proceeds of crime. There is one under the Misuse of Drugs Law and, of course, the related Misuse of Drugs (Drug Trafficking Offences) (Designated Countries) Order 1991. Those two together provide a regime for dealing with the proceeds of crime from drug offences and also contains provisions for assisting countries that are signatories to the 1988 Vienna Convention.

The second regime is the Proceeds of Criminal Conduct Law, which was first enacted in December 1996, and which deals with the proceeds of crime from non-drug indictable offences. And, Madam Speaker, for completeness may I just add that there is also the Terrorism Law which deals with proceeds from or intended for the use in the commission of terrorism offences.

Since the enactment of the PCCL, it has remained relatively unchanged with the exception of changes relating to the establishment and functions of

the Financial Reporting Authority (FRA) set back in 2003, I think it was. Over time, however, it has become apparent that there is need for modernisation of this Law, including the need for harmonisation of its provisions with those of other related laws.

For example, the PCCL, which establishes the FRA, provides for suspicious activity reports to be received in respect of suspected proceeds of crime or suspected money laundering, not including drug offences; whereas the Misuse of Drugs Law, which was passed before the establishment of the Financial Reporting Authority does not provide for the reporting of suspicious activities relating to proceeds of drugs transactions.

And the IMF, in its review of the Cayman Islands in 2003, and which was published in 2005, identified a number of weaknesses in the Cayman Islands Anti Money-laundering Statutory Regimes and accordingly made certain core recommendations. These include the recommendation that the PCCL be modernised and modified to clarify disclosure by the FRA to foreign financial intelligence units in drug matters.

It also recommended that Cayman should consider harmonising the standard for reporting in drug trafficking and terrorist financing and other drug cases. Another recommendation was that the Cayman Islands should consider civil forfeiture scheme based on the UK Proceeds of Crime Act, 2002, subject of course to ensuring third party rights to property.

We all recall that similar recommendations were made by the Caribbean Financial Action Task Force in the more recent evaluation in 2007.

The current PCCL is modeled broadly on the UK Criminal Justice Act, 1980, in particular part 6, which itself has undergone a number of changes to date. So this Bill, the resulting product of it, with the exception of the harmonisation of the Cayman Islands law follows closely the provision of the UK Proceeds of Crime Act, 2002, and in some part tends to reflect some changes that were made in the UK by the Serious Organised Crime and Police Act, 2005.

The purpose and contents of the Bill are set out in the Memorandum of Objects and Reasons, and the Bill itself seems quite formidable. But I wish to remind all honourable Members that it contains provisions from the current Law. So this is not all new material.

Just to touch briefly, with leave of the House, on a couple of the provisions. Part 2 of the Bill deals with the contribution of the Financial Intelligence Unit which is called the Financial Reporting Authority and which also establishes the Anti-Money Laundering Steering Group. The provisions with respect to appointment, powers and functions remain unchanged in the present Law.

Of note is the clarification in Clause 4(2) of the Bill for an avenue for the FRA to request additional material for the purpose of amplifying or clarifying information which has been disclosed to it and for responding to overseas FRA requests.

Part III of the Bill deals with confiscation orders. Clause 15 sets out the circumstances in which confiscation orders under Part III of the legislation can be made. It says that these orders may be made in the Grand Court or the Summary Court, which is of itself a new development following a conviction. The confiscation procedures are now mandatory, that is, where the Court is asked to do so, or where the Court believes it is appropriate then it shall be done.

Clause 68 sets out in detail the criteria that govern whether or not a person has a criminal lifestyle and this is following on Clause 16 which deals with the issue of general criminal conduct and/or particular criminal conduct. The question of whether a person has a criminal lifestyle is essential to the operation of Part III of the Law because it determines whether the defendant is subject to confiscation of benefits from his particular criminal conduct or his general criminal conduct.

Madam Speaker, it is sort of difficult to put all of this in layman's language, but *general criminal conduct* means any criminal conduct of the defendant whenever the conduct occurred and whether or not it has ever formed the subject of a criminal prosecution. Whereas, a *particular criminal conduct* means the offence for which the defendant is convicted and any others that were taken into account for this sentence.

And the *criminal lifestyle* argument in the Law is based on the principle that an offender who gives the authorities reasonable grounds to believe that he is living off crime should be required to account for his assets and should have it confiscated to the extent he is unable to account for their lawful origin.

Madam Speaker, moving on very quickly, Clause 44 of the Bill provides that a Grand Court may grant restraining orders over property if certain conditions are satisfied and that such an order would by virtue of Clause 45 have the effect of freezing the property that would be liable to confiscation following the trial and the making of a confiscation order.

Madam Speaker, Clause 61 of the Bill provides the Summary Court with the new power to order any realisable property in the form of money in a bank or a building society account to be paid to the Clerk of the Courts in satisfaction of a confiscation order. The power, of course, is only available where a confiscation order has been made by the Court, the time to pay has been expired, the confiscation is being enforced by the Court and the money is subject to a restraint order.

Clause 65 provides for compensation to be paid to a person whose property has been affected by the enforcement of the confiscation order and which is largely based on the present legislation except that the provision has been extended to cover the situation where an investigation is started but proceedings are never brought. Under the legislation it would be possible for a restraining order to be made as soon as criminal investigation has been started and so on.

Therefore, compensation will in future be payable subject to criteria including the serious default test from the beginning of an investigation and not limited only to where proceedings have been commenced.

Madam Speaker, Clause 69 of the Bill defines *Criminal Conduct* as any conduct constituting an offence in the Islands or which was committed abroad but would constitute an offence if it was committed within the Cayman Islands and there would no longer be any restriction to type of offence. The Bill would therefore apply to both drug and non-drug offences, indictable offences, as well as Summary offences which generate proceeds of crime and therefore under the legislation the Grand Court would only need to consider whether the defendant has benefited from any conduct which would be contrary to the Criminal Law of the Cayman Islands.

Part IV of the Bill deals with Civil Recovery. This is a new and significant provision and came about, as I said, for a number of reasons including a recommendation from the IMF and the CFATF, but also from the need to modernise our own legislation as well to make it as contemporary as possible.

So, Part IV deals with Civil Recovery of the proceeds of unlawful conduct. And Clause 77 (1) provides that this Part of the legislation has two purposes. One is to enable the Attorney-General to bring civil proceedings in a Court to recover property that is or represents property obtained through unlawful conduct (that is, civil recovery). This is an entirely new right of action. The UK as well as the US experience has been that this single approach of confiscating assets through criminal prosecution is insufficient and woefully inadequate to deal with the sophisticated criminal who distances himself from the crime and, therefore, the civil procedures also needed to be utilised.

For what it is worth, Madam Speaker, it is important to note that "unlawful conduct" is defined in Clause 78 to be conduct which is "**unlawful under the criminal law of the Islands**" or would be, if it had occurred here. In tandem with the ability to make an application for civil recovery is an application that is to be made to the Grand Court for a property freezing order pending the outcome of those proceedings.

Clause 110, and following on, deals with the powers of search. "**Clause 111 provides the safeguard that the search powers in Clause 110 may only be exercised where prior judicial authority has been obtained . . . If judicial approval is not obtained prior to a search [and, for example,], cash is either not seized or is released before the matter comes before a court, the constable or customs officer concerned must prepare a written report and submit it to an independent person appointed by the Governor.**"

"**This report [is meant to deal with the details as to] why the constable or customs officer considered that he had the power to carry out a**

**search and why it was not practicable to obtain judicial approval before the search itself was conducted.”**

Part V of the Bill basically sets out what the existing provisions are in the current Law, that is, it sets out the offences of money laundering, concealing and disguising, entering into an arrangement which facilitates acquiring of illegal property which is criminal property. So it is really nothing new in that regard.

Part VIII deals with international cooperation. Clause 187 provides for a schedule similar to that under the present Law with respect to foreign proceedings and under the current legislation assistance in freezing property and enforcing overseas orders may only be granted to countries and territories which have been designated for that purpose. And there is some provision in 187 and the schedule now dispenses with a designation procedure in that respect.

Madam Speaker, in April 2007 Cabinet passed an amendment to section 21 of the Proceeds of Criminal Conduct Law which empowers the Governor in Cabinet to make regulations prescribing measures to be taken to prevent the use of the financial assistance for the purposes of money laundering. And the definition of “money laundering” expands itself to include an act which constitutes certain offences under the Terrorism Law. That was an exercise in tying the provisions of the PCCL back to the Terrorism Law as the Terrorism Law was passed much later than the PCCL.

These offences relate to the soliciting of terrorist property, the use of property for the purposes of terrorism and arranging for property to be used for terrorist purposes and money laundering. Thus the Bill will expand the making of money laundering regulations to prevent the use of financial assistance for the purposes of financing terrorist activities. This was one of the issues that was picked up by these international review agencies when they looked at our money laundering and combating financing of terrorism framework.

Madam Speaker, just to say that the Government has provided the public with maximum opportunity to comment on this Bill. It has been a work in progress that has been going on for the better part of two years and just about all of the relevant stakeholders have been consulted and have made very invaluable input into the exercise—the accountants, lawyers, company managers, just about everybody. On behalf of Government, I would like to thank them for their invaluable input into the exercise.

Madam Speaker and Members should note that the intent of this proposed legislation is that the Cayman Islands will have a modern and harmonised money laundering regime which is robust and effective in identifying and confiscating the ill-gotten gains of criminals such that it becomes a deterrent to would-be money launderers and in accord with international standards and best practices. The Bill seeks to do just that. And when it is enacted into law it will further al-

low the Cayman Islands to say without fear of contradiction that our anti money-laundering and combating financing of terrorist regimes are as robust and generally if not entirely equivalent to just about all the major countries that are on the most recent EU White List.

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

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] If not, does the Honourable Second Official Member wish to exercise his right of reply?

**Hon. Samuel W. Bulgin:** Thank you, Madam Speaker. Just to say that I appreciate the support from all honourable Members of this House. Thank you.

**The Speaker:** The question is that a Bill shortly entitled the Proceeds of Crime Bill, 2008, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed. The Proceeds of Crime Bill, 2008 given a second reading.**

#### **Anti-Corruption Bill, 2008**

**The Deputy Clerk:** The Anti-Corruption Bill, 2008, second reading.

**The Speaker:** I recognise the Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** Madam Speaker, before I seek leave of the House in that regard, may I just put the House on notice that in respect of the Proceeds of Crime Bill, 2008, I intend to move certain committee stage amendments.

Madam Speaker, I beg to move the second reading of a Bill entitled the Anti-Corruption Bill, 2008.

**The Speaker:** The motion has been duly moved and is open for debate. Does the Honourable Second Official Member wish to speak thereto?

**Hon. Samuel W. Bulgin:** Yes, Madam Speaker, thank you.

This Bill seeks to give effect through the United Nations Convention Against Corruption (UNAC) and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and I might have mentioned before at some stage that this Bill, if enacted in its current form, is going to be a revolutionary piece of legislation and I urge all honourable Members of the House and the private sector to read it carefully and

make sure that they understand the import of the Bill itself.

I will attempt, Madam Speaker, to highlight some of the more salient provisions of the Bill as quickly as possible.

The two conventions that I mentioned are two international instruments which are the real starting point in any debate about legislating for integrity in public life. The OECD Convention deals with the criminalisation of bribery by or of international foreign public officials. It criminalises acts of offering or giving bribes, but not of soliciting or receiving bribes and it covers only bribery aimed at public officials, not bribery involving private sector representatives or political party officials.

The UN Convention, on the other hand, is much wider than the OECD Convention. The UN Convention deals with the following: It deals with the prevention of corruption and it calls for the establishment by countries of measures for the prevention of corruption. This includes such measures as the establishment of an anti-corruption body, enhanced transparency in the financing of election campaigns and political parties, and that such measures must address both the public and private sectors. In short, it seeks to promote and strengthen measures to prevent and combat corruption more efficiently and effectively.

It also deals with the expectation that states' parties are required to establish criminal and other offences to cover a wide range of acts of corruption. This includes not only basic forms of corruption, such as bribery and the embezzlement of public funds, but also trading in influence and the concealment and laundering of proceeds of corruption.

It speaks to the issue of international cooperation as well, in that it seeks to promote, facilitate, and support international cooperation and technical assistance in the prevention of and fight against corruption including asset recovery.

So, Madam Speaker, the Convention binds state parties to render specific forms of mutual legal assistance in gathering and transferring evidence for use in court and to extradite offenders. And states are also called upon to undertake measures to support the tracing, freezing, seizure, and confiscation of proceeds of corruption. And it also contemplates measures under the Convention to deal with the prevention and detection of transfers of illicitly acquired assets.

Madam Speaker, at present the general corruption laws of the Cayman Islands are set out in the Penal Code (2007 Revision). And those provisions deal with corruption only by public officers and would therefore to that extent be inadequate for the purposes of implementing the UN Convention which calls for the criminalisation of corruption in the private sector as well.

There would also be deficient for purposes of implementing the OECD Convention as I mentioned earlier. This Bill also seeks to establish an Anti-Corruption Commission. In an earlier presentation I

made in this House on this draft legislation, I noted the publication of an anti-corruption organisation, Transparency International, called *Confronting Corruption*. I mentioned then that the elements of a national integrity system in which Transparency International had noted that to operate successfully an anti-corruption agency must possess the following: It must have committed political backing at the highest levels of government; it must have adequate resources to undertake its mission; political and/or operational independence it must enjoy in order to investigate even the highest levels of Government. There must be adequate powers of access to documentation, and for the requesting of witnesses. There must be user-friendly laws including the criminalisation of illicit enrichment. And there must be leadership which is seen as being of the highest integrity.

It is my belief that this Bill creates an agency which satisfies all of the above criteria. It is proposed that the Commission will now comprise of the Commissioner of Police, as chair; the Auditor General, the Complaints Commissioner, and two members appointed by the Governor. The two members will be selected from the following categories of persons: retired judges of the Grand Court or the Court of Appeal, retired police officers, retired magistrates or justices of the peace, or retired attorneys-at-law.

It is contemplated that the Commission will have the necessary support staff to assist it with its work and it will be responsible for the administration of this legislation and will have the power among other things to receive and consider any report of alleged offences and to investigate such reports subject to the parameters of the legislation. But it will also be empowered to receive and, as permitted, request, analyse and disseminate any information concerning corruption offences or suspected offences.

Of course, Madam Speaker, for completeness, it is also contemplated that the Commission will be able to give mutual legal assistance to overseas anti-corruption authorities in their investigation of similar offences.

The Bill provides in Clause 6 that the Governor will have general oversight of the anti-corruption policy of the Government and will be responsible for overseeing and inspecting the work of the Commission. And the Bill provides that the Commission is mandated to provide annual reports on its activities.

Madam Speaker, when enacted into law, the Bill will widen the range of corruption offences and such offences will include bribery of foreign public officials (and that is to be found in Clause 22), bribery of public officers and Members of the Legislative Assembly, which includes Cabinet members (Clause 10), frauds on the Government (Clause 11 at page 28), deals with illegally subscribing to an election fund (Clause 12). It deals with breach of trust by public officers and conflict of interests offences (Clause 13). It deals with selling or purchasing public office (Clause 14). And I mentioned conflict of interest offences is in

Clause 19. False claims by public officers (Clause 16), abuse of office (Clause 17), and issuing of false certificates by public officers, which is covered in Clause 18 of the Bill.

Madam Speaker, as will be seen in Clause 12 a person could conceivably commit an offence of illegally subscribing to an election fund where **“ . . . in order to obtain or retain a contract with the Government, or as a term of any such contract, whether express or implied, he directly or indirectly subscribes or gives, or agrees to subscribe or give, to any person any loan, reward, advantage or other benefit- (a) for the purpose of promoting the election of a candidate or a class or party of candidates to the Legislative Assembly; or (b) with intent to influence or affect in any way the result of an election conducted for the purpose of electing persons to serve in the Legislative Assembly.”** I mentioned earlier about conflict of interest. It is helpful to point out that the legislation in Clauses 19 and 20 also provide that: **“19 (2) Where- (a) a public officer; (b) a member of the Legislative Assembly; or (c) a member of the family or an associate of either the public officer or the member of [Cabinet or] the Legislative Assembly, has a personal interest in a decision which a government entity is to take, [that] public officer or member of the Legislative Assembly shall forthwith disclose, in writing, to the government entity the nature of that personal interest.”**

**“(3) A public officer or member of [Cabinet or] the Legislative Assembly who fails to disclose [such] interest . . . and who votes or otherwise takes part in proceedings of the government entity relating to such interest [may have committed] an offence and [would be] liable on conviction on indictment to imprisonment for a term of [up to] five years.”**

Madam Speaker, I mentioned earlier about offence of bribery of foreign public officers. That is in Clause 22. The Bill provides that a person commits such an offence where that person **“ . . . in order to obtain or retain an advantage in the course of business, directly or indirectly promises, gives, offers or agrees to give or offer a loan, reward, advantage, or benefit of any kind to a foreign public officer for his benefit or for the benefit of another person or to any person for the benefit of a foreign public officer . . .”** and it becomes an offence where it is given as a **“ . . . consideration for an act or [omitting to do something] by the foreign public officer in connection with the performance [of his official] duties . . .”** or it was given **“ . . . to induce the foreign public officer to use his position to influence any acts or decisions of the foreign country or public international organisation for which the officer performs [his] duties or functions . . .”**

It should be noted that a person is not guilty of an offence of bribing a foreign public officer if the loan or reward or the advantage or the benefit was a facili-

tation payment. A facilitation payment is a payment which is permitted or required under the laws of the foreign country, or public international organisation for which the foreign public officer performs his duty, and was made to pay the reasonable expenses incurred in good faith in carrying out those functions, or for the promotion, demonstration or explanation of the person's products or services.

It should also be noted that the penalties under the legislation are quite high. Penalties range from imprisonment of 2 years to as high as 14 years.

The Bill noticeably expressly makes reference to Cabinet Ministers as distinct from Legislative Assembly Members. And this is to clarify in the public's mind that it is not just Legislative Assembly Members, but those who are also in Cabinet that are covered by the legislation.

The Bill also places a duty on a public officer and a Member of Cabinet or Legislative Assembly to report to the Commission or to a police officer that someone has offered him or her a bribe that another public officer or Member of Cabinet has solicited or accepted a bribe. Failure to disclose may be an offence which carried a penalty with a fine of \$20,000 or imprisonment for 2 years.

The Bill, in Clause 37, seeks to protect informers and provides that, **“37. (1) Where a person discloses to the Commission or to a constable information concerning proceeds or suspected proceeds of corruption offences the disclosure shall not be treated as a breach of any restriction upon the disclosure of information by any enactment or otherwise and shall not give rise to any civil liability.”**

Madam Speaker, the draft Bill will extend the application of the PCCL (I just dealt with that revised one) to provide for the freezing, tracing, forfeiture, and return and the disposition of proceeds arising from corruption offences. And the Bill also makes it clear that a corruption offence is an offence to which an extradition law of these Islands will relate or will bite.

Finally, Madam Speaker, I wish to point out that the lifestyle of an accused person will be taken into account in criminal proceedings under the legislation. In other words, as Clause 26 provides, in the trial of an offence under the legislation, **“26, Where, in proceedings for an offence under this Law, it is established that the accused (a) was maintaining a standard of living which was not commensurate with his emoluments or other income; (b) was in control of property to an extent which is disproportionate to his emoluments or other income; or (c) held property for which he, a member of his family or his associate, is unable to give a satisfactory account as to how he came into its ownership, possession, custody or control, that evidence shall be admissible to corroborate other evidence relating to the commission of the offence.”**

It is not unusual to take account of such factors in these types of offence.

In other words, Madam Speaker, the mere lifestyle itself, the evidence of that is not an offence; but where there is other supporting evidence that there were corrupt offences and lifestyle issue becomes relevant, then evidence of the lifestyle will be admissible in evidence to support the other evidence of corrupt activities.

Madam Speaker, I have sought to cover all the requirements of the two Conventions as they relate to legislating for integrity in public life. There is a wide range of corruption offences and provisions for the establishment of the Anti-Corruption Commission. There is provision for the asset recovery; there is provision for extradition and mutual legal assistance. I am confident that this as I referred to it as a revolutionary piece of legislation will be a vital tool in our ongoing commitment to transparency, better governance and our ongoing commitment to partner with our international partners—other countries—in fighting international criminal activity and I commend the Bill to honourable Members of this House.

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

If not, does the Honourable Second—Honourable Leader of the Opposition.

**Hon. W. McKeever Bush:** Madam Speaker, I intend to be very brief indeed, I just want to thank the Second Official Member for bringing comprehensive legislation to this honourable House. He mentioned before that it was in the works; therefore I am happy today that it is comprehensive. As I said in the debate on a motion that I brought some months ago, that those persons in the community who continually point their fingers at Members of this House and accuse Members of this House, they themselves, Madam Speaker, will have to be frank and forthright about their business, whatever they do.

And so, Madam Speaker, I can readily accept this legislation that is before us and look forward to the committee stage where we can ask more questions in detail.

**The Speaker:** Does any other Member wish to speak? [pause] If not, does the Honourable Second Official Member wish to exercise his right of reply?

**Hon. Samuel W. Bulgin:** Thank you, Madam Speaker.

Thanks to all honourable Members of this House for their support of the Bill.

**The Speaker:** The question is that the Anti-Corruption Bill, 2008, be given a second reading. Those in favour please say Aye. Those against No.

**Ayes.**

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

**Agreed: The Anti-Corruption Bill, 2008, given a second reading.**

### **Mutual Funds (Amendment) Bill, 2008**

**The Deputy Clerk:** The Mutual Funds (Amendment) Bill, 2008, second reading.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to move the second reading of a Bill shortly entitled The Mutual Funds (Amendment) Bill, 2008.

**The Speaker:** The motion has been duly moved and is open for debate, does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Yes, thank you, Madam Speaker.

The Bill before the House is a very short Bill designed in consultation with the private sector here in the Cayman Islands and the Monetary Authority to achieve two main objectives.

First, Clause 2 of the Bill ensures that Sukuk Structures, which are termed under the Bill “alternative financial instruments” remain outside of the definition of “equity interest” in the Mutual Funds Law, the principal Law, and so do not inadvertently be required to be registered as mutual funds under that Law since Sukuk Structures are not mutual funds. This is to ensure that we remain able to compete in the Islamic finance sector, an area in which Cayman has had some success to date.

Second, Clause 3 of the Bill returns the principal Law's section 16(1)(c) to its original scope so that it applies only to mutual funds administered in the Cayman Islands. It also enables administrators by an amendment to section 16(1)(d) of the principal Law to administer funds from foreign countries not specifically on the Authority's list of approved jurisdictions if the funds are in any event otherwise regulated by the Authority.

Madam Speaker, I therefore respectfully ask all honourable Members to support the Mutual Funds (Amendment) Bill, 2008.

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

If not, does the Honourable Third Official Member wish to exercise his right of reply?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker, just to once again thank all honourable Members for their support of the Bill.

**The Speaker:** The question is that The Mutual Funds (Amendment) Bill, 2008 be given a second reading. Those in favour please say Aye. Those against No.

**Ayes.**

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

**Agreed: The Mutual Funds (Amendment) Bill, 2008, given a second reading.**

### **Elections (Amendment) Bill, 2008**

**The Deputy Clerk:** The Elections (Amendment) Bill, 2008, second reading.

**The Speaker:** I recognise the Honourable First Official Member.

**Hon. George A. McCarthy:** Madam Speaker, I beg to move the second reading of The Elections (Amendment) Bill, 2008.

**The Speaker:** The motion has been duly moved and is open for debate. Does the Honourable First Official Member wish to speak thereto?

**Hon. George A. McCarthy:** Thank you, Madam Speaker. Just some brief comments.

This Bill, entitled A Bill for a Law to Amend the Elections Law (2004 Revision) to Further Refine the Election Legislative Scheme of the Islands; and for Incidental and Connected Purposes, seeks to provide for mobile voting also known as advance polling.

**“Clause 1 of the Bill provides the short title of the legislation.”**

**“Clause 2 amends section 2 to provide for [the] definition of “mobile station”. Clause 3 addresses the issue of mobile voting.”**

Turning to Clause 3, which deals with mobile voting, this clause inserts new sections 49A and 49B will allow those who are physically challenged to for the first time in the Cayman Islands vote in the privacy of their homes, hospital bed or rest home, as if they were at a polling station. In essence, the polling station will be brought to them elector rather than the elector having to make his or her way to the designated district polling station.

With the introduction of mobile voting, physically challenged electors will also be assured that their ballot reaches the ballot box marked for the candidate or candidates of their choice. Whilst the Elections Office provides accommodation at district polling stations to accommodate physically challenged electors, this mode of voting is preferred as it removes the has-

sle associated with getting to a polling station and being processed in the conventional manner.

At a conventional polling station, any elector wishing assistance in marking his or her ballot paper may request it. Should that elector wish to have a friend attend to witness the marking of the ballot paper by the presiding officer, this will be allowed. Both parties will have to take the requisite oath.

The whole process of postal voting is both time consuming and quite onerous particularly at the count. The procedures for processing postal ballots at the count can take hours where large numbers have been received. By introducing mobile voting the time spent at the count can be reduced significantly.

Postal voting as shown in Clause 4 with the repeal and replacement of sections 50 and 51 will still be allowed to accommodate students and other electors who will be unable to go in person to a polling station due to his/her absence from the Cayman Islands for whatever reason. However, the number of applications to be treated as an absent elector voting by post will be reduced significantly by the introduction of mobile voting.

Mobile voting eliminates allegations of fraud and ensures enfranchisement of electors. Over 45 countries worldwide allow this practice, including the United Kingdom, Australia, Bermuda, Canada, and the Bahamas and Switzerland.

Clause 5 of the Bill **“amends section 107 of the principal Law to enable the Governor in Cabinet, acting on the recommendation of the Supervisor of Elections, to make rules relating to the taking of votes at a mobile polling station.”**

And finally, **“Clause 6 amends the Third Schedule to provide for the insertion into the principal Law of an application form for use by a person seeking to be treated as an absent elector voting at a mobile polling station.”**

These essentially are the provisions of the Bill that is in front of honourable Members and I commend this Bill to this honourable House.

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

If no other Member wishes . . . Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, the Elections Law (Amendment) Bill, 2008, seeks to replace the current postal ballot voting system for those approved as absentee voters with the use of mobile voting stations, except for absence due to travel.

Travel, I do not know whether that covers someone who is going off on holiday and will be away on Election Day, or whether that is just students who are overseas, or someone whose work takes them overseas and they are there because they have to work overseas. I can't think of any examples except the one that we have in London working there because her work takes her there.

So I hope at committee stage we can examine that area.

Madam Speaker, the provisions for absentee voting is to allow—as it was in the past and I believe should remain—for greater participation by the voting public into the decisions of the country. Where the Member said that it enfranchises the voters, I doubt that very much. But I am not going to take my good friend to any kind of task, for one Financial Secretary came here some years ago when he did not appreciate the budget that he was about to deliver he said, “Madam Speaker the Government asked me to bring this budget.” I believe I can justly say that for the Third Official Member—

**The Speaker:** First.

**Hon. W. McKeeva Bush:** —First Official Member, that is (sorry), that this is not his making.

As I said, Madam Speaker, the provision for absentee voting is to allow for greater participation by the voting public into the decisions of the country.

The Islands can boast of a healthy voter turnout. Better than most countries in the world except for those countries, some in the Commonwealth, which have mandatory voting.

**The Speaker:** Honourable Leader of the Opposition, I have the discretion to have a short deferment, but if you are going to speak for some length of time I need to ask the Leader of Government Business to suspend Standing Orders so we can go beyond the hour of 4.30.

**Hon. W. McKeeva Bush:** I will come back tomorrow, Madam Speaker. When I asked the Leader earlier, he had a commitment at 5 o'clock. So I will sit down at this point.

**The Speaker:** But you will continue your debate tomorrow?

**Hon. W. McKeeva Bush:** Oh yes.

**The Speaker:** Honourable Leader of Government Business, I will entertain a motion for the adjournment of this honourable House.

## ADJOURNMENT

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. I move the adjournment of this honourable House and, as I did consult with you, we will resume tomorrow. Everyone can come and have lunch and we will begin at 2.00 tomorrow.

So I move the adjournment of this honourable House until 2 o'clock tomorrow afternoon.

**The Speaker:** The question is that this honourable House until 2.00 pm tomorrow. Those in favour please say Aye. Those against No.

**Ayes.**

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

**At 4.40 pm the House adjourned until 2.00 pm Friday, 27 June 2008.**





**OFFICIAL HANSARD REPORT**  
**FRIDAY**  
**27 JUNE 2008**  
**2.37 PM**  
*Sixteenth Sitting*

**The Speaker:** I will ask the Third Elected Member for the district of Bodden Town to say Prayers.

**PRAYERS**

**Mr. Osbourne V. Bodden:** Let us pray.

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

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

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

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

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

**Proceedings resumed at 2.39 pm**

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

**The Speaker:** I have no messages or announcements.

**STATEMENTS BY HONOURABLE  
 MEMBERS AND MINISTERS  
 OF THE CABINET**

**The Speaker:** I have received notice of statements from the Honourable Leader of Government Business.

**Constitutional Modernization—The way forward**

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, the first statement is regarding the Constitutional Modernization, the way forward.

Since the publication of the Government's revised proposals for Constitutional Modernization on the 22 day of May this year, we have carefully monitored feedback from the general public and we have also paid attention to the objections raised by the Opposition to the Referendum being held next month. The issues and objections raised can be summarized as follows:

1. More time is needed to consider the matter of constitutional modernization.
2. That there remain concerns about the impact of a Bill of Rights on Cayman's culture and way of life.
3. People who wish to approve the final constitutional document, in particular the Bill of Rights chapter. Therefore the referendum should be held on the Draft Constitution and not on the revised proposals.
4. The thought expressed that July is a bad time for a poll to be held because many people would be away on vacation.
5. Concerns about a low turnout for a referendum being held now, and it might then be said that the result of the referendum would not be representative of the will of the people of the country.
6. Also it has been said by some that the referendum should be made to coincide with the general elections in May of next year.

Constitutional modernization is a matter of the greatest national importance. It is critical to the future of this country. It is not about what the Government wants or what the Opposition desires. Madam Speaker, this Government has always proceeded on this basis, and we continue to adhere to the view, that there must be general support by the electorate for constitutional change. And the electorate should not be pushed into a decision before it is ready to vote. Therefore, after careful consideration of the various issues and objections that I have just outlined, and in

discussions with His Excellency the Governor, we have today announced a change in the Constitutional Modernization process. We have decided to defer the holding of the referendum until the conclusion of constitutional discussions with the United Kingdom Government and the production of a Draft Constitution.

We have asked the Foreign and Commonwealth Office, the arm of the United Kingdom Government which has responsibility for the Overseas Territories, to commence these discussions as soon as possible. They have indicated that they are willing to begin these discussions in September of this year. The objective is to have a Draft Constitution available for public discussion by the end of the year, or very early in January next year, with a view to a referendum being held on that Draft Constitution to coincide with the general elections on 20 May, next year. We expect that more than one round of discussions will be necessary on a matter of such complexity and importance.

I am happy to say that the Foreign and Commonwealth Office has agreed that at least the first round of talks will take place here in Grand Cayman. The Cayman delegation will be made up of members of the Government and the Opposition. And we will also be proposing a number of representatives from non-governmental organisations, such as the Chamber of Commerce and the Cayman Ministers Association. That, Madam Speaker, is to ensure balance and full transparency of the process. I have today written to the Leader of the Opposition advising him of the foregoing.

Madam Speaker, despite the failure of the Opposition thus far to participate constructively in the Constitutional Modernization process—

**Hon. W. McKeeva Bush:** That is your point of view.

**Hon. D. Kurt Tibbetts:** —we are hopeful that they will now properly engage in the process and carry out their duty as Members of the Opposition. In particular, we hope that the Opposition will at last make clear what changes they would like to see in the Constitution, and then we can deal with our differences in a sensible and open fashion.

*[inaudible interjection by the Leader of the Opposition]*

**Hon. D. Kurt Tibbetts:** It is now almost six months since the Government first published its proposals for Constitutional Modernization, but to date the country is still waiting for the Opposition to state their position on what a new constitution should contain. All that the country has seen from them is a document which raises questions, but provides very little insight into their position on the important constitutional issues. The Opposition are now saying that they want to carry out their own public consultation process at the country's expense before expressing their views on what the Constitution should contain. This, Madam

Speaker, is simply a delaying tactic. We know that the Opposition have their own views on what the Constitution should contain and they had no hesitation in telling the country about them in 2004. They have had since January of this year to discuss with the public what they now have in mind. They have attended meetings convened by the Secretariat and they have called meetings of their own. At these meetings they could and should have put forward whatever they had in mind. I hope that they will now do so without further delay.

We also hope that the Opposition will be prepared to meet with the Government and the NGO representatives in advance of the September discussions with the FCO (Foreign and Commonwealth Office) so that we may understand their position on the issues and hopefully narrow the differences between us before we go to the table. Certainly, the public will be kept apprised of developments in this regard.

*[inaudible interjection by the Leader of the Opposition]*

**Hon. D. Kurt Tibbetts:** Having stated the way forward, I need to remind you about what has really been going on.

In our 2005 Manifesto we said that any significant constitutional change should require the people's approval at a referendum. We were disagreeing strongly and fundamentally with the United Democratic Party Government's position, which was doing its best to have the Constitution changed without a referendum.

**An Hon. Member:** Yes!

**Hon. D. Kurt Tibbetts:** There was a fundamental difference between us at the last election and there still is. We stand for democracy—real democracy. The Government should serve the people. We advocate a constitution that will ensure that in future the elected representatives of the people will not be able to take the same crude and cynical approach as the United Democratic Party did.

**Hon. W. McKeeva Bush:** My God.

**Hon. D. Kurt Tibbetts:** As we said in our 2005 Manifesto, we need more checks and balances on the powers of the Government. We need freedom of information and the constitutional guarantee that it will not be taken away from us. The people should have a constitutional right to demand a referendum on any issue. And the Constitution should itself say that any significant further change to that Constitution would require the people's approval at a referendum.

Madam Speaker, voters at the 2005 General Election rejected the UDP approach to Government and expressed their desire for real democracy.

**Hon. W. McKeeva Bush:** Oh my!

**Hon. D. Kurt Tibbetts:** So, the new Government set about the process of obtaining a constitution that would secure true democracy. It was obvious from the outset that this was not going to be simple or easy. The Constitution is complicated. Not many people have enough experience of the Constitution and of Government to form unaided their own opinion on what exactly the new constitution should say. People naturally look to their political leaders for explanation and guidance. Furthermore, though everyone knows that the Constitution is important, not everyone has the time and inclination to get fully involved in its details.

Referendums are not easy either. A basic question which we and our advisors considered at the planning stage was whether we should go to the people at the beginning or at the end of the process. We decided that we ought to do so at the beginning. In other words, we should have public consultation and a referendum before drawing up the final proposals and giving them to London.

The alternative was to draw up proposals along the general lines indicated in our Manifesto, invite London to prepare a draft on that basis and then, at the end of the process have public consultation and a referendum to prove London's draft. We felt that Caymanians should have the opportunity to make their comments and suggestions at the beginning of the process so that they could influence the proposals given to London. Under the alternative approach Caymanians would only have a choice at the end of the process and would then be under some pressure to approve London's draft even if it contained features that they did not like, knowing that if the draft was rejected, then we would be back to square one.

Another reason for our decision was that it would put pressure on London to agree to our proposals if they were seen to be the result of a process of public consultation and were endorsed by a strong vote in a referendum. And there was good reason to think that we could develop in the consultation process a set of proposals that the whole country would feel comfortable with and want to endorse. The possibility of a second referendum to approve London's draft was not ruled out, but we indicated that it would only be needed if the draft was inconsistent with the proposals approved by voters at the first referendum.

The public consultation process has achieved most of its goals. It kicked off in January when we put on the table for discussion a set of outline proposals and explanatory notes. Since then there has been an unprecedented programme of meetings, broadcasts and discussions arranged by the Secretariat, and a number of constructive meetings and events organised by others. All Caymanians have been given the opportunity to hear the proposals explained and discussed, and to express their views and concerns. Many individuals and bodies have done so. The proposals have been revised accordingly, especially as regards the proposed Bill of Rights.

The revised proposals also take into account the few specific proposals that the Opposition have made. In these respects the consultation process has been successful and valuable. I am sure that most Caymanians see the Opposition's campaign for what it is. You only have to compare what the Opposition are saying now with what they said and did when they were the Government. You only have to think about their slogan: "If you don't know", they say, "vote No." It is clear enough what they are trying to do, but it is nonetheless disquieting and confusing for voters. People are not entirely sure that they can disregard the scary things that the Opposition and their friends have been saying.

Madam Speaker, I am not criticizing the Opposition for disagreeing with the proposals we put on the table. On the contrary—

**Hon. W. McKeever Bush:** Oh?

**Hon. D. Kurt Tibbetts:** —we wanted them to do so and we knew that there were some points of difference. We wanted the public to see what its political leaders agreed on and what they disagreed on. Public discussion could then focus on the points of disagreement and we could try to resolve them in a sensible way.

**Hon. W. McKeever Bush:** Oh God.

**Hon. D. Kurt Tibbetts:** Failing compromise, we intended then to put the contentious points to the Referendum. But it has turned out that the Opposition are more interested in political warfare and undermining the process than in getting the best Constitution for the country. So, they have ducked and weaved to avoid saying what they think the Constitution should say.

**Hon. W. McKeever Bush:** Boy, you're not ashamed of yourself to talk about [inaudible] . . .

**Hon. D. Kurt Tibbetts:** Confronted by the record of their own proposals made to the Legislative Assembly in 2004, they claim to have had second thoughts; but we are all still waiting to hear what they might be.

Voters are now in the difficult position of needing to make an important decision on complicated constitutional proposals without having any real understanding of what the objectors are objecting to, or why; and without knowing what the objectors proposed. The indications are that under these circumstances voter turnout at the referendum is likely to be low, especially as many voters are currently and understandably more concerned with immediate questions, such as, the cost of living.

If we went ahead now with the referendum, Madam Speaker, and there was a low turnout, the referendum result would make little or no impression in London and it would not deter the Opposition's rep-

representatives at the discussions in London from pressing for something different. There would be a strong probability that we would need to hold a second referendum to make the final decisions. In other words, a referendum at this stage would be a waste of time and money if we did not get a good turnout, and voters cannot be compelled to vote before they are ready to do so.

This is why we are asking London to commence the constitutional discussions as soon as possible. We will put forward the revised proposals and emphasize that they were arrived at after extensive public consultation. The Opposition representatives at the discussions will, we hope, feel constrained at last to voice and express their objections. This should enable the process to move forward in a sensible way.

When London has drafted the new constitution there will need to be a further period of public consultation leading to the referendum.

**Hon. W. McKeeva Bush:** Oh boy!

**Hon. D. Kurt Tibbetts:** I am not happy that this change of plan has become necessary, Madam Speaker—

**Hon. W. McKeeva Bush:** Not happy at all . . . [*Inaudible comments continue*]

**Hon. D. Kurt Tibbetts:** —but I am sure that it is now the best way forward. As in all things, Government needs to be firm in its objectives, but flexible in its methods. The objective is to get the Constitution that the country wants. There is no change on that and we are determined to get it done.

I have no doubt that we were right to start with the public consultation. This has been very worthwhile and the expense fully justified, though, obviously, it would have been better if the Opposition had participated in a responsible way and had not conducted its campaign of scaremongering and confusion.

[*Inaudible interjection by the Leader of the Opposition*]

**Hon. D. Kurt Tibbetts:** A referendum now, before we talk to London, would be best for the country if the country were ready to vote. But, Madam Speaker, thanks in large part to the Opposition, it seems that the country may not yet be ready and a referendum with a low turnout would be a waste of time and money. So, we need to change the order of events and get started on the talks with London. This will tell the country what London thinks about the revised proposals—

**The Speaker:** Honourable Members, could we, please . . .

**Hon. W. McKeeva Bush:** I hope you give me my chance.

**Hon. D. Kurt Tibbetts:** —and it will give the Opposition their final opportunity to explain what they think the Constitution should say.

We will keep the country informed. When the talks are finished and London produces the Draft Constitution that it is willing to give us, the Draft will be published and there will be a final period for public discussion before the voters are asked to make their decision at a referendum.

**Hon. W. McKeeva Bush:** Yep!

### Term Limits – Immigration

**Hon. D. Kurt Tibbetts:** Madam Speaker, the second statement is an update on term limits.

In 2004, Madam Speaker, the previous government, with the unanimous support of the Legislative Assembly, introduced a new approach to managing migration. For the first time limitations were placed on the length of time that a foreign worker may remain in the Islands. At the same time the new policy provided a gateway to permanent residence and ultimately the right to be Caymanian for those workers who were considered ‘key’ to a company or business. There were also provisions in the law to deal with persons who had been living in the Islands prior to the introduction of the term limit policy.

This change in policy was necessitated to address a situation which had come about over many years of inaction where large numbers of foreign workers had been able to reside here for many years on work permits and who had acquired a legitimate expectation of being allowed to reside here permanently.

When the Government introduced a number of amendments to the immigration legislation in 2006, I reminded the House of the consequences of allowing this problem to continue, and the critical importance of the term limit policy. I quote: “. . . **the Government, after the most careful consideration, has concluded that the choice for Cayman is stark. Either we retain a system designed to reduce the number of people who are able to stay here indefinitely and become part of the permanent population—with all the attendant rights and privileges that must go hand-in-hand with long-term tenure—or we concede that in ten years, or perhaps less, the control of the destiny of these three beloved Cayman Islands will be vested in persons who were not [born here]. For this Government and, we believe, for the vast majority of Caymanians, the latter result is [wholly undesirable and unacceptable].**” [2006/7 *Official Hansard Report* page 284]

Although the introduction of a term limit policy had national support for almost ten years prior to its introduction, and it had been recognized by the Foreign and Commonwealth Office that our immigration dilemma stemmed from the lack of a policy regarding work permits, this change and approach gave rise to

considerable debate at the time. The debate continues today as to the true effects of the term limit policy.

Critics held that it would negatively impact business, that it would force businesses to move elsewhere, and that there would be a brain drain. Our own assessments and data suggest otherwise, however, and, in fact, point to the term limit policy achieving its goal—namely, to reduce the number of persons who qualify for permanent residence while at the same time allowing personnel who are key to a company's operations to be able to remain longer and become eligible to apply for permanent residence.

Statistics made available by the Immigration Department indicate that the term limit policy has not resulted in an exodus of businesses or a brain drain of professionals. In fact, Madam Speaker, the statistics show that quite the opposite has occurred.

Since the introduction of the term limit policy in 2004, the number of work permits issued to persons employed in professional occupations has increased from 2,009 to 2,865, which is an increase of some 42.6 per cent. I should clarify that you may recently have heard the Chief Immigration Officer refer to an increase of 49 per cent. The reason for that difference is that his figure included government employees whilst the figure I have just stated, does not.

With respect to accountants alone, the number of work permits in effect have increased from 365 to 709 in the same period, which is an increase of 94 per cent. With respect to lawyers there has been an increase from 189 to 291 since 2004. And in the case of professional managers, there has been an increase from 603 to 745 in the same period.

The key employee mechanism, which paves a way to long term residency, or which was doubted by many, is also working effectively. Since the introduction of the key employee provision in 2004 the Business Staffing Plan Board has approved 79 per cent of its applications. Key employee status has been granted not only to professionals but also to lower end workers in some cases.

To give some examples of the range of occupations in which employees have been granted key employee status, I want to cite the following: dive instructor, carpenter, executive chef, financial controller, teacher, pharmacist, dentist, bartender, baker and domestic helper. You will see that the range covers all of our key industries. This recognises that the critical issue is the importance of the worker to the particular business or employer, rather than the fact that they are, or are not, a professional.

I mentioned earlier that the change in policy in 2004 introduced a gateway to permanent residence for those who reached year 8 via the key employee mechanism. But it was also recognised that there should be special arrangements for those persons who had been living here for many years prior to this change of policy. To this effect, the legislative changes included transitional provisions that gave

those persons the opportunity to reach year 8 and become eligible to apply for permanent residence.

Between 2004 and 2007, 3,788 applications for permanent residence were received. This accounted largely for persons who had been resident here for long periods prior to the change in the law and who fell into the transitional provisions. Since then, there have been only 162 applications in 2008. This points as it was intended to, to the fact that the term limit policy is now restricting the number of persons who are becoming eligible to apply for permanent residence each year.

As you are aware, Madam Speaker, the current immigration policy creates a graduated system of rights leading ultimately to the grant of the right to be Caymanian. You will have heard the Chief Immigration Officer, in this honourable House recently, say that since this Government has been in power the right to be Caymanian has been granted to 1,303 persons. This statistic can be broken down to 669 persons being granted the right to be Caymanian on the grounds of marriage; 383 on the basis of being the child of a Caymanian; 198 on the grounds of descent; 39 on the grounds of naturalization and 14 on the basis of being a surviving spouse of a Caymanian. It cannot be said, therefore, that this Government is not committed to giving complete security of tenure to those persons who are deserving, either as a result of a close Caymanian connection, or to those who have progressed through the graduated system of rights set out in the term limit provisions of the Immigration Law.

In light of these factors, Madam Speaker, the Government firmly believes that the term limit policy is critical for the continued prosperity of the Cayman Islands. We are also satisfied that the predicted negative ramifications have not materialized. At the same time, however, we acknowledge that the term limit policy cannot please everyone. We will continue to engage in consultation with industry partners to identify improvements or to address particular concerns, but at the end of the day we remain committed to the goal of protecting the rights of Caymanians whilst at the same time building for a continued economic prosperity for future generations.

Thank you, Madam Speaker.

**Hon. W. McKeever Bush:** Madam Speaker.

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

#### **Motion for the Leader of Opposition to make a Statement**

**Hon. W. McKeever Bush:** Madam Speaker, I have made you aware—because of the nature of the statement on the referendum and the way forward, and because it is so important for the country that I be given an opportunity to make a short statement also.

**The Speaker:** Honourable Leader of the Opposition, I have made my ruling and I have told you that there is no provision in these Standing Orders for the Leader of the Opposition to make a statement in answer to a Minister's statement.

Standing Order 88: yes, we do use the orders of the Commons House of Parliament of Great Britain, but they must not be inconsistent with the Standing Orders of our Parliament. Standing Order 14 gives us the orders of the day and we have statements by Members of Government. Standing Order 30 allows a Minister to make a statement and Members, at the discretion of the Presiding Officer, may ask short questions for clarification, and that is my ruling.

If there is any Member who wishes to ask a short question for clarification I will entertain that at this time.

**Hon. W. McKeewa Bush:** Madam Speaker, therefore, since I am prohibited from making even a personal statement, I will draw your attention to Standing Order 24 (9) which says that: "**The following motions may be made without notice— (h) arising out of any item of business made immediately after that item is disposed of and before the next item is entered upon.**"

**The Speaker:** Honourable Leader of the Opposition, I have made my ruling as the Speaker of this House. If you are going to move a motion to be debated—Would you sit down please?—that the leave of this House be granted for that motion to be brought, well then, you can move that motion. We can debate that that motion be brought.

**Hon. W. McKeewa Bush:** Madam Speaker, under Standing Order 24 (9) (h) I move that, at this point, I, the Leader of Her Majesty's Loyal Opposition, be allowed to make a short statement related to the statement just completed by the Leader of Government Business, which relates to the holding of a referendum and the way forward.

**The Speaker:** The question is that this honourable House approves the Honourable Leader of the Opposition—

**Mr. Rolston M. Anglin:** Madam Speaker, I beg to second the Motion.

**The Speaker:** Sorry—making a short statement in reply to the statement made by the Honourable Leader of Government Business.

**Hon. W. McKeewa Bush:** Madam Speaker, before Members vote I certainly have the opportunity to move my reason.

**The Speaker:** I am asking to move the Standing Order to allow this House . . . because there is no Stand-

ing Order allowing a statement by the Leader of the Opposition.

**Hon. W. McKeewa Bush:** Madam Speaker, I draw your attention to a Standing Order that allows me to make a motion and to debate and make my statement. And that is the motion that is before the House. The reason why I have done that is because I cannot make a personal statement and I think after what the Member has said I certainly should be given the right to make a short statement.

However, that is not possible as you have said, therefore, I move (under this relevant Standing Order) to make that motion.

Now, Madam Speaker, there is to be no suspension of Standing Orders. I'm not asking for suspension of Standing Orders. Our Standing Orders give a Member the right before any other item of business is entered upon to move a motion, and I have done that. And I can tell you, Madam Speaker, my statement is going to be brief. But I think in a democracy, such as we propose to have, I should have that opportunity.

**The Speaker:** Honourable Leader of the Opposition, the Standing Order that you are quoting says, "**The following motions may be made without notice— (h) arising out of any item of business made immediately after that item is disposed of and before the next item is entered upon.**" It says, ". . . immediately after that item is disposed of and before the next item is entered upon."

May I hear your motion please? And I am asking you not to make a statement. I am asking you please to move a motion.

**Hon. W. McKeewa Bush:** Madam Speaker, I have moved a motion. That motion reads, again, since I need to do so—that I move that, at this point, I, the Leader of Her Majesty's Loyal Opposition, be allowed to make a short statement related to the statement just completed by the Leader of Government Business, which relates to the holding of a referendum and the way forward.

Madam Speaker, the motion was moved and seconded. Can I speak to what I am moving?

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

**Hon. W. McKeewa Bush:** Madam Speaker, it is important that I be given an opportunity to, as it is, put on record the Opposition's views at this time in relation to what has just been said.

Firstly, if it was just purely based on the referendum, fine, I would wait, go to Radio Cayman, the newspapers and the television station. However, the Member strayed far from what would have been that normal statement to make political attacks. And, Madam Speaker, to give wrong information. But, of

course, to lay blame where he chose without accepting blame himself, which is his long suit. I believe that it would be good to just have my point of view on the Constitution, the referendum, as he has spoken.

So, Madam Speaker, I recognise that I do not have the Members to carry the vote and I recognise too that the Honourable Speaker of this House is not going to allow me to do so any further. So, I will sit down.

**The Speaker:** Honourable Leader of the Opposition, you have a right to move your motion that you be allowed to debate and let the House make the decision, not me.

**Hon. W. McKeever Bush:** Madam Speaker, I saw you come to the microphone so I was expecting that you were going to stop me.

Madam Speaker, the PPM Administration today deemed the effort of the Opposition during the Constitutional Modernization process as hypocritical. They deemed it scaremongering; misinformation, he said, without giving any evidence of any such misinformation. That's making an accusation, Madam Speaker, which is not right in this honourable House.

It is highly unfortunate that Government launched such a venomous attack on the Opposition rather than simply saying the way forward and accepting the failure of their process as being the genuine expression.

Madam Speaker, I am not going to be intimidated by the Speaker, and I see your positioning while people listening to me cannot. I am not going to be.

**An Hon. Member:** Hush!

**Hon. W. McKeever Bush:** The Government—

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

**Hon. W. McKeever Bush:** —has now recognized—

**The Speaker:** Excuse me.

**Hon. W. McKeever Bush:** Yes.

**The Speaker:** Would you please move a motion?

**Hon. W. McKeever Bush:** I did that.

**The Speaker:** Well, will you speak to the motion?

**Hon. W. McKeever Bush:** I am doing that also, Madam Speaker.

**The Speaker:** And stop attacking the Chair.

**Hon. W. McKeever Bush:** Madam Speaker, you see I know that the Chair would like people to believe that I

am attacking her because they can't see you manoeuvring in this House. But I see it!

*[inaudible interjection]*

**Hon. W. McKeever Bush:** Madam Speaker, the Government has now recognized that what we have been saying from the start—the people of this country do not support the proposals being advanced by the Government. And if the referendum was to take place, it would have clearly demonstrated the will of the people through a resounding—

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

**Hon. W. McKeever Bush:** —No vote on the proposed—

**The Speaker:** —please!

**Hon. W. McKeever Bush:** —Constitution.

**The Speaker:** That is the statement that I told you I could not accept.

**Hon. W. McKeever Bush:** And that is the statement that I am going to debate—

**The Speaker:** Could I have a resolution for a motion?

**Hon. W. McKeever Bush:** I gave you the resolution, Madam Speaker. I am speaking to the resolution.

**The Speaker:** That you be given the opportunity to make a statement?

**Hon. W. McKeever Bush:** Yes.

**The Speaker:** But you are making a statement.

**Hon. W. McKeever Bush:** Well that's the resolution,

**The Speaker:** The resolution is for you to be able to make a statement?

**Hon. W. McKeever Bush:** That's the resolution, Madam Speaker.

**The Speaker:** That's not the resolution.

**Hon. W. McKeever Bush:** Anyway, Madam Speaker, as I said, I have . . . I [knew] that I would be harassed—

**An Hon. Member:** Sit down.

**Hon. W. McKeever Bush:** —as I am being because I can't make a statement.

**An Hon. Member:** Sit down.



**Hon. W. McKeeva Bush:** I will not sit down! The bunch of you need to be good leaders.

*[inaudible interjection]*

**An Hon. Member:** Sit down! Sit down!

**Hon. W. McKeeva Bush:** I'm not scared of you, don't worry about that. I will have a chance to reply also, so let's see what the bunch of you are going to say.

**An Hon. Member:** Sit down!

**Hon. W. McKeeva Bush:** I will stop, Madam Speaker, because you told me to stop.

**The Speaker:** The question is that the Honourable Leader of the Opposition be allowed to make a statement in reply to the statement by the Honourable Leader of Government Business. All those in favour, please say Aye. Those against, No.

**Ayes and Noes.**

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

**Hon. W. McKeeva Bush:** Madam Speaker, can I have—

**Mr. Rolston M. Anglin:** That's it. The Ayes have it.

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** She said the Ayes have it.

**Hon. W. McKeeva Bush:** Yes, the Ayes have it. I agree.

**The Speaker:** The Noes have it. I'm sorry.

*[inaudible interjections]*

**Hon. W. McKeeva Bush:** Madam Speaker, can I have a division?

**The Speaker:** Madam Clerk.

**Hon. W. McKeeva Bush:** *Arden, stop carrying on your foolish ways!*

#### Division No. 1/08-09

##### Ayes: 3

Hon. W. McKeeva Bush  
Mr. Rolston M. Anglin  
Mr. Cline A. Glidden, Jr.

##### Noes: 10

Hon. D. Kurt Tibbetts  
Hon. Alden M. McLaughlin, Jr.  
Hon. Anthony S. Eden  
Hon. V. Arden McLean  
Hon. George A. McCarthy  
Hon. Samuel W. Bulgin  
Hon. G. Kenneth Jefferson  
Ms. Lucille D. Seymour  
Mr. W. Alfonso Wright  
Mr. Osbourne V. Bodden

**Hon. W. McKeeva Bush:** They are not here.

**Mr. W. Alfonso Wright:** That is why they walked out.

**Hon. W. McKeeva Bush:** Madam Speaker, that is not true. Those Members are not present in this House. And that *donkey* don't even see he can't see.

*[laughter]*

**Hon. D. Kurt Tibbetts:** [inaudible] . . . Friday.

**Hon. W. McKeeva Bush:** I don't know what he is praying for anyway.

**The Speaker:** Results of the division, 3 Ayes and 10 Noes. The motion falls away.  
Madam Clerk.

**Motion by Hon. Leader of the Opposition to make a Statement in reply to the Statement by the Hon. Leader of Government Business on the holding of a Referendum was defeated by majority.**

*[inaudible interjections and laughter]*

**Hon. W. McKeeva Bush:** I know today is not a good day for you all, but that's okay.

## GOVERNMENT BUSINESS

### BILLS

#### THIRD READING

##### Cinematographic (Amendment) Bill, 2008

**The Speaker:** I recognise the Honourable Minister responsible for Communications, Works and Infrastructure.

**Hon. V. Arden McLean:** Madam Speaker, I beg to move the Third Reading of The Cinematographic (Amendment) Bill 2008.

**The Speaker:** The question is that the Cinematographic (Amendment) Bill, 2008, be read a third time. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Cinematographic (Amendment) Bill, 2008, given a third reading and passed.**

## FIRST READING

### Public Accountants (Amendment) Bill, 2008

**The Deputy Clerk:** The Public Accountants (Amendment) Bill, 2008.

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

## SECOND READING

### Elections (Amendment) Bill, 2008

*(continuation of debate thereon)*

**The Speaker:** The Honourable Leader of the Opposition continuing his debate on the Elections Amendment Bill 2008.

*[inaudible interjection]*

**An Hon. Member:** [Where is it?]

**The Speaker:** It is on mine.

We are into the Second Reading, and the Honourable Leader of the Opposition was speaking when we took the adjournment yesterday. That's why I said he is continuing his contribution to the Second Reading.

*[inaudible interjections]*

**The Speaker:** Maybe I used the wrong word—continuing his contribution to the Second Reading of the Elections [(Amendment) Bill].

Honourable Leader of the Opposition, were you not speaking yesterday and [you] said that you would continue today?

**Hon. W. McKeeva Bush:** Madam Speaker, I was speaking yesterday and I would have loved to speak a bit longer earlier too, but it is all right.

*[laughter]*

**Hon. W. McKeeva Bush:** I think what the Deputy Speaker is drawing attention to is that usually on the Order Paper it would say, "the Member continuing" but that is not there. Madam Speaker, let's continue before I get stopped. May I?

**The Speaker:** Honourable Leader of the Opposition, I called upon you to continue.

**Hon. W. McKeeva Bush:** Madam Speaker, yesterday I said when we took the adjournment that our system of voting over the years has been a good one, that it has been better than most countries in the world, par-

ticularly in the Commonwealth except for those countries which have mandatory voting. And I went on to point out that in the last general election the voter turnout was 80 per cent and of the 10,000-plus voters only 859 voted by postal ballot; less than 10 per cent.

Madam Speaker, the current system of voting has proved to be effective at maximizing the participation of Caymanians in choosing their representatives. And I noted that the Mover said this was going to enfranchise voters. But, as I said, I recognise that this is not the Mover's Bill; that this is Government policy and he might have (and I would not advise him to do so) to say what one Financial Secretary said some years ago which was, "Madam Speaker, in moving the budget, the Government asked me to bring this budget." But I would not advise him to do that. I do not believe that this is enfranchising voters.

Madam Speaker, over the years every time there is an election somebody loses, of course, and makes accusations here and there. And that has been from processes over the many many years we have been holding elections. Some have challenged the integrity of the postal ballot system. It is correct that any system of voting outside of the designated voting stations have some challenges in it to preserve the integrity and confidentiality of the vote.

I find that the election office has formulated a system for postal ballots that is sound and secure. It got better and better over the years after various amendments to the Bill.

Madam Speaker, the Bill before the House proposes that this system be partially eliminated and replaced by carrying the voting station to the individual. Only those individuals who will be off island at the time of the general election will be allowed to vote by postal ballot. That is still something I am waiting for to be cleared up. And, as I said, when we get to Committee, or in his reply the Honourable mover, the Chief Secretary, will do that. I did speak to him earlier and I believe he said that section 49 (8) is going to deal with that.

So, I wait to have that formula on the floor, but maybe I have been misled about this. Not by him, Madam Speaker, but by when I misread it, so I should not have said 'misled', I should have said 'when I read it'.

The Bill before the House, Madam Speaker, proposes that this system we have be partially eliminated and replaced by carrying the voting station to the individual. Only those people at home will get the mobile station. Over the years there has been only limited concern over the issue of postal ballots, and I would urge Government to work on ways of improving the system rather than throwing out the baby with the bath water.

The proposed mobile voting has many serious limitations, not the least (from my standpoint) being cost and the administrative nightmare of administering it. Additionally, it will increase legitimate fears of the voters over the secrecy of their vote.

Madam Speaker, I know some will say that when you send out a postal ballot you do not know who that person has marking it. The fact is that that person gets the ballot and, if that person gets the ballot and they cannot do it themselves, they chose someone that they know and feel they can trust. And I know because my own mother is in a wheelchair and cannot get to the polls, but she is going to do her own voting. Naturally, Madam Speaker, she will vote for who she wants. There is no pressure on her to vote for anyone else. Of course, I expect her to vote for me and anyone with me. But the foundation is that if they need someone to help them they will choose that person.

We all know how important the preservation of a secret vote is in the Cayman Islands, being so small and everyone knowing everyone. This system that is proposed could ultimately result in a reduction in participation and consequently dilute the democracy in the process.

Madam Speaker, let us strive to preserve the integrity of the voting system while ensuring maximum participation of voters. The proposed Bill, I believe threatened both of these components of an effective voting system. Many Caymanians who traditionally pride themselves on their ability to continue to participate in the direction of their country despite their limitations to physically attend the voting stations, I believe, will not be receptive and trusting of a system that involves elections officers and numerous agents—who would be strangers visiting their private homes and recording their vote in a manner that will make the particular ballot identifiable.

And this is the problem I have with it. It would be identifiable because there is a ballot number and when the ballot is called and read at the polling station, as it would have to be, that number would be recognised. All of the persons sitting in that room . . . the ballots can be shown and are identifiable when the Government's agent (I can't remember the terminology . . . anyway the person who is calling—

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** But everyone, but this in particular, we are dealing with. We are not dealing with anyone now.

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** You get up and debate behind me and do what you usually do.

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** Yeah, you wait. That's all you could say. And if you could really harm me I would lose weight. Look at me, I can't lose any weight.

*[inaudible interjection]*

**The Speaker:** Honourable Minister, please allow the Honourable Leader of the Opposition to continue his debate.

**Hon. W. McKeeva Bush:** I understand their pain today, Madam Speaker. I understand their frustration. It is all right. Thank you for your protection.

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** Yes.

And so, Madam Speaker, that agent will have to go to ensure because every candidate will want to send an agent and nobody is just going to rely on the Government's agent to go into anyone's home to mark a ballot. We do not know who is going to be who and who is going to be appointed. So, every agent is going to want to send an agent to that home to make sure the right thing happens.

I do not agree with this, Madam Speaker. If we find that there are problems with the way it is handled—and I believe that the way it is handled is much better than the way it is being proposed. I believe because of how—and this is mostly our elderly people—this will reduce the participation and for those who do participate it will increase the grounds for questioning the secrecy and integrity of the system.

Madam Speaker, we must also consider the cost and administrative burden of the system and what is the justification for it—with relatively little legitimate claims, if any, against the current system. As I said, we heard over the years people saying things, but losers after an election will try to make a case if they can. But we have not had any big problems with it. Those that we found over the years have been corrected over the years to where, I think, pretty well in a state that no tampering can take place with it. It is my view that the current system . . . as I said, may be it can be improved upon, but not in a manner that is called for in this Bill.

Firstly and foremost, for instance, the residents of Little Cayman are deserving of the establishment of a voting station on the Island. This would reduce the need for the residents of this Island to either travel to Cayman Brac to vote or to vote by postal ballot. This is easily implemented and would not cost a lot.

Secondly, Madam Speaker, the design of the ballots, I believe, should be made bigger with bigger and bolder lettering to allow for those with vision impairment to read the ballot.

Thirdly, where a mobile voting station could be set up at the retirement homes and hospitals on the Islands where there is a large congregation of potential absentee voters, I believe that we could have a hybrid of the two systems. I believe that it would be manageable and could be better controlled having multiple voters in the same location. It would certainly reduce the concerns over single voter's ballots being identifiable and voting choices known—because that is what is going to happen—while allowing those who

cannot attend the designated voting stations because they are geriatric at home to vote by postal ballots.

The Bill before the House, I believe takes the Islands in a dynamically opposite direction from the global trend. Countries such as the United States are looking for less restrictive methods of voting to increase participation. They are even accepting text message voting in some states; internet voting in others, and, Madam Speaker, postal voting continues internationally. And so without tangible justification for abandoning a system that has not failed us, I am not able to support the Bill as it is currently presented.

Madam Speaker, it was brought here, I believe, by way of motion before. And so I expect that those on the opposite side are going to do their will. But that does not stop me from believing that it is the wrong thing to do. We are small enough to improve the system and to continue it being a good one as is.

Madam Speaker, if anything, one thing that could be looked at is [the time] we send off postal ballots. [We should try to get them and send them as early as possible] so that we can get them back in time. I know that has been some problem before. And so, Madam Speaker, I do not believe that this is good democracy. I also do not believe that it is going to help the system, in particular, our elderly—who are fussy about voting [and] not going to want to see loads of agents and strange people come to their doors and give them a piece of paper and where they can't help themselves they are going to have to help them. Strangers! I do not believe that that is right.

So I await to hear further from the 'gods' now why this will make us better.

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

The Honourable Minister responsible for Education, Training, Employment, Youth and Sports.

**Hon. Alden M. McLaughlin, Jr.:** Thank you.

Madam Speaker, I regret to say that I was not here yesterday afternoon and, therefore, I did not have the benefit of the Leader of the Opposition's observations in relation to this important Bill, which proposes an amendment to the Elections Law to allow for mobile polling stations to be established and for advance voting to occur in the event of a general election; by-election, or indeed, in the case of a referendum. But, Madam Speaker, unless there was some substance in what he said yesterday evening, which I did not have the benefit of—and I am being told by my colleagues that there was at least as little yesterday as there was today—I am at a loss as to the basis for his, and I presume the Opposition's, objection to this very logical, sensible and progressive provision which will improve the polling process.

[It will] increase participation, and increase and improve secrecy. It will also reduce the possibility of tampering and of fraud in the event of elections.

I have stood successfully in two elections, Madam Speaker. I have been around the process since I was a boy. My father was the returning officer on a number of occasions in years past, and I have always been around politics and the system of elections. I have never known (since I have come to knowledge) of one election where there were not allegations of 'shenanigans' (to use the Leader of the Opposition's favourite word) in the case of postal voting.

Madam Speaker, there have been allegations of persons who are dead voting in advance of the elections through postal voting. And I can tell you from personal experience which I had in 2000, that it is very possible to identify who the voter is if you know enough about the particular situation using postal voting alone.

There was an old lady in George Town who I knew very, very well. She worked for us for many, many, many years and she called me and said that she wanted to vote but she was then in her late 90s. So, we ensured that whatever arrangements had to be made for her to be able to vote by postal ballot were made available to her, and, indeed, she voted. She died a few days before election day. That would not have invalidated the vote by any means. But I recall sitting up at the Red Bay Primary School and when the postal ballots were being counted, I knew which ballot was hers. I knew which ballot was hers because of the witnesses to the vote and because I know who lived in the house. So, there is absolutely no substance to the argument that reducing the occasions for the use of the postal ballot and that advance voting is somehow going to make the system less secret.

Madam Speaker, that is not the case and if anyone ought to know the possibilities in relation to shenanigans with postal voting, it ought to be the Leader of the Opposition because he has been around this process for at least 28 years.

**Hon. W. McKeever Bush:** Thirty-six.

**Hon. Alden M. McLaughlin, Jr.:** Thirty-six he says. So, he knows full well what can happen in the case of postal voting.

Now, Madam Speaker, this process that is proposed is going to be introduced. The process of mobile voting is not throwing out the baby with the bath water, as the Leader of the Opposition has asserted. This is an additional aide that is being provided because the process of postal balloting is still very much available. Nothing that is being proposed in this piece of legislation in any way undermines or prevents that process from being used. But what is being proposed is simpler, more straightforward, a system which improves secrecy and accessibility to the polls; avoids or limits the possibility for fraud, shenanigans, interference by candidates and others in the process.

Now, what possible legitimate objection can the Opposition have to this provision? And it is not a new

objection. This was proposed by the elections office years ago. It actually came down to this House—I can't remember whether there was a bill or a white paper because it is five years ago. But the Leader of the Opposition refused to allow the bill to proceed on that basis, and I moved a motion on the Floor of this House (seconded by my colleague, the Elected Member for East End now, the Minister for Communications and Works) for advance polling to be part of the bill, and the Leader of the Opposition and his UDP Government killed it then, but they won't kill it this evening. That is for sure.

But, Madam Speaker, anyone who has been around the process—and we really have to applaud the patience of the supervisor of elections and his team who have to bear with the process of postal ballots and the voting. Madam Speaker, I am trying to find the pages—because I have to use the plural—that relate to the operation of the issue and receipt of postal ballots and the counting of those ballots in the Elections Law. It runs for one, two, three, four, five, six, seven full pages. It takes hours, Madam Speaker—hours!—to count the postal ballots, because of the particularity that has to be observed in relation to each and every step of that process. And at the end of the process it is still possible, as I explained earlier, to identify who voted.

And so, Madam Speaker, as I say, it remains to be seen . . . and I certainly don't want to cast aspersions but it leaves me with some suspicion as to the motive of the Leader of the Opposition in seeking to prevent this provision from coming into effect. All of the necessary protections that one could want, all of the necessary protections that are available in the main stream process of voting are provided for in the case of advance polling, right down, Madam Speaker, to each and every candidate being entitled to have an agent present when the vote is being cast.

So, Madam Speaker, I really hate to think that this could be considered something that is somehow undermining the democratic process, is somehow opening the process to fraud or tampering by anyone when that is not the case.

What is being done here, Madam Speaker, will reduce the number of postal ballots that are issued, reduce the length of time it takes to count the ballots when the poll is over; will make accessible to more people without the complicated process of having to apply for and receive a postal ballot, have it marked, witnessed, have it sent back and make sure you get it back in time before the election is held and the poll is required. What this is about, Madam Speaker, is more democracy because we are making the process available to more people. It is increasing secrecy, reducing the possibility of tampering and potential for fraud; and it is generally making the whole system more convenient for those who have to utilize and operate it.

And so, Madam Speaker, for the life of me I cannot understand what the possible objection to this is. I can't even say because the Government brought

it. I understand it is a more fundamental issue with the Leader of the Opposition because even when he was in government and the team proposed it to him and it came here, he opposed it then. So, he obviously has a fundamental, but yet a properly unarticulated concern about why we should have mobile voting and thereby reduce the opportunities for postal balloting.

Perhaps, Madam Speaker, in the fullness of time it will become apparent and his reasons for objecting to this will become clear. And so, Madam Speaker, for those reasons I give this Bill my full support and I urge my colleagues on both sides of this House to support what is a progressive, important, useful democratic proposal to improve our system of elections.

Thank you.

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

If no other Member wishes to speak, does the Honourable Mover wish to exercise his right of reply?

Honourable First Official Member.

**Hon. George A. McCarthy:** Madam Speaker, thank you very much.

Madam Speaker, I would like to say thanks to the Honourable Leader of the Opposition and the Honourable Minister for Education for their comments. I will not comment on the political exchange. It would not be advisable for me to do so. However, Madam Speaker, I would like to make two points.

Madam Speaker, there is a Committee stage amendment that has been circulated, and I trust that by now honourable Members of this House would have had an opportunity to peruse it. It is a simple straightforward amendment and it makes provision for persons, such as police officers and election officers, who will not be able to go to a polling station on Election Day to participate in the election process by way of advance polling. So, this is the provision.

And if we were to look on page 6 of the Bill that is in front of us, there is a new provision under 49A(1)(iii) which makes provision for such persons to vote by way of mobile voting. And also section 49A (7) is amended as well to facilitate this process.

Madam Speaker, yesterday a question was posed as to whether persons traveling overseas would be allowed to vote, other than those who are residing overseas (such as students and other persons). And the question, if it is constructed as follows . . . I will pose the question. In the event an elector has to travel outside the Islands and no arrangements have been made to vote by postal ballot, can the elector vote under the mobile voting provisions? And, Madam Speaker, there is provision for this to take place. But it was not clear yesterday when the Bill was presented and, subsequently, with the assistance of the Cabinet office and the elections office, clarification has been given for this.

This provision can be found under clause 3, again, which makes provision for mobile polling stations—49(A)(1)(b) which is a catchall phrase, and 49A(1)(a) reads: “**Subject to this section, where - (a) an elector is unable or likely to be unable - (i) to go in person to the polling station because he is or is likely to be in a hospital, rest home or other similar institution, or because he is a geriatric at home; or (ii) by reason either of blindness or any other physical incapacity to go in person to the polling station or, if able to go, to vote unaided; . . .**” And with the provisions that will now be made by way of the amendment that we have got in front of us, (iii) will read: “to go in person to the polling station because of the general nature of his occupation, service or employment”.

And item (b) now reads, “**that elector is not entitled under section 50 to vote as an absent elector**”. But when we look at section 50, Madam Speaker, section 50 reads, “**Subject to this section, where an elector is unable or likely to be unable to go in person to the polling station due to his absence for whatever reason outside the Islands, that elector may vote by post if, in the prescribed manner and within the prescribed time, he applies to be treated as an absent elector and furnishes an address in the Islands or overseas to which the ballot paper is to be sent for the purpose and if his application is allowed by the registering officer under section 51.**”

So, where a person has to travel overseas as was posed through the question I raised earlier, and does not meet the criteria for postal voting, such person can opt to vote by way of mobile voting. And to be more specific, the response to that question is as follows . . . I will pose the question again. In the event an elector has to travel outside the Islands and no arrangements have been made to vote by postal ballot, can the elector vote under the mobile voting provisions? The response: The category of persons entitled to vote under the mobile voting provisions is found in [clause] 3 of The Elections (Amendment) Bill, 2008. This [clause] creates a new section to the Elections Law, namely section 49A, under the heading of Mobile Polling Stations. Section 49A (1) is broken into two sub-sections. Subsection (a) entitles an elector to vote at a mobile polling station if the elector is unable or unlikely to attend the polling station on polling day because he or she is [subsection (i)] likely to be in a rest home, hospital or other similar institution, he or she is geriatric home; [subsection (ii)] he or she suffers from blindness, or he or she suffers from other physical incapacity.

Alternatively, Madam Speaker, sub-section (b) of 49A entitles an elector to have his vote taken at a mobile polling station if the elector will be absent from the Islands on polling day. The wording of sub-section (b) is such that it entitles the elector who will be absent from the Islands on polling day to vote under the mobile voting scheme as an absent elector if the elec-

tor does not meet the requirements to be considered an absent voter and to receive a postal ballot under section 50 of that Law.

Section 49A(1) states: “**Subject to this section, where- (b) that elector is not entitled under section 50 [arrangements for postal voting] to vote as an absent elector, that elector is entitled to have his vote taken at a mobile [polling] station if, in the prescribed manner and within the prescribed time, he applies to be treated as an absent elector voting at a mobile station and if his application is allowed by the registering officer under section 51.**”

Section 51 (1), Madam Speaker, of the Bill, allows for an elector to be treated as an absent elector once an application is submitted to the registering officer and once the registering officer believes that the elector meets the criteria of an absent voter under section 49A or 50 of the Law.

Accordingly, Madam Speaker, in response to the question which was raised by two Elected Members yesterday, the answer is yes, an elector who will be off Island on polling day but who has not made arrangements to cast his vote through postal ballot can, indeed, be considered an absent elector under the Law and can cast his vote under the mobile polling scheme once the necessary applications have been submitted in advance.

With these comments, Madam Speaker, I would like to thank you for allowing the debate on this Bill.

**The Speaker:** The question is that a Bill shortly entitled The Election Amendment Bill, 2008, be given a second reading. All those in favour, please say Aye. Those against, No.

**Ayes and Noes.**

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

**Agreed: The Elections (Amendment) Bill, 2008, given a second reading.**

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, may we have a division please?

**Hon. W. McKeeva Bush:** Oh yes . . .

**The Speaker:** Madam Clerk.

#### Division No. 2/08-09

#### Ayes: 9

Hon. Alden M. McLaughlin, Jr.  
Hon. Anthony S. Eden  
Hon. V. Arden McLean  
Hon. George A. McCarthy  
Hon. Samuel W. Bulgin  
Hon. G. Kenneth Jefferson  
Ms. Lucille D. Seymour  
Mr. W. Alfonso Wright  
Mr. Osbourne V. Bodden

#### Noes: 3

Hon. W. McKeeva Bush  
Mr. Cline A. Glidden, Jr.  
Capt. A. Eugene Ebanks

**The Speaker:** May I have the opportunity of giving the results of the division please?

There are 9 Ayes and 3 Noes.

The Elections (Amendment) Bill, 2008, has been given a second reading.

**Agreed by majority: The Elections (Amendment) Bill, 2008, given a second reading.**

#### **Public Accountants (Amendment) Bill, 2008**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, I beg to move the Second Reading of a Bill that is shortly entitled The Public Accountants (Amendment) Bill, 2008.

**The Speaker:** The motion has been duly moved and is open for debate. Does the Honourable mover wish to speak thereto?

Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, I will be making a brief contribution to this Bill because it is relatively straightforward.

The Bill has six clauses:

Clause 1 gives the title of the proposed law if this Bill is passed into law.

Clause 2 consists of two parts: Clause 2 (a) seeks to amend the definition of "approved institute" that is given in section 2 of the principal Law. The present definition in the law states that an "approved institute" is an institute, society, association or other body specified in Schedule 2. When you look at Schedule 2 the institutes that are stated there are quite finite and limited. Therefore, in order to give increased flexibility the Bill proposes to delete the reference to Schedule 2 and to replace it with "approved by the Council".

Clause 2 (b) makes a minor proposed change to make it clear that compilation services are not meant to fall within the ambit of the principal Law.

Clause 3 would remove section 9 (5) of the principal Law because when considered in relation to clause 2 (a), section 9 (5) of the principal Law would become unnecessary.

Clause 4 of the Bill makes it clear that the need to be licensed by the Council of CISP (Cayman Islands Society of Public Accountants) or the society, applies to persons who are engaged in public service "from or within the Islands".

Clause 5 would result in the majority of the disciplinary tribunal being made up of persons who are not members of the Council of CISP.

Clause 6 is connected with Clause 2 (a) and its effect would be to delete Schedule 2 in the principal Law.

Madam Speaker, I would respectfully draw to Members' attention that I intend to raise an amendment in the Committee stage to the Bill.

I thank you and Members for their attention to my contribution on the Bill and I would respectfully seek all honourable Members' support for the Bill.

Thank you.

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

If no other Member wishes to speak does the Honourable mover wish to exercise his right of reply?

Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Just to say thanks to all honourable Members for their support of the Bill.

**The Speaker:** The question is that a Bill shortly entitled The Public Accountants (Amendment) Bill, 2008, be given a second reading. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Public Accountants (Amendment) Bill, 2008, has been given a second reading.

**Agreed: The Public Accountants (Amendment) Bill, 2008, given a second reading.**

**The Speaker:** The House will now go into Committee.

**House in committee at 4.13 pm**

### **COMMITTEE ON BILLS**

**The Chairman:** Please be seated. The House is now in Committee.

With the leave of the House, may I assume that, as usual, we should authorize the Honourable Second Official Member to correct minor errors and suchlike in these Bills?

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

#### **Banks and Trust Companies (Amendment) Bill, 2008**

**The Deputy Clerk:**

Clause 1 Short title.

Clause 2 Amendment of section 5 of the Banks and Trust Companies Law (2007 Revision)- Licence or registration required to carry on banking or trust business.

- Clause 3 Amendment of section 10 – Capital adequacy ratio.  
 Clause 4 Amendment of section 14 – certain prohibitions on license.  
 Clause 5 Amendment of section 15 – general requirements for trust companies.  
 Clause 6 Amendment of section 27 – regulations.

**The Chairman:** The question is that clauses 1 through 6 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 through 6 passed.**

**The Deputy Clerk:** A Bill for a law to Amend the Banks and Trust Companies Law (2007 Revision) to Make Further Provision in Respect of Restrictions Imposed on Banks; to Re-state Certain Duties Imposed on Trust Companies and to Make Provision for Related Matters.

**The Chairman:** The question is that the Title do stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

#### **Trusts (Amendment) Bill, 2008**

**The Deputy Clerk:**

- Clause 1 Short Title.  
 Clause 2 Amendment of section 105 of the Trust Law (2007 Revision) – Trust Corporation.

**The Chairman:** The question is that clauses 1 through 2 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 and 2 passed.**

**The Deputy Clerk:** A Bill for a Law to Amend the Trust Law (2007 Revision) to Make Further Provision in Respect of the Keeping of Records for the Purposes of the Special Trusts Alternative Regime and to make Provision for Related Matters.

**The Chairman:** The question is that the Title do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

#### **Proceeds of Crime Bill, 2008**

**The Deputy Clerk:**

- Clause 1 Short Title and commencement.  
 Clause 2 Interpretation.  
 Clause 3 Financial Reporting Authority.  
 Clause 4 Powers, functions and duties of Financial Reporting Authority.  
 Clause 5 Anti-money Laundering Steering Group.  
 Clause 6 Issue of policy directions to Financial Reporting Authority.  
 Clause 7 Financial Reporting Authority restricted from providing information.  
 Clause 8 Immunity of Financial Reporting Authority.  
 Clause 9 Protection upon disclosure of information to Financial Reporting Authority.  
 Clause 10 Unauthorised disclosure by employees of Financial Reporting Authority.

**The Chairman:** The question is that clauses 1 through 10 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 through 10 passed.**

**The Deputy Clerk:**

- Clause 11 Annual Report of Financial Reporting Authority.  
 Clause 12 Guidelines.  
 Clause 13 Co-operation.  
 Clause 14 Advice and assistance.  
 Clause 15 Conditions for making of order.  
 Clause 16 Recoverable amount.  
 Clause 17 Defendant's benefit.  
 Clause 18 Available amount.  
 Clause 19 Assumptions to be made in case of criminal lifestyle.  
 Clause 20 Time for payment.

**The Chairman:** The question is that clauses 11 through 20 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.



**Agreed: Clauses 11 through 20 passed.****The Deputy Clerk:**

- Clause 21 Interest on unpaid sums
- Clause 22 Effect of order on court's other powers.
- Clause 23 Postponement.
- Clause 24 Effect of postponement.
- Clause 25 Statement of information.
- Clause 26 Defendant's response to statement of information.
- Clause 27 Provision of information by defendant.
- Clause 28 No order made: reconsideration of case.
- Clause 29 No order made: reconsideration of benefit.
- Clause 30 Order made: reconsideration of benefit.

**The Chairman:** The question is that clauses 21 through 30 do form part of the Bill. Those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 21 through 30 passed.****The Deputy Clerk:**

- Clause 31 Order made: reconsideration of available amount.
- Clause 32 Inadequacy of available amount: variation of order.
- Clause 33 Inadequacy of available amount: discharge of order.
- Clause 34 Small amount outstanding: discharge of order.
- Clause 35 Information.
- Clause 36 Defendant convicted or committed.
- Clause 37 Defendant neither convicted nor committed.
- Clause 38 Variation of order.
- Clause 39 Discharge of order.
- Clause 40 Appeal by the Attorney-General.

**The Chairman:** The question is that clauses 31 through 40 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 32 through 40 passed.****The Deputy Clerk:**

- Clause 41 Court's powers on appeal.
- Clause 42 Application of procedure for enforcing fines.
- Clause 43 Reconsideration etc.: variation of prison term.

- Clause 44 Conditions for exercise of powers.
- Clause 45 Restraint orders.
- Clause 46 Application, discharge and variation.
- Clause 47 Appeal to Court of Appeal.
- Clause 48 Seizure.
- Clause 49 Hearsay evidence.
- Clause 50 Consideration relevant to weighing to hearsay evidence.

**The Chairman:** The question is that clauses 41 through 50 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 41 through 50 passed.****The Deputy Clerk:**

- Clause 51 Supplementary restraint orders.
- Clause 52 Management receivership and enforcement receivership.
- Clause 53 Application of proceeds of enforcement.
- Clause 54 Payment of receiver's fees where no assets.
- Clause 55 Effect of restraint order.
- Clause 56 Protection.
- Clause 57 Further applications.
- Clause 58 Discharge and variation.
- Clause 59 Management receivers: discharge
- Clause 60 Appeal to Court of Appeal.

**The Chairman:** The question is that clauses 51 through 60 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 51 through 60 passed.****The Deputy Clerk:**

- Clause 61 Seized money.
- Clause 62 Powers of court and receiver.
- Clause 63 Committal by summary court.
- Clause 64 Sentencing by Grand Court.
- Clause 65 Serious default.
- Clause 66 Order varied or discharged.
- Clause 67 Enforcement abroad.
- Clause 68 Criminal lifestyle.
- Clause 69 Conduct and benefit.
- Clause 70 Tainted gifts.

**The Chairman:** The question is that clauses 61 through 70 do form part of the Bill. Those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed:** Clauses 61 through 70 passed.

**The Deputy Clerk:**

- Clause 71 Gifts and their recipients.
- Clause 72 Value: the basic rule.
- Clause 73 Value of property obtained from conduct.
- Clause 74 Value of tainted gifts.
- Clause 75 Free property.
- Clause 76 Realisable property and other property.
- Clause 77 General purpose of this Part.
- Clause 78 "Unlawful conduct".
- Clause 79 "Property obtained through unlawful conduct".
- Clause 80 Proceedings for recovery orders in the Islands.

**The Chairman:** The question is that clauses 71 through 80 do form part of the Bill. All those in favour—

**Hon. W. McKeeva Bush:** Madam Chairman, I spoke to the Attorney General. I'm wondering at what point the matter which I raised with you would be—

**Hon. Samuel W, Bulgin:** That's—

**Hon. W. McKeeva Bush:** It is still not on this; that is on the other one.

All right. That is all right, Madam Chairman.

**The Chairman:** The question is that clauses 71 through 80 do form part of the Bill. Those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 71 through 80 passed.**

**The Deputy Clerk:**

- Clause 81 "Associated property".
- Clause 82 Application for property freezing order.
- Clause 83 Variation and setting aside of order.
- Clause 84 Exclusions.
- Clause 85 Restriction on proceedings and remedies.
- Clause 86 Official Receiver.
- Clause 87 Application for interim receiving order.
- Clause 88 Functions of Official Receiver during an interim receiving order.
- Clause 89 Registration.
- Clause 90 Duties of respondent, etc.

**The Chairman:** The question is that clauses 81 through 90 do form part of the Bill. Those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 81 through 90 passed.**

**The Deputy Clerk:**

- Clause 91 Supervision of Official Receiver and variation of order.
- Clause 92 Restrictions on dealing, etc., with property.
- Clause 93 Restriction on proceedings and remedies.
- Clause 94. Exclusion of property which is not recoverable, etc.
- Clause 95 Reporting.
- Clause 96 Recovery orders.
- Clause 97 Functions of the trustee for civil recovery.
- Clause 98 Rights of pre-emption, etc.
- Clause 99 Associated and joint property.
- Clause 100 Agreements about associated and joint property.

**The Chairman:** The question is that clauses 91 through 100 do form part of the Bill. Those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 91 through 100 passed.**

**The Deputy Clerk:**

- Clause 101 Associated and joint property: default of agreement.
- Clause 102 Consent orders.
- Clause 103 Limit on recovery.
- Clause 104 Section 103: supplementary.
- Clause 105 Applying realized proceeds.
- Clause 106 Victims of theft, etc.
- Clause 107 Other exceptions.
- Clause 108 Compensation.
- Clause 109 Financial threshold.
- Clause 110 Searches.
- Clause 111 Prior approval.

**The Chairman:** The question is that clauses 101 through 111 do form part of the Bill. Those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 101 through 111 passed.**

**The Deputy Clerk:**

- Clause 112 Report on exercise of powers.
- Clause 113 Code of practice.

Clause 114 Seizure of cash.  
 Clause 115 Detention of seized cash.  
 Clause 116 Interest.  
 Clause 117 Release of detained cash.  
 Clause 118 Forfeiture.  
 Clause 119 Appeal against forfeiture.  
 Clause 120 Application of forfeited cash.

**The Chairman:** The question is that clauses 112 through 113 do form part of the Bill. Those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 112 through 120 passed.**

**The Deputy Clerk:**

Clause 121 Victims and other owners.  
 Clause 122 Compensation.  
 Clause 123 Property obtained through unlawful conduct.  
 Clause 124 Tracing property, etc.  
 Clause 125 Mixing property.  
 Clause 126 Recoverable property: accruing profits.  
 Clause 127 General exceptions.  
 Clause 128 Other exemptions.  
 Clause 129 Granting interests.  
 Clause 130 Insolvency.

**The Chairman:** The question is that clauses 121 through 130 do form part of the Bill. Those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 121 through 130 passed.**

**The Deputy Clerk:**

Clause 131 Obtaining and disposing of property.  
 Clause 132 General interpretation.  
 Clause 133 Concealing, etc.  
 Clause 134 Arrangements.  
 Clause 135 Acquisition, use and possession.

**The Chairman:** The question is that clauses 131 through 135 do form part of the Bill. Those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 131 through 135 passed.**

**The Deputy Clerk:** Clause 136 Failure to disclose: regulated sector.

**The Chairman:** I recognise the Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** Thank you, Madam Chair.

Madam Chair, in accordance with the provision of Standing Order 52 (1) and (2), I, the Second Official Member, hereby move the following amendments to The Proceeds of Crime Bill 2008, namely that the Bill be amended as follows:

In Clause 136—by deleting the marginal note and substituting therefor the following marginal note: “Court failure to disclose”

And also, Madam Chair, in clause 1(b) by adding at the end of that paragraph the words “or other trade, profession, business or employment”.

**The Chairman:** The amendment has been duly moved, does any Member wish to speak thereto? If no Member wishes to speak, the question is that the amendments stand part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it. The amendments stand part of the clause.

**Agreed: Amendments to clause 136 passed.**

**The Chairman:** The question now is that clause 136 as amended stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 136 as amended passed.**

**The Deputy Clerk:** Clause 137 Failure to disclose: nominated officers in the regulated sector.

**The Chairman:** I recognise the Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** Thank you, Madam Chair.

Madam Chair, again, in accordance with Standing Order 52(1) and (2), I move the following amendment to the Bill, in clause 137, by deleting from the marginal note the words “in the regulated sector”.

**The Chairman:** the amendment has been duly moved, does any Member wish to speak thereto? If no Member wishes to speak thereto, the question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 137 passed.**

**The Chairman:** The question now is that clause 137, as amended, stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 137 as amended passed.**

**The Deputy Clerk:**

Clause 138 Disclosure by Financial Reporting Authority.

Clause 139 Tipping off.

Clause 140 Whistleblowers.

Clause 141 Penalties.

Clause 142 Vicarious criminal liability.

Clause 143 Form and manner of disclosures.

Clause 144 Interpretation.

Clause 145 Regulations.

**The Chairman:** The question is that clauses 138 through 145 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 138 through 145 passed.**

**The Chairman:** As this moment it is the hour of interruption and “if the Presiding Officer is of the opinion that the proceedings on which the House or the Committee is engaged could be concluded by a short deferment of the moment of interruption, he may in his discretion defer interrupting the business.” But I do not think that it can be.

And then, it says that if you are in the “Committee the Presiding Officer shall return to the Chair of the House . . .” unless she thinks that the business could be completed shortly. Is it the intention of the House to complete all these bills in Committee stage today?

*[inaudible interjection]*

**The Chairman:** It cannot be completed that shortly, Mr. Leader, because this Bill has 203 sections.

*[inaudible interjections]*

**The Chairman:** So, what I will do to assist the House (if Members will agree), I will return to the Chair and I

would ask, since I have been in the Chair since 2.30, for a five minute suspension and then we will come back into Committee.

*[inaudible interjections]*

**The Chairman:** This Bill alone has 300 and something sections.

*[inaudible interjections]*

**The Chairman:** All right, then I will say that there will be a short deferment of the hour of interruption to complete this Bill that we are now doing.

Yes, but we are now on . . .

The House will resume.

**House resumed at 4.33 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

As we are at the hour of interruption I will entertain a motion for the adjournment of this honourable House.

Honourable Leader of Government Business.

## ADJOURNMENT

**Hon. D. Kurt Tibbetts:** Madam Speaker, I move the adjournment of this honourable House until Monday at 10 am.

**The Speaker:** The question is that this honourable House do now adjourn until 10 am on Monday. Those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. This honourable House now stands adjourned until 10 am on Monday.

**At 4.34pm the House stood adjourned until 10 am Monday, 30 June 2008**



**OFFICIAL HANSARD REPORT**  
**MONDAY**  
**30 JUNE 2008**  
**11.00 AM**  
*Seventeenth Sitting*

**The Speaker:** I will call on the Honourable Minister responsible for Tourism to say Prayers.

**PRAYERS**

**Hon. Charles E. Clifford:** Let us pray.

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

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

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

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

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

**Proceedings resumed at 11.02 am**

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

**Apologies**

**The Speaker:** I have received apologies for absence from the Fourth Elected Member of George Town; the Honourable Leader of Government Business, who is

overseas on official business; the Second Elected Member for the district of West Bay who, together with the First Elected Member for Cayman Brac and Little Cayman, who are attending a CPA conference in Anguilla; and from the Second Elected Member for Cayman Brac and Little Cayman; and from the Third Elected Member for Bodden Town.

**STATEMENTS BY HONOURABLE  
 MEMBERS AND MINISTERS  
 OF CABINET**

**The Speaker:** I have received no notice of Statements by Honourable Members or Ministers of Cabinet.

The House will go into Committee.

**GOVERNMENT BUSINESS**

**BILLS**

**House in Committee at 11.05 am**

**COMMITTEE ON BILLS**

**The Chairman:** Please be seated.

The House is now in Committee.

We will continue with the committee stage of the Proceeds of Crime Bill.

**Proceeds of Crime Bill, 2008**

*(continuation of Committee thereon)*

**The Deputy Clerk:**

- |             |   |
|-------------|---|
| Clause 146. | Investigations.   |
| Clause 147. | Offences of prejudicing investigation.                      |
| Clause 148. | Judges.   |
| Clause 149. | Production orders.  |
| Clause 150. | Requirements for making a production order.                 |
| Clause 151. | Order to grant entry.                                       |
| Clause 152. | Further provisions.   |
| Clause 153. | Computer information.                                       |
| Clause 154. | Government entities.  |
| Clause 155. | Supplementary: production orders and orders to grant entry. |

**The Chairman:** The question is that Clauses 146 through 155 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 146 through 155 passed.**

**The Deputy Clerk:**

- Clause 156. Search and seizure warrants.
- Clause 157. Requirements where production order not available.
- Clause 158. Further provisions: general.
- Clause 159. Further provisions: civil recovery.
- Clause 160. Disclosure orders.
- Clause 161. Requirements for the making of disclosure order.
- Clause 162. Offences: failure to comply with disclosure order.
- Clause 163. Statements: disclosure orders.
- Clause 164. Further provisions: disclosure orders.
- Clause 165. Supplementary: applications for disclosure orders.

**The Chairman:** The question is that Clauses 156 through 165 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 156 through 165 passed.**

**The Deputy Clerk:** Clause 166 Customer information orders.

**The Chairman:** I recognise the Honourable Second Official Member.

[inaudible comments]

**The Chairman:** I agree with the Honourable Second Official Member, the new subclause will be taken at the end of the . . .

**The Deputy Clerk:**

- Clause 167. Meaning of customer information.
- Clause 168. Requirements for making of customer information order.
- Clause 169. Offences: failure to comply with customer information order.
- Clause 170. Statements: customer information orders.
- Clause 171. Disclosure of information.
- Clause 172. Supplementary: applications for customer information orders.
- Clause 173. Account monitoring orders.
- Clause 174. Requirements for making of account monitoring order.
- Clause 175. Statements: account monitoring orders.

**The Chairman:** The question is that Clauses 167 through 175 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 156 through 165 passed.**

**The Deputy Clerk:**

- Clause 176. Applications.
- Clause 177. Disclosure of information.
- Clause 178. Supplementary: account monitoring orders.
- Clause 179. Evidence overseas.
- Clause 180. Code of practice.
- Clause 181. Money laundering offences.
- Clause 182. Other interpretative provisions.
- Clause 183. Bankruptcy of respondent, etc.
- Clause 184. Winding up of company holding realisable property.
- Clause 185. Property subject to interim order, restraint order or disposal dealt with by trustee.
- Clause 186. Meaning of insolvency practitioner.

**The Chairman:** The question is that Clauses 176 through 186 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 176 through 186 passed.**

**The Deputy Clerk:**

- Clause 187. External request and orders.
- Clause 188. Registration of external confiscation orders.
- Clause 189. Proof of orders and judgments of courts of a foreign country.
- Clause 190. Evidence in relation to proceedings and orders in a foreign country.
- Clause 191. Representation of government of a foreign country.
- Clause 192. Satisfaction of confiscation order in a foreign country.
- Clause 193. Currency conversion.
- Clause 194. Rules of court.
- Clause 195. Interpretation.

**The Chairman:** The question is that Clauses 187 through 195 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 187 through 195 passed.**

**The Deputy Clerk:**

Clause 196. Extradition where Schedule 1 to the Extradition Act 1989 applies.

Clause 197. No third party claims for confiscated or forfeited property.

Clause 198. Costs.

Clause 199. Companies and other business entities formed for criminal purposes.

Clause 200. Amendment of Terrorism Law.

**The Chairman:** The question is that Clauses 196 through 200 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 196 through 200 passed.**

**The Deputy Clerk:**

Clause 201. Regulations.

Clause 202. Repeals.

Clause 203. Savings.

**The Chairman:** The question is that Clauses 202 and 203 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 202 and 203 passed.**

**The Deputy Clerk:**

Schedule 1. Lifestyle offences.

Schedule 2. Powers of Official Receiver during an interim receiving order.

Schedule 3. Powers of trustee for civil recovery.

Schedule 4. Regulated sector.

Schedule 5. Modifications to the Law when applied to external confiscation orders and related proceedings.

**The Chairman:** The question is that Schedules 1 through 5 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Schedules 1 through 5 passed.**

<sup>1</sup>**The Deputy Clerk:** Clause 166 [Customer information orders]

**The Chairman:** The question is that Clause 166 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

[pause]

**The Chairman:** According to the Standing Orders we are supposed to read the marginal note, but there is no marginal note on the amendment.

The question is that this Clause be added to the Bill as Clause number 166, subclause (8). Is that correct, Honourable Second Official Member?

**Hon. Samuel W. Bulgin:** Can I move the amendment?

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Clause 166 (8) passed.**

[inaudible comments]

<sup>2</sup>**The Deputy Clerk:** Clause 201. Regulations.

**The Chairman:** The question is that the clause be added to the Bill. Those in favour please say Aye. Those against No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clause 201 passed.**

**The Chairman:** The question is that this Clause be added to the Bill as Clause 201 subclause (3). Those in favour please say Aye. Those against No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clause 201 added to the Bill as Clause 201 (3).**

**The Deputy Clerk:** A Bill for a Law to Repeal and Replace the Proceeds of Criminal . . .

<sup>1</sup> Please see amendment at page 319

<sup>2</sup> Please see amendment at page 319



**The Chairman:** Honourable Second Official Member.

Madam Clerk.

[inaudible comments]

### **Anti-Corruption Bill, 2008**

**The Chairman:** The question is that subclause (4) be added to Clause 201. Those in favour please say Aye. Those against, No.

**The Deputy Clerk:** Clause 1. Short title and commencement.

**Ayes.**

**The Chairman:** The question is that Clause 1 form part of the Bill. Those in favour please say Aye. Those against No.

**The Chairman:** The Ayes have it.

**Ayes.**

**Subclause (4) added to Clause 201.**

**The Chairman:** The Ayes have it.

**The Deputy Clerk:** A Bill for a Law to Repeal and Replace the Proceeds of Criminal Conduct Law (2007 Revision); to Consolidate the Law Relating to the Confiscation of the Proceeds of Crime and the Law Relating to Mutual Legal Assistance in Criminal Matters; and for Incidental and Connected Purposes.

**Clause 1 passed.**

**The Chairman:** The question is that the Title form part of the Bill. Those in favour please say Aye. Those against, No.

**The Deputy Clerk:** Clause 2. Interpretation.

**The Chairman:** I recognise the Honourable Second Official Member.

**Ayes.**

**Hon. Samuel W. Bulgin:** Thank you, Madam Chair.

**The Chairman:** The Ayes have it.

In accordance with Standing Order 52(1) and (2) I hereby move the following committee stage amendment to the Anti-Corruption Bill, 2008: That Clause 2 of the Bill be amended by deleting the definition of "Member of the Legislative Assembly" and by inserting the following definition: "Member of the Legislative Assembly' includes the elected and Official Members of Cabinet."

**Title passed.**

### **Trusts (Amendment) Bill, 2008**

**The Deputy Clerk:** Clause 1. Short title.

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto?

**The Chairman:** The question is that Clause 1 form part of the Bill. Those in favour please say Aye. Those against, No.

If no Member wishes to speak, the question is that the amendment stands part of the Clause. Those in favour please say Aye. Those against No.

**Ayes.**

**Ayes.**

**The Chairman:** The Ayes have it.

**The Chairman:** The Ayes have it.

**Clause 1 passed.**

**Amendment to Clause 2 passed.**

**Hon. Samuel W. Bulgin:** Which Order Paper are you using? It should be Anti-Corruption Bill.

**The Chairman:** The question is that Clause 2 as amended stand part of the Bill. Those in favour please say Aye. Those against No.

**The Chairman:** Honourable Second Official Member?  
I cannot hear you. This does not go over the radio . . .

**Ayes.**

**The Chairman:** The Ayes have it.

**Hon. Samuel W. Bulgin:** I am trying to find out, Madam Chair, which Order Paper you are using because according to this Order Paper the next Committee Bill is the Anti-Corruption Bill.

**Clause 2 as amended passed.**

**The Chairman:** I totally agree with you, sir. I was going through the Anti-Corruption Bill, but the Clerk made an error and went to Third Readings.

**The Deputy Clerk:**

Clause 3. Establishment of Commission.  
Clause 4. Powers, duties and functions of the Commission under this Law.  
Clause 5. Mutual Assistance.  
Clause 6. Oversight by the Governor.

- Clause 7. Issue of policy directions to the Commission.  
 Clause 8. Commission restricted from providing information.  
 Clause 9. Annual report of the Commission.

**The Chairman:** The question is that Clause 3 through 9 stand part of the Bill. Those in favour please say Aye. Those against No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 3 through 9 passed.**

**The Deputy Clerk:**

- Clause 10. Bribery of public officers and members of the Legislative Assembly.  
 Clause 11. Frauds on the Government.  
 Clause 12. Contractor subscribing to election fund.  
 Clause 13. Breach of trust by public officer or by a member of the Legislative Assembly.  
 Clause 14. Selling or purchasing office.  
 Clause 15. Influencing or negotiating appointments or dealing in offices.  
 Clause 16. False claims by public officers.  
 Clause 17. Abuse of office.  
 Clause 18. False certificates by public officers or by members of the Legislative Assembly.

**The Chairman:** The question is that Clauses 10 through 18 stand part of the Bill. Those in favour please say Aye. Those against No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 10 through 18 passed.**

**The Deputy Clerk:** Clause 19. Conflict of interests.

**The Chairman:** I recognise the Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** Thank you, Madam Chair.

In accordance with Standing Order 52(1) and (2) I hereby move the following committee stage amendment: That Clause 19 (2) of the Bill be deleted and the following substituted: "Where (a) a public officer; (b) a Member of the Legislative Assembly; or (c) a Member of the family or an associate of either the public officer or the Member of the Legislative Assembly has a personal interest in a decision which a government entity of which the public officer or the Member of the Legislative Assembly is a member, director

or employee is to take that public officer or Member of the Legislative Assembly shall forthwith disclose in writing to the government entity the nature of that personal interest."

And also, that the Schedule to the Bill . . . sorry.

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto?

If no Member wishes to speak, the question is that the amendment stand part of the Clause. Those in favour please say Aye. Those against No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Amendment to Clause 19 passed.**

**The Chairman:** The question is that Clause 19 as amended stand part of the Bill. Those in favour please say Aye. Those against No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clause 19 as amended passed.**

**The Deputy Clerk:**

- Clause 20. Duty of a public officer and member of the Legislative Assembly to whom bribe is offered, etc.  
 Clause 21. Secret commissions.  
 Clause 22. Bribing a foreign public officer.  
 Clause 23. Savings provision relating to section 22.  
 Clause 24. Facilitation payments.  
 Clause 25. False statements to the Commission.  
 Clause 26. Evidence of pecuniary resources or property.  
 Clause 27. Evidence of accomplice.

**The Chairman:** The question is that Clauses 20 through 27 stand part of the Bill. Those in favour please say Aye. Those against No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 20 through 27 passed.**

**The Deputy Clerk:**

- Clause 28. Operations of the Commission.  
 Clause 29. Arrest without warrant.  
 Clause 30. Order to make material available.  
 Clause 31. Authority for search.  
 Clause 32. Translation of seized documents.  
 Clause 33. Court orders to disclose information.

- Clause 34. Resisting or obstructing a constable.  
 Clause 35. Orders of the court in relation to the proceeds of a corruption offence.  
 Clause 36. Corruption offence extraditable.

**The Chairman:** The question is that Clauses 28 . . . Before I put that question, could I ask the Attorney General to . . . oh, it is on section 38. I am sorry.

The question is that Clauses 28 through 36 stand part of the Bill. Those in favour please say Aye. Those against No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 28 through 36 passed.**

**Hon. Samuel W. Bulgin:** Madam Chair, I propose to make a Committee stage amendment to Clause 37. I have not given notice of that, but I will be seeking leave of the Chair, pursuant to Standing Order 52(1) and (2).

**The Chairman:** Second Official Member, I have no problem waiving the two-days, but I need to see the amendment in writing. And I think we are on Clause 37 now. Did you say Clause 37?

**Hon. Samuel W. Bulgin:** Yes, 37.

**The Chairman:** Can someone give me a copy please?  
 Madam Clerk.

**The Deputy Clerk:** Clause 37. Protection of informers.

**The Chairman:** Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** Thank you Madam Chair. I seek leave of the Chair pursuant to Standing Order 52(1) and (2), to move a Committee stage amendment of which prior notice has not been given.

**The Chairman:** Honourable Second Official Member I waive the two days' notice required. So you can make your amendment now, because we are with Clause 37.

**Hon. Samuel W. Bulgin:** I am obliged to the Chair. Thank you.

I beg to move the following amendment to Clause 37: That Clause 37(1) of the Bill be deleted and the following substituted: "Where a person discloses to the Commission or to a constable information concerning a corruption offence, or the proceeds or suspected proceeds of a corruption offence the disclosure shall not be treated as a breach of any restric-

tion upon the disclosure of information by any enactment or otherwise and shall not give rise to any civil liability."

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto?

If no Member wishes to speak, the question is that the amendment stand part of the Clause. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Amendment to Clause 37 passed.**

**The Chairman:** The question is that Clause 37 as amended do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clause 37 as amended passed.**

**The Deputy Clerk:**

- Clause 38. Proceedings in the Legislative Assembly.  
 Clause 39. Territorial requirements.

**The Chairman:** Honourable Second Official Member, if you could just elaborate just one little bit on this Clause 38 it would be appreciated, so that I can understand it much better as the person who now holds under the Immunities Privilege Law the right for *Hansards* and so forth to be used in the Courts.

**Hon. Samuel W. Bulgin:** Thank you, Madam Chair.

Just to put this in perspective, Clause 38 of the Bill now reads that "**No written law or rule of law preventing proceedings in the Legislative Assembly being impeached or questioned in any court or place outside of the Legislative Assembly shall prevent any evidence of words, spoken, or acts performed, by a person alleged to have committed a corruption offence as a Member of the Legislative Assembly being admissible (a) in proceedings for that offence against that person; or (b) in proceedings for a corruption offence which arises out of the same facts.**"

Those words have a direct bearing on section 11 of the Legislative Assembly Immunities Powers and Privileges Law (1999 Revision) and some, although less, direct bearing on section 3 of the said Law. And just to put it in perspective as well, section 11 says "**No evidence relating to (a) debates or proceedings in the Assembly; or (b) the contents of the minutes of evidence taken or any document laid before the Assembly or a committee or any**

**proceedings of or before, or any examination had before, the Assembly or any such committee, is admissible in any proceedings before a Court or person authorised by law to take evidence unless the court or such person is satisfied that permission has been granted by the Speaker for such evidence to be given.”**

In other words, Madam Chair, section 11 of this Law says that before anything that is said or done here in this Chamber, in this House, can be admissible in Court or in any such tribunal, the Court has to be satisfied that the Speaker has given the necessary permission for it to be admissible in evidence.

The wording of Clause 38 would in effect trump the language—in a limited way, of course—but still trump the provision in section 11. And I will explain a little bit further, but also section 3 of the said Law (The Legislative Assembly Immunities Powers and Privileges Law) provides **“No civil or criminal proceedings may be instituted against any Member for words spoken before or written in a report to, the Assembly of which he is a member, or to a committee thereof or by reason of any matter or thing brought by him therein by petition, bill, resolution, motion or otherwise, nor shall any such proceedings be instituted against any person in respect of such words broadcast or rebroadcast by any broadcasting station licensed under the Broadcasting Law, or wholly owned by the Government [of the Islands.]”**

This section 3 provides what we call the necessary immunity from legal proceedings to Members of the Legislative Assembly.

I said that the Clause 38 sort of affects section 3 in a very limited way because the wording in Clause 38 as currently crafted does not strip Members of the House of that immunity from suit for defamation. It does not. What Clause 38 does is effectively make the words spoken here admissible in a Court without the prior written approval of the Speaker.

**The Chairman:** If it has to do with corruption.

**Hon. Samuel W. Bulgin:** Only in corruption offences.

**The Chairman:** All right.

**Hon. Samuel W. Bulgin:** Nothing more. It does not address any other offence or anything else. It is only in respect of that person—things said by that person—

**The Chairman:** Mm-hmm.

**Hon. Samuel W. Bulgin:** —and in respect of a corruption offence. It does not affect, for example, a witness who gives evidence in a committee in the House as well. So, it is in that limited sense.

**The Chairman:** All right. Thank you, Honourable Second Official Member.

**The Deputy Clerk:**

- Clause 38. Proceedings in the Legislative Assembly.
- Clause 39. Territorial requirements.
- Clause 40. Authorisations by the Governor for the security of the Islands.
- Clause 41. Authorisations: supplementary.
- Clause 42. Security of the Islands and access to documents etc.
- Clause 43. Consent to prosecution.
- Clause 44. General penalty.
- Clause 45. Savings.

**The Chairman:** The question is that Clauses 38 through 45 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 38 through 45 passed.**

**The Deputy Clerk:**

- Clause 46. Regulations.
- Clause 47. Abolition of existing offences, etc.
- Clause 48. Transitional provisions.
- Clause 49. Application.
- Clause 50. The Crown.
- Clause 51. Offences by bodies corporate.
- Clause 52. Inchoate offences.
- Clause 53. Annual report.

**The Chairman:** The question is that Clauses 46 through 53 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 46 through 53 passed.**

**The Deputy Clerk:** Schedule.

**The Chairman:** I recognise the Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** In accordance with Standing Order 52(1) and (2) I hereby move the following committee stage amendment: That the Schedule to the Bill be amended in paragraph 1 by deleting the words “, after consultation with the Attorney General.”

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto?

If no Member wishes to speak, the question is that the amendment stand part of the Schedule. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Amendment to the Schedule passed.**

**The Chairman:** The question is that the Schedule as amended do stand part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Schedule as amended passed.**

**The Deputy Clerk:** A Bill for a Law to Repeal the Provisions of the Penal Code Relating to Corrupt Practices to Give Effect to the OECD Convention Relating to the Convention on Combating Bribery of Foreign Public Officials in International Business Transaction of 1997 and to the United Nations Convention Against Corruption; and for Incidental and Connected Purposes.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Title passed.**

#### **Mutual Funds (Amendment) Bill, 2008**

**The Deputy Clerk:** The Mutual Funds (Amendment) Bill, 2008.

Clause 1. Short title.

Clause 2. Amendment of section 2 of the Mutual Funds Law (2007 Revision)—definitions.

Clause 3. Amendment of section 16 of the Mutual Funds Law (2007 Revision)—licensed mutual fund administrators to be satisfied in respect of mutual funds.

**The Chairman:** The question is that Clauses 1 through 3 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 1 through 3 passed.**

**The Deputy Clerk:** A Bill for a Law to Amend the Mutual Funds Law (2007 Revision) to Make Further Provisions with Respect to the Duties of Mutual Funds Administrators and to Make Provision for Related Matters.

**The Chairman:** The question is that the Title do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Title passed.**

#### **Elections (Amendment) Bill, 2008**

**The Deputy Clerk:** The Elections (Amendment) Bill, 2008

Clause 1. Short title.

Clause 2. Amendment of section 2 of the Elections Law (2004 Revision)—definitions and interpretation.

**The Chairman:** The question is that Clauses 1 and 2 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 1 and 2 passed.**

**The Deputy Clerk:** Clause 3. Insertion of section 49A and 49B—Mobile polling stations provision of mobile station ballot boxes.

**The Chairman:** I recognise the Honourable First Official Member.

**Hon. George A. McCarthy:** In accordance with Standing Order 52(1) and (2) I beg to move the following committee stage amendments: That the Bill be amended in Clause 3 as follows:

In the new section 49(1)(a) proposed for insertion in the principal Law by deleting the word “and” appearing at the end of paragraph 2 and substituting the following: “or (3) to go in person to the polling station because of the general nature of his occupation service or employment.”

And by deleting the new section 49A(7) proposed for insertion in the principal Law and substituting the following: “(7) sections 47, 48, 49 and 51 shall

with the necessary changes being made apply to the taking of a poll at a mobile station.”

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto?

If no Member wishes to speak, the question is that the amendment stand part of the Clause. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Amendment to Clause 3 passed.**

**The Chairman:** The question is that Clause 3 as amended do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clause 3 as amended passed.**

**The Deputy Clerk:**

Clause 4. Repeal and substitution of sections 50 and 51—arrangement for postal voting determination of right to be treated as an absent elector.

Clause 5. Amendment of section 107—power to make rules.

Clause 6. Amendment of Third Schedule – Elections Rules (2004 Revision).

**The Chairman:** The question is that Clauses 4 through 6 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 4 through 6 passed.**

**The Deputy Clerk:** A Bill for a Law to Amend the Elections Law (2004 Revision) to Further Refine the Election Legislative Scheme of the Islands; and for Incidental and Connected Purposes.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Title passed.**

## **Public Accountants (Amendment) Bill, 2008**

**The Deputy Clerk:** The Public Accountants (Amendment) Bill, 2008

Clause 1. Short title.

Clause 2. Amendment of section 2 of the Public Accountants Law, 2004 interpretation.

**The Chairman:** The question is that Clauses 1 and 2 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 1 and 2 passed.**

**The Deputy Clerk:** Clause 3. Amendment of section 9 - registration of members.

**The Chairman:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Chair.

I beg to move the suspension of Standing Order 52(2) in order to propose an amendment to the Bill without satisfying the full normal two-day notice period.

**The Chairman:** Honourable Third Official Member, there is no need to suspend any Standing Order, that Standing Order is at the discretion of the Honourable Presiding Officer to waive the two days' notice.

**Hon. G. Kenneth Jefferson:** All right.

**The Chairman:** I waived those when I received the amendment. So you [may] do your amendment.

**Hon. G. Kenneth Jefferson:** All right. Thank you.

In accordance with the provisions of Standing Order 52(1) and (2) and Standing Order 52(8) I, the Honourable Third Official Member, beg to move the following amendment to the Public Accountants (Amendment) Bill, 2008, that the Bill be amended by inserting after Clause 3, the following Clause, and the marginal note would read “Amendment of section 12—Licensing of work permit holders.” And the new proposed Clause 3(a) would read: “The principal Law is amended in section 12(c) by inserting after the words ‘work permit’ the words ‘or is permitted to engage in the gainful occupation of accountancy in accordance with the Immigration Law (2007) Revision.’”

**The Chairman:** Honourable Third Official Member, I should have said it before because when I now look at this amendment this is a new section. So we will put that at the end.

I am sorry. I apologise.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Chair.

**The Deputy Clerk:**

- Clause 4. Amendment of section 13—practising without a license to be an offence.  
 Clause 5. Amendment of section 21—disciplinary and other orders.  
 Clause 6. Repeal of Schedule 2—Approved Institutes.

**The Chairman:** The question is that Clauses 4 through 6 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 4 through 6 passed.**

**The Deputy Clerk:** Clause 3. Amendment of section 9—Registration of Members.

**The Chairman:** Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you Madam Chair.

In accordance with the provisions of Standing Order 51(1) and (2) and Standing Order 52(8), applicable to a new clause, I, the Honourable Third Official Member, beg to move the following amendment to the Public Accountants (Amendment) Bill, 2008, that the Bill be amended by inserting after Clause 3, the following Clause: (marginal note) "Amendment of section 12—Licensing of work permit holders." The new proposed Clause 3(a) would read: "The principal Law is amended in section 12(c) by inserting after the words 'work permit' the words 'or is permitted to engage in the gainful occupation of accountancy in accordance with the Immigration Law (2007) Revision.'"

**The Chairman:** The question is that this Clause be read a second time.

The question now is that this Clause be added to the Bill as Clause 3(a). Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: New Clause 3(a) passed.**

**The Deputy Clerk:** A Bill for a Law to amend the Public Accountants Law (2004) to Improve the Administration of the Law; and to Make Provision for Related Matters.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Title passed.**

**The Chairman:** That concludes the Committee stage on Bills. The question is that the Bills do be reported. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it. The House will resume.

**Agreed: Bills to be reported to the House.**

**House resumed at 11.45 am**

## **REPORTS ON BILLS**

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

### **Banks and Trust Companies (Amendment) Bill, 2008**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I am to report that a Bill shortly entitled The Banks and Trust Companies (Amendment) Bill, 2008, was considered by a Committee of the whole House and was passed without amendment.

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

### **Trusts (Amendment) Bill, 2008**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I am to report that a Bill shortly entitled The Trusts (Amendment) Bill, 2008, was considered by a Committee of the whole House and was passed without amendment.

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

### **Proceeds of Crime Bill, 2008**

**The Speaker:** I recognise the Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** I beg to report that a Bill entitled The Proceeds of Crime Bill, 2008, was considered by a Committee of the whole House and passed with amendment.

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

#### **Anti-Corruption Bill, 2008**

**The Speaker:** I recognise the Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** I beg to report that a Bill entitled The Anti-Corruption Bill, 2008, was considered by a Committee of the whole House and passed with amendment.

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

#### **Mutual Funds (Amendment) Bill, 2008**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I am to report that a Bill shortly entitled The Mutual Funds (Amendment) Bill, 2008, was considered by a Committee of the whole House and was passed without amendment.

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

#### **Elections (Amendment) Bill, 2008**

**The Speaker:** I recognise the Honourable First Official Member.

**Hon. George A. McCarthy:** I am to report that a Bill shortly entitled The Elections (Amendment) Bill, 2008, was considered by a Committee of the whole House and was passed with one amendment.

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

#### **Public Accountants (Amendment) Bill, 2008**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I am to report that a Bill shortly entitled The Public Accountants (Amendment) Bill, 2008, was considered by a Committee of the whole House and was passed with one amendment.

**The Speaker:** The Public Accountants (Amendment) Bill, 2008 has been duly reported and is set down for a third reading.

## **THIRD READINGS**

### **Banks and Trust Companies (Amendment) Bill, 2008**

**The Speaker:** The question is that the Bill be given a third reading and passed. All those in favour, please say Aye, Those against . . . Sorry, I am getting ahead of myself.

I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I beg to move that a Bill shortly entitled The Banks and Trust Companies (Amendment) Bill, 2008, be given a third reading and passed.

**The Speaker:** The question is that The Banks and Trust Companies (Amendment) Bill, 2008 be given a third reading and passed. All those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Banks and Trust Companies (Amendment) Bill, 2008, has been given a third reading and passed.

**Agreed: The Banks and Trust Companies (Amendment) Bill, 2008, given a third reading and passed.**

### **Trusts (Amendment) Bill, 2008**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I beg to move that a Bill shortly entitled The Trusts (Amendment) Bill, 2008, be given a third reading and passed.

**The Speaker:** The question is that the Bill be given a third reading and passed. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Trusts (Amendment) Bill, 2008 has been given a third reading and passed.

**Agreed: The Trusts (Amendment) Bill, 2008, given a third reading and passed.**

### **Proceeds of Crime Bill, 2008**

**The Speaker:** I recognise the Honourable Second Official Member.



**Hon. Samuel W. Bulgin:** I beg to move that a Bill entitled The Proceeds of Crime Bill, 2008, be given a third reading and passed.

**The Speaker:** The question is that The Proceeds of Crime Bill, 2008, be given a third reading and passed. All those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Proceeds of Crime Bill, 2008, has been given a third reading and passed.

**Agreed: The Proceeds of Crime Bill, 2008, given a third reading and passed.**

#### **Anti-Corruption Bill, 2008**

**The Speaker:** I recognise the Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** I beg to move that a Bill entitled The Anti-Corruption Bill, 2008, be given a third reading and passed.

**The Speaker:** The question is that The Anti-Corruption Bill, 2008 be given a third reading and passed. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Anti-Corruption Bill, 2008, has been given a third reading and passed.

**Agreed: The Anti-Corruption Bill, 2008, given a third reading and passed.**

#### **Mutual Funds (Amendment) Bill, 2008**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I beg to move that a Bill shortly entitled The Mutual Funds (Amendment) Bill, 2008, be given a third reading and passed.

**The Speaker:** The question is that The Mutual Funds (Amendment) Bill, 2008 be given a third reading and passed. All those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Mutual Funds (Amendment) Bill, 2008 has been given a third reading and passed

**Agreed: The Mutual Funds (Amendment) Bill, 2008, given a third reading and passed.**

#### **Elections (Amendment) Bill, 2008**

**The Speaker:** I recognise the Honourable First Official Member.

**Hon. George A. McCarthy:** I beg to move that a Bill shortly entitled The Elections (Amendment) Bill, 2008, be given a third reading and passed.

**The Speaker:** The question is that The Elections (Amendment) Bill, 2008, be given a third reading and passed. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Elections (Amendment) Bill, 2008 has been given a third reading and passed.

**Agreed: The Elections (Amendment) Bill, 2008, given a third reading and passed.**

#### **Public Accountants (Amendment) Bill, 2008**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I beg to move that a Bill shortly entitled The Public Accountants (Amendment) Bill, 2008, be given a third reading and passed.

**The Speaker:** The question is that The Public Accountants (Amendment) Bill, 2008 be given a third reading and passed. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Public Accountants (Amendment) Bill, 2008 has been given a third reading and passed.

**Agreed: The Public Accountants (Amendment) Bill, 2008, given a third reading and passed.**

**The Speaker:** That concludes the orders of the day. I will entertain a motion for the adjournment of this honourable House.

Honourable Minister responsible for Education.

### **ADJOURNMENT**

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

I move the adjournment of this honourable House sine die.

**The Speaker:** The question is that this honourable House adjourn sine die. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. This honourable House now stands adjourned sine die.

**At 11.53 am the House adjourned sine die.**

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***Amendments to the Proceeds of Crime Bill, 2008,  
which were not read during the Committee Stage  
proceedings***

***Amendment to Clause 166***

*In accordance with the provisions of Standing Order 52 (1) and (2) I wish to move the following amendment: that the Bill be amended as follows, in Clause 166 by adding at the end of the clause the following subclause- "(8) For purposes of clarification it is declared that nothing in this section limits any power under any Law to obtain information referred to in this section or its provision on a voluntary basis."*

***Amendment to Clause 201***

*In accordance with Standing Order 52(1) and (2), I wish to move the following amendment that the Bill be amended as follows in Clause 201 by adding after subsection (2) the following subclauses –*

- (3) The Governor in Cabinet may, on the recommendation of the Anti-Money Laundering Steering Group, by Order, designate a jurisdiction as one which has serious deficiencies in its compliance with recognized international standards for combating money laundering and the financing of terrorism and therefore require that no dealings be conducted with that jurisdiction or that enhanced due diligence be applied to –*
  - (a) transactions involving certain entities or classes of entities; or*
  - (b) certain transactions or classes of transaction.*
- (4) In making the recommendation under subsection (3) the matters to be considered by the Steering Group, the form, duration and effect of the Order shall be prescribed by the Governor in Cabinet.*



**OFFICIAL HANSARD REPORT**  
**FRIDAY**  
**5 SEPTEMBER 2008**  
**10.12 AM**  
*First Sitting*

**The Speaker:** I will ask the Third Elected Member for George Town to say Prayers.

[pause]

**The Speaker:** Since the prayers are missing, we will call on the Honourable First Official Member to say Prayers.

**PRAYERS**

**Hon. George A. McCarthy:** Let us bow our heads.

*Holy God and Father, we glorify your name and we give you thanks for health and strength.*

*This is the day that you have made: help us heavenly Father God, to rejoice and be glad in it.*

*Father, we thank you for the mercies and your grace that you have extended to the peoples of the Cayman Islands.*

*Heavenly Father, we lift up to you the proceedings of this Legislative Assembly today and we ask your special anointing and blessings upon the Speaker, the honourable Members of the Legislative Assembly, the staff of the Legislative Assembly, for His Excellency the Governor, for all peoples of the Cayman Islands, for Her Majesty the Queen.*

*Father God Almighty, we ask you to focus our minds, help us to be mindful that we are stewards of the gifts and positions in which you have placed us. Help us, heavenly Father God, to act in a way whereby we recognise that we are accountable to you and give us grateful hearts.*

*We pray that you will have mercy upon us during this hurricane season, and we pray for the Caribbean community at large, that you will have mercy upon all countries.*

*Father God Almighty, we thank you for this wonderful and beautiful day. We thank you once again for the gift of life; we thank you for the love of your Holy Spirit; we thank you for the presence of your Spirit and the love of your Son, Christ Jesus, who taught us to pray by saying:*

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

Proceedings resumed at 10.15 am

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

**The Speaker:** I have no messages or announcements.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**Maritime Authority of the Cayman Islands Year in  
Review 1 July 2005 – 30 June 2006**

**The Speaker:** I recognise the Honourable Third Official Member responsible for the Portfolio of Finance and Economics.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House, the annual report of the Maritime Authority of the Cayman Islands (MACI) for the year ended 30 June 2006.

**The Speaker:** So ordered.

Does the Honourable Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Yes, thank you, Madam Speaker.

I will outline the relevant highlights from the 2006 annual report.

In accordance with section 17 of the Maritime Authority of the Cayman Islands Law, and section 51 of the Public Management and Finance Law, a copy of the 2005/6 annual report of the Maritime Authority of the Cayman Islands has just been laid on the Table of this honourable House.

The report covers the 12 month period from 1 July 2005 to 30 June 2006. This is the first annual report of the Maritime Authority (MACI) since the reorganisation of the Cayman Islands Shipping Registry (CISR) under the new Maritime Authority of the Cayman Islands, which was established on 1 July 2005.

Financial statements as at 30 June 2006 were prepared in accordance with international public sector accounting standards and have been certified by the Auditor General.

The financial statements reflect MACI's first year of operation. Prior to 1 July 2005, the Cayman

Islands Shipping Registry was under the Portfolio of Finance and Economics and, therefore, a realistic comparison with the previous financial year is not practical.

Total assets of MACI at 30 June 2006 were CI\$1.43 million, and total liabilities amounted to CI\$966,000, resulting in a net worth of CI\$464,000.

Total fees collected for the year were CI\$4.94 million, and total expenses equalled CI\$5.14 million, resulting in a small net deficit from operating activities of CI\$203,000. And a smaller overall net deficit of \$181,000 resulted from a slight gain of \$22,000 on foreign exchange.

Madam Speaker, the Auditor General has issued a qualified opinion on the financial position of MACI at 30 June 2006. However, by way of a brief update I am pleased to report that as at the end of the financial year 30 June 2007, the next year on, all of the Auditor General's qualification points have been resolved and have been removed.

The Cayman Islands Shipping Registry is a category 1 British Registry, and, as such, is able to register vessels of any size, age and type, from small yachts to super tankers, provided quality standards are met.

During the reporting period, the register increased by 11.6 per cent as compared to the previous fiscal period of 2004/5.

At 30 June 2006, the number of vessels on the register totalled 1,500, of which 350 were commercial or merchant vessels. This represents an additional 500,000 gross tonnage to the register, bringing a total tonnage to the register to 3.14 million tons at 30 June 2006.

Apart from the financial information, I should like to inform this honourable House that there was a smooth transition during the reorganisation's changing of the watch as the 100 year old Cayman Islands Shipping Registry evolved into the modern Maritime Authority of the Cayman Islands. During its first year of operation, MACI continued offering world recognised professional and client focus services to its global market while manifesting its strength to adjust to the new and evolving responsibilities that this new level of independence from the Cayman Islands Government presented.

There were several major contributing factors to ensuring the efficient and dependable delivery of global services to a very sophisticated clientele. These factors included a successful combination of MACI's highly qualified and experienced multicultural workforce, increased technological resources, competitive rates and the strategic placement of representatives worldwide.

During that time period, MACI witnessed a growing awareness of the vital role of the shipping industry to Cayman and to the international economy, and a growing understanding of the role and functions of the Maritime Authority, largely due to its extensive promotions and coverage in the press. As a result,

MACI hopes that more Caymanians will be encouraged to join the ever-evolving industry and appreciate the fascinating and challenging opportunities it provides for Cayman's young men and women. The traditions which our (and their) fathers and grandfathers were so proudly a part of, are carried forward as growing job opportunities become more widely available for our young people through maritime administration.

The guiding principle of the CISR and MACI reorganisation was increased efficiency with superior service. This was supported by a focus on fee-for-service activities, including the placement of marine survey, registration and advisory services closer to MACI's clients. This was achieved whilst maintaining MACI's pre-eminence in large yachts along with its excellent commercial shipping record in safety, security and marine environmental protection.

Within its first year of operation, MACI made great strides in augmenting staff skills, technology and resources to operate efficiently and, consequently, to uphold its reputation of quality and high responsiveness.

The launch of MACI's redesigned website ([www.cishipping.com](http://www.cishipping.com)) was the first phase of the Virtual Office Environment (VOE) project as the organisation moved to restructure business by introducing an online marketplace to better service existing clients and attract new ones.

Much gratitude goes to the MACI Board of Directors for their continued guidance and solid support, especially during that critical changeover period. Their expertise and knowledge were driving factors for the quick advancement of the Authority. The untiring efforts and steadfast commitment of the staff were also key elements of the growing success of the organisation. Maritime industry partners and their stakeholders' resolute assurance and keen interest were invigorating. It was an auspicious beginning for MACI to continue to build on its success as a first-class maritime administration and globally-recognised flag state.

Thank you, Madam Speaker.

#### **Government Minute on the Report of the Standing Public Accounts Committee on the Report of the Auditor General—Summer 2001 of the Cayman Islands' Government**

**The Speaker:** I recognise the Honourable Third Official Member responsible for the Portfolio of Finance and Economics.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House, the Government Minute on the Report of the Standing Public Accounts Committee on the Report of the Auditor General—Summer 2001 of the Cayman Islands' Government.

**The Speaker:** So ordered.

Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** No thank you, Madam Speaker.

**Government Minute on the Report of the Standing Public Accounts Committee on the Reports of the Auditor General on the Financial Statements of the Government of the Cayman Islands for the Years Ended 31 December 2001 and 2002**

**The Speaker:** I recognise the Honourable Third Official Member responsible for the Portfolio of Finance and Economics.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Once again, I beg to lay on the Table of this honourable House, the Government Minute on the Report of the Standing Public Accounts Committee on the Reports of the Auditor General on the Financial Statements of the Government of the Cayman Islands for the Years Ended 31 December 2001 and 2002.

**The Speaker:** So ordered.

Does the Honourable Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** No thank you, Madam Speaker.

**Government Minute on the Report of the Standing Public Accounts Committee on the Report of the Auditor General on the Financial Statements of the Government of the Cayman Islands for the six-month period ended 30 June 2003**

**The Speaker:** I recognise the Honourable Third Official Member responsible for the Portfolio of Finance and Economics.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House, the Government Minute on the Report of the Standing Public Accounts Committee on the Report of the Auditor General on the Financial Statements of the Government of the Cayman Islands for the six-month period ended 30 June 2003.

**The Speaker:** So ordered.

Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Madam Speaker, only to say, for the benefit of the listening public, that the normal course of events is that the Auditor General will present a report on the financial statements of the Government. The next step in the chain is for that re-

port to be considered by the Public Accounts Committee.

The Public Accounts Committee, based on evidence it has taken from various witnesses that it speaks to, then produces its own report with recommendations. The Government Minute essentially represents the last matter in that chain, and the Government Minute is the Government's response to the recommendations contained in the Standing Public Accounts Committee [report].

Madam Speaker, I would just conclude by saying that the last report, the last Minute that has just been tabled, would bring the Government Minute up to date in respect of the most recent Public Accounts Committee.

Thank you.

**Public Passenger Vehicles (Amendment) Regulations, 2008**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Tourism, Environment, Investment and Commerce.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House, the Public Passenger Vehicles (Amendment) Regulations, 2008.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Charles E. Clifford:** Thank you, Madam Speaker, just briefly.

Up until this point the Public Passenger Vehicles Regulations prohibited persons older than 70 years of age from continuing to hold or applying for public passenger vehicle licenses, including taxi licenses. This Government took the view that we should not be discriminating on the basis of age and, therefore, we have brought this amendment and approved it in Cabinet.

What it does require now is for individuals older than 70 years of age to undergo annual medical examinations which include eye examinations, and to be certified by a licensed practitioner as being fit to drive passengers for hire or reward. We believe that this was the equitable thing to do and, as I said, we should not be discriminating on the basis of age.

Madam Speaker, this Regulation will pass by negative resolution. Twenty-one days from today it will come into effect unless some Member of this honourable House chooses to move a motion to debate it.

Thank you.

**Financial Statements of National Housing Development Trust for the years ended 30 June 2006 and 2005**

**The Speaker:** I recognise the Honourable Leader of Government Business, Minister responsible for the Ministry of District Administration, Planning, agriculture and Housing.

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

I beg to lay on the Table of this honourable House the Financial Statements of the National Housing Development Trust for the years ended 30 June 2006 and 2005.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. D. Kurt Tibbetts:** Madam Speaker, with your permission, I would lay the other statements and speak to both together.

**The Speaker:** All right.

**Financial Statements of National Housing Development Trust for the years ended 30 June 2007 and 2006**

**The Speaker:** I recognise the Honourable Leader of Government Business, Minister responsible for the Ministry of District Administration, Planning, Agriculture and Housing.

**Hon. D. Kurt Tibbetts:** I beg to lay on the Table of this honourable House Financial Statements of National Housing Development Trust for the years ended 30 June 2007 and 2006.

**The Speaker:** Honourable Leader, if I could ask a question, the one you just laid said it was ended the 30 June 2006 and 2005, and you are doing the same thing ended 2006 again?

**Hon. D. Kurt Tibbetts:** [inaudible]

**The Speaker:** So ordered.

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, I will not speak at length regarding the reports, as I believe that their title and content speak for themselves. I am pleased to report that honourable Members will find that the Auditor General has rendered a positive opinion in both reports.

If I may, I would like to call Members' attention to page 2 of the reports where the Auditor General provides his opinion. In both reports, the Auditor General states that: ". . . the financial statements present

fairly, in all material respects, the financial position of the National Housing Development Trust . . . and of its financial performance and cash flows for the year then ended in accordance with International Public Sector Account Standards."

I would also like to say, Madam Speaker, that I applaud the Chairman and the General Manager of the National Housing Development Trust for their efforts to bring the NHDT's audited financials up to date. Furthermore, I would like to advise this Honourable House that the NHDT is currently working with the Auditor General's office to compile and complete the audit of the Financial Accounts of the NHDT for the 2007/08 Financial Year, and I anticipate I will be tabling that report at the next sitting of the Legislative Assembly.

Thank you, Madam Speaker.

**Review of the Legal Aid System in the Cayman Islands – Final Report No. 4 – July 2008**

**The Speaker:** I recognise the Honourable Second Official Member responsible for the Portfolio of Legal Affairs.

**Hon. Samuel W. Bulgin:** I beg to lay on the Table of this honourable House the Review of the Legal Aid System in the Cayman Islands—Final Report No. 4—July 2008. It is a report by the Law Reform Commission.

**The Speaker:** So ordered.

Does the Honourable Second Official Member wish to speak thereto?

**Hon. Samuel W. Bulgin:** Thank you, Madam Speaker, I do.

I just laid the report, which is report number 4, on a Review of the Legal Aid System in the Cayman Islands, as conducted by the Law Reform Commission. The objective of this exercise is that the report itself seeks to apprise this honourable House of the conclusions as a result of research undertaken on the operation of legal aid systems in other jurisdictions and from a wider consultation process.

In 2004, in response to complaints regarding the rising cost of legal aid in the Cayman Islands, the Attorney General at the time directed the Legislative Drafting Department to review the existing legislation and to prepare needed amendments where necessary.

In 2005, the Law Reform Commission was requested to carry out a further consultation and more in-depth research into the operation of the legal aid system within the Cayman Islands. However, concerns regarding legal aid continued to be the subject of debate in this Legislative Assembly as well as in the wider public.

Of particular concern are the perceived high costs and whether or not too many legal aid cases

were being conducted by foreign lead attorneys. Therefore, the Commission was requested to give priority to these issues and to prepare a report on its findings.

In the Commission's final report it properly notes that the primary purpose of a legal aid system is to provide legal assistance to persons charged with certain offences wishing to bring or defend a legal action, but unable to do so because of lack of funds. Further, it noted that access to legal aid is an integral aspect of the administration of justice in the Cayman Islands and, consequently, the delivery of appropriate and cost effective legal aid in both the criminal and civil areas is essential. The existence of a modern and transparent system of legal aid not only provides access to justice to those who need, but enhances the image of the Cayman Islands as a sophisticated democratic and stable jurisdiction.

Again, the Commission noted that concerns seemed to focus mainly on the high cost and the fact that too many of the services were being provided by leading foreign counsel. However, the Commission considered that the present system of provision of legal aid services in general offers good value for money.

Though it might not necessarily result in reduced cost, the Commission's view is that a more transparent and efficient administration of legal aid could serve to more readily demonstrate that funds are being appropriately spent, thereby satisfying the objective of accountability inherent in the legislators' concerns.

Madam Speaker, the Commission noted that there were a number of variables which made comparison to cost in other jurisdictions difficult. Some of these jurisdictions do not have a structured legal aid scheme. The Commission nevertheless did examine the cost of legal aid in Bermuda, Barbados, Gibraltar, as well as some other jurisdictions and concluded that it is not persuaded that the cost of legal aid for standard cases in the Islands are unduly high.

The Commission considered a range of issues as being critical to the determination as to whether the legal aid system was functioning with efficiency. These are:

- 1) Whether the legal aid system may be reformed simply by improving the investigative and assessment process relating to the grant of legal aid.
- 2) Whether the system should be administered by a court-based legal aid administrator and other support staff.
- 3) Whether it would be more cost effective to establish other means by which legal aid could be provided, such as by a legal aid clinic or a public defender's office or a mixture of clinic, public defender and the private bar.

Madam Speaker, they also considered whether the recovery system, where certain persons

who are granted legal aid are liable to pay the legal aid fund back, should be improved. They considered whether legal aid fees are too high and should be capped, and they also considered whether pro bono work should be mandatory in order to give the public access to more legal services.

The Commission concludes that while there is a positive need for change to the system, every effort should be made not to increase administrative costs in so doing. In many key areas small but important changes would make a significant difference to efficiency.

Madam Speaker, the Commission makes recommendations in respect of eight areas, as follows: The appointment of a legal aid administrator. It is recommended that the current court administered model of legal aid be maintained in order not to add additional administrative cost, but that efficiency be improved by the appointment of a specially designated legal aid administrator. This administrator should have adequate support staff and resources to administer legal aid.

The Law presently provides for all applicants to be means tested and for probation officers to assist in providing information on the means of applicants. The present legal aid office of the courts does not have the manpower to carry out such tests as it consists of one staff member only.

The proposed administrator would be part of the judicial administration according to the Commission, but would be the person solely responsible for deciding on legal aid certificates. Applicants who are dissatisfied with a decision of the administrator would have a right to appeal to the Grand Court.

According to the Commission, the further duties of the administrator would include the preparation of the roster of attorneys and establishing guidelines, procedures and requirements pursuant to which legal and other services may be made available under the Law.

Another recommendation is amendment to legal aid rules. The Commission recommended that following the Bermuda model these rules be made more precise as to who is eligible for a grant of legal aid. Examples include the express requirement for a merits test. The Commission reports that local stakeholders are against such a test on the basis that cases should not be prejudged. However, the research of the Commission shows that many jurisdictions do use a merits test in determining civil legal aid. The Commission is of the view that use of merits would be invaluable in determining eligibility and preventing abuse of the legal aid system, and recommends the revision of the Law and rules to expressly provide for this.

The Commission is also of the view that the Law should be reviewed to incorporate a comprehensive means test for each applicant to be conducted by an independent assessor. While there is provision for a means test under the rules, they do not presently



define or provide a method of calculating disposable capital or disposable income of an applicant. Such a test should set realistic limits in order to ensure that those on relatively low incomes are not disqualified from receiving legal aid.

I should add, Madam Speaker, understandably, that those who are in a position to afford are not granted legal aid.

**Required contributions:** Another recommendation, Madam Speaker. The Commission recommends that the Legal Aid Law and Rules be amended to make it clear that contributions may be required of persons above a certain specified income, that the Government may require a charge on property as a condition for legal aid in certain circumstances and that such contributions will be recoverable and enforceable by Government through the Courts.

While there are presently general provisions, there are no guidelines as in some other jurisdictions as to the amounts which should be repaid. The Commission was told that the readily ascertainable lack of means on the part of most defendants has led to the development of a general practice not to require contributions in criminal cases, although this is regularly done for civil cases.

The Court Administrator has confirmed that a system for the recovery of contributions is not vigorously enforced, although new guidelines have recently been put in place by the courts.

The Commission also touched on the establishment of a civil legal aid clinic. The Commission has been advised of the proposed establishment of a legal aid clinic connected to the Cayman Islands Law School and notes that the cost of civil legal aid could be reduced by the introduction of such a clinic modelled along the lines of those which are operated by the Hugh Wooding and Norman Manley Law Schools, located in Trinidad and Tobago and Jamaica, respectively.

A significant conclusion of the Commission is in the area of complex cases. It concluded that notwithstanding the fact that local legal aid costs are not excessive, costs can be better contained by capping the costs of long and complex cases. This could be effected by implementing a tendering process and selecting specially qualified attorneys to undertake such cases. The cases would be managed through individual case contracts based on case plans and estimates agreed by the legal aid administrator after consultation with the attorneys. The alternative would be to impose fixed fees for such cases and provide that there is a right to request a review of a decision for remuneration only in extraordinary or exceptional circumstances.

The Commission also believes that fixed fees could be implemented for duty counsel at police stations.

Madam Speaker, staff for taxation of costs. The Commission is of the opinion that in order to ensure that lawyers are being appropriately paid, and

that is not being overpaid or underpaid for their services, that the courts should have staff dedicated solely to taxing of legal aid costs.

The Commission recommends also that the legal aid system can be enhanced by providing for the appointment of duty counsel for all types of criminal offences to which legal aid applies. The duty counsel service would help reduce the high costs of administering criminal justice by assisting clients to identify at the earliest possible opportunity matters where a plea of guilty is to be entered and then representing them on their plea of guilty. Duty counsel would also be able to provide legal advice on available legal options.

Madam Speaker, the Commission has considered, but does not recommend, making pro bono work mandatory, and is of the view that legal aid is an issue of social justice and, therefore, a matter for society as a whole and not any single profession. So, no recommendation by the Commission has been made on the issue of requiring contributions from law firms. However, the Government is going to require a further look at these two issues.

In conclusion, Madam Speaker, by tabling this report the Government is seeking input from all honourable Members of this House as well as any further suggestions from the general public on any potential reform of the legal aid system of the Cayman Islands as presented in this report by the Law Reform Commission.

I thank you.

## **STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET**

**The Speaker:** I have received no notice of statements by Honourable Members and Ministers of Cabinet.

## **GOVERNMENT BUSINESS**

### **BILLS**

#### **FIRST READING**

##### **Marriage (Amendment) Bill, 2008**

**The Clerk:** The Marriage (Amendment) Bill, 2008.

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

#### **SECOND READING**

##### **Marriage (Amendment) Bill, 2008**

**The Clerk:** The Marriage (Amendment) Bill, 2008.

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.  
Madam Speaker, the Marriage Law, 2007—

**The Speaker:** I beg to move . . .

**Hon. D. Kurt Tibbetts:** Forgive me, Madam Speaker, I beg to move the second reading of a Bill for a Law to amend the Marriage Law (2007 Revision) to expressly provide that a marriage is a union between a man and a woman; and for incidental and connected purposes.

**The Speaker:** The motion has been duly moved and it open for debate. Does the honourable mover wish to speak thereto?

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker, I was a little bit anxious this morning to speak to this Bill.

The Marriage Law (2007 Revision) has in its definition section the definition of “civil registrar and marriage officer” and “general register office” and “registrar general”. What it does not have presently is a definition for the word “marriage”.

This Bill, seeks to amend the Marriage Law (2007 Revision) by inserting a definition of the term “marriage”. This definition will expressly provide that a marriage is a union between a man and a woman. So the amendment itself is a simple one.

The purpose of this amendment is to confirm and clarify what the Marriage Law has always meant in our Caymanian society. It is certainly not the purpose of the Bill to criticise other jurisdictions that may have recently changed their definitions of marriage. Such jurisdictions are free to make their own choices according to their own democratic systems and the views of their electorate. But, by the same token, the Caymanian society exercises a similar freedom and so chooses its own path.

Through this amendment the people of the Cayman Islands are sending a clear signal that they do not wish to change the meaning of marriage that has always existed in these Islands. The wording of the amendment is plain and simple, because the point that it makes is plain and simple, namely this: Whatever choices may be made by others, we here in the Cayman Islands do not wish to alter the meaning of marriage in the Cayman Islands.

Marriage, as a union of a man and a woman, has been a core value for Caymanians since these Islands were settled more than 300 years ago. It has been and remains a foundation stone of our society. It is an organic and indispensable part of our Caymanian heritage.

Some may say that this amendment is about avoiding the present, turning away from the future, and maybe even hiding in the past. But nothing could be further from the truth.

As a country, over the past 40 years Caymanians have proven that they can modernise in every area in which they have chosen. The remarkable development of these Islands shows that Caymanians have not simply adapted passively to changing times, they have steered their ship of state through very challenging waters, achieving a high level of success in the late 20<sup>th</sup> and early 21<sup>st</sup> Centuries, embracing change whenever and wherever we have felt necessary.

We have been agents of change when and where we have chosen to be. However, in the midst of this highly developed modern society, Caymanians also know that there are certain aspects of our culture and heritage which we do not wish to change. Such aspects include the importance of family values, and, Madam Speaker, the meaning of marriage.

More broadly in the local community, almost 60 per cent of those responding to a *Caymanian Compass* poll in July of last year said that Cayman's legislators should define marriage as being between a man and a woman. That was the *Caymanian Compass* edition of Thursday, 26 July 2007.

For some years now, there has been mounting concern here in Cayman over the choices made by some other countries and states in the area of sexuality. Seeing the challenges and battles going on in other jurisdictions, we here in the Cayman Islands have been concerned that our own Marriage Law—which has always been understood to be marriage between a man and a woman—might have a different interpretation imposed on it, an interpretation at variance with values that are deeply held by this society. So it seemed wise to bring this amendment to clarify and confirm core values and beliefs in this area.

The amendment also ensures that what has always been seen as a straightforward law does not become subject to an interpretation that would be completely unacceptable to us here in the Cayman Islands. The amendment has been under discussion by us since 2006, pending advice on the best legal and technical approach to this issue led by the Honourable Second Official Member and his team in the Attorney General's Chambers.

One possible model that we examined was that of the British Virgin Islands, which relies on an enabling provision on the subject within its new Constitution. In the case of us here in the Cayman Islands, it was eventually accepted that it would be appropriate to make a simple amendment to the local legislation without this enabling provision, and this was chosen as the best way forward.

Madam Speaker, that is not to say that even with this amendment, which I am confident will have safe passage through the House, that in any new constitution which may be crafted that such a position would not be included in a new constitution.

Madam Speaker, I want to speak briefly to what this Bill does not do. It does some things, but there are some things that it does not do. The Bill

does not seek to criticise or offend others of a different persuasion. Nor does the Bill in any way seek to infringe upon the privacy of individuals who either visit our shores or who reside here.

Caymanians are well aware that people of a different persuasion sometimes come to our shores as visitors, and they have been welcomed to our shores. It is not the purpose of this Bill to take issue with such individuals. Its purpose, rather, is to protect the institution of marriage and family as a part of our Caymanian way of life.

All Caymanians would ask of such individuals is that in visiting Cayman they have due respect for the local culture and our way of life here. Some may say that the position taken by this Bill poses something of a financial risk for us here in the Cayman Islands. They may say that Caymanians are well aware of the influence of what is termed by some as the “gay dollar.” But we need to understand that the basis of this Bill is not with financial calculations. We do not select our family values based on how much profit they may or may not bring us. Madam Speaker, in simple terms, that would make a nonsense of our moral values. The Bill is an expression of what this society believes marriage to be, rather than the result of any calculation of financial consequences.

But Caymanians are not naïve. While we do not seek to offend those of a different persuasion, but welcome them as visitors, we also know that many visitors to our islands share our own outlook on marriage, that such visitors are attracted to these islands partly by the traditional family values they find when they visit here, and Madam Speaker I am certain that those values they experience will continue to attract them to our shores.

For us here in the Cayman Islands, the significance of this Bill does not hang on whether it turns out to be a financial impediment or a financial incentive for our economy. Its meaning has everything to do with deeply held family values and a firm understanding by us of the definition of marriage.

Going back in history, marriage and family values, our Christian heritage, have been rooted in Caymanian society since the 1700s, from the days when our first settlers numbered only a few hundred. As early as 1773, history tells us that Caymanians formally expressed their desire for a resident “clergyman”—one of the main reasons being that he could perform local marriage ceremonies. For a generation or two, Caymanians had to sail to Jamaica for this purpose, that is, to get married. Eventually this function was undertaken by locally appointed magistrates, such as (and history calls names), William Bodden, James Bodden and James Coe. Then, in time, marriage ceremonies became a core function of the numerous churches that came to Cayman during the 1800s, including the Anglicans, Wesleyans, Methodists, Presbyterians, Baptists and Seventh Day Adventists, and in more modern times, a myriad of other Christian religions.

So, Madam Speaker, with all of that having been said, I think the amendment is one that is clear, it is simple, it is basic and it is timely. I think it will give much comfort to our people here in the Cayman Islands knowing that our own legislation gives a clearly defined rationale of what marriage is to us and also clearly makes it known by law that it is the union of a man and a woman.

Madam Speaker, I certainly recommend and give full support to the Bill that I am proposing. I trust that all Members of the Legislative Assembly here will support it also.

**The Speaker:** Does any other Member wish to speak?  
The Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

I rise to offer a few thoughts on the Bill. But let me start off by saying that we certainly do support the Bill and know the local conditions as to why the Government has brought the Bill forward.

Madam Speaker, as said by the Honourable Leader of Government Business, the family is the key foundation and cornerstone upon which our society is built, and, I dare say, any society that is similar to ours. Research tells us that strong families with strong parental leadership produce the type of citizen required to build the type of Cayman that we want not only today but in the future.

Madam Speaker, during some of the recent public meetings that have been held in regard to constitutional modernisation, we know this has been one of the key issues that our people have been concerned about. One of the concerns raised has not only been surrounding the definition of marriage, but, indeed, how the term “man and woman” can be interpreted. In modern times science has allowed man to do some rather extraordinary things, one of which is to change the sex of an individual.

The Opposition would like to inquire of the Government as to whether or not we may need to consider going a bit further with this definition to insert the term “born”, that is, that marriage is a union between a person who is born a man and [a person who is] born a woman. Certainly, if (and I stress if) we had circumstances where a person were to have a sex change operation, and were to reside within our country, whether or not the spirit of this amendment may be avoided and leave us as a community in a bit of a dilemma that we may not anticipate. I believe that that would not be the type of situation that Caymanians would look favourably upon and be accepting of.

As the Leader of Government Business pointed out during his contribution in piloting this Bill, there are those who might be upset or offended by these sorts of amendments. However, I believe that in this day and age and in this world that we live in, the vast majority of people would see the logic and sense of this amendment. As was said earlier, this is not trav-

ersing and intruding upon people's behaviour and practices within their own homes and behind their own closed doors. But, from a legal perspective, we are saying as a community that this is how we believe the legal institution of marriage should be conducted and enabled by the Government, by the State.

Madam Speaker, another question that comes to mind is the legality of other forms of union, and whether or not anything needs to be done to ensure that there is no legal recognition of other types of same-sex unions within Cayman. I use a small example. I believe that the majority of people within our community not only look at this issue from the technical side of things, as far as a marriage ceremony is concerned, but also the other ancillary benefits that flow from a marriage.

We would like to ensure that this amendment will address those points as well so that we will not have a circumstance, for example, where persons in another type of union other than a marriage, enjoying the same benefit that ordinary married people enjoy and therefore may not see the need then to get married because their union is recognised by other pieces of legislation and practices that would then allow them to simply live the life they want to live. And, yes, they may not get the marriage certificate, but they see themselves as having won the battle because there would be nothing preventing them from enjoying, for example, insurance benefits, et cetera, out of a same-sex union.

I know that the Honourable Leader of Government Business, when he said that he believed this was a straightforward amendment, chose his words very carefully. I agree with him. It is straight, and it is forward. But we want to make sure it is forward looking so that we avert any of the other types of dangers and moral pitfalls that our people would be very, very concerned about. We see the cases beaming through the TV signals coming into all of our living rooms, so we have seen what has happened in North America. Our people are very concerned about those same sorts of things happening here outside this legal, technical definition of marriage.

With those few comments, I await the response of the Government.

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

First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you very much, indeed, Madam Speaker.

I rise to make a brief contribution on the amendment before the House, put forward by the Honourable Leader of Government Business.

Madam Speaker, first let me say that, on the face of it, I can join with my colleagues on the Opposition in saying that I support the efforts by the Government in putting forward this amendment to the Mar-

riage Law. However, I wish for a number of assurances.

First of all, I wish to be assured by the Leader in his winding up, or via delegation by one of his other colleagues, whether or not confirmation has been received from His Excellency the Governor as to the assenting of this amendment, seeing that it is that which will give it its life. I also realise that it would have gone through Cabinet, but we who have been there know how Cabinet also works.

I would wish to ascertain whether or not the Government, whether official and/or elected Members, sought assurance or comfort of mind from His Excellency the Governor, firstly that he would be assenting to this amendment. Madam Speaker, that is of concern to me because one would recognise the very liberal approach that the United Kingdom Government and the European countries and communities, and it seems the rest of the world, have taken to the issue of marriage and what comprises a legal marriage, and when a marriage should be recognised. In fact, I believe more time is spent on evolving and devolving what a marriage should be than, perhaps, any other issue, save Global Warming, on the world stage.

Secondly, Madam Speaker, I wish to seek assurance from the Government side whether or not the Government sought advice from the Foreign and Commonwealth Office as to its position, seeing we are an Overseas Territory and, obviously, what we do they will only consent or [accede] to if it does not in any way contradict or override their international obligations.

If that is the case, then the last assurance I would like to receive, Madam Speaker, through the voice of the Government, would be—if the first two are in the affirmative—whether or not by the process of deductive reasoning we could then seek to move, whether in the wholesale amendment with the advancement or modernisation of the Constitution or by an isolated act, move on then to make this or a similar amendment to our Constitution, which is the overarching legislative framework within our country.

I am happy, Madam Speaker, from the standpoint that Government is taking the initiative to clarify or stop any innuendo or questioning the fact that it is not explicitly explained in our definition section in the Marriage Law, and one can appreciate that when this was written, Cayman was nowhere near as liberal as it is today.

I took some cognisance, though, of the almost divide in the attempt by the Government to give reasons or justifications from a historical perspective as to Caymanian culture, our conservative nature, yet, at the same time almost reach out to the liberal arm. Obviously, the Government of the day can do whatever it wants, but from my personal perspective, I wish to stand here today in this honourable parliament and say without any avoidance of doubt or misunderstandings or innuendo that as far as my constituency is concerned, and certainly the representation that I have received (and we have two representatives, and I am

sure he can say whatever he wishes at the relevant juncture), but by far the majority of constituents within Cayman Brac and Little Cayman are conservative by nature. And in no form or fashion, or in any misconceived way or manner, whatever, wish to see any other type of marriage within this jurisdiction except that of a man to a woman. And, that said, from the background of my colleague from West Bay, based on the sex at the time of birth.

Madam Speaker, I think that this is a move in the right direction. I think that once those assurances are given, that we cannot stop there. If we truly believe that that is the Caymanian culture, and we are able to stand up regardless of what is being said, I think we need to look at this issue as a continuous issue, and continue to seek legal advice and continue to be well informed and well read. Already so much of our culture has been eroded and I believe that this is yet another way. If we are not on the cutting edge of information and informed in season and out of season then we are going to see another aspect, a very integral part of our Caymanian culture, just go out the window.

Madam Speaker, there must be something left of things that are Caymanian, and what better thing than the institution of marriage. Yes, there are always overriding factors that may come up that may destroy marriages, that may be reasons for irretrievable breakdown that the courts will recognise either through legal separation or divorce, but the institution based on the definition itself must not be touched. I make absolutely no apologies about that, cost me what it may—my political career or not—because if we say that in God we trust, we must mean that. And the God that I trust has set down specific guidelines and we in the Cayman Islands ought to take heed and do everything possible. Regardless of what our constitutional status is we must be abundantly clear that there are certain things that we are going to stand for, and certain things we are going to fall for. And, this is not one issue I wish to fall for, may it please you. Thank you for your indulgence.

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

The Honourable Minister responsible for Health.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I have been told that as the “Chaplain” I need to say a few words on this, and I share quite a few of the words of the last speaker.

[*The Hon. Minister, in jest, uses Caymanian slang*] I just want to warn my colleagues, Madam Speaker, to “guard” their loins “because” . . .

[laughter]

**Hon. Anthony S. Eden:** . . . when our Human Rights Committee sees what “us” legislators want to do to preserve our Cayman Islands, without a doubt you will be hearing comments! But that is their democratic

right. As long as we are a democratic territory, they must be able to do that.

[inaudible interjections]

**Hon. Anthony S. Eden:** My aspect will be based on biblical quotations. If you do not believe in the Bible then you [will] just disregard what I am saying. I am a firm believer in that.

In reading my little book this morning, it is quite interesting that two different sections of the Bible, Ephesians 5:31 says “For this reason the man shall leave his father and his mother and shall be joined to his wife and the two shall become one flesh.”

Then in Matthew 19:5, once again it is repeated: “For this reason a man shall leave his father and mother and shall be united firmly to his wife and the two shall become one flesh.”

Now, you note in that verse it did say “to his wife” not a man to Peter, not a man to Paul, or Steve or whoever! He says to his “wife”!

My 63 years, that is how my family brought me up and whatever days He sees left for me in these Islands as I represent the people . . . and, yes, for 36 years with my wife.

I also note Genesis 2:24, which says, “For this reason a man will leave his father and mother and be united to his wife and they will become one flesh.” This is an admonition to husbands: “Husbands, love your wives and do not be harsh or bitter or resentful toward them.” Once again you note, Madam Speaker, He is not telling the husbands to hug up the male counterpart—he says the wife!

Proverbs 18:22 says . . . and this is wonderful. Madam Speaker, Proverbs is one of the sweetest books in the Bible. I have read through it, now going into four times, and every time I read Proverbs, it is an exciting book. He says, “He who finds a true wife finds a good thing.” And listen to this, “. . . and obtains favour from the Lord.”

Madam Speaker, the last verse I will quote from, Ephesians 5:25, “Husbands, love your wives . . .” And listen to this, this is the key about this whole thing we are talking about: “. . . as Christ loved the church, and gave himself up for her.”

No matter what some of these fool-fool pictures that come out of Hollywood portray, my Jesus, my heavenly Father, whatever way, my vision, my perception, my understanding of Him, “husbands love your wives as Christ loved the church.” I can assure you if we are going to love our wives the way Christ loved the church, it is not suggesting what he was.

Madam Speaker, I agree. So many changing things in this world around us! The great United States, how they have come from literally taking just about everything out of the schools that refers to the Bible and religion. I am proud to say that the legislators that I work with in this Legislative Assembly have certainly indicated that we will not tolerate that in our Islands.

When you look around and see what is happening, believe it or not we are heading speedily toward the end times. Once again, these little Islands—my little Islands, your little Islands—were blessed just a few weeks ago through the grace of God. Cayman Brac had a little rough time, but nothing compared to Ivan. I am eternally grateful for that. But if we do not listen to His commands, and do what He says . . .

[inaudible interjection]

**Hon. Anthony S. Eden:** A very good example, Mr. Minister. Sodom and Gomorrah.

Just to draw you and this House back to that time, Madam Speaker. Remember the history of Sodom and Gomorrah when Lot was leaving those perverts told him to throw out his sons and things, his daughters. We know what was happening.

The Lord said if he could find 10 people there he would save it. But, no, it did not happen. As they walked away even his wife, who wanted to look back and see one last time, according to the Bible she became a pillar of salt. When they got some distance away, Jesus said, 'we'll have a little fire burn now.' Madam Speaker, I am told that up until this day no one knows where the site of Sodom and Gomorrah was.

Madam Speaker, I guess I can get carried away and very emotional when we come to talk about these things and every one of my colleagues on this side and that side, and my colleagues in Cabinet know the conservative way that I think. I have no intention of changing that as long as the people of Bodden Town ask me to represent them. I will carry forward that message if they said no; they did not want me to talk like that. That's fine. There are younger ones coming up. Some fine, fine young people coming up. And whatever happens, so be it.

Madam Speaker, back to the situation. We need to preserve some of our culture. We really do. I ask that as we go forward we think more about our families. We bring in all of these experts and this and that, and police and whatever. But it simply boils down, Madam Speaker, it is about the family.

**An hon. Member:** What about the Human Rights Committee?

**Hon. Anthony S. Eden:** I have to be careful there, Minister. They have their democratic right.

You see, Madam Speaker, if the family stays close together, if fathers, especially, do what they are supposed to do . . . I can tell you many of the difficulties that we now experience with our young people are because of the lack of the paternal more than anything else. I see some of these women, wonderful human beings, working their chops off to support one, two, three, four children. Madam Speaker, let us come back together. There is nothing scientific about this whole thing.

Remember where we came from. Yes, the fathers were away at sea most of the time. But the mothers did discipline those children. I am advocating that we start to get back to those areas. We take back control of Cayman. Let's get rid of the criminal element. Let's get rid of the drugs and whatever that is ruining these Islands. And we can do it if we stick together, you know. But we have a standard that we must go by. We cannot, we must not compromise the way that we have been brought up for the past 500 and something years and have other people come here and tell us *let's do it this way, it's a lot more fun*. I do not agree with that.

Thank you.

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

If no other Member wishes to speak . . . Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** Madam Speaker, understandably, I would not in any way seek to emulate the very stirring and moving discussion by the Honourable Minister of Health. We are all aware of his passion. I do not have that gift, even though I would like to be associated with his remarks.

Madam Speaker, just briefly, the Second Elected Member for West Bay spoke about the need for an expansive definition (if I may put it that way) in the legislation to capture the sex of the person from birth. I only wish to say at this stage that, given the scope of what is being suggested, that is something clearly that Government understandably would want to have a careful look at to ensure that if such an amendment is to be accepted there are no sort of other ramifications, unintended consequences or unforeseen pitfalls associated with that.

So, the approach at this stage, in our view, is that the definition that is currently before the House is sufficiently wide enough, at least for the time being, to capture the concerns of the general public and to provide the sufficient safeguards bearing in mind what the objective is. Not in any way discounting what the honourable Member is saying, except that, because of the scope of it, it is only fair that Government takes time to consider the extent of it.

On the issue of whether we have upfront authorisation from the United Kingdom, well, we never usually ask the UK up front whether it is in order for us to enact a particular piece of legislation, though I can think of instances where it might very well be desirable to do so. In this particular case we have no express prior authorisation to go down that road. But I am sure that honourable Members of this House will recall that during the recent visit, the last visit of Minister Meg Munn from the United Kingdom, she was asked expressly at the Chamber of Commerce forum whether the United Kingdom would have any objections to such

a proposed amendment. She made it quite clear that that was a matter for the local legislature.

She went on to explain that what was done in the UK was, certainly in respect of certain couples, there was a Civil Partnership Act that was enacted to address the issue. But the tenor and tone of her answer was in effect that if the Cayman Islands legislature is minded to go down that route, it is entirely a matter for us. So, what we extrapolated from that was that there is no reason to believe that there is going to be any power of disallowance as it relates to this particular amendment.

Thank you.

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

Third Elected Member for the district of West Bay.

**Mr. Cline A. Glidden, Jr.:** Thank you, Madam Speaker.

Like my colleagues on this side, I also give notice of my support of the amendment, even though we just heard the response from the Second Official Member concerning the concerns and further consideration for a further amendment to further define “man and woman at the time of birth”. We would be more comfortable getting some commitment as far as that was concerned.

Madam Speaker, in general, the amendment does not really cause any concern. Where I do have a bit of concern would be where the Leader of Government Business made the comment that the purpose of this amendment and the intent was to bring some comfort, and protect the traditional norms in Cayman, giving the Caymanian public a feeling that in some way this amendment would ensure that norm continued.

When my colleague, the First Elected Member for Cayman Brac asked the question as to whether there had been any confirmation sought from the Foreign and Commonwealth Office, obviously it was with the mindset that while we are allowed to pass legislation here in Cayman, we are ultimately answerable and accountable under other provisions and requirements on an international basis. It is very similar to when we discuss and talk about the Constitution and putting in a preamble.

While we recognise that the UK will allow us to put in any preamble that we want, or say anything that we want, ultimately there are requirements. If we fall afoul of those, regardless of what our preamble may say (and in the same way, whatever our laws may say), we have international commitments that we have been committed to first off by our association with the United Kingdom and, more specifically, we have the case where Minister McLaughlin signed us up to the protocols in 2006.

I see the European Commission—

**Hon. Alden M. McLaughlin, Jr.:** Point of Order, Madam Speaker.

### Point of Order

**The Speaker:** Honourable Minister of Education, may I hear your point of order?

**Hon. Alden M. McLaughlin, Jr.:** A direct and, I believe, a deliberate misrepresentation of the truth.

Minister McLaughlin, much as he might want to, has no power to sign the Cayman Islands up to anything at all, a matter of which I am sure the Third Elected Member for West Bay is fully aware.

If he wants to refer to the matter which I know he is referring to, he must do so correctly and truthfully, not misrepresenting the facts, and not misrepresenting my role in them.

**The Speaker:** Third Elected Member for the district of West Bay, I do not think that you should continue. The Honourable Minister does have a point of order. So would you continue with your debate?

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, not questioning your ruling, but he said he knew what I was referring to and I must do it correctly. I have not heard him say what I did incorrectly.

Can you clarify what I did incorrectly, since it is a point of order, Ma'am?

**The Speaker:** I gathered from the Honourable Minister that you were saying that he had signed the Cayman Islands up, and he is saying that that is totally incorrect.

So, would you please continue with your debate?

**Mr. Cline A. Glidden, Jr.:** And, Madam Speaker, am I to take it that you are agreeing it was incorrect?

**The Speaker:** Well, honourable [Third Elected Member for West Bay], if the Minister is saying that you are saying that he signed us up to a particular European convention, or I do not know what it is . . . well, would you continue your debate?

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, I just want to make sure. Am I allowed to continue? Are you now saying that it was not a point of order, so I am allowed to continue?

**The Speaker:** I would like you to continue your debate outside of this accusation of the Minister signing the Cayman Islands up to any particular convention, please.

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, hopefully you will find it satisfactory for me to say that the coun-

try was signed up during this Government's administration.

I am not sure if that finds favour with you or not, Madam Speaker.

**The Speaker:** Honourable Third Elected Member, you can continue, but you said in the beginning that the Honourable Minister signed the country up.

So, would you please continue?

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, that's fine if it satisfies . . . so, correcting: the Minister, this Government in 2006 signed us up to . . . and I made the point (if I am going back to the point) that through our relationships with the European Union and, specifically with the UK, we have international obligations and those obligations have been further extended under this Administration. Madam Speaker, it is a concern that says—

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, a point of order again.

#### Point of Order

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

**Hon. Alden M. McLaughlin, Jr.:** The Third Elected Member for West Bay has been going on now for about five minutes. He still has not told this House or the broader listening community what it is that he alleges this Government has signed us up to.

We have signed up . . . we don't have the capacity—as he ought to know—as an Overseas Territory to sign up to anything. So, if he wants to represent what the Government has done, he must get his facts in order and articulate them in an honest, open and correct way. Then we can deal with them. But, we cannot, Madam Speaker, allow an elected Member to stand here and make broad, vague generalisations and misrepresentations and have the broader listening community either confused or believing that the Government has done something bad to them.

**The Speaker:** Third Elected Member for the District of West Bay, would you say what this Government has signed the Cayman Islands up to?

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, I am pretty sure you do not expect me to stand here and relate everything that has been signed from 2004, as far as international regulations.

**The Speaker:** But—

**Mr. Cline A. Glidden, Jr.:** I make the point, Madam Speaker—

**The Speaker:** Third Elected Member—

**Mr. Cline A. Glidden, Jr.:** —that when the Minister is saying, if he wants us to stop and research all of the . . . but I think that is an unfair expectation. I said that the Government signed us up to additional obligations during that term. If he is saying that the Government has done no such thing during that term, then I stand corrected, but I think—

**The Speaker:** Third Elected Member for the district of West Bay, you have said on one occasion that the Honourable Minister . . . you have said on one occasion in your debate that Honourable Minister McLaughlin, I think you said, had signed the country up. You have now said that under "this Government" that we have been signed up to extended obligations.

What are those obligations?

And what have they extended?

That is all I am asking you so that you can continue your debate.

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, we have many. We have financial obligations that we have extended, reporting obligations . . . my point was, Madam Speaker, that—

**The Speaker:** Third Elected Member for the district of West Bay, please. I made my ruling. Would you continue your debate in a different stream? Thank you.

**Mr. Cline A. Glidden, Jr.:** Thank you, Madam Speaker.

So, Madam Speaker, based on the obligations that we have as an Overseas Territory, it is important for us to recognise, and I know the Government recognises, that regardless of what domestic legislation is passed, we still have overriding obligations that supersede that domestic legislation.

So, as my colleague mentioned earlier on, the issue as far as civil unions and the recognition of civil unions in Cayman, when we talk about bringing some kind of protection or comfort level to the average Cayman person, what this is protecting is that we do not see a marriage taking place between a man and a man, and a woman and a woman. But the concern that has been expressed to me by the people who I represent, is not that they are going to go to a wedding and see the wedding ceremony taking place between a man and a man, or a woman and a woman, except that they are going to be exposed to the lifestyle arrangements that go along with the legal unions between individuals. That is the protection and concern that they would like to have. They would like the recognition of that tradition.

So, when we see an amendment saying that there will be no weddings between a man and man, and a woman and woman . . . we heard the Second Official Member just get up and say that the way that the United Kingdom also gave that protection was by giving the ability for civil unions. So, giving a legal right to two men and to two women—because, again,



even though they would like to protect for their historic norms the obligations that they have, being a part of the wider European Union community ensures that those individuals must have that right recognised. So they could not bring legislation that could then be challenged to say that it had removed the individual rights of those individuals because there is historic precedent set to show that we have seen domestic legislation, even constitutional legislation challenged at the European Union level, and now we see that we have domestic legislation coming that is supposed to, in the expressed intent of the Leader of Government Business, give comfort to those individuals.

Madam Speaker, my concern would be very similar to the First Elected Member for Cayman Brac and Little Cayman. Can the Government say that they have determined what will occur, even after this amendment is passed, if we do have a challenge taken through the legal systems in the Cayman Islands and carried on further into the United Kingdom, or to the European Union? What would occur in terms of a decision or a hearing based on the advice that is given from a legal standpoint?

Madam Speaker, even a bit more complex: What would happen, not only with the recognition of a civil union here in Cayman, but what would occur if a civil union took place in the United Kingdom? What recognition or respect would be given to those individuals upon their arrival in the Cayman Islands?

Based on their civil union, would those people then be recognised [and] conduct life in such a fashion as man and wife?

For example, if those two individuals living here and residing here had a recognised legal union in the United Kingdom, would they then be allowed, for example, to make an application for the adoption of children? Would they be able to do joint accounts? Have pension benefits? Has any investigation been made to give comfort to the Caymanian people as to what would occur in that event two individuals formed a union outside of the Cayman Islands?

Now, this amendment is meant to give some comfort because, as was said earlier, we know there is a lot of discussion as far as the human rights aspect of the Constitution. And we are getting into a human rights discussion hopefully in a few days when we are talking about a new Constitution. I know the Government's attempt—just like the attempt with the preamble—is to say (and I have heard this before) *Oh, we can personalise our Bill of Rights. We can personalise and localise our rights in some fashion* to give the impression that yes, it's rights for all humans; but we can make those rights unique to the Cayman Islands.

Now, I think the Cayman people have seen through that and recognise that, again, due to the international obligations that we have, a bill of rights for humans is just that: they are rights going across, regardless whether it is rights in Cayman, or rights in liberal United Kingdom or in the rest of the European Union community. But, in the same way we had that

attempt made at that time, Madam Speaker, of giving some false protection that we are going to be able to localise our rights, what we are concerned about, Madam Speaker, is that while this has its place, while there is no problem with defining marriage as far as this amendment, unless we have received those assurances it should not be seen as some level of protection against other ramifications and possibilities that could go against the norms.

With those brief remarks, Madam Speaker, I conclude my contribution.

**The Speaker:** I will take the luncheon break at this time, until 2 pm.

### Proceedings suspended at 11:50 am

### Proceedings resumed at 2.00 pm

**The Speaker:** Please be seated.

Does any other Member wish to speak?

Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Marriage is an ancient and honourable institution. It is an institution which has existed for millennia and stretches across civilisations all over the world in one form or another. To the best of my knowledge, it has always been an institution in which the partners were persons of the opposite sex.

It is recognised, as some of those who spoke before me said, in the Bible. It is recognised in the holy books of religions other than Christianity. And it is recognised even in places where there is no accepted religion. I believe that principally the reason why it has been recognised as an institution between a man and a woman is because its principal purpose is procreation and the care of the next generation.

It has been taken for granted for so many years that this union, this contract, is one between a man and a woman that our Marriage Law does not currently specifically define who the parties to a marriage can be. It speaks about what age they have to be and so forth, but it does not say what sex, what gender the parties to the marriage are to be.

In more recent times and in other places beyond these shores there have been petitions, there have been movements to accord to persons of the same sex who live in relationships something akin to the status of marriage. In some States, notably in some of the United States, they now have formal contracts which are described as "Gay Marriages." So, Madam Speaker, understandably there have been and continue to be concerns within these shores that somehow a marriage officer may be asked, requested, required, to carry out a ceremony between persons of the same sex.

Madam Speaker, my own view is that even as the Law currently stands, they could lawfully refuse to carry out any such ceremony and, further, that even if such ceremony were carried out, arguably it would be void because the Common Law definition of marriage, the Common Law understanding of marriage (as I outlined when I started), is that it has always been a contract between a male and a female person of required or above a minimum age. But, no one—particularly in these times—wants to leave things to chance, wants to deal with the uncertainty of the outcome of a court case.

Madam Speaker, concerns about this provision in Cayman are not new. They stretch back quite some years. It was interesting to me to hear the three most articulate Members of the Opposition talk at length about this issue and their grave concern about it. I guess that they must have had those concerns when they were in office, but lacked the will or where-withal to do anything about it.

The Bill is now here. The proposed amendment to define marriage has been brought by this Government, brought in the context of the ongoing debate about constitutional change and particularly the inclusion for the first time in a Cayman Islands Constitution of a Bill of Rights.

Madam Speaker, there are those who do not believe that we should limit the marriage contract to persons of the opposite sex. We have seen and will continue to see opinions written by various persons and opinions articulated by persons in the various media. There are some who will say, even some on my own side, that my own views about things that I consider matters of personal choice are liberal. And I am, Madam Speaker, by and large, a person who believes that the way individuals want to conduct their lives, the churches they wish to go to, or whether they do not wish to go to church, whether they want to be Christian or Muslim or *nowhereians*, is really a matter of personal choice.

There are those who will say that we should rail against things like homosexuality and homosexual conduct. And everyone is entitled to their own view about those things. My own 'educated' view, and I say that because I have done the research, is that homosexuality has been around as long as mankind has been around. So, whether it is right or wrong, whether the Bible condemns it or does not condemn it, it is a reality of life.

The Good Lord made us all with judgment, the ability to decide what we wanted to do—free will to choose right, to choose wrong. Homosexuality is not the only wrong in the world. If one accepts that it is wrong.

I make no judgment about any of those things. I just want to acknowledge that these are some of the realities of life. But this much I believe, this country—wherein my roots lie—has always held the institution of marriage as a solemn contract between a man and a woman. That is part of our cultural social religious

fabric. To those that like that or do not like that, it is a matter for them.

This is a country a society very much in transition, very much in a flux. It has been the case for 40 years. But certainly in more recent times the numbers of immigrants have increased by four- or fivefold. Obviously, they come with their own preconceived views and notions, ideas and cultures, and that is fair and that is to be expected. But I still believe that those who rail against the Caymanian expression of what their culture is and what the mores of this country were, arguably still are and should be, those who rail against those things, when you look at the opinions expressed in the various media—and I do, very carefully—almost without exception, those who rail against these things have come from somewhere else. So their perspective is not the Caymanian perspective.

I know with every part of my being that the moral compass of this country is still pointed absolutely clearly, directly in favour of preserving marriage as an institution between a man and a woman. It is our job, our responsibility as legislators, to ensure that what is regarded as the social standard, what is regarded as the social values of this country, are preserved to the best that we can do.

I do not try to say that by making this amendment and by doing what we do that we shall forever preserve what we consider today to be the Caymanian value system and way of life. I say with some regret that I believe that that is going to change; and if I live the natural span of my life, probably within my lifetime. But that will be for other legislators, for another House in another time.

What we are seeking to do here today is to put beyond doubt what the marriage contract means; to define the marriage contract clearly as one which can only be executed between people of the opposite sex. That is what this is about. I have said what I have said in the way I have said it because everyone in this House, in fact everyone in the world is entitled to his own view. And some of my colleagues on this side, and some Members of the Opposition on the other side have more fundamental beliefs and may be more judgmental about those who do not accord with their fundamental beliefs. That is a matter for them.

The position I take is not based on my personal belief alone. I believe everyone is entitled to his own choice. But the standards, the values of a country must reflect what the people of the country in large part believe. Otherwise, the system cannot work.

So, Madam Speaker, I am passing no judgment on persons of the same sex who live together who carry out their lives in a lifestyle which does not accord with my lifestyle, or, indeed, carry on a lifestyle which many would condemn. I am not joining the list of those who condemn them. I am simply saying that I believe it is our obligation as legislators to reflect what the majority of the people of this country—and by that I mean the Caymanian people—believe, and believe firmly.

The Christian religion has been the principal religion of these Islands ever since there was settlement here. It is still the principal religion of these Islands, but there are now many others. But taking the position we take I do not believe in any way offends any of those other religions because all of the religions of which I am aware promote the marriage contract and promote it only as a contract between persons of the opposite sex.

Now, Madam Speaker, there has been raised the spectre of civil unions, particularly in the context of this debate. While I am trying to restrain myself from any real criticism of the Opposition, I have to say that in this case what they have done here today, again, is to simply continue the scaremongering that has been part of their campaign to prevent us getting through with needed, urgent constitutional change over the course of the past year.

Madam Speaker, we know, because the UK has told us specifically, that we must have a bill of rights. I have always believed that a bill of rights is a good thing. In Cayman, in a large part due to the exploitation of fears by the Opposition and others, human rights have been painted as something terrible. Have those who opposed the concept of human rights and an inclusion of a bill of rights had any regard to the amount of blood that has been shed so that people could live out their lives making personal choices free from torture, from slavery, from the whim of an evil government—that is, at its core, what a bill of rights is about. It is about protecting the rights of the individual from invasion by an evil or, even if they are not evil, by an oppressive government. That is what a bill of rights is about.

What has happened over the course of time is the growth of the sort of horizontal growth of legislation protecting or seeking to protect different forms and types of behaviour under the general umbrella of human rights. And, without a doubt, in some places, Canada and Europe, it has resulted in the most bizarre decisions. And it is these decisions which have caused real fear in many instances. By and large in the context of what is being proposed for Cayman, those fears are unwarranted, but I do not blame people, particularly people who have not the knowledge, or who have not had the situation properly explained to them, I do not blame people from being fearful of what they believe is a bad thing.

But I do blame the Opposition—who ought to know better, if they do not know better—from exploiting those fears and creating a situation where people believe that the mere mention of human rights or a bill of rights is going to somehow ensure that the Cayman Islands becomes Sodom and Gomorrah and is headed for eternal damnation, because that is where we are in many instances.

Madam Speaker, this situation of a civil partnership . . . I want to address some of the issues raised by the Second Elected Member for West Bay when he talked about civil partnerships, when he

talked about worries and concerns that, he says, Caymanians have that persons who are in same sex relationships are not accorded the same rights and privileges that flow from the marriage contract. Only under a marriage contract do certain rights automatically follow—rights of inheritance, rights to pension, various other rights that have come to be known as flowing from the marriage contract.

To give persons who are not married to each other those rights requires separate and specific legislation. Hence, the need in the United Kingdom to pass the Civil Partnership Act, because under their Marriage Act or whatever it is called, I am not sure . . . I think it is called the Matrimonial Causes Act, I have forgotten the specific title. But it does not matter. Under the Marriage Law which allows persons of the opposite sex to become joined in holy matrimony in the United Kingdom, only persons of the opposite sex are able to do that, and only then are they able to acquire the rights and privileges flowing from a marriage.

So, to give to persons of the same sex who are in a relationship any of the usual rights and privileges that flow from the marriage contract requires separate, distinct legislation. Even in a country that we believe to be as liberal as the United Kingdom, they did not promote the civil partnership relationship to the status of marriage; hence the separate piece of legislation.

Under that legislation, persons of the same sex who are in longstanding relationships are able to have rights of pension, succession, health insurance and so forth, which would normally only be available to persons under the marriage contract. So they passed a separate piece of legislation to deal with that.

Now, the only way any of that could impact the Cayman Islands would be in one of two ways: The first, and obvious, is that if this Legislative Assembly came to the view that this was right and proper and passed something akin to the Civil Partnerships Act in the United Kingdom and gave persons of same sex relationships those rights and privileges. I do not think, at least in the presently constituted House, there is much fear of that. The other way would be if the United Kingdom extended to the Cayman Islands the provisions akin to those in the Civil Partnerships Act.

Madam Speaker, when Minister Meg Munn was here earlier this year, and, indeed, when she returned to the UK and gave evidence before the Foreign Affairs Committee, she gave assurances that the UK had no intention or desire to apply the Civil Partnership provisions or extend them to the Cayman Islands.

Madam Speaker, if I might just quote from a publication in *Cayman New News* and in the *Caymanian Compass* following her visit here earlier this year, she said (just a moment, to make sure I quote the right paragraph) . . . from the *Caymanian Compass*, Tuesday, 15 April 2008. **“UK Parliamentary Under-Secretary of State Meg Munn previously said Brit-**

**ain has no intention of forcing Cayman to accept civil unions or civil partnerships, even though she is personally in favour of allowing such arrangements to exist."**

And then when Ms. Munn and others were summoned to give evidence to the Foreign Affairs Committee on, I believe it was the 26 March, this year, she said (and this is a direct quote), **"We do not intend to say that territories must enact, for example, civil partnerships. That is not something we have gone that far with currently. It is an issue that I was questioned about at great length when I visited Cayman, which expressed concern that signing up to human rights within its constitution would automatically mean that it would have to have civil partnerships. That was not our view," she emphasised.**"

So, Madam Speaker, that is, to the best of our knowledge and belief in Government, the current UK Government's current position on that matter. But I hasten to add that that guarantee is as good as the particular state of mind of those who have given it at that particular time. The view of the UK Government could change. Indeed, the UK Government itself, like all other governments, could change. And it is possible that the United Kingdom could extend to the Cayman Islands or insist that the Cayman Islands recognise civil unions. I believe everyone on the other side of the House is fully aware that not only can the UK do that, but we have some precedents for them dealing with such matters by Order in Council, if they feel that it is that important; or if they feel, they believe, or if they are told that any of the EU conventions require them and, consequently, their Overseas Territories to comply in that respect.

That is a reality, Madam Speaker. The removal of capital punishment from our law books, and the legalisation of homosexual acts in private are two fairly recent examples of the UK taking that position.

But, knowing what our constitutional status is, knowing that however we dress it up we are still a colony—whether we call it a territory or not—of the United Kingdom and ultimately subject to their decision making under the present constitutional arrangement, that is a reality that we have to face.

The only way to retain our status as a British Overseas Territory, but to restrict the UK's ability to extend legislation or conventions to us, is if we have the requisite changes agreed to and made to the Cayman Islands Constitution. Madam Speaker, that is a point we have been making on this side for upwards of a year—a point which seems to be lost on the Opposition who every time there is an issue relating to these matters tends to do, as the Third Elected Member for West Bay did this morning, [and that is] to set out all of the concerns and ask for assurances from the Government that various things will not happen when he and they know full well that we have no ability under the present Constitution arrangement to offer any guarantees to anyone. We are not ultimately in

control of the decision-making in relation to such matters under the present Constitution. And that, Madam Speaker, is why we have been pressing for constitutional change, while the process which has been frustrated time and time again by the foot-dragging and deliberate hurdles placed in its way by the Opposition is doing this country such a grave disservice.

But they come here, Madam Speaker, and on a matter like this get up and talk, like the First Elected Member for Cayman Brac and Little Cayman has done, about the Christian virtues and values and how we need to ensure and we'll go down in flames, and I don't care what happens to my political career, but I am going to stand for this . . . if you want to stand for it, you have to do something about it—something more than talk! You have to get with the programme, work with the Government to get the requisite changes to the Constitution which will restrict the ability of the United Kingdom to legislate for us in matters such as these.

And they have the gall, Madam Speaker, to come here today to talk about this matter of such critical importance and how it will destroy the fabric and value system of the Caymanian society if we do not ensure that marriage is preserved for those persons of the opposite sex. That's fine. But what are you doing to help ensure that we preserve it?

What you are doing is what the Leader of the Opposition did just this week—refuse to cooperate with the Government, even to sit down to talk with us about how we can present a concerted position to the FCO when they arrive on 29 September.

Where is he?

He spends more time off the Island than he does here. He is not here today—knowing full well, weeks ago, that the House was to start on 5 September.

Madam Speaker, this is serious business. We must take the business of this country seriously. Grandstanding here, making nice, fancy speeches, which, if they have any substance, certainly do not have any sincerity. That is not good enough. The country is being sold short.

Whatever they say about us, this Government is a Government of action. We work. We research. We try to move the agenda forward. It has taken us many months to get to this point to propose an amendment that is one line long—marriage means the union between a man and a woman as husband and wife. Why? Because we wanted to understand the ramifications, the implications of what we were doing before making this proposal to this honourable House.

I heard the Second Elected Member for West Bay get up and say, *Well, it doesn't go far enough. We need to define that it is a male or female from birth.* Did he think we did not consider that point?

Does he even begin to understand the area that we are walking into now, an area that no country in the world has yet satisfactorily come to grips with? It is a huge ethical issue about gender change.

Madam Speaker, I do not have the answer to this. I do not have the answer, and I am not pretending that I do. I am just saying that I want the Second Elected Member for West Bay—who is my good friend, of which everyone is aware—to think about this. In fact, Madam Speaker, I believe that he could be redeemed. But he has to choose better company!

[Laughter]

**Hon. Alden M. McLaughlin, Jr.:** But, Madam Speaker . . . a light moment, Madam Speaker, in a serious argument, serious debate.

Madam Speaker, think of this: someone was born a male. Through gender . . . what do they call that, again? There is an expression, which now escapes me. But through a sex change (let me just use the basic) they change their gender, and to all intents and purposes and to all appearances they are now female. The Second Elected Member for West Bay suggested that we should ensure that in the definition we say that marriage means the union between a man so born, and a woman so born, as husband and wife.

So, this individual who comes to be married was born a male but is now a female. And so, if we write it the way the Second Elected Member for West Bay wants it written, that person born a male, now a female, cannot marry who? Cannot marry a male. So what are we saying then, that the person born a male—who is now a female—could marry a female?

Those are the kinds of difficult questions that you have because . . .

[inaudible interjections and laughter]

**Hon. Alden M. McLaughlin, Jr.:** Those are the very, very difficult, ethical questions that arise in those circumstances.

Madam Speaker, we have taken the position on the basis of advice that we should stick to the simple definition of marriage as a union between a man and a woman as husband and wife.

I hope, because I saw them all get up and walk out . . . I did not mean to run them. But, the Second Elected Member for West Bay still soldiers on.

I do hope that when we come to the vote that these concerns and issues that the Opposition has raised will not prevent them from voting in favour of this amendment. But, more broadly speaking, the Opposition really must get behind the constitutional modernisation process. They must come and sit down with the Government for us to do as best we can to iron out what I believe are few differences between us in relation to these changes. Almost every day we are faced with instances which scream out for constitutional modernisation because, as a country, as a Government, as a people, we have moved way beyond in practice and in expectation the Constitution of 1972.

At the risk of digressing, what transpired yesterday in relation to the ill-fated police helicopter is another example, Madam Speaker, of why the present Constitutional construct does not support the way things need to be done. And so, as I said earlier, if we are to have greater control over what happens to this little place, not just in relation to changes to financial regulations and conventions, but what happens to the social fabric and mores of this place, we have to have a Constitution which limits the ability of the United Kingdom to impose or extend certain provisions to us. That is the reality.

Above everything else that needs to be done to ensure that we have a modern Constitution in keeping not just with this time, but which is forward-looking and able to deal [with] and support the changes which are to come, above all else the Cayman Islands itself needs greater control. The United Kingdom needs to be restricted in what it can do to us, what it can extend to us, and what it can force us to comply with.

And so, Madam Speaker, this little amendment—one line long—I believe provides an excellent example of why real constructive, progressive, constitutional change is required. So, my final plea to the Opposition is to broaden their view and to look beyond tomorrow or the next election and come together with the Government. Let us do something truly honourable, something that is truly statesman-like, something that we can all in time to come look back and say *I was proud to be part of that legacy*.

Let us leave for the people of the Cayman Islands a Constitution that is worthy of us—our aspirations, our hopes, our dreams; one which continues to preserve our cultural, social values, and which provides the basis for a brighter future, a brighter tomorrow for these Cayman Islands.

Thank you.

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

If no other Member wishes to speak, does the Honourable Leader of Government Business wish to exercise his right of reply?

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

I am told by my colleagues that all I should do is get up and say Amen!

[laughter]

**Hon. D. Kurt Tibbetts:** Madam Speaker, it is good to have listened to the debate from both sides on this Bill before us. In my introduction I said it was simple and straightforward. Many of the points that have come out are points that we deliberated on for quite some time before coming to the conclusion that the amending Bill in front of us should be crafted in the way that it has.

Madam Speaker, my colleague, the Minister of Education, and also the Second Official Member, ad-

dressed the vast majority of the issues raised. It is important to note, as my colleague has just said, that the one real issue that we do not find ourselves with an easy answer for is the issue of individuals who may have undergone a sex change.

Many years ago we only used to hear about that in the *Enquirer*. I am sure all of us remember that tabloid. I can remember when I was much younger, and sneaking to read that. I was trying to understand how that could ever happen. But it does. Thank God it is not something that is heard of very often. But it does create some difficulty, and the fact of the matter is that there is not an easy answer for that. The truth of the matter is, in order to be able to deal with it the best way we know how is when we speak to the definition of marriage, and it being the union of a man and a woman.

Madam Speaker, there were questions raised about whether this Bill, once passed, will be assented to. I do not want to go down the road [where] every bill the Government brings forward the question needs to be asked, *Do we have the assurance of the Government that it will be assented to by the Governor?*

The fact of the matter is that in 2007 very similar legislation was passed in our sister Overseas Territory of Anguilla. That legislation was assented to and that is now law in the Overseas Territory of Anguilla. So, that in itself is clear indication that there would be no problem. And, of course, we know the process. The Honourable Second Official Member prepares a report on each bill passed in this Legislative Assembly to advise His Excellency the Governor, which predicates his assenting to the bill. Certainly if our Second Official Member had any intentions of not advising that it should be assented to, it certainly would not have come to Cabinet and been approved. So, there should be no problem in that regard.

Madam Speaker, the question was also asked as to whether we could ascertain the disposition of the Foreign and Commonwealth Office on this issue. I am not 100 per cent sure whether my colleague specifically addressed this, but we have a few quotes from Ms. Meg Munn when she visited us not so long ago. One of those quotes, Madam Speaker, with your permission—

**The Speaker:** He did that.

Go ahead.

**Hon. D. Kurt Tibbetts:** I am realising that it was quoted, but I just want to repeat with your permission.

She said: **“We do not intend to say that territories must enact, for example, civil partnerships. That is not something we have gone that far with currently. It is an issue that I was questioned about at great length when I visited Cayman, which expressed concern that signing up to human rights within its constitution would automatically mean that it would have to have civil partnerships. That was not our view, . . .”**

Madam Speaker, she was also asked (and I do not have the quote) about same sex marriages. She said very clearly that that was a matter for each individual territory. She made that very clear to us. We have our position and we are now making the amendment to our legislation, which is all we can do at present.

In doing this now, assuming safe passage, as my colleague the Minister for Education mentioned in his contribution, the next step to ensure that all of these questions about giving assurances are taken care of, is to ensure that a new constitution contains the necessary wording.

I want to use the example of the Constitution of the British Virgin Islands, which is a fairly new constitution. It is titled the Virgin Islands Constitution Order 2007. If memory serves me right, it was enacted in July 2007.

Section 20 of that Constitution, under the heading “Protection of the right to marry and found a family” subsection (1) **“Every man and woman of a marriageable age [I am going through it slowly. Marriageable age is whatever our own local legislation dictates.] has the right to marry and found a family in accordance with laws enacted by the Legislature.”** That is, their own legislature.

Subsection (3) says **“Nothing in any law or done under its authority shall be held to contravene subsection (1) [which is the section I just read] to the extent that it is reasonably justifiable in a democratic society— . . . (b) for regulating, in the public interest, the procedures and modalities of marriage;”**

So you see it is obvious that London, or the FCO, approved this new Constitution last year for the British Virgin Islands. Absolutely in 2008 they are not going to argue with that, hence my colleague’s call to the altar for the Opposition to let us get on with it. It is but one example of why we need to engage and complete the modernisation process with our Constitution. Any assurance that they wish, this British Virgin Islands Constitution gives all of the evidence that is needed to prove that we can have that assurance.

My colleague went on a little bit further, and he did not stay with it to make it one of his pounding issues, but beyond having this in our new Constitution is also the restriction in a new Constitution for the United Kingdom to be able to extend certain legislation to us, or the manner in which it is done by Order in Council.

Madam Speaker, I wanted to simply reiterate those points so that the fears that have been expressed . . . we know the path to cause those fears to be unfounded; we simply have to follow it.

The last point I want to make, Madam Speaker, is the Third Elected Member for West Bay was coming on in his own way, and just [the way] I hear him on the radio talking about the right to individual petition. The facts are that the right to individual petition, that is, the right to individual petition to the European Commission of Human Rights (ECHR), that

is where that argument is all centred. That has existed with us from a very long time ago. Here are the facts: It has existed with everyone who has signed up to it. And that includes Her Majesty's Overseas Territories. Some of us have had it extended forever more; others have had it extended for finite time periods. It so happened that one of our extensions lapsed. No attention was paid and it was brought to our attention. But it is not for the Third Elected Member for West Bay or anyone else to try to make it seem that the Government in 2006 took it on their own to sign up to this thing. That is not how it was.

Madam Speaker, you know as well as I what it is to be in the Opposition. It is our job to make sure that they are not left alone going down their curving paths when they know better and the facts need to be known. So the facts with that issue are that the individual petition, the right to individual petition, is simply something that was re-instituted, which had existed and had lapsed. It was almost like a lease and you are still in the building, and the lease lapsed and you need to regularise the situation. That is really all that was. Because there were many individuals in this territory who were saying the whole world has this right and if any individual here is not satisfied going through our system, and everybody else has this recourse, why are we not having the recourse? My question to them is, should an individual not have that recourse? That is, the individual right to petition. That is the way it seems they are saying it should be. Madam Speaker, we cannot take that position as a government. People have their rights.

Now, that has nothing to do with this Bill itself, you know, because they are trying to tie that in. And when I say it has nothing to do with it, what I mean is that they are trying to tie that in to say that if we have our own legislation like this . . . let me tell you what they are trying to do: If we have our own legislation with the definition of marriage (as is being proposed now in this), and some persons are not satisfied, that, because they have the right to individual petition, they could go to the European Court of Human Rights, make a petition against our own legislation, and who knows what they might say. They might come back and say, yes a man and a man can get married. That's what they are saying.

But, Madam Speaker, I am saying to you that once our Constitution has what it has to have in it as it should, and as we are going to propose it—and I hope the Opposition does not argue against that one—then what are we worrying about? So let us not try to confuse the issues.

This, Madam Speaker, is what is right to do. This is all we can do at this point in time. But let us at least try to get on as quickly as we can to do the next step, which will put away all the fears that people may have.

Madam Speaker, I want to thank you for your indulgence. I want to also thank all colleagues on both sides of the House for the stirring and lively debate on

the points that have been brought out. I am quite sure that all of us understand the issues that are at hand with this and I am confident that the Bill will have safe passage.

Thank you.

**The Speaker:** The question is that a Bill shortly entitled the Marriage (Amendment) Bill, 2008, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Hon. Alden M. McLaughlin, Jr.:** Could we have a division, Madam Speaker?

**The Speaker:** Madam Clerk.

#### Division No. 3/08-09

**Ayes: 13**

**Noes: 0**

Hon. D. Kurt Tibbetts  
 Hon. Alden M. McLaughlin, Jr.  
 Hon. Anthony S. Eden  
 Hon. Charles E. Clifford  
 Hon. George McCarthy  
 Hon. Samuel W. Bulgin  
 Hon. G. Kenneth Jefferson  
 Ms. Lucille D. Seymour  
 Mr. W. Alfonso Wright  
 Mr. Osbourne V. Bodden  
 Mr. Moses I. Kirkconnell  
 Capt. A. Eugene Ebanks  
 Ms. Juliana Y. O'Connor-Connolly

**The Speaker:** The result of the division: 13 Ayes, no Noes. The Marriage (Amendment) Bill, 2008, has been given a second reading.

**Agreed: The Marriage (Amendment) Bill, 2008, given a second reading.**

**The Speaker:** The House will now go into Committee.

#### House in Committee at 3.04 pm

**The Chairman:** Please be seated.

The House is now in Committee.

With the leave of the House, may I assume (and I hope that this does not have to happen) that, as usual, we authorise the Honourable Second Official Member to correct any minor errors and suchlike in these Bills?

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

## COMMITTEE ON BILL

### Marriage (Amendment) Bill, 2008

**The Clerk:**

Clause 1 Short title.

Clause 2 Amendment of section 2 of the Marriage Law (2007 Revision)—definitions.

**The Chairman:** The question is that clauses 1 and 2 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 1 and 2 passed.**

**The Clerk:** A Bill for a Law to amend the Marriage Law (2007 Revision) to expressly provide that a marriage is a union between a man and a woman; and for incidental and connected purposes.

**The Chairman:** The question is that the Title forms part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Title passed.**

**The Chairman:** That concludes proceedings in Committee.

The question is that the Bill be reported. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Bill to be reported to the House.**

**The Chairman:** The House will resume.

**House resumed at 3.06 pm**

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

## REPORT ON BILL

### Marriage (Amendment) Bill, 2008

**The Speaker:** Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, I have to report that a Bill shortly entitled the Marriage (Amendment) Bill, 2008, was considered by a Committee of the whole House and passed without amendment.

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

**The Clerk:** The Marriage (Amendment) Bill, 2008, Third Reading.

**The Speaker:** Madam Clerk, we don't have a third reading today . . . at least it is not on my Order Paper.

[pause]

**The Speaker:** Proceedings will be suspended for five minutes.

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

## GOVERNMENT BUSINESS

### MOTIONS

#### Government Motion No. 6/08-09—Amendment to the Development Plan 1997—Proposed Rezoning National Housing Development Trust

**The Speaker:** I recognise the Honourable Leader of Government Business, Minister responsible for the Ministry of District Administration, Planning, Agriculture and Housing.

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

In moving this, with your permission I will move it and read the Motion at the same time.

Thank you.

Madam Speaker, I beg to move Government Motion No. 6/08-09 entitled Amendment to the Development Plan 1997—Proposed Rezoning, National Housing Development Trust, which reads as follows:

**WHEREAS in 2008, the Central Planning Authority received an application for the rezoning of Registration Section, South Sound, Block 15C Parcel 28 from Institutional to Low Density Residential and Institutional;**

**AND WHEREAS the CPA originally considered the application on April 16, 2008 (CPA/15/08 Item 4.1) and resolved that the rezone application be put out for public comment;**

**AND WHEREAS the proposed amendments were advertised in the *Caymanian Compass* on April 28, 30, and May 6 and 9, 2008, in accordance with section 11(2) of the Development and Planning Law (2008 Revision) and the application was placed on display in the Planning Department. During the comment period no letters of objections were received.**



**AND WHEREAS on July 30, 2008, the CPA again considered the application in light of the public review process (CPA/26/08 Item 4.1) and it was resolved to forward the proposed amendments to the Ministry with the recommendation that the proposed amendments be forwarded to the Legislative Assembly for approval.**

**AND WHEREAS on August 5, 2008, Cabinet approved the rezoning application and further that the matter be referred on to the Legislative Assembly;**

**BE IT NOW THEREFORE RESOLVED that in accordance with section 10 (2) (b) of the Development and Planning Law (2008 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;**

**AND BE IT FURTHER RESOLVED that, Registration Section, South Sound, Block 15C Parcel 28, be rezoned from Institutional to Low Density Residential and Institutional.**

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

Honourable Leader of Government Business.

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

In 2008, as the Motion says, the Central Planning Authority received an application for the rezoning of registration section South Sound Block 15C Parcel 28 from Institutional to Low Density Residential and Institutional. The proposed rezoning encompasses a total area of approximately 28 acres and is located off Fairbanks Road adjacent to the L'Ambience Apartment development.

The proposal calls for the parcel to be rezoned from the current zoning of it being entirely institutional to a zoning which would place a portion of it to remain institutional and the other portion of it to be rezoned to low density residential.

The CPA considered the application, as the Motion says, and resolved to commence the 60-day notification and advertising phase. This was done. It was advertised as is required by law. In addition to that, the application was placed on display in the Planning Department, and during that comment period no letters of objections were received. So, when the CPA reconsidered it on July 30, it was resolved to forward this application. On 5 August, Cabinet approved the rezoning application and it has been brought down to the Legislative Assembly.

Madam Speaker, there is a written summary of the rezoning application and there is a map illustrating the location of the proposed rezone.

And just to say what it is all about, Madam Speaker, this entire parcel of Crown land was zoned institutional because that is where the Fairbanks Prison site is. The Fairbanks site and also the deten-

tion centre for the refugees are located there. But it does not use up a tremendous amount of the Crown land that exists. It is one of the locations that the National Housing Development Trust intends to use for one of its four programmes.

The site is such that a retention pond is going to be created and the portion that will be rezoned to low density residential is going to be raised to either five or six feet above sea level to make sure that the ground is quite high enough to create the subdivision to build these homes. That is the whole purpose of the exercise.

Madam Speaker, we searched far and wide, not only for Crown land, but land that could be acquired that was suitable. This was the most suitable area that could be found outside of other land that the National Housing Development Trust owns. So the purpose of this entire exercise is to now create by law the proper zoning for this parcel so that the application for the subdivision may be entertained by the Central Planning Authority that we can move the programme forward so that we can begin construction of these homes in the district of George Town.

I commend this Government Motion to this honourable House and I trust that it will receive approval by all Members.

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

If not, does the honourable mover wish to exercise his right of reply?

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Just to say that by the looks of it, silence in this instance means consent.

Thank you.

**The Speaker:** The question is: BE IT NOW THEREFORE RESOLVED that in accordance with section 10 (2) (b) of the Development and Planning Law (2008 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;

**AND BE IT FURTHER RESOLVED that, Registration Section, South Sound, Block 15C Parcel 28, be rezoned from Institutional to Low Density Residential and Institutional.**

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

**Ayes.**

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

**Agreed: Government Motion No. 6/08-09 passed.**

**ADJOURNMENT**

**The Speaker:** That concludes the orders of the day. I will entertain a motion for the adjournment of this honourable House.

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, with your permission, just to say to all Members that, while Thursdays is Private Members' Motions day, we will commence the Private Members' Motions on Monday so that we can try to conclude the business of this meeting as early as possible. So, those of us who will either be moving, seconding or debating the Private Members' Motions, please get prepared for Monday morning.

Thank you.

I move the adjournment of this honourable Legislative Assembly until Monday at 10 am.

**The Speaker:** The question is that this honourable Legislative Assembly now adjourns until Monday at 10 am. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 3.23 pm the House stood adjourned until Monday, 8 September 2008, at 10 am.**



**OFFICIAL HANSARD REPORT**  
**MONDAY**  
**8 SEPTEMBER 2008**  
**10.25 AM**  
*Second Sitting*

**The Speaker:** I will ask the Fourth Elected Member for the district of West Bay to say Prayers.

**PRAYERS**

**Capt. A. Eugene Ebanks:** Let us pray.

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

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

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

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

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

**Proceedings resumed at 10.28 am**

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

**Apologies**

**The Speaker:** I have received apologies for absence from the First and Second Elected Members for the district of Cayman Brac and Little Cayman, who are

unable to attend due to the existing weather conditions in Cayman Brac.

I have received apologies for late arrival from the Honourable Minister responsible for Communications, Works and Infrastructure.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**Cayman Islands Annual Economic Report 2007**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House, the Cayman Islands Annual Economic Report 2007.

**The Speaker:** So ordered.

Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Yes thank you, Madam Speaker.

Madam Speaker, the 2007 Annual Economic Report is a comprehensive report of the domestic economy based on data and other economic information for the 2007 calendar year. The information in this report is as collected by the Economics and Statistics Office, and that is that the information in the report is as of 30 June 2008, but it relates to the 2007 calendar year.

The report also includes an overview of the global economic environment based mainly on published updates from the International Monetary Fund and the World Tourism Organisation, as of the same cut off date, 30 June 2008.

Madam Speaker, the 2007 Annual Economic Report contains an executive summary and a summary indicators sheet, which are intended for easy reference of the key economic developments during the year. I will provide details of the international and regional economic environment in 2007 as compared to 2006, and then I will proceed to summarise our own domestic performance in 2007 as compared to 2006.

The International and Regional  
Economic Environment

Madam Speaker, the Cayman Islands economic performance in 2007 was recorded against the

backdrop of a global economic standstill, particularly for the United States of America. The global economy grew by 4.9 per cent in 2007 compared to 5 per cent in 2006.

The advance economies, which provide most of the demand for our financial and tourism services, also grew, albeit at a slower rate of 2.7 per cent in 2007 against the 3 per cent increase in 2006. This performance occurred amidst growing financial difficulties, specifically in the United States, and to a lesser extent in Western Europe. The mortgage crisis in the US spread to global financial markets while the commodities market was increasingly challenged by increases in food and oil prices. During 2007 the US grew by 2.2 per cent as compared to 2.9 per cent in 2006.

In 2007, the Caribbean recorded a strong growth performance, although this was also modest compared to 2006. In 2007, growth of Gross Domestic Product (GDP) in the Caribbean averaged to 5.7 per cent as the region benefited from growth in visitor arrivals and construction. Growth in the Caribbean in 2007 was, however, lower compared to the 7.8 per cent increase registered in 2006.

The Cayman Islands being dependent on imports from abroad benefited from lower growth in consumer prices in advanced economies, as inflation in these countries averaged 2.2 per cent in 2007, slightly lower than in 2006.

Madam Speaker, inflation in the United States moderated as demands for goods and services weakened. In the latter half of 2007, however, the Federal Reserve Board aggressively decreased interest rates to boost consumer spending. The US Federal Funds Rate reached 4.25 per cent at the end of 2007 from 5.25 per cent in 2006.

The global financial markets have been in turmoil since August 2007 due to deepening defaults on sub-prime mortgages in the US, which extended to other advanced nations exposed to the housing financial crisis.

The financial crisis also affected the foreign exchange market as evidenced by the falling real effective exchange rate for the US dollar since mid 2007. This is attributed to the dwindling of foreign investment in US bonds and equities, and the dampening of the US growth prospects and the consecutive interest rate reductions.

The global tourism market expanded in 2007 as the volume of international arrivals rose by 6 per cent, which was led by the Middle East with an estimated 13 per cent increase. Overall, the industry remained buoyant despite various factors impacting it during the year. These factors range from airline fuel surcharges, exchange rate fluctuations due to a weakened US dollar, and the US economic slowdown and credit crisis.

Within the Caribbean region mild increases in stay over arrivals were noted for destinations such as Barbados, which experienced a 2.1 per cent increase;

Jamaica, a 1.3 per cent increase; and the Dominican Republic, which had an increase of 0.4 per cent. The exceptions are Cuba and the Bahamas, which suffered losses of 3.1 per cent and 5 per cent respectively. Meanwhile, the Caribbean cruise tourism business had a mixed performance in 2007.

### Domestic Economy

Turning now to the Cayman Islands specifically, I am pleased to report that the Cayman Islands achieved a respectable growth in 2007 despite global economic challenges. In summary, at prices existing in 2007, per capita income or average Gross Domestic Produce at the end of 2007 recorded a modest increase of 2.8 per cent to reach \$40,242 as compared to \$39,137 in 2006. This increase was achieved amidst an upturn in the inflation rate.

Gross Domestic Product (GDP) was estimated to have expanded in real terms by 2.2 per cent in 2007. In nominal terms GDP grew by approximately 5.2 per cent in 2007 on account of higher average inflation.

The Consumer Price Index (CPI) inflation rate was recorded in 2007 at 2.9 per cent as compared to 0.8 per cent in 2006.

Inflation in 2007 was impacted by higher international prices for food, and oil and petroleum products. International prices for corn, wheat and rice all contributed to higher food prices. Consequently, food which accounts for approximately 12 per cent of the household expenditure basket went up by 5.2 per cent.

High and volatile oil and petroleum prices also impacted the average prices of transport and communication services which increased by 2.6 per cent.

The overall price index for housing fell by 0.2 per cent.

All of the categories in the CPI basket recorded positive increases: household equipment by 7.8 per cent; personal goods and services, 6 per cent; clothing, 3.8 per cent; alcohol and beverage, 2.2 per cent; and education and medical services, 1.8 per cent.

The economic growth in 2007 in the Cayman Islands was supported by a robust performance of the financial services sector: Growth in stay over arrivals, higher public consumption expenditure, as well as strong performance of the utilities sector.

Madam Speaker, some of the highlights of the economic performance in these sectors are as follows: In the financial services sector, Moody's Investors Services, one of the top two international commercial providers of independent credit ratings, issued its report on the Cayman Islands in February 2008. In general the report was upbeat and gave the country the highest country ceilings for long term foreign currency obligations; short term foreign currency obligations and short term foreign currency deposits. Overall the sector recorded positive growth in 2007.

With the exception of the Banking and Trust sector, increases were seen in insurance, company licences, mutual funds, stock exchange listings and capitalizations, and company registrations.

Madam Speaker, the tourism sector experienced a mixed performance in 2007 after an unusually strong growth in cruise tourism in 2006. Total visitor arrivals stood at 2,007,172 in 2007, which was an 8.7 per cent decline compared to the performance in 2006 on account of the downturn in cruise arrivals.

Air arrivals accounted for 291,506 visitors, an increase of 9.1 per cent from the 2006 level. Cruise arrivals reached 1,715,666 persons, which represented an 11.1 per cent lower movement than in the previous year. The impressive growth in the stay over market arrivals was quieted by the decline in cruise arrivals and resulted in the reduction of overall tourist expenditures of \$399.1 million in 2007, as compared to \$427.4 million in 2006.

Madam Speaker, in construction, building permits and project approvals for houses declined during the year, although building permits for government projects increased during the period.

Consistent with the growth in consumption spending, demand for utilities surged in 2007 over the previous year. Growth in electricity demand rose by 8.7 per cent despite increases in electricity rates due to pressures on global oil prices. Meanwhile, demand for water accelerated in 2007 as it jumped by 6.2 per cent compared to 2006.

In 2007, the supply of labour based on the results of the 2007 Fall labour force survey, rose marginally by 1.4 per cent and stood at 36,476 persons. Total employment in 2007 reached 35,081 persons, slightly higher than in 2006. The unemployment rate increased to 3.8 per cent in 2007, from 2.6 per cent in 2006.

Despite the easing of construction activity this sector remained the largest employer in 2007, as it accounted for 16.1 per cent of employment, although this year is slightly lower compared to the 18.1 per cent it enjoyed in 2006.

Other major employers were business services, 12 per cent of the labour force; wholesale and retail, 10.3 per cent; restaurant, bars, hotels and condominiums, 10 per cent; and financial services, 9.5 per cent of the labour force.

Madam Speaker, I would like to conclude my contribution by mentioning that we have been consistently trying to improve the content of the Annual Economics Reports. The Report for 2007, which has just been tabled, contains three feature articles on topics that are relevant, not only to the economic performance in 2007, but also to those over the longer term.

The first article is found in Box 1 on page 16, which presents a decomposition of the inflation into food and non-food items, and possible causes of the high prices.

The second article in Box 2 on page 25 in the report features an explanation of money supply indicators.

The third article is found in Box 3 on page 36 in the report and presents the legislative changes in the financial sector.

The fourth article in Box 4 on page 57 looks at the latest Government bond rating.

Madam Speaker, the 2007 Annual Economic Report will be circulated to the general public via the website of the Economic and Statistics Office (that is, [www.eso.ky](http://www.eso.ky)).

Finally, Madam Speaker, I would strongly urge public and private business entities, and the wider public at large, to obtain a copy of the 2007 Annual Report either in hard copy format or to read an electronic copy because the Report contains a wealth of factual information about the performance of Global and Regional Caribbean Economies as well as our own local domestic economy.

Thank you, Madam Speaker.

#### **Cayman Islands Development Bank Financial Statements for the year ended 30 June 2005**

**The Speaker:** I recognise the Honourable Minister responsible for Tourism, Environment, Investment and Commerce.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the financial statements for the Cayman Islands Development Bank for the year ended 30 June 2005.

Thank you, Madam Speaker.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Charles E. Clifford:** No thank you, Madam Speaker.

#### **STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET**

##### **Post Hurricane Ike Assistance to the Turks and Caicos Islands**

**The Speaker:** I recognise the Honourable Leader of Government Business.

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

Madam Speaker, this time of year is always one of trouble for, not only many of us in the region, but our brothers and sisters further afield. Tropical disturbances becoming hurricanes, cyclones and eve-

rything else do have some serious impact on us. And in very recent times we have seen that this hurricane season itself is one of the most active that we have seen in several years. About a week ago we experienced to a certain degree the effects of hurricane Gustav. And our brothers and sisters around the Caribbean, many of them, Madam Speaker, have been facing more terrible times. We have the small island nation of Haiti, and from all indications they are in dire straits. We have seen our neighbours in Jamaica also face some very serious damage and loss of life as was experienced in Haiti, and our hearts go out to them.

Madam Speaker, after passing us Gustav went across the western side of Cuba and many of our friends, and in some instances extended families, in the Isle of Pines experienced severe devastation and there are moves afoot to try to get some assistance to them.

Madam Speaker, just a couple of days ago our fellow overseas territory, the Turks and Caicos Islands, experienced the devastation of hurricane Ike. And in speaking to Premier Misick, as recently as about an hour ago, he was over in Grand Turk and Grand Turk and South Caicos, as I understand from him, were the two islands that received the most damage. And from his description it seems like those two islands are somewhat similar to what we were right after hurricane Ivan.

So, Madam Speaker, I just wanted to take the moment to make sure that everyone understands that we, the legislators and, indeed, the Government, are conscious of our friends and the trouble that they face. In fact, I'm sure it brings back memories of, especially, hurricane Ivan. For some of us it brings back memories that go further back. And we will be considering whatever is practical and possible for us to do.

Our resources, Madam Speaker, are limited. But when we faced our peril our friends, many of them, were willing to assist us with whatever they could, and it is our duty to do the same. As soon as we are with a better handle on what works best and what will benefit best, Madam Speaker, the Government will be looking to assist wherever we can, however we can. It is difficult to be very specific now because we need to get communication from our friends and neighbours to find out exactly what needs are most critical. But as soon as we know that we will certainly do all that we possibly can. And I would ask the people in the Cayman Islands to make sure that we say a little prayer for our friends and neighbours during these times.

Thank you, Madam Speaker.

## GOVERNMENT BUSINESS

### BILLS

## THIRD READING

### Marriage (Amendment) Bill, 2008

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, I beg to move the Third Reading of a Bill, shortly entitled the Marriage (Amendment) Bill, 2008.

**The Speaker:** The question is that a Bill shortly entitled the Marriage (Amendment) Bill, 2008 be given a third reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Marriage (Amendment) Bill, 2008 has been read a third time and is passed.

**Agreed: The Marriage (Amendment) Bill, 2008 given a third reading and passed.**

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### Private Member's Motion No 5/08-09—Cuban Caymanian Family Connections

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

**Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

Madam Speaker, before I move the Motion I want to associate the Opposition with the remarks of the Government. We, too, are very conscious of the plight today of our neighbours and colleagues, and those whom we know in the region that has been damaged, in particular the severe damage done to the Turks Islands, Grand Turk. And while other countries have been [damaged], as I said, we can be associated with them because we know them so well. And they themselves are an Overseas Territory.

I cannot help but remember the many messages of support and friendship I received (as the then Leader of Government) from the region and the wider world and, in particular, the support of the Honourable Floyd Hall, who is the Deputy Premier and Finance Minister of the Turks and Caicos. And it is his home island and constituency, Grand Turk, that received the hardest hit, with about 80 per cent of the homes severely damaged.

So, we want to remember them in our prayers. I have already texted him a message and he has responded, Madam Speaker. But, of course, we

want those remarks to be associated to all of the islands.

Before I go further, Madam Speaker, I would like to say that Motion No. 6 on today's Order Paper is seconded by the First Elected Member for Cayman Brac and Little Cayman, Mrs. O'Connor-Connolly, who is unable to be here today for reasons we all know. And I know she wants to debate that Motion. I would ask the House to defer it until the next sitting.

**The Speaker:** Honourable Leader of the Opposition, could we do that when we reach that?

**Hon. W. McKeeva Bush:** And I would say, Madam Speaker, that Motion No. 7/08-09 will not be ready today as well, but when I get there.

Madam Speaker, Motion No. 5 standing in my name reads as follows:

**WHEREAS in the mid 1990's the then Government recognized the Caymanian family connections of many Cubans still in Cuba;**

**AND WHEREAS many of these said individuals were allowed to return to the Islands and legally remain in this jurisdiction;**

**AND WHEREAS these individuals were given permission to remain and work;**

**AND WHEREAS many of these individuals are experiencing difficulties regularizing their immigration position in the Islands;**

**BE IT NOW THEREFORE RESOLVED THAT the Government take the necessary steps to assist these persons by regularizing their legal position in the Islands.**

**The Speaker:** Is there a seconder?

Third Elected Member for the district of West Bay.

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, I beg to second the Motion.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the Honourable mover wish to speak thereto?

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

Madam Speaker, many, many years ago Caymanian families migrated to Nicaragua, the Bay Islands in Honduras, and the Isle of Pines in Cuba—to name a few places—to make a better life for their families. There was good trade between these Islands. And that group (maybe I should say the diaspora) assisted too in the Caymanian economy at that time in various trade.

Madam Speaker, as we all know, the economies and political turmoil in that part of Central America caused many of the families, grandchildren and their families, to return to these Islands over the years.

Today there is free travel, at least between Nicaragua and the Cayman Islands, and Honduras and these Islands.

In the 1990s, while serving my first term in the then Executive Council, representation was made to me by many Caymanian Cubans living and working in these Islands.

Recognising at that time we were importing people on work permits from all over the region, and indeed the world, to come here to work, I laid the initiative to bring Caymanian families from Cuba. It was accepted by Government at that time, Madam Speaker. The present Minister of Health was part of [that Government], and the Speaker herself, was then part of that Government. It was accepted by Government and many people with Caymanian family connections, grandchildren and great grandchildren of those who left these shores many years ago when Cuba was the gem of the Caribbean, came and made these Islands their permanent home, leaving Cuba behind with nowhere else to go.

At that time what was decided by Executive Council was that the Immigration Department would land them and give letters that would enable those people to live and work here without having to get a work permit.

Some of those letters said (and I want to quote at least two of them):

*"Dear Sir,*

*"This is to advise that His Excellency, the Governor, has authorized that you be permitted to reside in the Cayman Islands. However, should you remain in the Cayman Islands for a qualifying period of time [six months at that time] you should contact the Immigration authorities to determine your eligibility to apply for the grant of permanent residence.*

*"In accordance with section 26 (1b) of the Immigration Law, 1992 [the old Law] you have also been granted the right to work in skilled or unskilled jobs.*

*"A copy of this letter is being dispatched to the local Immigration authorities for their records." That was signed by the officer "Assistant Secretary to the Chief Passport Officer" at the time.*

Another letter said:

*"Dear Sir,*

*"This is to advise that permission has been granted for you to reside temporarily in the Cayman Islands at the pleasure of the Governor in Executive Council. However, should you remain here for a qualifying period of time you should contact the Immigration authorities to determine your eligibility to apply for the grant of permanent residence."*

It went on to say: *"In accordance with section 26 (1b) of the Immigration Law, 1992, you have also been granted the right to work in skilled or unskilled jobs. This permission is being granted subject to you submitting a medical examination report to this office within the next two weeks.*



*"A copy of this letter is being dispatched to the local Immigration authorities for their records."* Signed by the same person.

Another letter said, Madam Speaker:

*"This is to advise that His Excellency, the Governor, has approved that you should be exempted the requirement of obtaining a work permit for an indefinite period. This exemption is in accordance with section 26 (b) of the Immigration Law, 1992.*

*"A copy of this letter is being dispatched to the local Immigration authorities for their records."*

Another one said:

*"Dear Sir,*

*"I write to advise you that the Governor, acting on the advice [that was even before, in the 80s; this is an older one, 1988. So, it goes way back for some people] of the Executive Council, has agreed that you should be exempted, in accordance with the provisions of section 23 (b) of the Caymanian Protection Law, 1984, for the requirements of having to obtain a work permit gainful occupation licence. Because of your connection with these Islands the Government has given you permission to take up residence here and this exemption is to enable you to work while here.*

*"I am sending a copy of this letter to the Immigration authorities for their records."*

Madam Speaker, many of these types of letters were sent to various individuals who came here back in those days, in the mid 1990s. I would think, Madam Speaker, that well over 200 people took up the opportunity to come here and did satisfy the Government's intention of having [fewer] work permits to hand out.

Madam Speaker, what has happened over these last 14 years is that some of these people got their immigration position regularised and received permanent residency and/or Caymanian Status. Some, however, did not for whatever reason. However, they went ahead and built homes or purchased land and some are in the process of building their homes after purchasing their properties. Some of them have children.

In other words, Madam Speaker, since the 1990s they have lived here among us believing to be legally amongst us; lived and moved and had their being in these Islands. This is their home. They have no other home. Their children know no other home but these Cayman Islands. Some of them were born here.

However, what is happening now is that those who did not get their position regularised are attempting to do so by applying for permanent residency. Meanwhile, the Law has changed, and we all know what that is. They are applying, but those persons—many, maybe all of them, I don't know, but many contacted me—are being denied by the Board.

Representation has been made to me and other Members of the Opposition by some of these individuals. And I can see no reason why they are being denied permanent residency, even if the Law has changed. Some of them are now told that they have to get work permits. They certainly have been here for a long time—as I said, some over 14 years.

I believe the Government can find a way to remedy the situation, even if there has to be an amendment to the Law, and that is what this Motion is requesting of the Government. These individuals are here—they have families, they have purchased property or built a house and are law abiding. Hopefully, the Government will accept the Motion. That is all I am asking them to do. If it means an amendment, well, that should be done.

Thank you, Madam Speaker. I do ask the Government to support the resolution.

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

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, whether by coincidence or whatever other means, the fact of the matter is that I too have had, I believe if memory serves me right, three different individuals come to my MLA office to speak to me about their individual dilemma, but being part and parcel of exactly what the Leader of the Opposition's Private Member's Motion is all about.

About three weeks ago, I had a fairly extensive conversation with the Chief Immigration Officer because I wanted to get a clear understanding of what had transpired and what had brought the situation to where it is now. And the Leader of the Opposition is quite right. As he explained, when those people were allowed entry into the country they were given certain exemptions with regard to work permits.

But, at the end of the day, there was nothing that really regularised their status here. It was left for them, once they remained here for more than six months, to make their applications. A lot of them have done that and have since been regularised, but there are some of them now who are not, and it is a difficult situation for them.

When I got to understand the difficulty . . . some of them have children at this point in time. Some of them are engaged in the institution of marriage. Some of them, like life would have it, have had to be divorced. And there are no travel documents for some of them, such as a Cuban passport, right now, and they certainly can't get any other kind from the Cayman Islands at present. So, it really is a most difficult situation.

I asked the Chief Immigration Officer to look to see what the most seamless means are by which we could get the matter resolved. So, the Government does not have any difficulty in accepting the Motion

moved by the Leader of the Opposition and seconded by the Third Elected Member for West Bay.

Madam Speaker, in speaking to the Chief Immigration Officer on Friday, he is now going to turn his mind towards it, and we will see whether it is an amendment to the Law that is the most speedy resolution to the problem or what other means, whether [or not] there is a directive that can work. The Chief Immigration Officer is looking at that.

What I want to say, though, which I think is very important, is that these individuals (and perhaps children by now) who find themselves in this particular circumstance, whatever resolution is found, they need to act on it. What we are going to not be able to do is create a directive or make an amendment to the legislation and have it left like that ad infinitum. It is just physically impossible for us to do that. A reasonable window of time would be allowed for these individuals to come in and get their situation dealt with.

I want to say (although we would not term it like that) it would be something similar to an amnesty for a fixed period of time.

You see, Madam Speaker, as the Law has evolved, some of these people at this point in time find themselves with (under normal circumstances) the ability to qualify by points for permanent residence. That is one of the difficulties. And then, the other difficulty is that the way the Law is right now, as it came into force 1 January 2004, individuals who were ordinarily resident here in the country (that is, the Cayman Islands) for a period of 15 years by 1 January 2004, permanent residence was almost automatic. You had to go through the process, but it was with a view that they were not seeking 100 points, that tenure of 15 years of ordinary residence here sort of grandfathered everyone in when we dealt with it.

Many of these people, by 1 January 2004, had not been here that long, so they cannot qualify under those conditions. As a result, the way the Law is now and the way it has to be administered and exercised, is that there is no special consideration for these people, and many of them simply do not qualify under the system.

So, the Government is happy to accept the Motion. The Chief Immigration Officer is acutely aware of the exact circumstances these people face, and we now are awaiting his recommendations. He knows that we want to resolve the matter fairly speedily, so as soon as we can get a firm recommendation from the Chief Immigration Officer as to which way forward is the best way, then, certainly, the Government will act. If we have to deal with legislation we will bring the legislation forward as quickly as we possibly can.

So, again, Madam Speaker, the Government is quite happy to accept this Motion.

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

If no other Member wishes to speak, does the honourable mover wish to exercise . . .

The Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

Madam Speaker, the Motion on the Floor in relation to Cuban Caymanian Family Connections, I believe, as the Leader of the Opposition and the Leader of Government Business said, is something that we need to deal with quite quickly to resolve a lot of difficulties that these individuals are having. I certainly empathise with their situation at this time.

Madam Speaker, the Motion speaks specifically to Cuba and Cubans. But, as the Leader of the Opposition alluded to in his introduction, we do have other nationalities that are also having difficulties under the Law as it stands, and these are people who have very close ties with these Islands. So, although the Motion does not specifically relate to them, in particular, I have had experience with a lot of people from the Bay Islands in Honduras. These are our people, Madam Speaker. In many ways they even talk like us and they are talented and hardworking people.

I do not know, but it seems as if when the migration took place a lot of people from the Western end of the Island, West Bay in particular, went to Cuba. And on the eastern end I find a lot of the Bay Island people are associated with Bodden Town and East End, in particular. I guess that is the reason I can speak to that specifically.

For instance, this thing where people have to get a visa to come here, I find that . . . and I do understand the need for background checks and whatnot, but you know, it is sort of painful when you know that these are your people—these are your people who have Caymanian parents or grandparents and have long lasting relationships with us. The bond between the Islands still exists today, and yet these people are subject to very restrictive immigration controls.

I daresay that they are here, I guess in many cases not having some of the difficulties that the Cubans particularly find themselves in because of the representations that were made to them and the unique situations as it relates to Cubans. But we certainly do have other situations where people need to be embraced. And these people can help to build our society. And they should be allowed to come here and get regularised quite quickly rather than having to go through . . . Some of them can't even find the where-withal to get visas or whatever to get here.

So, I am happy to hear that we are looking at this in these Islands to, as it were, embrace some of our people who left these shores for whatever reasons many, many years ago. And, yes, Cayman in many ways is better off than a lot of the countries they find themselves in now, but I feel, Madam Speaker, that they are a part of us and I would like to see something done from the immigration standpoint in relation to sorting out the paperwork in relation to these individuals.

So, Madam Speaker, with those brief comments I too support the Motion. Thank you.

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

If no other Member wishes to speak, does the honourable mover wish to exercise his right of reply?

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, I do want to thank the Government for recognising that there are problems being faced by these individuals, and [for being] prepared to find a way to regularise their immigration position in these Islands.

Madam Speaker, I did mention other people having difficulties, and the Third Elected Member for Bodden Town, I think, highlighted it appropriately to some extent—not all of it, but some of it. There are others. For instance, born Caymanians who live and work here now and have children who were born in America who are having great difficulty in getting these children here in Cayman, for whatever reason.

Again, I don't know what the position is, but I know that one person (and I know others, but this one particular person) has even been on the radio complaining about having children born in the United States. He is a Caymanian and is here now, but he is having difficulty in getting them here. It is costing him a whole heap of money, which he does not have. And I believe that Government—and [while] the Leader is not in the Chamber, I know he is still in the House. And if he is not hearing this maybe the Minister or other Members who are here will bring it to his attention.

I see the Chief Secretary is here and I really want them to get that point because these kind of points can be missed, Madam Speaker, when you're only dealing with a substantive motion. This is not in the Motion, but there are, as I said, born Caymanians who have children in America, for instance, trying to bring them here and it is costing them a heap—one said, well over \$10,000 he spent. I don't know why, but it seems to be some problem. I hope that the Chief Secretary would be able to look at that point when they look at the other situation with the Cuban Caymanians and the others spoken to by the Member for Bodden Town.

Madam Speaker, as I said, I thank the Government for accepting the Motion. Hopefully a remedy will soon be found because these persons now really have no immigration status and are working—some of them in decent jobs, even in the financial industry, and can be moved up—and are having difficulty because they were hired to do a specific thing and if they change now they are being told, *'look, you can't change because your immigration situation says this'*. A lot of it—and when I say a lot I don't want to, you know, make a mountain out of a mole hill, but it is a

mountain for those people. And there are some cases to that extent.

So, this matter needs quick attending to, Madam Speaker. And I do thank the Government for, at least, recognising that there is a problem.

**The Speaker:** The question is: BE IT NOW THEREFORE RESOLVED THAT the Government take the necessary steps to assist these persons by regularising their legal position in the Islands. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. Private Member's Motion No. 5/08-09 is duly passed.

**Agreed: Private Member's Motion No. 5/08-09 passed.**

**Private Member's Motion No. 7/08-09—Scientific Study to Ascertain Cancer in the Islands (Deferred)**

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

**Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

Madam Speaker, as I intimated earlier, we are not ready. I did speak to the Minister of Health and we are having some discussions on the Motion. I would ask that it be deferred to the next sitting, and I so move, Madam Speaker.

**The Speaker:** Is there a seconder?

Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Madam Speaker, I beg to second that motion.

**The Speaker:** The question is that Private Member's Motion No. 7/08-09 be deferred to the next sitting. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Private Member's Motion No. 7/08-09 deferred to the next sitting.**

**Private Member's Motion No. 6/08-09—Assistance for Hurricane Shutters (Deferred)**

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

**Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

Again, Madam Speaker, as I intimated earlier, for reasons all of us now know, I ask that this Motion be deferred to the next sitting.

**The Speaker:** Is there a seconder?

The Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker. Madam Speaker, I beg to second the motion.

**The Speaker:** The question is that Private Member's Motion No. 6/08-09 be deferred to a later sitting. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Private Member's Motion No. 6/08-09 deferred to a later sitting.**

**The Speaker:** That concludes the orders of the day. I will entertain a motion for the adjournment of this honourable House.

Honourable Leader of Government Business.

## ADJOURNMENT

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

Given what has transpired this morning, Madam Speaker, just before I move the adjournment I would crave your indulgence just to let everyone know that what we will do on Wednesday morning when we return is continue with all the rest of the Private Members' Motions to get them out of the way as quickly as possible. So, Madam Speaker I—

**Hon. W. McKeeva Bush:** Questions.

**Hon. D. Kurt Tibbetts:** And whatever questions that can be answered.

*[laughter]*

**Hon. D. Kurt Tibbetts:** And, Madam Speaker, I so move the adjournment of this honourable House until Wednesday at 10 am.

**The Speaker:** The question is that this honourable House do now adjourn until 10 am on Wednesday. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. This honourable House now stands adjourned.

**At 11.31 am the House stood adjourned until Wednesday, 10 September 2008, at 10 am.**



**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**10 SEPTEMBER 2008**  
**10.25 AM**  
*Third Sitting*

**The Speaker:** I will ask the Honourable Leader of Government Business to say Prayers.

**PRAYERS**

**Hon. D. Kurt Tibbetts:** Let us pray.

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

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

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

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

**Proceedings resumed at 10.28 am**

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

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

**Apologies**

**The Speaker:** I have received apologies from the Honourable Second Official Member for absence.

**STATEMENTS BY HONOURABLE  
MEMBERS AND MINISTERS  
OF THE CABINET**

**Post Hurricane Ike Assistance to the Isle of Pines**

**The Speaker:** I recognise the Honourable Leader of Government Business.

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

Just a follow up this morning to my statement on Monday and to let everyone know that, first of all, with regard to efforts by private citizens to gather help and aid for the citizens of the Isle of Pines, the Government is awaiting word from the Governor of the Isle of Pines. We have decided that if it is an acceptable proposition, we are going to be sending along with the other material that has been gathered, as many of the trailer homes that we have that are not in use, along with the barge. We are just awaiting word on that.

Also, Madam Speaker, in Cabinet yesterday the Government approved funds and the material is being procured (that is building materials) to accompany the barge that is going up. We are not sure when that is leaving, but as soon as the weather clears and they have all of the stuff put together. So, we have been able to be of assistance in that regard.

We have also been following up the situation with our fellow OTC, the Turks & Caicos Islands. Cabinet also approved funds to procure food supplies, water, tarpaulins and generators, and Cayman Airways is, as we speak, organising a cargo flight which will leave this morning to go directly to Grand Turk with that aid.

After we are finished with that, we will continue to be in contact with Premier Misick and other members of his team. If there is any other assistance we can render we will do so.

Madam Speaker, both of these territories have faced devastation. In talking with them this morning over in Turks & Caicos they were asking me what did Ivan look like, because they believe that they were under similar circumstances. And I do believe that they are under similar circumstances. Those of us who can remember will remember how terrible that was. I am only grateful to God that the country is in a position to be of help as those who have helped us in times past. We will continue to monitor the situation.

The Royal Cayman Islands Police Service, as I understand it, has also sent a contingent over to assist during this time, just as Turks & Caicos did during our time with Hurricane Ivan.

So, we continue to pray for them, and I would ask everyone to keep them in their prayers and thoughts as the days and weeks go by and they do everything that they can to recover.

Thank you.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### Private Member's Motion No. 7/08-09—Scientific Study to Ascertain Cancer in the Islands (Deferred)

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

**Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

Private Member's Motion No. 7/08-09 is being amended, and that has to come to you. So, we can move to Motion No. 6, which is assistance for Hurricane Shutters.

**The Speaker:** Honourable Leader of the Opposition, I appreciate your letting me know that the Motion is being amended—because I had no knowledge whatsoever that the Motion was going to be amended—and it would have to be a question for the House to move to the next Motion.

The question is that we move to Private Member's Motion No. 6/07-08 on the Order Paper. Those in favour please say Aye—

**Ayes.**

**Hon. W. McKeeva Bush:** Madam Speaker.

**The Speaker:** Those against No.

We will proceed to Motion 6/08-09 on the Order Paper.

**Agreed: That the House move to Private Member's Motion No. 6/08-09 on the Order Paper.**

**Hon. W. McKeeva Bush:** Madam Speaker.

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

**Hon. W. McKeeva Bush:** The Speaker will know about the amendment when the Speaker receives the amendment. That is when the Speaker usually knows about an amendment. And, Madam Speaker, that is why I decided to put it off. I would have had to ask to have it amended on the Floor, but it would have to be typed and sent to the Speaker. That, I think, is the normal process.

**The Speaker:** Honourable Leader of the Opposition, I totally agree with what you just said, but if you read

the Standing Orders, it says “not less than two days’ notice shall be given of an amendment.” So I really should have been aware earlier this morning that it was going to be moved on the Floor of the House. But, be that as it may, we move to Motion No. 6/08-09.

**Hon. W. McKeeva Bush:** No, Madam Speaker. If I may, I cannot allow that to stand. I have to explain. The course of the motion is that we type the amendment, send to the Speaker and ask her for waiver of the required notice of two days—

**The Speaker:** I only—

**Hon. W. McKeeva Bush:** —then it will go. That is the normal process.

**The Speaker:** It is not.

Honourable Leader [of the Opposition], would you continue with your debate on Private Member's Motion No. 6/08-09?

**Hon. W. McKeeva Bush:** I think that is the normal process of the Standing Order.

**The Speaker:** Not according to the Standing Orders.

**Hon. W. McKeeva Bush:** Read what the Standing Order says, Madam Speaker.

**The Speaker:** Honourable Leader of the Opposition, I have no more to say. Would you please proceed with Private Member's Motion No. 6/08-09?

**Hon. W. McKeeva Bush:** I do not know why you are being so . . . anyway, Madam Speaker, we are not in a political arena, I want you to know. You should keep out of it.

#### Private Member's Motion No. 6/08-09—Assistance for Hurricane Shutters

**Hon. W. McKeeva Bush:** Madam Speaker, I beg to move Private Member's Motion No. 6/08-09, standing in my name. And, in fact, this is Motion No. 6, which I thought would be coming next on the order in any event, and cancel Motion No. 7 . . . anyway, Madam Speaker, I think the House will be ready to debate both.

Motion No. 6/08-09, standing in my name, Assistance for Hurricane Shutters:

**WHEREAS the Islands are subject to hurricanes;**

**AND WHEREAS climatic conditions are worsening making small Islands more vulnerable;**

**AND WHEREAS here in the Cayman Islands there are many people who are not able to afford shutters for their houses;**

**AND WHEREAS many people depend on the Government to supply them with plywood during the threat of a hurricane;**

**AND WHEREAS in recent times the Government has been supplying individuals with plywood at a great cost;**

**BE IT NOW THEREFORE RESOLVED THAT the Government consider securing the homes of indigents with a permanent and adequate shuttering system;**

**AND BE IT FURTHER RESOLVED THAT, in its hurricane preparations, the Government consider securing the properties of all front line public servants;**

**AND BE IT FURTHER RESOLVED THAT Government considers establishing a programme to provide access to adequate funds to allow qualified individuals to obtain hurricane shutters;**

**AND BE IT FURTHER RESOLVED THAT Government considers removing all duty on hurricane shutters and related materials.**

**The Speaker:** Is there a seconder?

First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker. I beg to second that said Motion.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, today I am moving a number of resolutions relating to the provision of assistance for hurricane shutters, seconded by the First Elected Member for Cayman Brac and Little Cayman.

The Cayman Islands hurricane season [is] from 1 June to 30 November each year, sometimes extending beyond that date. In that regard, this country has been somewhat fortunate for a large part of its modern history—with the exception of the devastating impact of Hurricane Ivan in 2004. Modern history would say that, certainly after the devastation of [1944] hurricane and the 1932 which devastated Cayman Brac.

Nonetheless, as an economy and as a wider community we are all faced each year with additional burdens and interruptions in order to be prepared as much as possible for the hurricane season and to minimise any potential impact and critically any loss of life.

There are two observations I wish to make in this regard. The first is that we are not all equally able to deal with this burden. The second is that our policy framework should not only enable us to be better prepared in terms of the country's national disaster management responsibilities, but this policy framework

should also directly address the needs of the wider community given the fact that we have an established period during each year where we are threatened by a serious major natural disaster.

In dealing with the first observation, while the country has been providing some assistance in the form of plywood resources to individuals, improving shelters and information to better preparedness of the community at large, also recently I think in the housing programme they are beginning to shutter them. Nevertheless, the current policy framework still falls very short of what is fully required to adequately assist those who may not be in a position to help better protect their homes, their families and the possessions they have worked hard to acquire.

In order to better understand the context of all of this, Madam Speaker, allow me to briefly summarise the past few years of hurricane activity since Hurricane Ivan in 2004.

The 2007 Atlantic hurricane season was by all accounts a very active period. It gave us a total of 15 tropical storms, 6 hurricanes and 2 major hurricanes that formed during the period.

Last year, the hurricane that gave us the most concern was, of course, Hurricane Dean, which was also the most intense hurricane and the seventh most intense Atlantic hurricane ever recorded, as well as the third most intense Atlantic hurricane that made landfall. In fact, last year was one of only four on record for the Atlantic with more than one category 5 storm.

In 2006, the year was notably less active and in the end posed little threat to the Cayman Islands. Experts relate this lower activity to an El Niño event and other factors. The contrast between the 2007 and 2006 seasons is a reminder of how unpredictable hurricane seasons can be, and that one cannot take comfort in comparison from previous years when considering the level of preparation for the current year.

In 2005, the Caribbean experienced the most active Atlantic hurricane season in recorded history. Reports are that the 2005 season caused at least 2,280 deaths and recorded damages of over US\$128 billion in the Atlantic. The season's major hurricanes, Dennis, Emily, Katrina, Rita and Wilma were responsible for most of the destruction.

More recently in 2008, the Cayman Islands were hit but thankfully spared somewhat, with the exception of the Sister Islands. And we still have another two months before the season officially ends. As I said, sometimes it can go well into December as we remember that that, I believe, is when the 1932 hurricane struck.

[inaudible interjection]

**Hon. W. McKeeva Bush:** November?

Well I know, Madam Speaker, that it stretches at times. We get storms and hurricanes at times in December.



Each year, though, we witness a familiar series of events when the potential onslaught of a major hurricane surfaces.

Before I move on, Madam Speaker, just look at what happened to Turks & Caicos, who were bragging somewhat, that they were out of the belt to some extent. They were not out of the belt at any point. But look at the damage [that] has taken place on Grand Turk where the whole Island—which is flat, perhaps flatter than Cayman—was covered in water. One resident explained that he thought he was going to drown. Thankfully, he had bought a life vest some days or weeks before that. I understand that there is all but three . . . you get different reports that are not official reports, because I have only had contact through text messages to the deputy premier, which is, as I said the other day. Grand Turk is his constituency. But I understand that all but three buildings were damaged seriously.

We have a lot to thank God for, so far. Keep on praying for all of us that He spares us.

I remember the last report when Dean was heading this way. We were told that where I live, which is a high part of the district of West Bay, I would have had four feet of water (according to that last cone projection) in my house. That night, I had four people who were over the age of 80, including my mother who is in a wheelchair. I thought, my God, if this hits what I am going to do. But God is merciful, and has spared us. And, as the Leader of Government Business has said, we must continue to pray for the balance of the season and continue to pray for those that have been hit. We empathise and sympathise with the rest of the region and, in particular, our friends on Grand Turk and the other islands who got so seriously damaged.

I recall the many messages I received in 2004 from all over the world, but I think [from] every country in the region. I recall those who were keen to assist, Turks & Caicos being one. But one thing that I recall after the hurricane, was waking up that morning getting to my aunt (90-odd years old) who had refused to move from her house, and inspecting the house. That old Caymanian house never had not even paint lifted from it. And she jokingly said, I told you, "Not even Cooley moved me, much less Ivan!" That was her late husband.

And then going on to the police station, but not having any information, they too hearing that there were so many deaths on the Island that we could not confirm. And then taking nearly two hours to get from West Bay, at that point having to go through the swamp and make roads to get to central fire station where the Governor was, the Central Command at the time, and finding him in such a shock that he broke down in tears, which moved me and others as well. But to realise what we had to contend with, how bad this country was, why we did not have—thankfully—loss of life, the kind of damage that we had to face on

that 13<sup>th</sup> day of September. So we can empathise with our neighbours.

Each September this time I wake up each morning thanking God that he spared us that devastation. I remember the mayor of one of the Bay Islands, Mr. Jerry Hinds, who had just buried his son two weeks earlier, piloting a boat himself. He is a good friend of mine and he has many friends here in Cayman and, of course, close Cayman connection with the Bay Islands. Mr. Hinds, now a member of the congress, piloted that boat himself to bring supplies, water, supplies for Honduran residents here, and supplies to be shared among the people here.

These are the kinds of things that I remember most. Thank God for that kind of friendship. I am glad that we ourselves are today in a position to help somewhat in the region.

Madam Speaker, one of the events which is being addressed today by the Private Member's Motion is the protection of homes with plywood. This approach, while effective, has several drawbacks. I believe it is high time that we look at improving this particular aspect of the preparation by the wider community. I say *look*, Madam Speaker. Not that we have not looked, but actually to move forward.

The alternative to putting up sheets of plywood in homes in each year is to have properly constructed hurricane shutters instead. This would greatly enhance the ability of families to prepare their homes in the event of hurricane or a serious storm. The fact that so many homes remain without hurricane shutters is proof that not everyone can afford them. Assistance with plywood is provided by the Government each year, but this approach to assist has several drawbacks, as I said.

One, the need to source and install sheets of plywood is time consuming and for some, such as the elderly and those with special needs, it is virtually impossible to prepare the home properly. We, as representatives, are expected to help. We get cursed, we get talked about, we do not get enough plywood and no matter how many times you give some of them you still get cursed, you still get talked about, they still get on the radio show and lambaste you. I have to think about it each time.

Then, as representatives too, Madam Speaker . . . and I know that I can't be a representative unless I deal hands-on at this kind of time and be prepared to actually help people in their homes. Yes, I can stand out there and ensure that the plywood is distributed, but as a representative, I have a greater duty as far as I am concerned. And I have always done that from 1988 when I was in this House and got struck somewhat by Hurricane Gilbert. I never had any help from Government. If they helped they must have helped themselves. So I had to go to beg things to help people with at that time, put it up and come see me out there with a sheet of plywood and a hammer pounding my fingers, helping some people. But I

feel, and as long as I am a representative I will continue to do that sort of thing. We are expected to do it.

That time could be used to do other constructive things, not that that is not constructive, but we could be doing other things. Some people expect us to do, others do not. And some people need, but some people do not have anybody that they can call on. Let us not fool ourselves. Let us be frank about that.

Number two, plywood is not indestructible. It needs to be properly stored after the hurricane season has ended and this is not always possible or convenient for numerous reasons. As a result, it is common to see some homes with sheets of plywood remain on them for many months after the season and in some cases even throughout the year.

Madam Speaker, number three: By continuing to supply sheets of plywood, we are not promoting the more convenient and safer option of hurricane shutters. As far as I am aware, this was the first year we might have some accounting system to ensure that all sheets of plywood are accounted for or, equally important, that such plywood will not be wasted after the season has ended. I do not know if we can stop that part of it, but I believe we might have some management system in place to know how much went out and to whom.

When you have 200 and 300 people down on you and not a lot of volunteers, because everybody at that time is doing their own thing, or most people are trying to get the plywood to get back home. Some are not even getting off work in time and missing that because that happened to a lot of people this time. As much plywood as we gave out on the first day, the second day I had to go back to that hurricane meeting we were having, that was Friday, I guess, and get back down to get some more plywood. As I said, we are expected to do so.

I tell you this, one thing that we can consider and look at (and we can say what we want to say about it), there are many, many, people here on work permits who are not assisted. I know one department helped where they had to, they were responsible for it. But they did not help the workers. So they came looking. And there are people who are renting who do not have shutters on their buildings. People who built the rental homes perhaps could not afford it. So, our own people that . . . Government I am talking about now, much less the wider community. Those people renting those places come to you for plywood because they have to be safe. They are humans and they have to be safe as anybody else. So that is a situation that we have here that we [need] to look at however you can do so, whether something is put in place to help those.

Through this system that I am proposing, the people who have homes or apartments for rent but who cannot afford shutters . . . will the Government allow them into this programme? That has to be considered. But I tell you what, it is a problem.

As I said, for those people that we make sure it is not wasted after the season has ended there may well be many good reasons for the use, but it is clear that the current approach is not the most economical, and this is the point I am making here.

Madam Speaker, when we talk about storing, some people do not have the wherewithal. They do not have sheds, and they barely have room in their house for their furniture. Some homes are small, let's put it that way. I know one lady who had taken the time to store her plywood and it got wet. When she went to use it, it had rotted in some places and it was completely covered with mould. So, it has to be properly stored. But some people just cannot do that, and we have to accept that fact.

Finally, Madam Speaker, hurricane shutters are far more convenient to use as a method of protection than sheets of plywood. And we should be aiming to reach a point where most homes are protected in this manner. Now, there is maybe an upper-middle income that you say should be able to afford shutters. I remember the last time I renovated my house. Six times in total since 1976, eight times now, total, since 1976. The last time, in 1996, and I got wiped out because the contractor failed to cover up. I told the bank, "Look, you are lending me this amount of money to build a good home for us to live in, yet you do not want to lend me (I think it was \$10,000 or \$8,000 at the time) to do the shutters?"

They said, "No. It just adds too much to your loan."

Well, I was persistent, and I said, "If you are going to lend me the kind of money you are lending me—over \$200,000—you want to tell me you are not going to lend me enough to protect myself in case of a hurricane?"

"Oh, we might never get a hurricane."

"That's the truth. But suppose we get one, Mr. Loan Manager? And suppose something happens. Then what?"

"Oh, insurance will cover you."

"Well, suppose insurance does not cover, what happens? If I had had a shutter it would have helped, would it not?"

Well, I prevailed and I got them. And I can tell anyone that except for a little rattling they sure come in handy. I do not close my shutters until my committee gets back and they meet at my house and if people want to stay there, they stay, like they did with Ivan; or if they want to go back home, fine. But they meet at my house and that night just before everything came down I brought my shutters up. It is very, very convenient; very, very necessary.

Madam Speaker, in dealing with my second observation regarding the adequacy of our policy framework, I believe that our framework can be adjusted to address this issue with a few policies which are not very costly and relatively easy to implement. The first of these is to ensure that the homes of indigents are secured with a permanent and adequate

shuttering system. This group is the most vulnerable in our society, and we should ensure that they get help at the time when their lives and economic livelihood is at such enormous risk.

In times when our local economy is at its worst, in terms of both the challenges facing local business and the high cost of living in these Islands today, it is even more important for us to remember that there are those amongst us who are at an economic disadvantage and will require some help to better protect their homes during the hurricane season.

And, Madam Speaker, this is a good time for me to say this: You know, I cannot say I marvel, because I do not do that, but I have to stop and think at how some people can stand up and look at others and say *he does not need, she does not need because look at that good house they have*. Do you have any idea how they got it, how much they have to pay, and whether they are even making their payments? You just cannot look at a person and say that their circumstances are better than anybody else. And our people need to stop doing that and judging the Government or misjudging us, or cussing us about giving those who do not need, because they do not know!

I said that when we started on a proper system of monthly financial assistance. I will never forget the amount of criticism I received in this House. I will never forget the representatives who came and said *this one does not need and the next one does not need*, and those representatives who went out and got other people to call radio stations and beat upon McKeeva Bush because I was doing it. We have to stop it! We do not know people's conditions. We cannot judge people's conditions by just looking at them and saying they can afford it. And you say, *Well, they have a good car. Look at the kind of house they have*. Well, it may be that when it comes to the car, that could have been given consideration; but when it comes to a person who just has a house and an ordinary car, not splurging in life . . . stop judging because you do not know. Sometimes, everybody needs help. That has been my position as a representative and I am not going to change it.

Madam Speaker, the second proposal is for the Government to consider securing the properties of all frontline public servants. It is important to recognise the role that those civil servants play, especially during the hurricane season. They are relied upon not only to deal with their day to day duties, which increase during the hurricane season, but also tend to their own families and personal needs. But we should also assist them because they are there to ensure that public services continue to run smoothly in support of our economy and in terms of the indigents who are themselves heavily reliant on a smoothly functioning public sector at all times.

I remember various social services employees, hospital, police. I remember some of them were out there until the very late night. They did not get

themselves prepared, had not the wherewithal to do it. So, I would hope that they would find this agreeable.

The third proposal is for the Government to consider establishing a programme to provide access to adequate funds to allow qualified individuals to obtain hurricane shutters. In other words, Madam Speaker, we can see that it is not only the indigents that require assistance with this challenge. This is evidenced by the fact that many homes, not just those of the poor, remain without hurricane shutters. We have to ask ourselves why this is the case, despite the knowledge of the very serious threat that each hurricane season brings with it.

I believe (and that's the point I was speaking to just now) all our people would clearly wish to have the best protection in place. And I believe that one of the main reasons we have so few hurricane shutters in place is that people cannot afford to purchase them. I believe we can assist with this economic challenge facing many individuals by providing access to funding under certain conditions. Indeed, given the very dangerous nature of the hurricanes we face and the experience of Hurricane Ivan, it is critical that we put some mechanisms in place that would help qualified individuals to acquire hurricane shutters.

Madam Speaker, I believe that Government could do this. If they do not have the money they can find it somehow and I believe the amount of money we spend each year in buying plywood would pay it back and handle it through the Development Bank. That's the proper place to do so.

Madam Speaker, how many homes do we have that would need to get that?

[inaudible interjection]

**Hon. W. McKeeva Bush:** Five million could do, what, five thousand homes with proper shutters? I do not know. I am not an accountant. Perhaps somebody could sit down and do the real numbers, but I believe that might be where we are looking. I do not think that is a whole heap.

Madam Speaker, another point. And I did not read the article, but someone told me about it and I glanced at the article in the *Caymanian Compass*, with the Leader of Government Business talking about the insurance. That is another matter. It is ridiculous, to say the least, that we have to pay the kind of premiums that we are paying, that even when you shutter it does not seem to affect even when you put on a cement roof, it does not seem to affect. Some people have gone ahead and built hurricane rooms—I am just in the process of completing one with a seven inch thick cement roof, eight inch walls, steel doors, steel in every hole in those blocks. And when the bank said I had to get more insurance, I shuddered to think what that increase was going to be, putting that much more value in my house, because it increases the value. When I went and talked around, I could get a reduction from like \$17,000 to \$16,000—a \$1,000 reduc-

tion. And the people that I was with who did not give it to me before, but I have been with them a long time, I said, "Now, at least you are going to have to come down this much."

"Oh, we can do that."

Madam Speaker, they cannot tell me they are not making business.

Now, I do not know, because you can't look at things and say what they are doing. But, my God, when people are paying the kind of insurance premium, which is sometimes more than their mortgage, and build this kind of protection and are on high ground in this country, not likely to be flooded, and have improved their homes by putting shutters on, and have built even hurricane safety, and they tell you that does not have any affect on it? Madam Speaker, something ought to be done. Something ought to be done about it.

I am not going to batter business, because I know that business has been taking a licking. But I want to say that for 50 or 60 years you did not have one claim, then you get a lick and all of a sudden, even when they say you are not insured enough, what you were insured [for], they are cutting that down too. Sometimes I have to wonder, Madam Speaker, if there is a social conscience, and if that is really the way that you do nation-building, because I have to wonder about it.

[phone interference]

**The Speaker:** Whoever has their phone on vibrate, would you turn it off please?

**Hon. W. McKeever Bush:** Madam Speaker, along the same lines . . . Madam Speaker, I do not have my phone on vibrate. I never do. I have it on silent and I am going to keep it on silent. I do not think that affects . . . I have been told it does not affect the system.

**An Hon. Member:** It does.

**Hon. W. McKeever Bush:** Madam Speaker, I have a sick mother—

**The Speaker:** Honourable Leader of the Opposition, I am not having an argument with you, sir, but the engineer says it affects the recording even when the phones are on silent. So—

**Hon. W. McKeever Bush:** I was told it did not, and you could keep it at least on silent. But if that is so, if it is going to mess up what I say so that it comes out jumbled or something, I'd better cut it off. But I usually keep it on silent because I have a mother at home who is sick, and in case someone tries to reach me, I always keep that on silent when I am at a meeting.

Madam Speaker, it is a pity that we ever have to have one of these things called a telephone anyhow.

Madam Speaker, along the same lines I was talking about the—

[phone interference]

**Hon. W. McKeever Bush:** Now, Madam Speaker, you see—but my phone is not ringing! Nobody is calling me, so . . . you would think that that noise would come on only when somebody's phone is ringing. And I think that is what it says . . . if it makes a noise it is only when somebody is trying to get you. But no one is trying to get me, thank God. Not even Mama. And mine is off.

I want to see who else's [phone] is going to ring shortly.

Madam Speaker, that's a good side track. Gets our mind away from this high insurance we have to pay!

Along the same lines about providing access to funding, in order to assist not only the indigent and those facing an economic challenge, but as an important emergency policy for the wider community and economy, I believe that we should consider removing all duty on hurricane shutters and related matters. Putting in place a duty waiver system targeted at this area I believe is just as important as the current exemptions in place for other items. Next to health is education, so think about it.

Commonsense tells us that we can better save lives and protect our economy by ensuring that our business community reduces its risks during such a period by providing assistance as proposed in this Motion before us. I encourage the Government to give them support.

The additional costs and foregone revenue will be more than compensated by the significant gains made in terms of protecting individuals, safeguarding families, protecting the financial security of businesses and, therefore, employment of Caymanians, and keeping insurance claims and therefore insurance premiums to affordable levels.

I will stop there, Madam Speaker, and listen to what others have to say.

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

Honourable Leader of Government Business.

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

In listening to the Honourable Leader of the Opposition in introducing his Motion, which was seconded by the First Elected Member for Cayman Brac and Little Cayman, I could only think back to certain occasions in our history, several of which he spoke to. When it comes to hurricanes, while we have had to say that we have had our share of it the truth is, all told, God has been very good to us. While we are always grateful, and while we continue to rely on Him not only for ourselves and our safety, but for the safety of others who face similar circumstances from

time to time, the fact is that the most appropriate and correct statement that we can make regarding the threat of hurricanes and other natural disasters, while hurricanes are the ones that we are most used to, is we must be prepared as best we can at all times.

Some of what the Leader of the Opposition spoke to in his Motion talks to the fact that not everyone has the same abilities and/or wherewithal to be as prepared as they can be on their own, for various reasons. One of those reasons would be the financial resources and, of course, there are some people in the society who simply by themselves do not have the physical ability to deal with this. It is something that all of us, and certainly this Government, has recognised and we have talked about it on more than one occasion—on many occasions, in fact—that we need to be making our individual residences and, indeed commercial buildings, government buildings, all buildings throughout the three Islands as resilient as possible.

We have to segment the whole affair when we are really looking at it. The Government itself has certainly done a good job in having regular hurricane exercises and making sure that whenever the threat is close that all Government buildings, all dedicated shelters are all secured very early. So, Madam Speaker, from that perspective I think the continuation of that goes a long way with regard to the Government itself and its resilience.

Of course, Madam Speaker, every time we have an event, whether catastrophic or not, whether it is a near miss or whatever, there is always a lesson to be learned, and we do that. But, there also are issues which face us in regard to legislation and even planning regulations that we have to look at. We have to look at the stock that is in place now in the country and, as buildings are continually being built, how to deal with it so that we can get to the point when it comes to resilience with our structures where it becomes the norm for any new structure to be properly shuttered.

When we get to that point, we do not have to look back five years from now and have a bunch of them that are not shuttered and we have to revisit the whole programme as to how we are going to handle it. While I would immediately say (and we all know this) that the Government has limited resources to take on a countrywide project such as this, the fact is that we have respected that we have to lead the way.

One of the good things we have going for us is that, when it comes to hurricanes, the vast majority, if not all of our citizens by now, are quite aware of the dangers and have a fervent desire to protect themselves and their property as best they can. So we do not have to go through but in few instances that educational process to convince our people that that is the direction we have to take. Of that I am convinced.

I must tell you the truth, Madam Speaker. I would not have been prepared to stand on the Floor of this House and make that statement before September 13, 2004. But after that, I am confident that we

can say that. I only refer to the “visit” (as I term it) of Hurricane Ivan.

Madam Speaker, I will be speaking to the resolve sections of the Motion as we go along and making reference. Just before I begin dealing with the resolve sections, let me say generally that two years ago when we began speaking about shuttering, the questions that we all asked ourselves were: We know what the objective is, [but] how do we achieve this objective? How do we separate the various issues? We came to the conclusion that it was not one of these projects that the Government had the capacity or the resources to just take on as a countrywide project and say we were going to underwrite the cost. Physically that is impossible. The Government does not have that kind of disposable income to simply say we are going to take care of it.

Just so that we understand perspective here, Madam Speaker, even if that were physically possible, new structures are being built every day. So it is not something that Government can sustain. We came to the conclusion that we had to bring about a multi-pronged approach whereby we looked to what obtained, we looked at how we were going to deal with that, and even while we were doing rebuilds and refurbishing, we also ensured that shuttering was taking place with those structures. We now need to see how best to be able to ensure that all structures built in the future will be properly shuttered. It will be an ongoing programme, a nationwide effort both by Government and by all citizens of the country.

**The Speaker:** Honourable Leader of Government Business, is this a convenient point to take the morning break?

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

**The Speaker:** Proceedings will be suspended for 15 minutes.

**Proceedings suspended at 11.28 am**

**Proceedings resumed at 12.07 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

Before I move on to the Honourable Leader of Government Business continuing his reply to the Motion, I would like on behalf of the House to extend condolences to the Honourable Minister of Communications on the passing of his aunt just last night.

Honourable Leader of Government Business, continuing.

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

When we took the break I was speaking to the thought process we exercised when we began looking

at the possibility of a nationwide shuttering programme about two years ago.

As I said, we have to look at the housing stock that exists and how we can get all of that done. Then we have to be looking at whatever legislation is necessary to ensure that new buildings built in the future are, by way of requirement, built to be resilient either by shuttering or hurricane resistant windows, or both, for those with the ability to do so. That was the thought process employed. Knowing what the objectives are, specifically what does the Government do, working along with private homeowners and private sector, to make this become a reality?

Madam Speaker, before I go any further (and I am now dealing with the resolve sections of the Motion), I want to say that while we accept and agree and the Motion actually accords with what we have already embarked upon, we have to accept that it is not going to be one hurricane season when all of that has been achieved.

When we move to the resolve section, the very first resolve section reads: **“BE IT NOW THEREFORE RESOLVED THAT the Government consider securing the homes of indigents with a permanent and adequate shuttering system . . .”**

After Hurricane Ivan, and after all of the initial efforts both by Government, the National Recovery Fund (NRF), and assistance from individuals and businesses, we got to the point where we realised that even the rebuilds and renovations should encompass proper shuttering for these houses. As we speak, the NRF is engaging in shuttering all of these homes—new rebuilt homes and renovated homes—and they have also been tasked with those that they had worked on already to retrace their steps and provide proper shuttering for those homes. That simply makes sense. It makes no sense to have these houses either rebuilt or renovated and something happens and they have to go back and do the same thing over again because of not being shuttered properly. That is one of the things that has been in motion for quite some time now.

Madam Speaker, the HMCI (Hazard Management Cayman Islands Limited), is now in the process . . . and as I understand it, hurricane season has prevented them from completing the development of this plan. They are now in the process of developing a shuttering programme plan to be given to the Government for our consideration. The objective with that plan is to find ways and means to accomplish exactly what this Motion is seeking to achieve. But there are individual segments that we have to look at.

In the first resolve, speaking to indigents, we certainly know that that is something in the Government's best interest to make sure it happens. It has to be in the long run. As the Leader of the Opposition said, it has to be in the long run a cheaper way, rather than the makeshift operation of supplying plywood all the time. Mind you, Madam Speaker, while that is onerous and difficult at times, and perhaps one of the

most thankless tasks simply because we are never able to satisfy everyone—and once everyone is not satisfied, he who is not then finds somewhere to blame—the fact is, that has helped and will continue to help until we are at the stage where these premises are shuttered.

The Leader of the Opposition mentioned during his introduction about rental properties. That is a difficult situation. I remember the last time plywood was being distributed here in the George Town district. There were some individuals who came. By and large they told the truth, they were in rental properties and, of course, the usual policy is that it is only to individual homeowners that plywood is distributed. But we had to take the decision that if that property got damaged, we would still have to step in and render some assistance. So, we accepted that that was how it is and we did not deny them plywood.

But the truth is that, as a matter of principle, while rental properties on the Island vary in the cost of these rental properties and their locations, they vary in the quality of building. It does create an income. So we have to be looking at it very carefully. It is not going to be a situation where the Government can simply say we are going to encompass all rental properties into providing proper shuttering because they do derive an income. A lot of them already have shuttering as part of the construction. Many of them learned lessons from Hurricane Ivan and when renovations were done shuttering was provided. But I know at certain levels (and I accept, without going into a lot of details) that assistance will have to be rendered. Certainly we will be looking at that.

I want to say, Madam Speaker, that in the next resolve section where it says: **“AND BE IT FURTHER RESOLVED THAT, in its hurricane preparations, the Government consider securing the properties of all front line public servants . . .”**

Madam Speaker, the way that is worded, when we think of 300-odd police officers, when we think of 100-odd members of the fire service, when we think of customs and immigration, that is a lot of people, and a lot of homes. When we think of the staff of public works, when we think of the staff of NRA who are all out prior to the event and post the event, it would be difficult to say where you would draw the line.

What has been happening in many instances, for instance those who assist with delivering plywood and all that, is that a certain amount is always reserved at the back of the compound to ensure that as soon as the deliveries are finished, that those who need can get to make sure they can complete their preparations. But the whole idea behind this is that we do not want to be looking at temporary fixes.

What we need to do is make sure that people have proper shuttering so that it is not a labourious exercise every single time. Whatever the choice is, because there are varying types, you want to be able

to have them in such a way that it does not take very long for them to be installed.

The point was brought up about storage. Some people do not have the ability to store. So we have to be looking for the type of shuttering, for those who cannot store, that can remain on the building all the time and simply be locked up.

Just to use an example and to give some statistics: In the financial year ending 30 June this year (that is, the 2007/8 year), the Government made available \$300,000 for loans to civil servants. That \$300,000 is not dedicated (I think it is called property loans) to a shuttering programme. But it so happens that the Cayman Islands Civil Service Association, who administers this programme, their stats after they developed a policy whereby the maximum amount they would lend to civil servants is \$5,000 for shuttering their homes. In the year ending 30 June 2008, out of the \$300,000, [the amount] used by civil servants to deal with shuttering was \$256,000.

What we already discussed and agreed on is that we are going to extend that programme, which is an ongoing programme, by adding another \$200,000 to that and having specific amounts of that half million dollars on an annual basis dedicated to civil servants being able to borrow funds for shuttering. That will be an ongoing programme because civil servants continue to build their own homes. So it is not something that ends in any one given year. That is part of what we have to continue to do to be able to get to the point where just about everybody has proper shuttering on their home.

Madam Speaker, when we speak to the Government considering securing the property of all frontline public servants, this is one way of them having access to funds—get it over with, get it done one time—so that their homes are secure in that regard.

While this Motion really just speaks to shuttering, the truth of the matter is that I have to add here that while we are looking at making the necessary amendments to the legislation to call for single family homes and/or multi family dwellings to be properly secured and resilient (and there are some amendments that will be coming very shortly also) we also have to ensure that the Building Code that now exists is amended where necessary, especially for buildings being built on the coastline. It is obvious that, while you want all of your buildings to be strong, the coastline is most vulnerable. So that much more has to be considered with the methodology employed with the construction.

Those are the things we are also putting in place to create the whole resilience factor, I call it, with regard to buildings here in the Cayman Islands, both existing and those to be built in the future.

I mentioned the many numbers that we would be looking at if the Government undertook a programme of that nature. I am not 100 per cent sure the spirit or intent of that resolve section . . . and perhaps the Leader of the Opposition can clarify in his winding

up. But I am assuming that the idea is that the Government is expected to somehow assist with these frontline public servants. I am saying what is already being done. And if there are any other specific considerations, then if we hear them we will certainly examine them and consider them. But as of now, Madam Speaker, what I am saying is that civil servants by and large have access to . . . and I believe also, Madam Speaker, that these are interest free loans.

Am I correct? These are interest free loans?

Yes. The civil servants have access to these interest free loans which will allow them proper shuttering. The amount of money every year that is going to be accessed will be increased to \$500,000. That \$500,000 is not fully dedicated to shuttering, but a certain portion of that will be specifically dedicated to such a task.

Madam Speaker, the other resolve section is: **“AND BE IT FURTHER RESOLVED THAT Government considers establishing a programme to provide access to adequate funds to allow qualified individuals to obtain hurricane shutters.”**

[inaudible]

**Hon. D. Kurt Tibbetts:** Madam Speaker, I am corrected that those funds being made available to civil servants are not interest free, but actually attract a 5 per cent interest, which is a reasonable interest. But, certainly, that is something that we can also consider.

As I was saying, the other resolve section speaks to a programme to provide access to adequate funds to allow qualified individuals to obtain hurricane shutters. Madam Speaker, the Leader of the Opposition suggested that dedicated funds be made available through the Cayman Islands Development Bank. That is certainly a consideration we can give, although I know that the private lending institutions are already engaged with many of those who they have provided mortgage funds for, allowing specific loans for such programmes once people qualify and are able to make their separate payments.

That is something that we can look at. It is just that when we examine that situation, if the private lending institutions do not qualify these people for funds for shuttering—which is in everyone’s interest, including the lending institution that has a charge on the property—then there may be some difficulty for these individuals to actually go through the process of acquiring these funds. But that is something that we will examine.

[phone interference]

**Hon. D. Kurt Tibbetts:** Madam Speaker, I have to call a meeting within the next two weeks with the banker’s association (and I will speak to that in a minute), and that is certainly something that I will be speaking to them about and finding out whether there can be a

dedicated and specific programme which all of them might be willing to participate in, in this regard. We will see which one works best, but the whole idea is that we understand the intent of this resolve section and will be looking to do that.

I am going to be meeting with the representatives of the banker's association very shortly because one of the other things that we have discussed and, in principle, we have agreed to, but they had to canvas their membership to see how widespread the support was, is creating a fund which on an annual basis they will be contributing to. The whole purpose of that fund, which will be an ongoing fund and we are hopeful that once they agree we would be somewhere between \$2 million and \$2.5 million on an annual basis. The whole purpose of that is once that fund is created those funds within that fund (if I may say it like that) will be used on a continuous basis to create resilience for indigents when it comes to housing.

That, in itself, is another programme that we have been speaking to the bankers about for a few months now, and actually we should have had response by end of August. But we know we were in the middle of Gustav and other things happening. I am sure that as soon as we are out of Legislative Assembly we will have that meeting. I expect to hear positive results. That will be part and parcel of all the considerations that we have. We will then have access to those funds on an ongoing basis, because it is not a one time contribution. Their idea to us was an annual contribution from these institutions and we would be able to tap in on the funds there.

Madam Speaker, I have said to them, so that they are quite satisfied that the funds are being used properly, there could be a committee of which their membership is included to ensure that the funds are steered in the right direction and properly used. That is exactly how we want it to happen. I anticipate that to be happening very shortly and that is going to be a great help, and part and parcel of all of that will include the resilience for indigents and wherever they are living.

The next resolve section reads, "**AND BE IT FURTHER RESOLVED THAT Government considers removing all duty on hurricane shutters and related materials.**"

Madam Speaker, that seems to always be a thought in any consideration when looking to give relief to the citizens. The great difficulty in that is we have no mechanism that guarantees that those savings are passed on to the consumer. Our view with that is that it is best for us to find other ways and means to ensure that individuals receive assistance than leave it to chance.

Madam Speaker, while the Government is quite happy to accept the general spirit of the Motion, the last resolve section I have to be truthful and say I am not keen, nor is the Government keen, to actually engage in that simply because there is no failsafe way to ensure that any savings derived, which would lower

Government revenue, would specifically be passed on to the individual consumers. There is a difficulty in that regard.

Madam Speaker, I am sure other Members wish to speak to this. I was just bringing the House a basic update on where the Government is at. As soon as the specific programme is presented to us by the HMCI, while we have all of these other ongoing parts of it, as soon as that is presented to us we will share it with all other Members and take input from Members in regard to any alterations or changes that might prove to be more effective in regard to creating resilience. I expect that to be within a short period of time.

Accepting that plywood distribution is by no means the most efficient way to create resilience, and that it is only a temporary situation, I still want us to realise that even though we try to make sure that records are kept, I would appeal to people who hear us today who have gotten plywood, to take care of it so you can use it throughout the season so that we do not run the risk of some people who might well need it not getting it because others come two and three times to get. But, at the same time, we know it is going to take us a little while to get to the point where we are quite satisfied that what is being done is sustainable and the vast majority of our citizens and their homes are properly protected. During that time we may well have to continue to resort periodically to plywood distribution and while most of us do not look forward to that, we know that it is something better done than not done. I only want to make sure, Madam Speaker, that we understand that from here on in we are not going to be able to say we do not have to do it at all.

Madam Speaker, just to cap off by saying that the Government is happy to accept the Motion, understanding the spirit of the Motion. I explained some of the things we are already doing and have been doing. We will continue to build on that. As soon as I have the recommendations and proposals from HMCI then, certainly, we will share it with all Members and take it from there.

Thank you.

**The Speaker:** Proceedings will be suspended until 1.45 pm

**Proceedings suspended at 12.39 pm**

**Proceedings resumed at 2.02 pm**

**The Speaker:** Please be seated.

Proceedings are resumed. Debate continues on Private Member's Motion No. 6/08-09. Does any other Member wish to speak?

First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.



I rise to obviously give my support to the Motion moved by the Honourable Leader of the Opposition and me, being Private Member's Motion No. 6/08-09, in respect to assistance with hurricane shutters.

Madam Speaker, from time immemorial the Caribbean and, indeed, the Cayman Islands have been subjected to many tropical storms and hurricanes. Throughout the history of the Cayman Islands, on more occasions than not, we have been spared; indeed, we have been protected from the wrath and destruction of many a tropical storm and/or hurricane. However, Madam Speaker, we have had our share, as indicated by other speakers.

I have read about the 1932 and the 1939 and, indeed, I lived through the 1980 [Hurricane] Allen, very devastating hurricane on the Brac. Again, in 1988, Gilbert, and of course in 2004, we all experienced the wrath of Ivan. And this is but to list a few during the short span of my life here in the Cayman Islands.

In earlier times, we would all be cognisant that our Caymanian homes were not constructed of cement and stronger windows and doors as we enjoy here in this jurisdiction today, but they were usually constructed of wood. As a result, most of the doors and windows were of the same type of material. Suffice to say that during Ivan we saw that some of those same Caymanian homes withstood the wrath of Ivan when compared to what we would now deem as more modern infrastructure.

As a result, the need for shuttering is, I believe a revolutionary one. That is, the original cleats (and this perhaps reveals our age group as a term that is almost forgotten) and locks and wood braces and ropes that were used for protecting of the older Caymanian homes, the traditional homes, during the onslaught of a hurricane are not used today but perhaps in the outer districts.

But as time progressed, and as the modern Caymanian was being birthed, the more affluent persons within our community resorted to the use of plywood in order to protect the more vulnerable parts of their homes, being the doors and windows.

[phone interference]

**Ms. Juliana Y. O'Connor-Connolly:** We saw that the poor Caymanians who could not afford the plywood resorted to zinc, another dangerous material but all that they had, or whatever other type of scrap material they could come in contact with.

In fact, I remember Hurricane Allen in the first week of September 1980 quite well as a teenager, when it took its aim on Cayman Brac. Those were the days when we had no other option but to run to the caves in the Bluff to seek shelter and to depend on radio stations from Bonaire and Jamaica and some other US radio stations, and the good commonsense of the able bodied seamen who were very faithful to

the readings of the barometer to let us know that we were in danger.

Those were the days when everyone in the district still (and I speak personally about the district of Watering Place, which I love dearly) took the time to help neighbouring properties in the preparation to protect their homes. In fact, I remember my grandfather, the late Lewin Brown, who almost lost his life in Hurricane Allen in 1980 because he chose to assist many of the neighbours in the district. We were still in the era where many of the men were out to sea and the other men took up the responsibility of assisting in the village/neighbourhood concept. Because of that, his property was the last to be shuttered and the storm was raging at that time. He pretty much had to climb up the Watering Place Bluff and experience the deafening sound of Mr. Clemens Dilbert's housetop coming off and flying in the air, landing by the mango tree that he was hugging because of the heft of the breeze.

Madam Speaker, we know what it is to experience very serious and very dangerous hurricanes. Every successive government has sought in their own way and according to their finances to contribute to this evolutionary process of protecting our citizens. What better way to invest than to invest in our people, our Caymanian people and residents alike.

We must take this Motion against the background that in former days, revenue was just not there to do more. In fact, some of the materials used now for adequate protection had not even been invented. That is why I term it as an evolutionary process in the protecting of our people here in Cayman.

Caymanian people did whatever it took to survive. And some of us still do, especially on the Cayman Brac and Little Cayman where the economic bubble of Grand Cayman did not, for whatever reasons, enlarge its boundaries. This was in the early 70s and beginning of the 80s I am referring to, Madam Speaker, for the avoidance of doubt.

Government should be for the people. Government should be by the people. A very familiar phrase. I am saying this in respect to those who have consumed much of the time on the airwaves recently crying down the Government and the Opposition for the distribution of plywood. I am seeking your indulgence, Madam Speaker, to go through this historical analysis to try to put the evolution of the necessity to protect our people into perspective and for it not to be seen as an isolated methodology that any particular government would aspire to use at any particular time.

[phone interference]

**Ms. Juliana Y. O'Connor-Connolly:** In fact, I would give any government the benefit of the doubt, having been in government myself. But each government sought to do what they thought was best for the protection of people. I fully concur and was an active participant in the distribution of the plywood. In fact, I

wished I had 400 more sheets, Madam Speaker, to give to persons who were not able to get on the Brac.

Madam Speaker, at that point in our nation's development the Cayman Islands Government could only afford to offer protection to residents from a communal perspective. In other words, there was not adequate capacity for hurricane shelters in any of the districts. Yes, we still have not reached that utopia where every district has sufficient . . . perhaps, East End, now that I reflect on the two shelters, and perhaps North Side. But, certainly in the Sister Islands, we do not have adequate capacity.

Thank God, during Hurricane Ivan we learned a lesson there, as I am sure the folks on Grand Cayman did, where after having to find refuge (with Hurricane Allen) in the caves and the discomfort that brought and the injuries some received for not having electricity for over six months there, we thought it was high time to build a proper hurricane shelter. Under the leadership of the late Mr. Leroy Tibbetts and Tory Tatum, the Government of the day built a very strong building which has lasted now for over two decades and is still serving the purpose with just limited amenities and renovations to that building.

[phone interference]

**Ms. Juliana Y. O'Connor-Connolly:** Government then decided, and rightly so in their effort to prioritise the evolutionary protection process, that they needed to find at least a safe place where the communities could congregate based on their budgetary constraints. That is what they sought to do and continue to do in all these past decades.

Madam Speaker, some may say it was reckless. Some may say it was negligent from that stage not to provide protection for the individual, but I will not go down that route. Having been in government, governments have to do what is best at that particular time based on the financial constraints they had.

I believe that although the government thought it was best during those times in providing public shelters, with the greatest of respect they were only able to solve a small part of the puzzle. I strongly believe in the principle that one should not put "all eggs in one basket" and although it was perhaps a good principle at that time to build a hurricane shelter and try to get everyone in there, we saw with the high school in Ivan, I believe it was that lost its roof, and the exposure and high risk that brought to a large number of people. I believe that was when we evolved the strategy to protect our people and we saw that it was better to spread it out district-wise. I will give the Brac story and we will hopefully share with this House and the wider public the approach we took with investing in our people and protecting, shuttering just being part and parcel of the wider picture.

Madam Speaker, when I first entered the political arena, I quickly discovered on my first visit to Little Cayman that they did not have any shelter at all.

Although it is quite easy to say (since there were 300 or fewer residents there) that they could be evacuated, every man's home is [his] castle. Because we do not have access to a national guard and other types of security it is not reasonable to expect the residents there to just pick up their stakes, as it were, and leave not knowing when they are going to get back to their property.

So, I quickly embarked, with the assistance of the then government, to build a multipurpose building on Little Cayman for the public works accommodation centre, to a standard that could be used for a hurricane shelter—and it has been. So that was a continuation of other governments' policies of having that communal protection.

Cayman has progressed much since then, Madam Speaker. Although we are not attempting to create a socialistic type of government where everything is dished out, as some would like to say, or economic fish are given out all the time, I think it would do all of us good to recognise the role we play.

Simply put, we are the trustees of the public's purse. In fact, it is the public themselves that generate this revenue. So I do not think it is extremely far fetched to be asking . . . and I am sure that the Leader, in his concurrence to the Motion, became quickly aware even in his preliminary discussions (he intimated to the House today that his Government was having) that this is money well spent when we protect our people. So, I am happy and grateful and appreciative to the Government for the position they are taking with respect to the Motion.

Madam Speaker, I saw that another incremental step in the protection of the people in the Brac—who no longer want to run and seek shelter in almost vertical cliffs and often unforgiving limestone—was the need to create a road network on the Bluff so that people could, (1) access their properties; and (2), we could provide communication (whether Cable & Wireless or what have you—at the time it was Cable & Wireless and we are grateful to them) and utility companies.

As in the case with the plywood (tying that in to the Motion), when change comes, because we are not creatures of change, there will always be opposition. I would be very surprised if we did not receive any opposition from the distribution of the plywood. But I do believe that the driving motivation of every honourable Member within this House was to ensure at that particular time (perhaps less than two weeks ago when Gustav was passing) that every resident within the Cayman Islands was as protected as could be, given the limited window we had for the acquisition and distribution of the plywood.

Of course, we realise that hindsight is better than 20/20 vision. But during those times I do not think any politician in here had the time to go through a means test. I would much rather err on the side of someone receiving plywood twice then having to face the occupants of a home who did not get plywood be-

cause of my erring in a discretionary mode. I am open to that type of criticism and, as I said on the radio and elsewhere, I took it upon myself to put together a form. But I can understand the pressure that the politicians on Grand Cayman had to operate under. Sometimes we just have to exercise common sense, Madam Speaker. I think that as Caymanian people we need to begin to be somewhat more grateful for the—

[phone interference]

**Ms. Juliana Y. O'Connor-Connolly:** —way and the method that any government, whether it is this Government or another, uses to assist them.

The time that some would choose to get on the radio and talk about the plywood, perhaps those energies would be much better spent if those same people would form a committee within the districts to help our elderly, to help our handicapped, to help those in the forefront of public service to nail up a piece of plywood or to get a truck to help distribute it, or to go around with some water or some charitable things.

We are in the process of nation building, and unless we as Caymanians . . . and I think this is one of the issues that goes way above any type of politics. I was happy that that happened with this. I congratulate all Members and colleagues who worked in that regard. The fundamental fact is, Madam Speaker, that we are Caymanians. We ought to start looking out for our Caymanians, whether it is from shuttering for hurricanes or in other aspects of government.

As Caymanians, we need to be very careful. Some of us have perhaps “made it” and can just pull down the hurricane shutters. I am not one of them. But I am speaking generally.

[inaudible interjections]

**Ms. Juliana Y. O'Connor-Connolly:** But that does not give me any right to then go and criticise someone who cannot afford it.

As the Honourable Leader of Government Business indicated, we cannot judge the financial credibility or financial status of our fellow Caymanian merely by looking at how he or she dresses or what they drive, or at their house. Whether we like it or not, Madam Speaker, often we fall into the category of the US television commercial where you see the head of the household driving the lawnmower and this beautiful manicured lawn and the house. And his only thought is “I’m over my head in debt.” Unfortunately that is the real life story for the majority of Caymanians here. So, we must be careful when we just look at the external things, the material things, and use that to justify whether or not they can afford plywood.

Madam Speaker, we may say that they should prioritise. They can buy a sheet of plywood here; we can buy a sheet there. But human beings being what they are, rather than spending that \$40—one person

on the Brac wanted \$70 for a sheet of plywood—they would much rather buy food to put on the table for their children, or maybe pay the utility bill or telephone bill, or a school bill that’s pressing at the time, and hope that somehow they will be spared through the hurricane season. So we must go through all of the reasons before we become caught up in tautological reasoning which is, in my respectful view, most destructive during a time like this with our Caymanian populace.

Madam Speaker, I also believe that from the Brac protection story that the ‘chicken and egg’ situation also faced most communities in that when I first took the decision that the future of the Brac was on the Bluff there was much opposition—some inside the House, some outside the House. But we are being paid to be politicians and leaders. We are not being paid to be philosophers or eloquent arguers on the Floor of this House. Sometimes governments have to take positions that are not necessarily popular at the current time. But time usually bears out that it was the right decision.

I am here to say that building the access roads, providing the electricity and the communication on the Bluff was an integral part toward the evolutionary protection of our people. The reason I say that is because it has reduced the load on government for an urgent need to fill the deficit of hurricane shutters, the capacity. We have seen, especially since Hurricane Ivan, is that a large number of persons, both on the Brac as well as from Grand Cayman, have built very strong and beautiful homes—some large, some modest and some smaller. And they can now stay in their individual residences. Not only do they stay, but in the traditional Caymanian vein, they invite their friends and families to come and shelter during the storm.

Oft times, government is asked to make expenditure, as is being asked in this Motion today. But good business people know that you have to spend in order to get a return. I believe that this Motion is no different from that basic economic principle.

Madam Speaker, the other benefit from the evolutionary protection process of road-building, et cetera, and other necessary infrastructure on the Bluff, is that it has caused us to spread out the risk of injury. We no longer have to worry if the roof comes of the one and only Aston Rutty Centre, or the West End School. In fact, our people have excellent communication, a good road network. Over 90 per cent of the Island no longer have to travel on our coastal plains to be exposed to sea or flooding because the road network has linked up the West End Primary School and the Aston Rutty Centre.

I am trying my best to show how the shutters themselves are not a means to an end but, [rather], a process that has been developing and progressing over many decades.

I believe that Cayman has now reached a financial juncture and can now afford to start looking at more permanent solutions than the plywood. I realise

that it will have to be done on an incremental basis, because we have not found any oil wells yet, or any gold that I am aware of. We still have to keep within less than 10 per cent of our debt ratio. We have to be prudent. We have to be sensible. And I was happy to hear that the civil servants have already been afforded an opportunity to access affordable capital with a mere 5 per cent interest. I would ask the Government to consider perhaps removing that 5 per cent through whatever means they can.

[phone interference]

**Ms. Juliana Y. O'Connor-Connolly:** If that can protect the homes of our residents and our civil servants, then the interest is miniscule compared to the benefits of saving and protecting the lives of Caymanians and residents alike.

Madam Speaker, I also believe that previous governments contributed by way of planning laws and regulations ensuring there were high standards in the Cayman Islands. This too helped in the evolutionary process. Since Ivan I believe we have learned more lessons than we could even anticipate on how to build and how not to build our homes. That will help diminish the amount of money government would have to put in because there is absolutely no reason why any house being built now should not figure into the construction process money for protective windows, doors and/or shutters. I believe that the banks have a moral obligation to ensure that in lending money . . . it seems to me it is much easier to get a loan for a vehicle than to get something to protect your property. That should not be so.

I am happy for those banking institutions that took the lead in offering financing for insurance, but I believe that if the insurance companies themselves were to enter into this partnership and see ways and means to bring down the premiums, then perhaps we could all work together in a positive way as we build this nation.

If banks have to foreclose because people can no longer afford their insurance, it is not going to do them any good. Only a certain number of homes can be put on the market, and there are only a certain number of people who can buy them up real quick for a bargain. We must all look at this from a very rational position. They are benefiting. There is no bank in the Cayman Islands that is here because they love Cayman. Perhaps that is a side attachment, but it is a business and they are here to make money. So, I believe that they can look and see how they can assist with this Motion that the Government is about to accept, and I believe that if the will is there, they can go a long way in assisting our people which will—

[phone interference]

**Ms. Juliana Y. O'Connor-Connolly:** —in turn assist them from a social and psychological standpoint as far as our people are concerned.

I would like to put on record my sincere gratitude and thanks to all who were responsible with the initial concept for the distribution of the plywood. But in particular I would like to thank Mr. Donovan Ebanks from the Portfolio of Internal and External Affairs and the National Hurricane Committee which, I know from having spoken to him previously, played a very integral part in getting this decision formulated and implemented so that the Caymanian people would have this type of temporary protection.

Madam Speaker, make no mistake. The plywood is temporary insofar as it is not secured properly or is not installed properly and the fact that it has to be taken off and put back on. Because of the nature of it, there is no standardisation as to the installation as opposed to shutters where the manufacturers themselves will have to standardise a test for the actual installation and the Government can regulate that through its planning regulations. So, that is a grave disadvantage for the plywood. But plywood, properly installed and maintained can, and has, served a good purpose for many, many hurricanes and will continue to do until the Government finds itself in a position to adequately finance the different resolutions contained in this Motion.

Madam Speaker, I believe for anyone to say that the plywood was not a temporary measure on the talk show media is misleading and very divisive. Whether it was this Government or another, any good government wants the very best for its people. Having said that, they are always dangling modifiers; what is best also means what is affordable, what is accessible. I believe that in the past two or three years the plywood was given, that was the best the Government could do at the time.

As I said, I am grateful that the Government is willing to entertain the majority of the Motion with slight reservations to the last resolution. But we believe that where there is a will we can find positive and practical solutions to move forward in this evolution of protection process.

Madam Speaker, you do have, as I said, the unsafe aspect of the plywood in the delivery.

[phone interference]

**Ms. Juliana Y. O'Connor-Connolly:** I am not sure what happened in Grand Cayman, but as far as the Brac was concerned, you normally do not get approval or authorisation for obtaining and distributing plywood until 24 or 36 hours before a hurricane is coming. In a small community like the Brac it means just me and the Second Elected Member (for this last one). For other reasons it was just me, but I am sure had he been there he would have done what he did the first time—assist me in distributing the plywood and ensuring that everyone who needed it got it.

Often we find that the wind has already picked up. It's raining. You have the human element of some persons not getting because of limited resources, and then unfortunately for two consecutive years we had the . . . I certainly had the element of a particular businessman deciding after receiving the order who should get from who should not, which meant that people would come back to me asking for the plywood. I gave the assurance that the order was placed only to be told that they did not get, and then to hear the reasons why this individual businessman would not give it to them.

From my understanding, he spent more time showing the list to members of the public passing comments as to why Mr. or Ms. So and So should not get that, that the time that should have been properly spent in distributing the plywood was wasted playing politics—or *politricks*. Madam Speaker, I leave him to his good conscience. One of these times in his exercise of boyish games that he has embarked upon, he is going to find that someone he decided not to give plywood to is going to be exposed to high risk, and he will have to bear on his conscience increasing the risk and vulnerability of the people of Cayman Brac.

Madam Speaker, I get quite passionate at these boyish games (or girlish games when they occur) because, having lived through Hurricane Allen and watching from the edge of the Bluff the beautiful and normally tranquil and serene Caribbean Sea rise up into tidal waves ending at the foot of the Bluff in a cave where you are only some 45 or 50 feet above, and seeing the destruction and having to live through six months there without electricity and the hardships . . . thankfully, those days, for whatever reason the British Government seemed to have loved us a little bit more.

I remember, and I still have pictures of my dad and those who came in on the warship assisting in constructing homes and assisting with the general rebuilding of Cayman Brac. I have those vivid memories of what it is to survive a hurricane such as Allen in 1980.

So when it comes to assisting people, cost what it may, I will be there to the last minute trying to make sure they get protection regardless of where they come from or their financial status.

Like I said, I am sure Members can attest that during that short window that we have for distributing the plywood, there is no time to be second guessing or to be social service agents where a proper means test is done. The overriding consideration is that plywood is given to our residents and our Caymanians so that they can be protected from the onslaught of the storm and that during the billowing waves and dangerous seas we can rest assured that we did everything within our power to ensure that all Caymanian people are protected.

Madam Speaker, [the way] we do it is a bit different on the Brac, as I understand from the talk shows and in talking to some of my colleagues. I basi-

cally faxed in the orders from district administration for the plywood to the two establishments that had resources at that particular time, and signed off for it. They then distributed it themselves, as opposed to here [where] I understand the plywood is sent out to the various colleagues here, then the politicians here distribute. I do not get into that aspect of it except when it comes to the very end. We usually have some at the public works department. This time I had access I think to 104 sheets. Those were saved in the event someone was not able to access district administration during the hours we were there. It was like a reservoir reserve. So, in that aspect I was able to get Mr. Jerry Hunter, and I am extremely grateful to him, for working overtime in the rain and the wind to assist with the distribution of that plywood.

The experience is somewhat different, and I have done that, Madam Speaker, and it was done that way when the Second Elected Member was there the first time we did it, and that was to try to ostracise or sell from that exposure of politics being involved in it and I think it worked extremely well the first time. Except for that one occasion with this business boy, it went well this time.

I trust that the Motion, once accepted, we would move expeditiously to the shuttering because that would eradicate any intrusions or erosions of that sort, Madam Speaker, where people would have ample time, proper and adequate shutters to put on their homes and we won't have this plywood rush.

As I said, it is going to take some time, but I trust [that] in the Brac scenario that as quickly as it is possible . . . and I am sure the Leader and his Government will ensure that we can get the shutters for those outside the Civil Service—who already have access to affordable capital, as we heard this morning—indigent persons, [and] some strategy or plan from a financial perspective [will] be put in place to ensure that they too have it so that this whole plywood aspect scenario will go away sooner rather than later.

Madam Speaker, I believe it is also very necessary for us to look at those persons who we term frontline public servants. Both the Leader of the Opposition and the Leader of Government Business referred to the various categories and this is not inclusive or limited to these groups. But, certainly, the firemen, the emergency workers at the hospital, et cetera, the Public Works [workmen] who did a magnificent job of shuttering the entire Island, I am told by Mr. Ernie, in perhaps four to six hours on the Brac. A commendable job! But we need to look after them.

I can give you one very glaring example, and that is with our district officer, Mr. Larry Foster, on Little Cayman. Obviously, he sits on our committee on the Brac and as we convened for a committee meeting the need arose for him to fly across to the Brac to attend the committee meeting. Well, as most meetings that are more than a committee of one, they become protracted and time is consumed with various important matters. He also had a limited window to board

up and batten up the residence of his wife and his special needs son.

Of course, very early the next morning he had to get on the plane, go back to Little Cayman, where he is like “governor” in the respect that all the responsibility of protecting the Island and the residents falls on his shoulders. I believe that we should look at the creation of some type (call it whatever you want) of task force for shuttering up these frontline persons, like him who—because of their public commitments have to be out there making decisions, protecting the public—will not have time to do it.

Madam Speaker, the Government can decide whether this will be done by assisting those persons’ access to loans where they get shutters that roll down and are quite easy for the wife or special needs person to deal with; or whether it is going to be what some deem to be the stronger ones that you install in panels. It was in this vein, when we were creating the Motion, thinking about the process being an incremental one that it would not be immediate, so you would still have the plywood.

In those areas we felt, from the Brac context and Little Cayman, that the numbers were small enough that you could have the task force committee (or whatever you want to call it) go around and ensure that those properties were secured so they would not have to lose their focus and their concentration thinking about their homes and their families while doing their public job.

I can stand here today, Madam Speaker, and tell you that that is not a good feeling. When we had Ivan back in September 2004, I came across on one of the first planes to land in Grand Cayman. My main home is on the Brac and I do have a residence here, which was pretty much demolished by Hurricane Ivan. We had called an emergency meeting with the Governor and, because I had just come in, I did not have a security pass. The hotels and everything were out in Grand Cayman. Everybody, including the Governor, disbursed from the meeting, never mind the fact that I was in George Town where people were looting and other things that should not go on were going on.

[phone interference]

**Ms. Juliana Y. O’Connor-Connolly:** A woman in George Town that time of night not yet even conceptualising all of the damage that had occurred, feeling quite strange and afraid, being on the dark streets of George Town, with all this going on, not knowing where to stay except my vehicle, and there was very little room there because I brought down three or four construction workers to try to patch my roof to try and salvage what I could.

Madam Speaker, I have said in here before, and I say it again, I thank God for CG who, for whatever reason had hung around and saw me in this desperate situation. He asked me to follow him down West Bay Road. I could almost imagine how Mary and

Joseph must have felt when they were told there was no room in the Inn, because that was the story for the night. The roads were not very easy to navigate at that time.

Luckily the new Holiday Inn . . . in the beginning they said there were no rooms. But, after the persuasive technique of my colleague from West Bay, they allowed us to come in. We spent the entire night sitting around the pool with mosquitoes eating us. This was as a Minister of Government.

So, Madam Speaker, I know what it feels, not to mention the six months being in Prospect without anywhere to go, and having taken in some Brackers who lost everything and until this day not having furniture. I know, Madam Speaker, when I stand up here and speak about these issues, those persons on the frontline who have to go out and do the business of the country need somebody, some council, to go and look after them so that they can do what is necessary to carry on the country, to recuperate, to get the business regenerated.

In this process of nation building, we must come out of that small-box thinking, where if I do not get it, the next person should not get it; or, if a public servant gets it, then it is corruption. Madam Speaker, we are all in this fight to build this nation together. Unless we start thinking in a more codified and unified manner, we will never reach our final destination. I believe that perhaps through civics education in the schools we can start teaching our children to be proud to be Caymanian. As parents we can do this.

My friend and colleague, the [Fourth] Elected Member for George Town, always speaks about the importance of the flag and that interjection of pride into our Caymanian culture. This Motion is not that far fetched from that, because if we are proud to be Caymanian, if we truly believe that we need to encourage and increase our numbers, then one way to do it is by protecting and preserving what we already have. I believe this Motion will go a distance in decreasing the exposure and risk that our people have in the time of storms.

Because of many varied experiences, sometimes near death experiences, the Caymanian people know the importance of shuttering up their private and/or commercial properties. We are fully cognisant that one way of protection from windstorms and hurricanes is to install impact resistant shutters to cover all of our windows, especially the large windows, and our doors. Not only does adequate shuttering offer protection to doors and windows from windborne objects, but it can also reduce damage caused from a sudden build up of pressure within homes which will cause doors and windows to disintegrate and can also cause personal injury or physical damage to the property.

I believe that perhaps one of the considerations interjected into the Government resorting to the use of plywood was because, one, it is the easiest method for adequate protection and perhaps also the quickest. But because of the reasons expounded on

by the two previous speakers and me, we must now move beyond this juncture. I believe I am preaching to the converted in that everyone is on board with the need, the urgent need, to now go to a more permanent nature of shuttering and protecting the homes of our Caymanians and residents alike.

Madam Speaker, I believe that Planning, through the Minister of Planning, must take an active role once this Motion is duly passed, hopefully today, in this honourable House, to ensure—I believe there is at least one manufacturer here . . . and it is going to be excellent business for them or anyone else who goes into the shuttering business—but to ensure from right now so we will not have to be faced with the prospect of grandfathering persons in who did not come up to any particular standard, that we set the standard post haste for the installation and for the durability of these shutters.

I know from the advertisement on the local radio that the persons (I believe it is the Hydes family) in the business that [the shutters] stood up to the test. In fact, I remember hearing on a talk show or an advertisement, the roof had gone, but their shutters were still on. I believe that is a good testament to the durability of the work they are already doing. But it gives the Government a very wonderful opportunity to standardise the installation of these shutters and to standardise the material.

Although it is the manufacturer's responsibility in testing these shutters to ensure that they are up to the required standards, and to ensure that they will not easily yield to the force of wind and wind-borne objects, Government too has a role to play in this regard.

Madam Speaker, another consideration for those who would qualify in the category for loans and access to affordable capital would be the installation of impact resistant windows and doors. From my research and understanding the frame and the glazing of wind resistant windows and doors works together not only externally, but internally, so that when wind pressure builds up you do not have that immediate fragmentation of glass flying. But the glazing helps to bond it together. Again, another protective measure, perhaps a measure that can be considered for the frontline public servants because it would not require anything more. Really, with the onslaught of a hurricane it would already be installed and would negate the manpower aspect of it.

I believe that if we give it some reasonable consideration we can find ways and means to assist these public servants to ensure that they are free and liberated to go and do what they love to do best. And that is to serve this country without any restrictions or inhibitions.

Madam Speaker, with those words I wish to thank you for your indulgence and all honourable Members for listening. I trust the Government will duly consider some if not all of what I and the Leader have said thus far and that it would not be a motion that

falls by the way because of other priorities. We realise that time is short, elections are coming, hurricane season is not over, the world seems chaotic and other needs and constraints are on the Government. But, if not directly themselves, I would urge them to delegate or form an advisory body or authorise them with the ability to get to work and ensure that as soon as possible we start to see persons getting their shutters up and getting access to them and that a statement is made by them or a press briefing to inform the country what these strategies are and how we can access them.

Madam Speaker, I thank you again for your indulgence. I thank the Government in anticipation of positively and wholeheartedly accepting this Motion as brought by the Leader of the Opposition and seconded by me.

Thank you.

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

If no other Member wishes to speak . . .

**Hon. W. McKeeva Bush:** Madam Speaker—

**The Speaker:** Third Elected Member for the district of George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

I rise to make a few comments on the Motion proposed by the Leader of the Opposition and the First Elected Member of Cayman Brac and Little Cayman on shuttering.

Madam Speaker, while sitting and listening to all the speeches I went back many, many years in my lifetime regarding hurricanes. Although I am not ancient, I certainly have covered a few decades. Although I cannot remember really being involved in a very major storm except for Ivan, I certainly have experiences of those that came near to us and those that have brushed us that were not as severe as Ivan.

I remember in my day, we talked about battening down the house. And you would know that word, Madam Speaker. I am not dating you at all, Madam Speaker. I am just trying to remember some of those words we used. "Shuttering" is certainly a new word.

But I remember that we lived in a wooden house with wooden windows and a zinc roof. That was my first memory. I remember people coming to my mother's house, taking rope and tying down the zinc. I remember the nice wooden windows that kept us safe. Nice wooden windows in those wooden homes that we had in those days. Then, as I grew older, I saw the whole idea of battening down when we got glass windows. We moved to glass windows in our wooden house, and then we battened down with wood.

Madam Speaker, I believe the intent of the Motion is not so much regarding the shuttering, but about the safety of Caymanian people from any disastrous hurricane or catastrophic hurricane. I think that is perhaps the intent. Although I agree with the spirit of the Motion, I believe there are other variables that reflect safety. Not just the shuttering, but the whole idea of the educational aspect of our people in terms of understanding the dangers of a hurricane; to be protected, whether it is shuttering, a proper roof, or the other variables, like insurance. Those are the issues that we perhaps have skirted that are important . . . although the shuttering. I can tell you, Madam Speaker, [as] I stand here today, I bought proper shuttering (and the Leader of the Opposition spoke about proper shuttering) on my house. And the velocity and force of the water took my lovely shuttering and my place just moved with it.

[phone interference]

**Ms. Lucille D. Seymour:** So, Madam Speaker, even though we have proper shuttering, we have to understand too that it depends on the force of nature, because I have experienced that. I lost everything. But I would not wish for the people of this country, whether they be residents or citizens, to lose what they have. Therefore, I stand to support the spirit of the Motion that through this media we can talk about it in this House to let the people be aware that it takes all of us, not just the Government, to ensure that we are protected.

And, Madam Speaker, excuse me—

[phone interference]

**Ms. Lucille D. Seymour:** The thing that we have to put across is that the Government is willing to come forward and help the vulnerable. Every society has the vulnerable. Who should help the vulnerable but the Government? But at the same time, all of our people work somewhere. They are employed by somebody. What we need to put across too is that it is not just the Government that has to look for shuttering to ensure that our people are safe, but also the people that we work for to ensure that there is protection. This is collaboration.

I believe that in addition to what the Leader of the Opposition has proposed, I think we need to go beyond that to talk to the private sector in a very respectful way to understand that they too have a responsibility along with the Government to ensure that their people are protected so that there can be continuity in the workplace and we can be safe in this country.

So, I want to ensure that it is not just the responsibility of the Government to look at the protection of our people to ensure that they are shuttering. Madam Speaker, we have 54,000 people here. We have 22,000 on work permits. If we have 22,000 on

work permits, surely at some point in time someone has to consider that they have to be protected too. They work for somebody. Yes, I understand that at the end of the day the Government has to assist. But I also understand that the employers should be cognizant of this. And when they hear what the Government is trying to do, they too can facilitate their personnel.

This is an important issue we are talking about and it should not be a blame-game situation. I hope this is not what it is. I think it is a realistic situation. When we look at the Turks, our own sister in the Overseas Territories, when we see the damage they got . . . then I reflect on Hurricane Ivan and the part that I played—not yet an elected politician—to see what had happened to us. We had not prepared ourselves educationally, physically or economically. All of us.

Madam Speaker, I understand and thank the Honourable Leader and the Civil Service for what they are trying to do for the people in the forefront. But we also have volunteers in the forefront. We have to think about those people who volunteer to help us during hurricane season. We need to educate everyone that when one leaves one's home and has to go somewhere, it has to be protected. Granted, the elements have a mind of their own and can do whatever the elements want to do. But at least we should know that if we leave our home to help somebody else, then we should have our house also safe.

I have been involved in the plywood era for over three years. I understand the situation, but I know that where I have been we have recorded persons who get the plywood. I am not saying that sometimes things do not fall through the net. I am not saying that. Perhaps people do get it for other reasons, but that is their conscience and their soul. They have to deal with a higher authority than me. So, when they come to us to get four pieces of plywood and they use it for other reasons, someone else is going to judge them. And it is not going to be me.

At the end of the day, we have a record of it to know that John or Jane Doe of whatever street received four pieces of plywood.

Before I close, I would like to make a point about the renters. In particular, those persons—

[phone interference]

**Ms. Lucille D. Seymour:** —who live in vulnerable areas.

Madam Speaker, we went around in a certain area and distributed plywood to people. I witnessed across the way a rental house. On the night of the pending hurricane, the renter called and asked if we had any plywood. I said, I thought their landlord would do that. And this was a nice cement house, you know. This was not a wooden house. But it was in a vulnerable area. But the landlord did not do it. So, the renter



went next door and borrowed from somebody a piece, and cut an X and put that on her windows to protect it.

What I am saying, Madam Speaker, is that when we are talking about all of this, we also need to have some sort of discourse, either with the planning ministry or some sort of communiqué with the landlords to let them know that they are responsible for protecting the people in their homes, that they are responsible for it.

Yes, we can have the Government assist them, but they are the ones collecting the money from those poor people. Are you telling me that every month they cannot put aside a sum of money to help with their shuttering?

Also, if they are so needy, if it is very difficult for them because they have no expendable income, can they not dialogue with the Government or with some agency to work with them to ensure that they can have a loan somewhere to be able to put up shuttering on their houses? I think that we must not leave the landlords out of the equation. To me, that is very important.

Madam Speaker, when you are limited with your plywood, you have to use tact and diplomacy to let those poor tenants understand they can only get one piece. But what is one piece when you have four windows, three doors and so on? So, it behoves the landlord to . . . this is just as important as any other thing in the Cayman Islands. This is national—protecting the people in a country during a catastrophe, a hurricane or whatever.

So, Madam Speaker, I have said my few words. I would like to thank the Honourable Leader of the Opposition for bringing this Motion, but at the same time I think I would have liked if he had brought it in perhaps another way that we could have not put all the onus on the Government. If this is the worst economic situation that we are in . . . it is kind of difficult isn't it, Madam Speaker, to find money. But I do not believe that. I believe the Government has held its purse well. Yes, we are in some terrible economic times that affect our external . . . and we happen to fall into those. But I believe the economic situation is not as perilous as people would like it to be, but we certainly would be able to find that little bit of money to protect the safety of our people and the residents therein.

Thank you.

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

The Fourth Elected Member for the district of West Bay.

**Capt. A. Eugene Ebanks:** Thank you, Madam Speaker, just a few short comments on the Motion.

This Motion is asking for Government to assist persons who cannot help themselves with more permanent hurricane shutters. For many years now the Government has been spending approximately

\$300,000 to \$500,000 annually on plywood to assist these persons. However, these shutters are a necessity, not a luxury. We must help those persons who cannot help themselves.

We, on this side, realise, and I am sure Members on the other side of the Floor will agree, that the plywood shutters are not an ideal situation. However, for persons who do not have any shutters at all, these plywood shutters are greatly appreciated. As an interim measure it has worked until more permanent shutters are installed.

Madam Speaker, we were fortunate in West Bay (and they have helped other people in other districts as well). There is a working group, headed up by Mr. Allan Bush, which has volunteered their services during the hurricane off season (if they had the material) to cut and fit the plywood on persons' homes who need the shutters and who cannot help themselves.

During Hurricane Ivan, this working group and Allan did a tremendous service to the community as a whole, delivering plywood, cutting and installing and we would like to publicly thank them for that service.

Madam Speaker, permanent shutters would eliminate the necessity of having to annually distribute this amount of plywood and, in the long run, would cost the Government less than it is costing them now.

So, Madam Speaker, with those few words, I would like to support this Motion and thank the mover for bringing it.

Thank you.

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

The Second Elected Member for the district of Cayman Brac and Little Cayman.

**Mr. Moses I. Kirkconnell:** Thank you, Madam Speaker.

I rise to support the spirit of Private Member's Motion No. 7/08-09 [*sic*], brought by the Leader of the Opposition and the First Elected Member for Cayman Brac and Little Cayman.

**The Speaker:** [Private Member's Motion No.] 6.

**Mr. Moses I. Kirkconnell:** Thank you, Madam Speaker.

Madam Speaker, I believe that the Motion completes a cycle that has been started, as the First Elected Member said, years ago in a vision for the Bluff of Cayman Brac, and for the people of the Cayman Islands as a whole.

I am very pleased to be able to stand here today and talk a little bit about the Cayman Islands, Cayman Brac and Little Cayman, and what we have learned from Hurricane Ivan, to protect the people themselves.

Following along the lines of an overview before I deal with the resolves, in Cayman Brac itself after Hurricane Ivan, the population doubled. And,

rightfully so, the future was seen to be on higher ground on the Bluff.

[phone interference]

**Mr. Moses I. Kirkconnell:** In my short time of public service, I am very pleased to say that the continued approach of safe refuge for not only the people of Cayman Brac and Little Cayman, but the people of the Cayman Islands, continues to be developed. We have together created and continue to work on a road system that starts at the eastern end of the Island, with the completion of the Ann Tatum ramp, and allows the eastern district to get on high ground without having to go through the most dangerous area of the Island around one of the primary schools or in the Panama Canal where most of the overflow usually happens.

[phone interference]

**Mr. Moses I. Kirkconnell:** And that road system continues on to the Aston Rutty Centre, where a medical centre has been built, and also a daycare to a category 5 standard which gives more protection for the people.

Then, from there it goes to the westernmost hurricane shelter of the West End School. This year, right before hurricane season, it was prioritised to complete the road into the West End School. I believe that shows the correct way of thinking, and it shows how this Motion will tie everything together from the standpoint of protecting the indigent all the way to the ones who do not need help with shuttering in Cayman Brac and the Cayman Islands themselves.

Madam Speaker, the spirit of the Motion has been brought at a time when I think it can be most easily seen important to be dealt with. In that way, I believe the Government (as indicated by the Leader of Government Business) will action it with a very high sense of urgency, considering we are in the centre of hurricane season.

The resolve section reads, **AND WHEREAS in recent times the Government has been supplying individuals with plywood at a great cost . . .**" I have been involved with this twice. We sit on a committee chaired by the district commissioner in Cayman Brac. The First Elected Member and I have the ability, as she has outlined, to go to the Hurricane Committee on Grand Cayman (through Mr. Donovan Ebanks and the First Official Member) who organises the plywood itself.

When hurricane Dean was approaching, as we sat in the Committee we looked at each other and realised that time was limited and that we must action this as quickly as we could. We went outside of the committee and we called and got permission and, as was done in this circumstance recently with Gustav, people were put in a situation to request. Accountability was very evident because a form was filled out.

The person's name was on it, and a list was made and sent to suppliers.

The suppliers, being caught in a last minute situation and never before in Cayman Brac having to deliver that quantity of plywood purchased by the Government to give to people for shuttering, were not able to meet the demand put on them in that short period of time. The First Elected Member for Cayman Brac and Little Cayman and I got a truck and we went to the public works compound on a Saturday. We loaded everything we could on the back of the truck and we drove from the east end of the Island to the west end to support the suppliers, to make sure that as much [as possible] could be delivered in a short period of time and the people that needed to get it as quickly as we could get it to them.

I dare say that at the end of the day there were probably still people that needed.

I say that to preface what I want to say about Gustav, because I was not here in Gustav. I was flying back from a vacation and did not arrive until Sunday. But as the First Elected Member for Cayman Brac and Little Cayman said, she actioned in the same way. And I have confidence that she did the very best she could to get plywood to the people that needed it. She had to take an individual truck and go and deliver to make sure people were receiving.

Madam Speaker, when I arrived back on Sunday, the number of people that called and thanked not me personally, but thanked us—every one of my colleagues here in this honourable House—for the plywood and the attention and the effort that was made by those on Cayman Brac to protect the ones that needed, it made me feel good. It made me feel how the community had pulled together and how they had worked so hard to make sure that the ones who needed help got it in a short period of time.

[inaudible interjection]

**Mr. Moses I. Kirkconnell:** The idea of criticism will come no matter what any of us do. But I believe that if we err on the side of more protection rather than less protection, we can feel comfortable that we have done what we were to do as legislators and MLAs for our districts.

I would say that there are still some orders of plywood in Cayman Brac that were not able to be filled in the short period of time. I believe that they should be actioned. The hurricane season only being half over we should continue to make sure that people who were unable to get and still need get sometime in the next week or so.

Madam Speaker, the idea of frontline people, only if you have been through the lead-up to a hurricane do you understand how people put themselves in harm's way, and how their families depend on them, and how the community depends on them, and how their families do without them in that time of need. So the inclusion of that in the resolve of this

Private Member's Motion, I think is most important. I believe that we must encourage them to continue to serve in the way they do. And it is incumbent upon us to find a way to make them whole when they are out protecting us. If that means a system that is implemented on a national policy or a system that is implemented by community committees, I think we have to be the leaders in understanding how we protect them and give them comfort in continuing the way they serve.

If you look at our structure and what we have learned from hurricanes past, I think we can be very confident and very proud with what the firemen and the police do. In the fire service in Cayman Brac, as was mentioned before, the chief and the members looked at where populations had increased because of the building on the high ground on the Bluff, and actually stationed tankers and emergency equipment in those areas and spread them out through the Island.

Madam Speaker, this is a very proactive approach, a very positive way of looking at how they can protect the community. I believe that all the services and all the frontline people approach it like that. So, again, I reiterate my support for coming up with a policy on how we make them whole to protect us.

Madam Speaker, the idea of Government considering how we shutter properties of the indigent is, again, when you have been involved in the lead up to a weather system coming to the Islands, one of the most worrisome and time consuming issues you will have to face. Not only are you worried about the protection of the indigent people themselves and moving them to the shelters or protection in some way, but you are also worried about the protection of their property, their homes. You must give them peace of mind that everything that can be done has been done so that when they return from the shelter after the storm has passed their personal property has been protected in the best way it could.

I believe that this is an issue for us to look at because when the plywood is delivered to an indigent's house, it's just delivered. It just sits there. There is no one to put it on the window, to pound it in. If we look at how we shutter those houses and make it easy for it to be secured, it not only protects the personal property of the indigent, but it allows the people who have that responsibility to save much needed time as the bad weather approaches.

Madam Speaker, I would certainly encourage, as others have said before me, that when we look at the type of shutter that is needed we be proactive and realise that the initial cost is not always the real cost of what you are installing and how you are going to protect. The real issue is that the time you have saved because of an accordion shutter in comparison to individual pieces that you have to place and bolt would probably allow you to do three or four more homes in the same amount of time with the people responsible for that.

Madam Speaker, the resolve of adequate funding I think has been addressed in a very professional, sound manner. The idea of the Cayman Islands Development Bank providing loans for the ones that can afford to have that extra payment, a low interest loan . . . , it is hoped that when they approach the bank for the loan there is also some expertise to advise them on the best type of shutter. And not only that, on the best deal they can get. I believe that would be very helpful for the population itself.

I would also hope that this creates a demand. I would envision a young entrepreneur in Cayman Brac taking advantage of supplying this demand, looking at, whether it is the Development Bank or a private bank, to help with an assembling business for shutters in Cayman Brac. I believe that would attract no import duty if they were assembled on the Island itself. The tools are in place now with the investment bureau on Cayman Brac, and the Development Bank to help mentor and bring this young entrepreneur along. I think it is a very important part of the resolve in the Motion.

[phone interference]

**Mr. Moses I. Kirkconnell:** Madam Speaker, to complete my short comments, I would just like to say that I would ask the Government to think about removing import duty on goods into Little Cayman for a short period of time for them to rebuild the damaged properties there now. I would also ask them, as the First Elected Member for Cayman Brac and Little Cayman and I have discussed earlier today, to action as quickly as possible (and we discussed this with Leader of Government Business, let me be clear) the damaged homes in Cayman Brac and Little Cayman that we can move on into the community and get these roofs fixed and the damaged areas resolved as quickly as possible.

Madam Speaker, those are my short comments as I speak in support of the spirit of this Private Member's Motion.

Thank you.

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

If not, does the mover wish to exercise his right of reply? Honourable Leader of the Opposition.

**Hon. W. McKeever Bush:** Madam Speaker, I want to thank all those persons who spoke. First, I want to thank the First Elected Member for Cayman Brac and Little Cayman who seconded the Motion and gave her input.

Madam Speaker, I heard all the speakers on that side—only being three, including the Leader of Government Business—say they support the spirit.

[phone interference]

**Hon. W. McKeeva Bush:** I am wondering whether that means they are going to vote for it.

Usually my experience has been in this House that when somebody says they support the spirit, they normally do not vote for it. But, perhaps the Government means they are in support, but they did not want to come out and say that much to me.

I noted with interest that the Leader of Government Business said that perhaps it is financially unattainable, if you read what he said in the *Caymanian Compass*. Of course, while I agree with him that a lot has been talked about, there are things that have not been done.

Madam Speaker, I believe it was in the June or July meeting of the Hazard Committee that the Governor chairs (they have so many now, I do not know which one, but the Governor chairs this one), the Leader of Government Business said when we got to that point (this was in July) that. . . I cannot quote word for word, but to the extent that it did not seem like a shuttering programme was going to be put in place so we had to go back to the plywood deal. I think that was in July when I met with them. Now, whether he meant at that time that it would not be put in place in time for this hurricane season, or that it would not be put in place at all, I do not know. But that was what was said there.

I have listened, and I want to move forward in closing to speak to a few points that were made.

I would like to give some statistics in regard to what the National Assessment of Living Conditions had to say about the households. According to the findings of the National Assessment of Living Conditions, there are 18,338 households in the Cayman Islands. This would include those who reside in rented facilities that perhaps will fall into a different category, from what I hear Government saying about not being so willing to support anything they are doing because the rental facilities are a business. And people should be able to take care of themselves, is what I think I heard some members of Government say.

But, the 18,338 households—

[phone interference]

**Hon. W. McKeeva Bush:** —and that is not what I said, Madam Speaker, about who is capable and who is not capable. That is coming from the Government's side.

Our small size as a nation afforded us over the years a good economy. I cannot buy this excuse, Madam Speaker, that they do not have enough money. To use the words of my friend, the Third Elected Member for George Town, she would rather I had brought the Motion in another way to not put all the onus on the Government. She said these are terrible economic times. Of course! Of course we know these are terrible economic times.

Madam Speaker, with the frequent revelations of wasted money I am amazed that the Government does not see the value for money in protecting all the property of the residents of this country.

I hope, and would have hoped, that this would have been more straightforward than what the Leader of Government Business made it and it will not be a continuance of distributing the proverbial political band aid each hurricane season. The annual plywood distribution costs, it is estimated, over \$1 million per year some years. It is not often available the following season as we said.

According to the National Assessment of Living Conditions report, most persons in the Cayman Islands live in undivided private houses, that is, 41.2 per cent. This translates to 7,555. Homes, flats, apartments, and condominiums represent 42.6 per cent. Overall, 3 per cent of households live in double houses or duplexes. An estimated 47.7 per cent of all households owned the homes in which they live. Of these, 23.5 per cent of homes were owned with a mortgage, while 24.2 per cent were owned without a mortgage. The high percentage of rentals points to the presence of a large immigrant population on contract of employment who would need to rent accommodations during their stay in the Cayman Islands.

So, we can deduce from these statistics that the number of private owner/occupied dwelling homes in the Cayman Islands, which is the target for this proposed programme, is estimated to be 3,551 homes.

A significant percentage of dwellings in that report were found to be constructed using concrete blocks as the main material of the outer walls, at 70.8 per cent. As their socio-economic position improved, persons were more likely to live in dwellings made of concrete blocks. However, a startling 31.8 per cent of households, the lowest bracket, used wood and timber as compared to 5.9 per cent in the highest.

There were also dwellings with the main material of outer walls being plywood. One per cent of the households surveyed used plywood. Within the poorest bracket, 2.8 per cent had used plywood as the main construction materials of outer walls.

Madam Speaker, from the statistics I have quoted, we can see that it is the poor in this country that are most vulnerable to the threat of hurricanes. I do not expect that it is an unattainable goal to ensure that all of these homes are shuttered properly. We all know that a significant percentage of these homes are already shuttered.

Madam Speaker, it does not take a financier to determine that the current system of distributing plywood is an impractical option to continue and those permanent shutters would shortly pay for themselves.

To put this in perspective, I might have said something this morning that at an estimated cost of \$5 million, that one thousand homes could be shuttered for \$5 million. Sorry, an estimated cost of \$5,000, one thousand homes would be shuttered for \$5 million.

The amount is not extravagant. That is at \$5,000 per home. I believe that is about right, Madam Speaker.

My daughter, who has a modest Cayman home, just bought her shutters and that is about what she had to pay. That's the accordion shutters, the ones that are quite easy to lock up.

I do not know where they can say that there could be an unattainable goal (I think were the words used by the Leader of Government Business), because we spend so much money on other things that can be a problem in a government that spends so much—in the Matrix fiasco, in the helicopter, in a boxing match, so that the Minister of Tourism can get his frame up on television every time it went around.

You can look at various amounts of expenditures and we could say that a programme of what I am talking about and the spirit of what this Motion means . . . because that is the spirit. The spirit is to put a programme in place that people can get.

Maybe the commercial banks will do it, but they have not been doing it up until now with a lot of homes because we know how difficult . . . that is a more commercial operation. I am trying to say Government could help if Government went through the Development Bank and did it themselves, rather than do it through the commercial banks. It is going to be a whole pile of low interest and some people, not as little as you think of it . . . and it seems that is how they have been thinking—very little of it. As little as you think of it, that \$5,000 or \$6,000 more on a mortgage is going to cost a lot more. It might put them out of their range of getting their mortgage.

[phone interference]

**Hon. W. McKeeva Bush:** And I think a lot of that has been happening, Madam Speaker.

So that's why I say Government needs to devise a programme through the Development Bank. Get the capital somehow and allow the programme to run there. I am not going to say through the recovery fund. I am not going to say that. I am hearing too much bickering going on between Government and the recovery fund, and this one and the next. Sometimes you do not know where you are with the recovery fund.

I would rather see . . . and I think I'd better say it now. The spirit of the Motion is for Government to do a programme. Not to mention now that they are going to buy Embraer—two more planes! They cannot be short of money. Cannot be, because they have spent, spent, and keep spending.

[phone interference]

**Hon. W. McKeeva Bush:** Small country like us? Three different kinds of planes? And you are talking about you wish I had not put the onus on Government? You have to put the onus on Government.

[phone interference]

**Hon. W. McKeeva Bush:** Including all of us here in this House.

But, Madam Speaker, so rightly said by the Third Elected Member for George Town, that's why I am bringing the Motion. All of us! I do not think that would be insignificant.

Madam Speaker, the Leader of Government Business spoke to duty concession concerns. I have had my concerns over the years as well. But, Government has a lot of things duty free now. Why is the Leader of Government Business choosing this one to be so concerned about not being passed on to the people? Look at how many things are already duty free. Why?

We hear his concern regarding not passing on the savings to the customer. And to this end we encourage the Portfolio of Finance to dialogue with suppliers of shuttering equipment to examine the practicality of establishing some form of direct rebate to customers. That could take place because as I see it, you go and pay \$6,000 for your shuttering from some company, and you can prove to Government by the receipt that you paid \$6,000, then Government can give back that 20 per cent, \$600 [sic]. So we can look at that possibility in the spirit of the Motion.

Madam Speaker, I think the Leader of Government Business mentioned something about temporary fix; we do not want temporary fixes. We are not asking for any temporary fix. The Motion is very, very specific asking for a shuttering programme. It is not something temporary.

You know in the old days, and the Third Elected Member [for George Town] brought back a lot of memories for me, I guess a lot of Members of this House that lived in that old house with a zinc roof and no ceiling. That was my grandmother's house. I will never forget it. Many hurricanes came and did not knock it down. We had to tear all the wood off and that old frame stood there and you had to get the big bulldozer to slacken. How those old people had made those homes without any electrical equipment, without any nails. The wattle and daub they called it. That stood.

But I remember that we did not want to stay there and we moved to a neighbour's better house during a hurricane. We were always concerned about our safety.

I remember one of my cousins and a neighbour, the late Capt. Curry Ebanks had shutters made out of wood. Quite easy to put on, but very sturdy. He said "Put them on." I used to go help him. He used to pay me for it as a little boy, when the approach of any storm was expected. A lot of homes in Cayman had those types of shutters, wood shutters, made with the bolt in the building itself. All they had to do was hang them—one up, the other one down. But they would stand the breeze.

Let me tell you something. We all used this plywood. I saw in Ivan, I had to go out 10 o'clock that morning and everyone knows that is when the storm was really hitting us. But I had lost contact with my daughter and her family at around 6 o'clock. Not able to take it any longer, I said "we're going." Luckily there was a truck in the yard of the many people that were in the house, and I saw plywood being torn off of a house. I looked in there and I suspected that that happened to many more houses because when I looked up (I say a mile, but I don't know what distance it was) the amount of plywood I saw going into the west . . . I said, "Well either somebody's roof is gone or the shutter is gone." So do not think that is . . . while that is a good mechanism, that can be torn off by the wind if the wind catches it in the right corner. And I saw it being torn off of one house.

So, Madam Speaker, we do not know what nature can throw up at us, and when we hear about 60 foot waves that hit Cuba, and when you look at what Ivan, at the lighthouse on the tip end of the Bluff, that the sea—which is 150 feet, or something like that . . . the sea came up on top of that, Madam Speaker. It must have been what the elderly people told me up there, two waves hit together and flew in the air. That's 150 feet. For that to come up, only God knows what kind of sea that was.

We do not know. It is only God's mercy that saves us, and we all better recognise that. I know they are cussing me because they say I am no Christian and I say I am a Christian. But, Madam Speaker, we better get on our knees and be thankful to Almighty God.

When I saw what was hitting the coastline in Havana and coming through those towns, going up to six storeys, we can imagine what the poor people in Grand Turk . . . they just thought they were gone because the Island was swept. We do not know, but we can try our best to be prepared and then pray to God to do the rest for us.

Two more points, Madam Speaker. One was that someone talked about they should have been prepared in 2004, or better prepared in 2004. Madam Speaker, I laid the report, Crisis Readiness—Investment in our Future. I am still asking why in the world this was not accepted. I know the Honourable First Official Member will remember the day we were invited to talk about this by Marsh McClelland at the time. I said, my God, I didn't know we could get to do these things and get prepared, and I was all gung ho, so much so that I took it under my wing to move forward with it. They turned it down in Cabinet, the then Governor did. Turned it down. Nothing ever happened. Got there late.

You can blame the smiling tourism minister for that. It got there late, but nevertheless we got it there. They turned it down. We were not ready for what hit us in 2004. Not ready. The country was not ready, the Government was not ready, the Hurricane Committee was not ready. We all worked hard, mind you, for the

preparation. We all worked afterwards. Everybody knows. Just imagine—to put this country back on its feet, this town here, in one week. Yes, and they cuss us and say we did nothing. One week! We were back in business to save the country.

They ask me what I have done. I can feel good, Madam Speaker. I still say . . . I hope they took that when I tabled it and looked at it for the national plan, which we are still working on now. That was not just for Government. That was for the whole country.

Madam Speaker, maybe it was the Third Elected Member for George Town who said that she hoped it was not a blame-game. It is not a blame-game, Madam Speaker. I would like to repeat that. We are not coming here saying that . . . well, we could have said that they should have been better prepared. But we all have responsibilities. We all know what the stresses are. I am not going to be like them, Madam Speaker, when they did everything to defeat me as Leader of Government Business. And they have not. And I am not going to do that. I have not done it these past nearly four years. I have not gone on the street when I could have been there. I could be there against the helicopter. The Government—not the Governor, the Government! I could be there against CUC. I could be there against Matrix. I could be there for so many different things.

I am afraid I am going to have to go about CUC if they are going down the route that I hear in this House. I will have a public meeting out there once the plans are put forward. But we are not here laying any specific business. This is not what it is about. There are a lot of things that we can do that for. That is not what this one is about.

Madam Speaker, the Motion is specific. I would hope that Government, if they pass the Motion, would get immediately on it. This is, I know, the last hurricane season, and we hope that we do not have to contend with any more. Let's pray about that. But we do not know. We continue as Opposition to do all we can and offer our full support to Government on anything that we can do, Madam Speaker, to make things better, to make it work better, any input that we can give. We are here to do our part, and we have been doing that.

So, I ask the Government, if the spirit is good then carry through the programme.

**The Speaker:** The question is: BE IT NOW THEREFORE RESOLVED THAT the Government consider securing the homes of indigents with a permanent and adequate shuttering system;

AND BE IT FURTHER RESOLVED THAT, in its hurricane preparations, the Government consider securing the properties of all front line public servants;

AND BE IT FURTHER RESOLVED THAT Government considers establishing a programme to provide access to adequate funds to allow qualified individuals to obtain hurricane shutters;

AND BE IT FURTHER RESOLVED THAT Government considers removing all duty on hurricane shutters and related materials.

Those in favour please say Aye. Those against No.

**Ayes.**

**The Speaker:** The Ayes have it. Private Member's Motion No. 6/08-09 is duly passed.

**Agreed: Private Member's Motion No. 6/08-09 passed.**

*[Pause. Speaker asked for delayed Motion No. 7/08-09 to be done at this time.]*

**Private Member's Motion No. 7/08-09—Scientific Study to Ascertain Cancer in the Islands**

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

**Amendment Thereto**

**Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

Notice has been given to you of an amendment to the Motion which says, and I beg to move, Private Member's Motion No. 7/08-09. And I guess I had better read that into the records

In accordance with the provision of Standing Order 25(1) and (2), I, the Honourable Leader of the Opposition, give notice to move the following amendment to Private Member's Motion No. 7/08-09, entitled Scientific Study to Ascertain Cancer in the Islands, as follows: by deleting the words "of the extremely high degree" as they appear in the resolve section of the Motion.

**The Speaker:** Do we have a seconder, please?

**Capt. A. Eugene Ebanks:** Madam Speaker, I beg to second the Motion.

**The Speaker:** The Motion for the amendment has been duly moved to delete the following words: "of the extremely high degree." Does the mover wish to speak thereto?

**Hon. W. McKeeva Bush:** Madam Speaker, we agreed that I was not going to speak to the amendment. I do not know if anybody wants to. I certainly do not see the need to.

**The Speaker:** The question under Standing Order 26 is that the amendment be made. Those in favour please say Aye. Those against No.

**Ayes.**

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

**Agreed: That the amendment be made to Private Member's Motion No. 7/08-09.**

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

**Private Member's Motion No. 7/08-09—Scientific Study to Ascertain Cancer in the Islands—As Amended**

**Hon. W. McKeeva Bush:** Amended Private Member's Motion No. 7/08-09, Scientific Study to Ascertain Cancer in the Islands, which stands in my name, and I move, reads:

**WHEREAS there is a high incidence of various cancers in the Islands;**

**BE IT NOW THEREFORE RESOLVED THAT the Government considers conducting a scientific study to ascertain and determine the possible causes of cancer in these Islands.**

**The Speaker:** Could I have a seconder?

**Capt. A. Eugene Ebanks:** Thank you, Madam Speaker.

I beg to second the Motion.

**The Speaker:** The Motion as amended has been duly moved and is open to debate.

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, I have—

[phone interference]

**Hon. W. McKeeva Bush:** —put forward, the Fourth Elected Member for West Bay and I, a Private Member's Motion requesting that Government consider embarking on a study of the occurrence and rate of cancer in these Islands.

I would venture to say that there is not one person in this honourable House who has not been touched in some way by this disease. I recall some time ago, 2004, somewhere around there, there was a motion by the Speaker and somebody else, early between 2001 and 2004, I think. At some point there was a motion and then there was a report done by the then Minister of Health also on that motion.

As I said, Madam Speaker, there is not one person in this honourable House who has not been touched in some way by this dreaded disease.

As representatives of the people and family members ourselves, we have all attended the funerals, made the hospital visits, or in other ways had to deal with the many persons, empathise and sympathise with them and our community whose lives have been touched by cancer.

The statistics of this disease often paint a grim picture. According to the World Health Organization,

cancer is one of the leading causes of death worldwide. In countries like the United States of America, it is surpassed only by cardiovascular disease. In 2007, cancer accounted for 7.9 million deaths worldwide. That was 13 per cent of all deaths. Unfortunately, this figure is projected to rise by 45 per cent from 2007 to 2030.

**The Speaker:** Honourable Leader of the Opposition, just give me one minute so that we can correct . . . so we can be as safe as we can be . . . the amendment is dated 10 September 2003, and Members have pointed this out. I am certain this is a typographical error and should read 2008.

Thank you, Honourable Leader of the Opposition.

**Hon. W. McKeever Bush:** So what this means, Madam Speaker, is that the number of cancer deaths will jump from 7.9 million to an estimated 12 million in the next 20 years.

Statistics from the United States suggest that this year alone (2008), over 565,650 persons will die of cancer. That is at the rate of 1,500 people per day.

The main types of cancer leading to overall cancer mortality each year are: lung, 1.4 million deaths per year; stomach, 866,000 deaths per year; colon, 677,000 deaths per year; liver, 653,000 deaths per year; breast, 548,000 deaths per year.

Madam Speaker, again based on information from the World Health Organization, we know that the most frequent types of cancer worldwide based on the number of global deaths among men: lung, stomach, liver, colon, oesophagus, prostate. Among women: breast, lung, stomach, colon and cervical.

Honourable Members, another grim statistic to consider is that about 72 per cent of all cancer deaths in 2007 occurred in low and middle income countries. That is a frightening statistic. Seventy-two per cent of all cancer death in 2000 occurred in low and middle income countries. That means that countries in our region, the Caribbean, are facing a high toll from this disease.

We also know that certain cancers, such as lung, prostate and breast, are quite prevalent in the region. I wish I could provide comprehensive and up to date cancer statistics for the Islands, but, unfortunately, we do not seem to have this kind of data in such a form. I understand that we have some serious knowledge gaps regarding cancer in the Islands, and this is directly related to the unique circumstances of our population and economy.

As I understand it, there are two main particularities: One, a significant number of local residents do not see a doctor here. They develop a medical problem and they go off island for diagnosis and treatment. Or, they may see a primary physician here, but then are referred overseas.

In many cases, unless persons are insured by Government or are seen at the George Town Hospi-

tal, any potential cancer cases are not captured as part of our local data.

The second issue is that we have a large expatriate population here and it is entirely possible that persons within this grouping may immigrate here with a predisposition to certain cancers. We know that some types take many years to develop and if members of this group should later be diagnosed with the disease, then hospitals cannot tell whether there were local factors at play or whether they had been incubating the disease for some time.

Madam Speaker, we have a very active and vibrant Cayman Islands Cancer Society which does a tremendous job in highlighting cancer as a major health concern. I thank them from the bottom of my heart for all they do. The other one is the Hospice Care. It was a godsend when those individuals started that.

There is so much talk about expatriates, and I will not get into it, but some make great, great contributions to this country. When you consider what Hospice Care does (between them and the Cancer Society), Government cannot pay for that kind of care; can't pay for that kind of service. That is why I said many years ago in this House that Government cannot pay for the kind of social services rendered by the NGOs and social organisations in this country—Lions Club, Rotary. If we had to pay for all those things, we would be taxed out of existence to pay for the good service that we get. We cannot. And people better understand that.

But even with their efforts, they only speak for or monitor those cases that pass through their doors. It means that, and this is part of my impetus in putting forward this Motion, 1) that we still have much to learn about, the extent to which cancer is being diagnosed and treated; 2) the prevalence of the disease; 3) and the prevalence of different forms of cancer; 4) the incidence of cancer among native Caymanians and expatriate groups; 5) any environmental factor that may be a contributory factor in the development of the disease in our Islands.

I want to specifically stress the last point. It is no secret that many persons in our community have from time to time expressed concerns about what they perceive to be a high rate of cancer in our Islands for the size of the population. We certainly cannot fault them for this perception.

I spoke to the Minister of Health the other day, and I know he is going to respond. The World Health Organization, PAHO (the Pan American Health Organization), will say that we have a very low incidence. To us here in the Islands, when we experience it around our family, around our friends, and when we see what is happening in the community, we say, *Well, they can have their statistics, but this is high for us.*

We may well recall that some years ago this very issue was the subject of a study which concluded, inter alia, that the overall cancer incidence



and mortality rates found for the Cayman Islands are only one-third to one-quarter of those found in developed countries such as the United States and the United Kingdom. Compared to the whole world neither male nor female overall incidence and mortality rates of cancer for the Cayman Islands can be considered abnormally high. In the Cayman Islands the crude incidence of the most common male and female cancers is also similar to that of the Caribbean region and the Bahamas. And the Cayman Islands' accrued mortality rate of the most common male and female cancers is also similar to that of the Caribbean region and the Bahamas.

A study was conducted by the Chief Medical Officer and was put forward as a report on the Motion 2012 [sic]. That was the motion I was speaking to earlier, Madam Speaker. Number 12 of 2000, sorry. Nevertheless, while on the basis of that Motion that study was done and made its conclusions, as I said, when we are impacted we feel this is a big issue for us, the size of these Islands. Accountants and people who deal with statistics will use the statistics to tell you that this is not so. But as I said, when you have to bury a loved one because of it, it is an impact.

Cures persist, but cancer continues to ravage us and families continue to pay the price. Madam Speaker, it is clear that we do not have sufficient empirical evidence about cancer in our Islands. Even the Cayman Islands Cancer Society can only provide anecdotal evidence regarding the incidence of cancer and who is being affected based on the small numbers of persons who avail themselves of their services.

The Cancer Society itself indicates that they frequently field questions from the public about any casual links between local cancer rates and environmental factors, particularly relating to mosquito spraying and our water supply.

[phone interference]

**Hon. W. McKeeva Bush:** Madam Speaker, we have yet to get beyond mere questions, fearful speculation and the anxiety that stems from lack of scientific knowledge.

Madam Speaker, they say it has not harmed us. I do not like to be one who talks about . . . because you sound like you know it all. Some people have that habit. But when you look at some of the younger people that are dying, and when you think about the spraying that has taken place over these many years and those persons were young children and had cisterns when that began. We depended on cisterns for drinking water. We have to wonder if that had any effect.

I know this: It was never published, but there was a report done back in the 1970s that concluded that the spraying at that time had an effect on the health. It was never published. But it is a fact that that report was done, and hid away from the public.

And what were we spraying with at those times?

You have to wonder too, Madam Speaker, when we talk about environmental factors, what caused so many deaths in teachers? Have we considered the number of teachers who sat in that classroom, day after day, sometimes at night; lived there? There was one, two, three, four, five, six, seven, eight, nine, ten . . . there were six that I can think of who passed away. At least four, including one in this House, were affected. We have to wonder whether anything in the building affected them. It is something that always gave me a great degree of concern.

So, cancer is a public health issue and is acknowledged as such by much of the global community and I believe we must do the same. I am therefore appealing through the Motion to give very serious consideration to a scientific study into cancer on these Islands.

Madam Speaker, in talking to the Minister I think he indicated some support. It is widely understood that knowledge is one of the most powerful weapons in the fight against cancer. This underlines my Motion, because the more we know about what is causing this disease among our people and the more we know who is at risk, the better prepared we will be to deal with it.

Generally speaking, we now know something about some of the causes of cancer, and we can do some things ourselves. We know there are external agents, such as ultra violet and ionizing radiation. Chemicals, such as asbestos, and components of tobacco smoke, biological carcinogens, such as infections from certain viruses, bacteria and parasites.

Scientific data also points out that genetics play a role in the development of certain cancers.

Talk to the old people and some of them say you were born with it. You do not know. A scientific study looks at the incidence and nature of the disease. Here, I believe it could help shed light on the extent to which this is a factor among Cayman's cancer patients.

Madam Speaker, we also know that there are certain key risk factors for cancer that we all can avoid by adopting more healthy lifestyle practices. These include tobacco use, being overweight—worries me!—obese or being physically inactive. Now, I am not inactive, but I know I am overweight. Harmful and excessive alcohol use. Sexually transmitted diseases. Occupational carcinogens.

As a country, we can continue to promote healthy lifestyle choices so that everyone can do their part in the fight. But, Madam Speaker, I put forward this Motion because I strongly believe that with the right information that comes out of our own research and our own special circumstances in these Islands, things we face . . . we have an unhealthy garbage dump. Is that affecting us? Is the mosquito spraying affecting us? Other things, some of them I named.

We can help to prevent what is preventable in our own special circumstances, and treat what can be treated. We must remind ourselves that prevention options now include vaccines, such as that for cervical cancer. People are now seeking to head off some cancers through genetic testing to determine if they are at risk for the disease. Might these be options that could be widely available to the residents of these Islands? The more we know, the more we will be able to determine the answers.

I understand that even before any meaningful study can take place, we will need to establish some denominators for such a project. The Cancer Society has recognised the need for a cancer registry because they, more than any other body, have to deal with the perception that there is a high incidence of cancer in Cayman. But without scientific evidence they have no way of knowing.

So, a cancer registry would provide the means to collect information on the incidence and types of cancer, the extent of disease at the time of diagnosis, the kind of treatment available to cancer patients, and the outcomes of treatment and management of the disease.

Madam Speaker, depending on how such a registry is developed, we might also expect to capture data on local population segments and even on a district by district basis. I do not know, but it might well be that because of privacy issues in medical reporting we may require legislative framework to establish such a registry.

I would certainly support the efforts of the Cancer Society to establish such a registry. This would be a good first step to getting the kind of data we need to underpin any scientific study.

Cancer registries exist in other countries, and in a majority of the states in the United States. Data collected by these registries enabled public health officials to understand and address cancer more effectively. So this was seen as a useful tool and a practical first step for us.

Madam Speaker, while we are on the subject of practical steps and the fight against cancer, let me say that the tobacco legislation was languishing. But I saw somewhere recently that it is time enough for this to be passed into law. And let me say something here: I have not had time to look at all of it. I have looked at different pieces. But I hope it is going to be effective because I have no sympathy for this thing of cigarette smoke. Even when you do not smoke yourself, this thing affects you. I know some people have recognised it and stopped it, praise the Lord. But I have no sympathy.

We have to be realistic and practical sometimes about businesses in the business. I know that Government gets revenue from it, and I am not debating the Bill. I only saw it somewhere, but we are debating cancer. And I know people have been affected by cigarette smoke and got that dreaded disease and died because of it. So bring it soon. You have my full

support. There will be people who say, *No, we can't do it this way, we must consider this*. We have to consider people's health.

Smoking should be banned everywhere! Restaurants, everywhere. I hate to kiss a girl and smell cigarette smoke.

[inaudible interjections]

**Hon. W. McKeever Bush:** I didn't tell you I don't kiss girls anymore! That was not part of me getting saved. I kiss girls. I am not going anywhere else to kiss.

[inaudible interjections and laughter]

**Hon. W. McKeever Bush:** My Kerry don't smoke, but I did not say anything about how you were kissing.

[laughter]

**Hon. W. McKeever Bush:** It's your own mind.

Get out of there.

Madam Speaker, good to have that light moment for Members.

I expect I am going to hear that the Motion is a tall order. Yes, it may require much, but it is certainly not impossible, and I am sure the Minister recognises that. I expect I am going to hear that the task of establishing a scientific study is not an easy one. That may well be true. And I expect there will be some who will think that just because cancer is a phenomenon of global proportions which continues to baffle the medical community, and the best of medical communities, for decades, that small communities like ours can do nothing about it. That is not something we have to accept. We do not have to accept that.

Madam Speaker, I hope that all my colleagues will join me in supporting this Motion for the good health of our families, our community and our Islands.

To end on a lighter note, not because a girl smokes, I did not say that I would not still kiss her.

**The Speaker:** It is almost the hour of interruption. I would entertain a motion for the adjournment of this honourable House.

Honourable Leader of Government Business.

## ADJOURNMENT

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

We have a press briefing in the morning at 10 o'clock. As I intimated to you, I would move the adjournment of this honourable Legislative Assembly until tomorrow morning at 11.30 am.

**The Speaker:** The question is that this honourable House do now adjourn until 11.30 am tomorrow. Those in favour please say Aye. Those against No.

**Ayes.**

**The Speaker:** The Ayes have it. This honourable House now stands adjourned.

**At 4.26 pm the House stood adjourned until 11.30 am, Thursday, 11 September 2008.**

**OFFICIAL HANSARD REPORT**  
**THURSDAY**  
**11 SEPTEMBER 2008**  
**11.55 AM**  
*Fourth Sitting*

**The Speaker:** I will ask the Honourable Minister responsible for Tourism, Environment, Investment and Commerce to say Prayers.

**PRAYERS**

**Hon. Charles E. Clifford:** Let us pray.

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

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

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

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

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

**Proceedings Resumed at 11.58 am**

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

**The Speaker:** I have no messages or announcements.

**STATEMENTS BY HONOURABLE  
MEMBERS AND MINISTERS  
OF THE CABINET**

**The Speaker:** I recognise the Honourable Minister responsible for Health and Human Services.

**Health Care Services Authority Charge Master**

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

Madam Speaker, the Members of the Legislative Assembly are asked to note that, in accordance with section 17 of the Health Services Authority Law, 2005 (Revision), the Board of Directors of the Health Services Authority (HSA) has gained approval from Cabinet to implement a new Charge Master. This document was recently gazetted and will come into effect on 1 October 2008.

Having a comprehensive schedule of fees will enhance the delivery of services resulting in better data management and tracking. The Charge Master includes codes for patient billing that use generally accepted international language to communicate information among physicians, patients and insurance companies.

A Charge Master is necessary for the following reasons:

1. The HSA needs a comprehensive schedule of fees for all services provided, as presently many services are bundled into a single charge which does not enhance good long-term management.
2. The Health Practice Law requires healthcare providers to publish all procedures and associated fees for services.
3. There will be fewer denials of claims from insurance companies, thereby reducing loss of revenue and decreasing the need for government funding.
4. Implementing a Charge Master is one means whereby the HSA can move towards becoming financially viable.

Members of the Legislative Assembly are asked to note that the most commonly used services (such as physicians, consultations, room and board, supplies, Lab, Radiology, and Physiotherapy) will remain unchanged. There will be no changes at all to them with the implementation of the Charge Master. The biggest impact of the Charge Master will be on the publicly owned company, CINICO, which will be managed this year by a special arrangement between

the company and the HSA. On average, only 20 per cent of the Health Services Authority's revenue comes from private insurance claims.

Thank you, Madam Speaker.

**The Speaker:** I recognise the Honourable Minister for Education, Training, Employment, Youth, Sports and Culture.

#### **Update from Press Briefing on National Celebrations for Cayman Islands' Olympians**

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, I have two formal statements this morning. Before I read them, I simply want to reiterate for the benefit of this honourable House what the Leader of Government Business said this morning at the press briefing. He said that the Government will be hosting a Champions dinner for our four Olympians at the Ritz Carlton at 7 pm tomorrow evening to celebrate their tremendous achievements, and to give them the honour that should be accorded them for their tremendous performances in the recent Olympics in Beijing. We have invited all Members of this honourable House. In attendance will also be friends and family of the Olympians and representatives from a number of the various sporting organisations, and the media.

The Government thinks, Madam Speaker, that given the tremendous effort made by the Olympians—Shaun and Brett Fraser, both for having set new national records and achieving personal best in swimming; Ronald Forbes, having done likewise in the 110 hurdles; and Cydonie Mothersill, for actually making the finals to the 200 metre sprint—that those achievements do warrant a national celebration. The Government is treating the matter in that way.

Thank you, Madam Speaker.

#### **Service Provision to Persons with Disabilities**

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, now to the formal statements.

I first wish to make a statement on the service provision to persons with disabilities. I want to give an update on the efforts which have been underway for some time now in respect of improving the provision of educational and training services for persons with disabilities. In doing so, my update will cover the provision of services for the very young (through the Early Intervention Services Unit), educational provision to disabled students at the Lighthouse Development Centre (formerly called the Lighthouse School), and services to the adult clients at the Sunrise Adult Training Centre.

I am privy, Madam Speaker, to the contents of the Own Motion Investigation Report Number 10, prepared by the office of the Complaints Commissioner (OCC) entitled "Sunrise Adult Training Centre—Does

the Government Provide Adequate Daycare Centre Facilities and Education for Adults who are Mentally and Physically Disabled?". I am also very well aware of the various issues raised in the last meeting of Finance Committee in relation to the Sunrise Adult Training Centre.

In the development of the strategic plan for the transformation of our education system I have ensured that provision was made to address the needs of all young persons in an equitable manner irrespective of any disability which might limit their ability to access mainstream educational services. Efforts focused initially on restructuring the Early Years programme within the department of education services, expanding our ability to assist in the identification and assessment of children with disabilities at an early age, with an aim of identifying the appropriate intervention needed to ensure that these children are ensured the best chance to succeed when they reached school age.

Beyond that, Madam Speaker, this Government introduced a new level of pre-school assistance which, for the first time, ensured that families with very young children with disabilities could access pre-school services in support of their child's particular disability. All of our efforts are focused on ensuring that each child has the best chance to succeed in our mainstream education system and, where this is not possible, that there is a clear transition for them to achieve their best in a more structured and appropriate environment.

Moving on Madam Speaker, attention was given to the range of provision at what was formerly called the Lighthouse School. Over the course of the past academic year we have introduced that ASDAN programme, which has shown significant success with our students there. ASDAN, which is an acronym for Awards Scheme Development and Accreditation Network, is an awarding body based in the United Kingdom which now operates in many countries. It accredits its programmes which predominantly focus on life skills and careers.

The Lighthouse Developmental Centre is currently implementing Transition Challenge, which is a programme for Key Stage 4 (14 to 17 year olds). This programme uses activities within the subjects of our national curriculum to accredit life skills and to prepare special education needs students for life beyond school.

Madam Speaker, I was most pleased to attend the school leaving exercises in late June of this year when the four graduates from the Lighthouse Developmental Centre all received their certificate of successful completion of the ASDAN programme. They had already acquired jobs with local companies. I was also pleased to learn of the special interest each of these companies has taken in these young adults in supporting them going forward.

What became clear from the outset was that in order for us to make meaningful change for this

sector we needed to take a holistic look at it in much the same way as we have with mainstream education. To that end, my Ministry set up a steering committee of technical personnel and parents (which was aptly called the Steering Committee), "Planning the Future for Persons with Disabilities in the Cayman Islands". This body was set up as an advisory body to the Minister comprised of public sector personnel working in the various related programmes serving these clients, personnel from Special Olympics, parents of disabled children as well as persons with disabilities, working in partnership on the wide ranging issues impacting the lives of persons with disabilities across the Cayman Islands.

Its goals were to:

- Record a comprehensive understanding of the problem.
- Develop recommendations for the establishment of legislation for persons with disabilities.
- Develop a public awareness campaign, which seeks to sensitize the community to the issues of persons with disabilities.

Madam Speaker, I wish to record my thanks to all the persons who have served on this steering committee which, to date, met all three of the set goals.

Early on in the work of the committee, a sub-committee was established which produced the report on the status of services to persons with disabilities, as well as including wide ranging recommendations for enhancing service delivery to this population. This was followed by the creation of a legal sub-committee of the steering committee to craft recommendations for the draft legislation.

Here again, Madam Speaker, I wish to record my thanks to those persons who put in many long hours ensuring that the outcome of their efforts would include consideration of the several other pieces of legislation that will need amending in order to ensure that persons with disabilities will have clear safeguards in place for fair and equal treatment as citizens of these Islands.

I am told, Madam Speaker, that this report should be completed shortly. I am looking forward to receiving this body of work as it will allow us to work towards producing what will become the first such piece of legislation in these Islands to address, in a comprehensive manner, the needs and rights of persons with disabilities within our society.

Taking the legislation forward, the range of recommendations, which we know will emerge from this legislation, as well as the obvious need to enhance the programme offerings in the short term for this growing population, requires that we develop a work plan with identified targets over the next 12 months. This approach will allow us to stay focused on improving services to existing clients, developing our personnel capacity for an expansion of our pro-

grammes, including addressing the needs of this population in the Sister Islands. To this end, my Permanent Secretary and the Principal of the Lighthouse Developmental Centre will be attending a policy meeting later this month in Washington, DC, which will specifically focus on policy formulation and on improving service provision for people with disabilities.

Over the past several months there have been ongoing comments to the media—reports, which over the summer, focused attention on the Sunrise Adult Training Centre, particularly in respect of the inadequacy of the facility. Madam Speaker, it is important that this honourable House is fully apprised of the circumstances which surround this matter.

The duplex the Sunrise Training Centre occupies is the same building it has occupied before I assumed office in 2005. In recent times I have come to learn that it never received a certificate of occupancy from the Central Planning Authority (CPA) for the change of use from a residential facility to a training facility for persons with disabilities—despite the request from the Building Control Unit to the previous Government that this was a requirement, when it was initially leased over five years ago.

This discovery came to my Ministry's attention in May of this year when the Building Control Unit advised us of this. We were told that unless the requirements—which had been provided to the previous administration some five years ago—were met within a specified timeframe, the programme would have to be closed down at its present location.

My Ministry has worked tirelessly over the summer with the Building Control Unit to ensure that all requirements were met and, further, that the application for change of use is now with the Central Planning Authority. Madam Speaker, while we do not have the certificate of occupancy yet, due to the fact that the CPA will not hear the application until the 8 October [2008], we have been issued special permission to occupy the building.

Building Control Unit has approved all required renovations made by us to bring the building up to code for use as a training facility for persons with disabilities. These renovations now ensure that not only are we fully compliant with the Cayman Islands Building Code (CIBC), but also with the American National Standards Institute (ANSI).

Madam Speaker, this facility which we have just brought up to code is in no way—and I dare say never was—truly suitable for the adequate provision of the range of services which we as a country should be providing to the adult members of our society with disabilities.

Madam Speaker, my Government recognises that we must address this longstanding issue of the provision of a purpose built facility with some urgency. I am pleased to advise that preliminary work has already begun to work on identifying a suitable location for the construction of such a purpose built facility. And it is my intention, God willing, to ensure that funds

for the design of such a facility are in next year's budget.

Work is also well underway in the area of improving the operating systems and programmes at the Sunrise Adult Training Centre to ensure that we bring additional value to our clients. In the area of administration, we are looking to revamp our recordkeeping systems and reporting structures and develop a closer working relationship with the parents and guardians of our clients. In the area of programming we are looking into two of the ASDAN schemes—Towards Independence and Workright.

Towards Independence provides a wide (and almost inexhaustible) array of modules that cater to the entire range of disability. The adult learners are assessed using a graduated level of response, such as gestural help or physical help, that enables even the most challenged individual to experience the learning environment.

Workright is a means of accrediting the less challenged adults in a working environment, again, focusing on life skills.

Madam Speaker, the journey towards transforming our education system, whether for those in mainstream education or for those who may be disabled, continues as we seek to bring equity in the provision of education and training services to all of our people of all ages, a commitment which I made at the outset of assuming this office.

In spite of obstacles, in spite of opposition, my commitment to improving services within this sector of our community—persons with disabilities—remains steadfast.

### **University College of the Cayman Islands Academic Year 2008/2009**

**Hon. Aiden M. McLaughlin, Jr.:** Madam Speaker, I also wish to make a statement on the University College of the Cayman Islands academic year 2008/2009.

I wish to update this honorable House on the various initiatives underway at UCCI thru which we are addressing improvements to the administrative operations of the College, as well as the new initiatives which mark the start of this academic year. As I share them with this honorable House these will give us all renewed confidence and hope as UCCI continues to build on its legacy of a solid academic standing—its trademark since its inception.

Madam Speaker, the past several months have presented us with a number of challenges arising from the series of events surrounding the departure of the former president just prior to the end of the last academic year. In the face of these challenges, my Ministry and the Board of Governors of UCCI have worked closely together keeping our focus on the following:

- The tremendous accomplishments achieved at UCCI in the last couple of years.
- The quality, dedication, and professionalism of the staff.
- The momentum that the institution has built and has committed to build on in the coming academic year.
- The continued delivery of quality education programmes.
- The continued development of new programmes and initiatives as dictated by the demonstrated human capital needs of the Cayman Islands.

Madam Speaker, the critical importance of this institution to Cayman's education system and the opportunities it affords to all our people despite the challenges—indeed, because of them—gives us every reason to believe that UCCI will only grow from strength to strength as it fulfills its mandate as a prestigious tertiary institution in our region.

I am pleased to report that the Board of Governors has taken a very aggressive stance in formalizing financial and administrative policies and procedures to such an extent that will ensure that issues, which have in recent times given us all reason for grave concern in respect of the operations of the College, will not recur. At its most recent meeting last week, the Board of Governors considered the following procedure by which any new policy is to be implemented at UCCI as follows:

1. Any relevant party within the institution can now recommend a new topic to be covered by institutional policy, either through their own initiative or at the request of a member of the management team, and an individual or group of individuals can formulate and draft a policy statement.
2. Once drafted, the policy statement would be required to be presented internally to the Council of Chairs—an internal advisory council made up of academic department heads that meets weekly during the academic year.
3. Once the Council of Chairs is satisfied that the proposed policy meets a need of the institution, it is presented to the President for consideration with subsequent presentation to the Board of Governors.
4. Only policies that are ratified by the Board at a regularly scheduled Board Meeting will be adopted as institutional policies and these will become binding on all parties within the institution.
5. Over the next six months, the overarching theme at UCCI will be one of refinement and

overall streamlining of programmes, projects, and operations.

6. During the coming months, all existing policies, both formal and ad hoc, will be streamlined, catalogued, centralized, and a policy manual for UCCI produced for formal acceptance by the Board of Governors. A concrete example of this is the recommendation now before the Board of Governors for the management of corporate credit cards.

Madam Speaker, I fully support the Board of Governors in its efforts to not rest until we have tightened up every loophole, formalized every policy and ensured that the necessary governance procedures are in place so that the Board can rest assured that only with their assent can any matter of significance take place at UCCI.

Without overlooking the importance of long-term objectives, our focus right now must be on the immediate future. We foresee significant progress being made on the short- and medium-term goals of the institution by the end of the 2008 calendar year. January 2009 has been tentatively set as a target date for establishing long-term goals in the form of a 3 - 5 year strategic plan for the institution. This, I believe, is a sensible and realistic approach which the Board has agreed to.

Madam Speaker, I wish to speak to the range of academic programmes which the College has on offer, the improvements planned, as well as the new academic programmes which will be introduced with the start of this new academic year. We hope to build on the range of Academic Partnerships now in place. These include:

- Partnership with the Portfolio of the Civil Service (Civil Service College). Negotiations are underway with the Portfolio of the Civil Service for the continued operation of the Civil Service College. The parameters are being established so that a Service Level Agreement between the two organisations may be signed.
- Rotman School of Business (Certificate in Executive MBA Studies). Last year's successful partnership with the Rotman School of Business will continue this year. A new contract with Rotman will be executed in September 2008. The parameters are consistent with last year's agreement.
- Department of Tourism (Tourism Apprenticeship Training Programme). UCCI has reached an agreement with the Department of Tourism for the continued offering of the CaribCert tourism apprenticeship training programme.

- American Management Association (MHRM). Last year's partnership with the AMA will continue as an integral component of the Master's in Human Resource Management.
- St. Matthew's University (SMU) (Pre-med courses). UCCI has had lengthy discussions with SMU regarding a BSc in science that would suitably qualify a student for medical studies. SMU is very interested in working with UCCI in the development of the degree and facilitating medical studies scholarships for UCCI students. Negotiations are ongoing and management of the two institutions is looking at other potential synergies.
- Tony's Toys (Automotive). The IMI Automotive Technician Light Vehicle level 1 training is scheduled to begin September 10 in partnership with Tony's Toys.
- Cayman Islands Investment Bureau (Business Consulting). Work with CIIB continues as senior UCCI students get real life experience by consulting with investment bureau clients.

Madam Speaker, today I am pleased to conclude these comments by sharing the achievements of our graduates at the July 2008 graduation ceremony where some 199 students received their qualifications among 5 programme areas. To put this in perspective, I will provide the results for the 2007 graduating class made up of 154 students as follows:

<b>Graduates:</b>	<b>2007</b>	<b>2008</b>
Certificate	53	65
Associate	57	61
Bachelor	12	13
Dip. Ed.	0	20
Professional	32	40
<b>Total</b>	<b>154</b>	<b>199</b>

Madam Speaker, the 2007/2008 academic year had an enrollment of: Fall semester, 1,377 students; Spring semester, 1,331 students; and Summer semester, 615 students.

While the Fall 2008 semester registration is still underway, numbers thus far indicate that they will be comparable to the same period last year.

Of note, Madam Speaker, is the Tourism Apprenticeship Training Programme, sponsored by Department of Tourism. This programme had 20 apprentices last year, with an increase to 34 apprentices this year.

Turning to the Cayman Brac UCCI Campus, which opened its doors in January 2008, I am pleased to advise that Spring 2008 semester (when the Civil Service College classes started) 44 students enrolled.



Summer 2008, UCCI launched the first Associate Degree classes with 7 students, and there were 10 students in the Civil Service College.

With the start of this new academic year the full range of Associate Degree classes being offered on this campus are 19 classes (13 by video link, 6 by live instruction).

The Civil Service classes will continue as well and these offerings are being finalized as I speak along with evening continuing education classes.

As of last week some 40 students registered for the UCCI Fall semester on the Cayman Brac campus, and registration continues.

Madam Speaker, I am pleased to make this report on the current status of operations at UCCI. While there have been challenges over the past academic year, I am pleased to report that we have taken them on in stride and sought to move the College forward in a variety of ways. These developments, Madam Speaker, speak to brighter futures for all of us in many ways as my Ministry and the Board of Governors of UCCI work closely together with determination in ensuring that the people of these Islands are provided with a high quality tertiary education product. This, Madam Speaker, demonstrates my, and the Government's, overall commitment to transforming education at every level. I will continue to deliver on this promise.

Madam Speaker, we were thrown a major curveball in early Spring of this year, but despite that, despite disappointments from time to time, and despite opposition, I intend to continue to deliver on my promise to improve education in these Islands and to build a brighter future for all of our people, particularly the young.

Thank You.

**Ms. Juliana Y. O'Connor-Connolly:** Madam Speaker, with your permission, may I ask a short question under Standing order 30(2)?

#### Short Questions—Standing Order 30(2)

**The Speaker:** First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

Through you to the Honourable Minister responsible for Education, in the second of his statements, on page 4 he made reference to Cayman Brac UCCI campus saying that when the Civil Service College started 44 students were enrolled. I wonder whether he could inform this honourable House what the current enrollment is at the Cayman Brac UCCI? [Does] it remain at 44?

**The Speaker:** Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, in the last sentence on that page which I read, I noted that as of last week some 40 students registered for the UCCI Fall semester on the campus, and registration continues.

**The Speaker:** Madam Clerk.

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

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

#### QUESTION NO. 2

**No. 2: Hon. W. McKeeva Bush** asked the Honourable Minister responsible for the Ministry of Education, Training, Employment, Youth, Sports and Culture to say if the Board of University College of the Cayman Islands (UCCI) has appointed a new President.

**The Speaker:** Honourable Minister responsible for Education, Training, Employment, Youth, Sports and Culture.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

The Board of Governors of UCCI has appointed an Acting President, Dr. Brian Chapell, to act for this academic year, 2008/2009.

Dr. Chapell has been with UCCI since 2003. In addition to lecturing in chemistry, mathematics and environmental science, he has served as the Department Chair for the Department of Mathematics and Science, and in 2007 was appointed as Dean of UCCI. Dr. Chapell was recruited from Mohawk College of Applied Arts and Technology in Canada where he was employed fulltime in the Department of Chemical and Environmental Technology from 1998 to 2003. He obtained his PhD in synthetic organic chemistry from the University of Waterloo, in Waterloo, Ontario, Canada.

The Board has set up a Recruitment Subcommittee to initiate the process of procuring a new president to take up office with effect for the 2009/2010 academic year.

**The Speaker:** Are there any supplementaries? If there are no supplementaries . . . Madam Clerk.

#### QUESTION NO. 3

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

**No. 3: Hon. W. McKeeva Bush** asked the Honourable Minister responsible for the Ministry of Education,

Training, Employment, Youth, Sports and Culture to say whether the former President of UCCI was ever paid personally for work done for other Government departments.

**The Speaker:** Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** The situation with the former President of UCCI is the subject of a yet unpublished Auditor General's report and a criminal investigation by the RCIPS. In those circumstances it is inappropriate for this House to discuss the issue raised in this question as it is likely to be *sub judice*.

**The Speaker:** Are there any supplementaries?  
Honourable Leader of the Opposition.

### Supplementaries

**Hon. W. McKeeva Bush:** Madam Speaker, the Minister says that it is likely to be *sub judice*. I am sure it is not *sub judice* at the present time, and that is [the time] Standing Orders refer to. I do not want to do anything that might prejudice the report, or prejudice a case but, surely, this is a case, if it comes to that, if they can find him.

Madam Speaker, certainly, the Minister must know whether he was ever paid personally for work done in other government departments. That should not be the subject of a criminal investigation.

**The Speaker:** Honourable Minister of Education, Training, Employment, Youth, Sports and Culture.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I know that the Leader of the Opposition has demonstrated, through Finance Committee and since, that he has far more intimate knowledge of what transpired at UCCI than I do as Minister. Perhaps that is why he can be certain it is not *sub judice*. But having practised law for 20 years, I am satisfied that this matter is likely to be *sub judice* and I will not be drawn to answer questions which are likely to prejudice a criminal prosecution.

**The Speaker:** Honourable Minister, I can say that this is an unpublished Auditor General's report; I can agree with that. But Standing Order 35 (1), dealing with *sub judice* reads as follows: "**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.**"

[inaudible interjection]

**The Speaker:** But I can stand by the fact that this is coming from an unpublished Auditor General's report

that has not been taken to the Public Account's Committee.

[inaudible interjections]

**The Speaker:** First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

Madam Speaker, on two points: Firstly, there was talking on the floor so I did not quite hear all of what you were saying.

The second point is based on Standing Order 31(1), may I invite the Chair to issue an opinion whether or not it is a *sub judice* based on the ambit as set out in our Standing Orders as agreed by this honourable House?

**The Speaker:** Honourable First Elected Member for the district of Cayman Brac and Little Cayman, I just said that. I'm sorry. I just told the Minister that it does not come under that Standing Order. I'm sorry. Are you hearing me now?

[inaudible interjection]

**The Speaker:** Okay.

**Hon. W. McKeeva Bush:** Is there another reason why he does not want to answer, Madam Speaker?

**The Speaker:** First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

Through you to the Honourable Minister responsible for Education, can the Honourable Minister confirm to this honourable House whether or not the only reason, defense and/or justification, preventing him from acknowledging an answer to this question is the fact that it is likely or is *sub judice*?

**The Speaker:** Honourable First Elected Member, I think he said that as a lawyer he is almost certain that this matter will be *sub judice*.

**Mr. Cline A. Glidden, Jr.:** Now, Madam Speaker, you made a ruling.

**Hon. W. McKeeva Bush:** You just made a ruling.

**Ms. Juliana Y. O'Connor-Connolly:** Madam Speaker, with your indulgence. That statement, in my respectful submission, is contradictory. As a lawyer he should be much more specific. Besides, he is not here as a lawyer. Our lawyer is the Second Official Member. He is here as a Minister responsible for Education

and he has to work within the framework of Standing Order 35 (1), which you have already ruled under.

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

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, it seems like some of us need to get hearing aids or better glasses so that I don't have to keep repeating myself.

It is entirely a matter for the First Elected Member for Cayman Brac if she wishes to defer judgment on matters of such import to other people. I have constitutional responsibility for this Ministry and I am not going to do something that I am satisfied is likely to prejudice a criminal investigation. They can carry on as much as they want over there.

The Leader of the Opposition seems to have an inside conduit to what is going on in the investigation, so let him say whatever it is he wants to say.

**The Speaker:** I will allow one more supplementary.  
Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, the Minister has failed miserably in answering questions when it comes to UCCI. He did that in Finance Committee. We are not getting anywhere, so I am prepared to let it go. But I know the Standing Orders in this House should not allow him—and it does not allow him—to sidestep the question the way . . . and, in fact, the Speaker ruled. But the Speaker can't do anything, I know, unless she takes him and says go out of the House, and that is not about to happen either. So, I am willing to let it go, Madam Speaker. It will come out in due time. *You may run but you won't hide.*

**The Speaker:** Madam Clerk.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker.

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

**Hon. W. McKeeva Bush:** Wha yuh gaw say now? [*Caymanian dialect meaning "What you going to say now?"*]

**Hon. Alden M. McLaughlin, Jr.:** I am not sure how that is a question, but this Minister has no intention of running or hiding from anything because he has done nothing wrong.

The Leader of the Opposition knows all about the reasons for running and hiding.

**Ms. Juliana Y. O'Connor-Connolly:** What is the point of order?

**The Speaker:** Madam Clerk, may I have the next question please?

**Hon. W. McKeeva Bush:** Madam Speaker.

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

**Hon. W. McKeeva Bush:** I know when somebody is running, hiding and ducking, and nobody has done it as good as that Minister. And that is why he had long statements this morning. But you won't run—

**The Speaker:** Honourable Leader of the Opposition, could you—

**Hon. W. McKeeva Bush:** —you won't hide.

**The Speaker:** —ask the next question, please?

#### QUESTION NO. 4

**No. 4: Hon. W. McKeeva Bush** asked the Honourable Minister responsible for the Ministry of Education, Training, Employment, Youth, Sports and Culture, to say who appointed the former President of UCCI.

**The Speaker:** Honourable Minister responsible for Education, Training, Employment, Youth, Sports and Culture.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, the former president was appointed by the then UCCI Board of Governors, pursuant to section 16 (1) of the University College Law.

**The Speaker:** Are there any supplementaries?  
Honourable Leader of the Opposition.

#### Supplementaries

**Hon. W. McKeeva Bush:** Madam Speaker, section 16 (1) of the University Law says, "There shall be a president of the College who shall be appointed by the Board with the prior approval of the Minister."  
Did the Minister appoint this man?

**The Speaker:** Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** the Board appointed the President with the prior approval of the Minister, as the Law requires.

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

**Hon. W. McKeeva Bush:** So, the Minister is saying, Madam Speaker, that he gave the approval to the Board?

**The Speaker:** Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Yes, Madam Speaker. The process is and was that the then Board, which was chaired by Mr. Danny Scott, made a recommendation to the Minister, having considered the applicants before it, and recommended that Dr. Hassan Syed, as he was then called, be appointed as the [President.] And this Minister, Alden McLaughlin, gave his approval based on the recommendations received.

**The Speaker:** Are there any further supplementaries?

**Hon. W. McKeeva Bush:** Yes, Madam Speaker.

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

**Hon. W. McKeeva Bush:** Madam Speaker, did the Minister or the Ministry go through any documentation, background checks, anything to do with the applicant or the then, whatever he was, the man they appointed [Mr. Hassan?] Did they check his background? Did the Ministry do that before the Board made their recommendation to the Minister? And did the Minister, himself, after he got recommendations from the Board, do those checks?

**The Speaker:** Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, the process is, or was: The position was advertised by the Board of Governors; they set out the parameters; they set out the requirements for the fulfilment of the position; they received the applications; they considered the applications; they made recommendations. I did not view it and the Ministry does not view it as our role to carry out background checks. The appointment was an appointment of the Board of Governors of a statutory authority charged with the responsibility for these matters. I was the Minister responsible at the time; I gave my approval. I don't know how much further we can take this, Madam Speaker.

**The Speaker:** I will allow one more supplementary, Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, the Ministry has its Chief Officer as a member of the Board (of the statutory authority, he calls it). Did she make any background checks or recommend to him that any background checks should have been done on Mr. [Hassan] or . . .

**Ms. Juliana Y. O'Connor-Connolly:** Syed.

**Hon. W. McKeeva Bush:** Yeah. Whatever he was. Something like that, Mr. Syed.

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

**Hon. Alden M. McLaughlin, Jr.:** No, Madam Speaker.

Madam Speaker, what needs to be appreciated in this case . . . and this is not making any excuses. I do not accept that it is my role or the Ministry's role to carry out those background checks. It is my role to approve or not approve based on recommendations I get, which I did, and I take responsibility for that. But I do not take responsibility for carrying out background checks.

But in fairness to the then Board, which was appointed by the Leader of the Opposition's Government, I should add, they—

**Hon. W. McKeeva Bush:** Tell us what they should have done then.

**Hon. Alden M. McLaughlin, Jr.:** Mr. Syed was hired as a lecturer at the Law School [sic]. This was not someone who had applied for the job out of country. He was, everyone thought, a known quantity, and so, no doubt what happened, as the press reports have said, and as others have said over the course of this affair, he represented to the then President that he was pursuing a doctorate degree. He was given time off by the then President to go away and pursue. He came back at some point and proclaimed himself as a doctor.

There is nothing in the records that we have been able, or the people there have been able to find, and this is what they have said to me, which indicates that he was never asked by the then Board to produce his doctorate. But everyone started calling him Dr. Syed. I'm not sure exactly what date that was; I think it was 2003 or something like that. So, when the post became vacant this was a man who was there, was a known quantity who had done amazing things as a lecturer and came highly recommended by all concerned. And so, it seems that what happened is the Board never inquired further into the degree aspect.

Now, that is not an excuse. That is an explanation as to what happened. But, of course, the Leader of the Opposition wants Alden McLaughlin to look bad, so he is trying to say that he should—

**Hon. W. McKeeva Bush:** No, I don't want you to look bad, my son.

**Hon. Alden M. McLaughlin, Jr.:** —have checked to see whether the man had a degree or not. It is not my responsibility. My responsibility is to approve on recommendation, and that I did. Whatever the consequences of that are I accept, but I do not accept that it is my responsibility to check these records.

**The Speaker:** Honourable Minister, I think you have said that this gentleman was a lecturer at the Law School. You meant a lecturer at the University College?

**Hon. W. McKeeva Bush:** Yes.

**Hon. Alden M. McLaughlin, Jr.:** Yes, Madam Speaker, at the University College, not at the Law School. He was never at the Law School.

*[inaudible interjections]*

**The Speaker:** Okay.  
Madam Clerk.

**Hon. W. McKeeva Bush:** He was not known as no doctor though, was he?  
Yes?

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### Private Member's Motion No. 7/08-09—Scientific Study to Ascertain Cancer in the Islands

*(Continuation of debate thereon)*

**The Speaker:** The debate continues on Private Member's Motion No. 7/08-09. Does any other Member wish to speak?

Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker. As we come back to a very serious and grave topic, that is, a health situation that affects us all, before I make my comments on the Motion, I would like to say that I . . . and this House would probably note with sadness the 7<sup>th</sup> Anniversary of 9/11 when terrorists snuffed out the lives of over 3,000 people in New York. We live, many of us, with families and connections to that.

And oh, Madam Speaker, I am gravely and frightfully reminded of our 9/11,12,13 Hurricane Ivan. And I pray that with the help of God, with still a number of months left in the season, we will be spared as we were so blessed in the recent weeks.

Madam Speaker, I will take a slightly different approach and take this opportunity to talk a little bit about what cancer is, what it is all about. And this is information similar to what the Leader of the Opposition spoke from—information from the WHO (World Health Organization).

Cancer is a generic term for a large group of diseases that can affect any part of the body. Other terms used are malignant tumor and neoplasm. One defining feature of cancer is the rapid creation of abnormal cells that grow beyond their usual boundaries, and which can then invade adjoining parts of the body and spread to other organs. This process is referred to as *metastasis*. Metastasis is the major cause of death from cancer (that means that when it is broken

off it travels through the lymphatic system and goes to other parts or organs of the body).

Madam Speaker, what causes cancer? This is something we all question and wonder why in this day and age when the world out there can spend, I think it was six or seven billion dollars to knock together something to disprove creation, why don't they try to put more of that money on research? Because we are still searching for what causes cancer.

Cancer arises from one single cell, the transformation from a normal cell into a tumor cell is a multi-stage process, typically a progression from a precancerous lesion to malignant tumor. These changes are the result of the interaction between a person's genetic factors and three categories of external agents, including:

1) Physical carcinogens such as ultraviolet and ionizing radiation.

2) Chemical carcinogens such as asbestos. . . which I can relate to this, Madam Speaker because two of my brothers have suffered from this. It is a relatively new type of cancer, better known to the medical world as *mesothelioma*. There is an occurrence, as I understand from M. D. Anderson, of about three thousand new cases a year. I was surprised to know that the incubation period for this type of cancer can be from 10 to 30 to 40 years—as we are now seeing [happening to] many of our Caymanians who in the olden days went to sea and served as engineers in engine rooms.

And I will tie this back, Madam Speaker, to one of the perceptions that many of us, including myself, felt about the high degree of cancer here in the Cayman Islands. But I will go on to show that the vast majority of cancers trip in as we get older.

2) . . . Chemical carcinogens such as asbestos Components of tobacco smoke, aflatoxin (that is a food contaminant) and arsenic (a drinking water contaminant). I am made to understand that arsenic is just about banned and I know the asbestos compounds are also banned from being included in anything.

3) Biological carcinogens such as infections from certain viruses, bacteria or parasites. Some examples of infections associated with certain cancers. Viruses: Hepatitis B and Liver cancer, the *Human Papilloma Virus* (better known as HPV) and cervical cancer, and *HIV*, Human Immunodeficiency Virus and *Kaposi sarcoma*.

Other areas are bacteria, the *Helicobacter pylori* and gastric cancer. I have known a handful of cases here in the Cayman Islands in recent times, of what we would call the stomach cancer.

Interestingly, the next one is parasites, which comes from the *Schistosomiasis*, and bladder cancer.

Aging, Madam Speaker, as I just alluded to earlier, is another fundamental factor for the development of cancer. The incidence of cancer rises dramatically with age, most likely due to buildup of risks for specific cancers that increase with age. Though

overall risk accumulation is combined with a tendency for cellular repair mechanisms to be less effective as a person grows older (I'm not saying this to frighten those of us that are getting up and starting to grow up).

*[inaudible interjections]*

**Hon. Anthony S. Eden:** Tobacco use, alcohol use, low fruit and vegetable intake and infections, as I alluded to earlier, from Hepatitis B and C, and the *Human Papilloma Viruses (HPV)* are leading risk factors for cancer in low and middle-income countries. Cervical cancer, which is caused by HPV, is the leading cause of cancer death among women in low-income countries. In high-income countries, the one and only tobacco use, alcohol use and interestingly being overweight or obese are primarily causes of cancer.

World Health Organization asked how the burden of cancer can be reduced. And I know that the mover of the Motion, the Honourable Leader of the Opposition, mentioned some of these. For the benefit of the listening audience and for the people out there I will repeat some of them.

Knowledge about the causes of cancer, interventions to prevent and manage the disease, is extensive. Cancer can be reduced and controlled by implementing evidence based strategies for cancer prevention. Early detection of cancer and management of patients with cancer—and, Madam Speaker, I will take my hat off to the Women's Lion Club of Tropical Garden. The effort they have put into this over many years I think is paying off because one of the philosophies they have is that early detection is one of the better, if not the best, prevention.

About 30 per cent of cancer could be prevented by modifying or avoiding key risk factors, according to a 2005 study by international cancer collaborators. Key risk factors for cancer: tobacco use, being overweight or obese, low fruit and vegetable intake, physical inactivity, alcohol use, sexually transmitted infections such as HIV and HPV, urban air pollution, indoor smoke from household use of solid fuels. I found that one quite interesting and almost disturbing.

Prevention strategies: increase avoidance of the risk factors listed above. Vaccinate against *Human Papilloma Virus (HPV)* and *Hepatitis B Virus (HBV)* infection). And I know that the vaccination for HPV is a relatively new thing. It is being used. A number of people have had (relatively speaking) some adverse reaction to the HPV injection. But I am made to understand that the long-term benefit of this inoculation is really worth it, and in collaboration with the Cancer Society and our Public Health Department, we are looking at providing that to our people.

Other prevention strategies are to control occupational hazards. And here in the Cayman Islands, especially in areas with a lot of sunlight, reduce exposure to sunlight.

Back to early detection, as I alluded to earlier, about one-third of the cancer burden could be decreased if cases were detected and treated early. Early detection of cancer is based on observation. The treatment is more effective when cancer is detected earlier. The aim is to detect the cancer when it is localised (that is before *metastasis*). There are two components of early detection efforts: Education to help people recognise early signs of cancer and seek prompt medical attention for symptoms, which might include lumps, sores, persistent indigestion, persistent coughing, and bleeding from the body's orifices. Screening programmes to identify early cancer or pre-cancer before signs are recognisable, including mammography for breast cancer and cytology, which is a pap smear for cervical cancer. This is being done routinely now here in the Cayman Islands.

Just this morning I was talking with one of the representatives from Pan American Health Organization (PAHO) who is visiting here, and he was indicating to me that cancer of the cervix, which is rare, can last up to 20 years. Some of these figures are mind boggling. And I know, Madam Speaker, as we talk about the great concern for cancer here in the Islands and looking at percentages and statistics—within my family, two parents, two brothers now, father-in-law and wife, almost 60 per cent of my immediate family. But the interesting thing about this, Madam Speaker, except for two, they were all different types of cancer and a number of these were at different ages which indicate that cancer is no respecter of persons.

As I look at my colleague, the Minister of Education, sitting on my right here, just incidentally—and I hope he does not mind—I wonder about the genetic connection between his mother and my father-in-law, my wife's father. One died from the colon cancer and I think his [mom's death] emanated from breast cancer. Once again, is it that the genes have something to do with it? I hope not for all of us. Of course, he has got one side of his family that lives on, and on, and on, and on. Hopefully, with the help of God, he will be in that percentage.

Madam Speaker, as I alluded to the lady Lions of Tropical Gardens and the wonderful job they are doing, I also must pay great tribute and thanks to the Cancer Society and Hospice Care. In collaboration with the Cancer Society we were able to raise funds and now have in place one of the most modern state of the art mammogram machines here in the Islands. All of this bodes well for our people as we go forward to early detection.

I move on now, Madam Speaker, to the treatment and care: Treatment aims to cure, prolong life and improve quality of life for patients. Some of the most common cancer types, such as breast cancer, cervical cancer and colorectal cancer, have high cure rates when detected early and treated according to best practice. Principal treatment methods are surgery, radiotherapy and chemotherapy. Fundamental for adequate treatment is an accurate diagnosis

through imaging technology, ultrasound, endoscopy or radiography, and laboratory pathology investigations.

In this day and age relief from pain and other problems can thankfully be achieved for over 90 per cent of cancer patients through palliative care, which, as I alluded to earlier on, the Hospice Care has been very effective. What a wonderful and blessed organisation they are.

**The Speaker:** Honourable Minister, is this a convenient time to take the luncheon break?

**Hon. Anthony S. Eden:** Thank you, Madam Speaker, it is.

**The Speaker:** Proceedings will be suspended until 2.30 pm.

**Proceedings suspended at 1.02 pm**

**Proceedings resumed at 2.47 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

Debate continuing on Private Member's Motion No. 7/08-09. The Honourable Minister of Health continuing his debate.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

When we took the luncheon break I was sharing some information from the World Health Organization (WHO) that they pass out in regard to causes of cancer in a bit more detail, what happens and so on. I was speaking about one of the things that they do in helping to provide relief from pain and other problems. In this day and age, over 90 per cent of cancer patients [are helped] through palliative care and the effective ways that exist to provide this care for patients and their families, especially, Madam Speaker, those in lower resource settings. Those of us who have had any dealings with the Hospice Care have seen how effective they are. They have done a marvelous job here in the Cayman Islands.

Madam Speaker, in 2007 the WHO launched its organisation wide action plan against cancer with goals. I will list a number of them: Prevent what is preventable; cure what is curable; provide palliative care for all cancer patients; and manage and monitor the results. A key purpose of the plan is to help member countries develop national cancer control programmes that are people centered, promote equity (that is, focus on marginalised people); secure ownership (that is, involve the stakeholders); include partnerships and multi-sectoral approaches which involve both the public and private sectors. Madam Speaker, this is certainly evidenced by the wonderful job by the Cayman Islands Cancer Society, the Hospice Care and the lady Lions of Tropical Gardens, in the partnership that we have been able to establish.

I know you, Madam Speaker, at one time paid an integral role in suggesting the Lady Lions take these initiatives to improve the quality of life we have here in the Cayman Islands in making sure that things are sustainable as it becomes self-reliant in the long term, that they are integrated with related public health efforts; take a step by step approach based on set priorities; follow evidence based practices (that is to say that good practices which have been found to benefit cancer patients, whether it is in Cayman or anywhere else in the world, and to use those practices).

World Health Organization and other United Nations organisations and partners collaborate on international cancer prevention and control to:

- increase political commitment for cancer prevention and control;
- generate new knowledge and disseminate existing knowledge to facilitate the delivery of evidence based approaches to cancer control;
- develop standards and tools to guide the planning and implementation of interventions for prevention, early detection, treatment and care;
- facilitate broad networks of cancer control partners at global, regional and national levels;
- strengthen health systems at national and local levels (which we are undertaking here in the Cayman Islands through the HSA and what we plan to do with the new approach to public health where greater focus will be placed on early detection, earlier intervention, and better diagnostic equipment when we acquire and we are in the process of a new MRI and other equipment for radiology);
- provide technical assistance for rapid effective transfer of best practice interventions to developing countries.

Madam Speaker, the Motion cites the high incidence of various cancers in our Islands. We have indeed been faced for some time with a perception of what the Honourable Member, the Leader of the Opposition describes. It is perhaps now time to change this misperception. We continue to monitor the situation and to collect the relevant data, and remain generally satisfied that any perception of high rates of cancer in Cayman is not quite so when compared to other regions. However, to some extent it seems the perception lingers and, accordingly, Government welcomes this Motion and I thank the Honourable Leader of the Opposition for it.

This Motion, Madam Speaker, provides an opportunity to give some clarity to the matter. The *Hansard* (as was alluded to earlier in the debate of the Leader of the Opposition) will show that an extensive report was done in 2002. Incidentally, Madam Speaker, in response to Motion 12 of 2000 moved by you, that report showed that there was not a sound connection between the use of insecticides and the incidence of cancer in the Cayman Islands. Madam Speaker, we will not rest on our laurels, as time has

elapsed since that time period, and it is time that we once again take a closer look.

Some persons may say that they do not want to hear about data, but we can all see what is happening around us. I suspect these may be the same persons who have the perception of a high incidence of cancer and, as I drew the relationship with myself earlier this morning, it is not necessarily a perception but there are certain families where it has such great prevalence. I, myself, out of ten people . . . it was either 5 or 10 of them who had a touch of one version of cancer or the other. I am acutely aware, as Minister of Health, of the pain and suffering caused by this disease. I have been through it so many times. The way it wreaks havoc in people's lives.

I understand that it is a very emotive matter for many. Of course, it still remains that for there to be a high incidence of any kind of disease it would be a matter of the number of cases. I can offer a firm assurance to everyone who is listening to me, and they may repeat it to any who want or need to hear, that our cancer rates are not abnormally high. They are not even comparatively high. This is illustrated by data compiled. I will table the document, Madam Speaker.

In the 2007 Pan American Health Organization, which showed mortality rates due to cancer per 100,000 people as follows: Bahamas—82.5; United States—193.5; Cayman Islands—73.2; and Barbados—153.2; just to name a few.

Madam Speaker, to look more closely at our experience, our figures over the past 10 years roughly amount to one in every 4 deaths being due to cancer. This is very similar to the experience of the United States and others, or what are called the "Developed Nations".

Just this morning I was talking to the gentleman from PAHO and he said that we as a developing country (and you know most of our development has taken place in the last 30 or 40 years) have compared extremely well with other developing countries in the problems with cancer.

In addition, Madam Speaker, and it may be of interest to honourable Members and the public to note that the Cayman Islands crude incidence rate of male cancers per 100,000 population was 97.8, whereas the figures for the Caribbean, as a whole, were 167.2. And quite interestingly, the great United States and the United Kingdom figures are almost four times that amount. This is gathered from information that is fed into the offices of WHO and PAHO and this is why we deduced . . . and I know maybe the yardstick is not the way to go, but at this time this is the only yardstick that we can measure these problems with.

The Cayman Islands crude incidence rate of female cancers is 142.9 per population of 100,000. Also, lower than the Caribbean as a whole, at 172.9, again, the great United States and Canada figures are significantly more—almost four times as high. I would urge the community to be mindful of a few key facts concerning the nature of this most stubborn and

frightening disease, as well as some well known key risk factors. And I beg, Madam Speaker, that you forgive me for once again repeating these risk factors.

Among the key risk factors are the following: Topping the list is tobacco use, being overweight or obese, low fruit and vegetable intake, physical inactivity, alcohol use, sexually transmitted infections such as HIV and HPV, and the urban air pollution. I think we are blessed in these Islands that we do not have too much problem with that.

Quite interestingly, in some of the figures that we researched locally, our population was about 20,000 in the early 80s; about 30,000 in the early 90s; 40,000 in the year 2000, and now probably close to 60,000. The deaths in the early 80s were about 100 per year, and now, approximately 160 deaths a year out of almost 60,000.

Madam Speaker, when you compare those figures you will see that the deaths from that [time] are not an abnormal jump from where they were twenty-something years ago. With some minor fluctuations the crude death rate in the Cayman Islands, in general, has gradually fallen from 5.3 per 1,000 population during 1984, to 3.4 in 1995 and remained around that with the latest being 2.8 in 2007.

Whatever we are doing here . . . I was so pleased to see and will table this "Health Situation in the Americas: Basic Indicators", and the figures will reflect that out of 56 territories in the Americas or in the Western Hemisphere that the Cayman Islands, these three little dots, the Northwestern Caribbean, ranked as tied for second with Canada in the Life Expectancy. Our life expectancy tied with Canada was 82.9 years of age. Canada was the same, and interestingly the US Virgin Islands was number one with life expectancy at 83.3 years, just a fraction more than us here in the Cayman Islands.

This evidence shows that because of the type of living we do here and the type of care provided, we are extending lives. And, as I said earlier, cancer is a degenerative disease associated with the aging process and occurs most frequently in individuals above 40 years old and is also more common as a cause of death after 60 years of age. As a matter of fact, such is the case in Cayman with 80 per cent of cancer deaths occurring after 60 years of age. Madam Speaker, the indication is that our people are living longer and longer, thus a reduction in premature deaths overall and the risk factor for cancer increases, as I indicated, as people get older.

We must note, though, that overall buildup of risk is combined with the tendency for the natural repair mechanisms of the body to be less effective as a person grows older. This is why it is said that cancer is a degenerative disease, and as I said earlier on, 80 per cent of cancer deaths occur after 60 years of age.

Madam Speaker, in closing I would like to stress a few points: First, just to note that this information is sourced both from our professional partner in health, the Pan American Health Organization, as well



as from our own data collection, and it is a testament to our distinguished record in disease surveillance through public health. To that end, I was very pleased to note that one of our own young gentlemen, Timothy McLaughlin, was awarded excellent performance on communicable disease surveillance by PAHO through Caribbean Epidemiological Centre (CAREC). That keeps track of all of the different illnesses and percentages in the entire CARICOM (Caribbean Community area). We have done an outstanding job in recording this but there is still a long way to go.

Secondly, we are reminded again that it is, above all else, the lifestyle choices we make that can predispose us to contract some of these cancers. In this regard the most important thing to be said here is that people must take this more seriously and make changes where they need to. And I know it is quite—

*[inaudible interjection]*

**Hon. Anthony S. Eden:** Oh! I would not say that about my colleagues.

*[laughter]*

**Hon. Anthony S. Eden:** Incidentally, Madam Speaker, I am pleased to note that after some delay, this week we have finally tabled the Tobacco Bill. And this will go a long way. But I do not think we need to tell our Caymanians what to do; they know the right thing. I must take this opportunity, Madam Speaker, to say how proud I am of you! You and I came in here sixteen years ago and you have made that decision. I know from your side you have some good longevity there and I am hoping you will get a couple of 100 more on to that. This is the way to go, Madam Speaker; a good life style!

And I know my two colleagues, the one from East End and my colleague from George Town, are trying their best and we are going to support them to make sure that they are here to represent their people for a good time ahead.

Madam Speaker, while much is being done in terms of early detection in case management, the real progress will come about here when we appoint a director of Public Health and establish a fully revamped Public Health Department. Much progress has already been made in that direction and, amongst other benefits, these changes will do much to keep the public, as well as this honourable House, informed on a timely basis, which up until this time we have not been able to do.

As to the state of health of the country, whether it is the incidence of cancer or gastroenteritis or other types of diseases, one of the things I know the Leader of the Opposition spoke about was a cancer registry. I am sure, in working in collaboration with the Cancer Society, that this will come. I am looking forward to it. Through this cancer registry, Madam Speaker, there will be significantly more detail, more

pinpointing, as it is amazing the variety and the kinds of cancers we have here in the population of this little Island. I am sure this will go a long way in satisfying the request of the mover of this Motion to pinpoint and then be able to tie and see what may have caused some of these cancers, whether it was environmental or what.

In closing, Madam Speaker, I want to thank the mover for this Motion, and once again, to say that in meeting with the gentleman from PAHO who is visiting with us this week, he has committed that they would be willing to consider drawing on their vast expertise in providing technical assistance in doing research on this problem that none of us have been able to deal with in our lives.

Once again, I thank the mover for the Motion and I wish to note that our proposed plan of action is to prepare a report to start with for the benefit of the House, which follows the pattern of the previous effort in 2002 in using the resources to speak to local types and causes of cancer. The Government respectfully moves to accept the Motion on this basis, Madam Speaker, and I look forward to working at least for the next few months with my elected colleagues in making these Islands a better and healthier place. May God bless us all!

**The Speaker:** Does any other Member wish to speak? Third Elected Member for the district of George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

Madam Speaker, yesterday we were discussing the fate of our lives with hurricanes and how to prevent them from affecting our lives and we agreed with the spirit of the Motion. Today, we are talking about our lives again: something that has been afflicting mankind from a long time ago.

Way back in ancient Greece the Mummies were found with tumors which can be put to having had some form of cancer. Even the great philosophers way back in 400 BC—as a matter of fact, cancer looked like crabs, and the word cancer, which is “carcinoma”, came from the great philosophers.

I do not wish to go over the history as my colleague did very brilliantly to awaken us as to history, causes and factors of cancer. But I have personal experience, Madam Speaker, as a cancer survivor. And from that point I will speak.

I agree with the Minister on the different causes which research has said, in terms of the risk factors that we have. But I would like to spend a little time on a couple of points in terms of what I see in the Cayman Islands from my own experience.

Madam Speaker, this last month was exactly 10 years since I was diagnosed with a carcinoma. The first word I don't remember but I know it was one of the carcinomas. Cancer of the tongue. That was ten years ago. And when it was detected here it was al-

most strange. They immediately flew me off to Miami where I stayed for four months and had to go through treatment of chemotherapy and radiation. And, Madam Speaker, I am here to tell you that the treatment is worse than the illness. But we do not want our people to experience exactly what I have experienced. I agree with the learned Minister, we want to have our people live longer.

I must say that what I have seen here in the Cayman Islands, from the time that I was diagnosed as a cancer person, I believe that there has been a great progression of change for the better, in particular in the hospital. There is a consciousness, Madam Speaker, particularly with the Non-governmental Organisations (NGOs) like the Lions, Hospice Care, Bosom Buddies and the Cancer Society.

Every year there is great awareness by the Cancer Society and the education of cancer as a preventable disease. Most doctors will tell you today that cancer is a preventable disease, except for those which have had some genetic factor, but most of them are preventable. If you take colon cancer, it is preventable. Colon cancer is about eating a lot of high fats in your diet and it is about a diet issue. If you take lung cancer, in most cases it is about tobacco usage. Whatever cancer there is, it is preventable, with the exception of some of them, and that is what I would like to speak about today in terms of us.

I understand where the Honourable Leader of the Opposition is trying to go about ascertaining, but I believe that we have a good picture if we can go back to our records. We have a good picture of cancers in the Cayman Islands and the Minister has delineated a lot of it. But I believe what we really need to talk about, and I would ask the Honourable Leader of the Opposition in his summing up, if he would talk a little bit about the whole question of preventing cancer. We can. I know that. It was a little late but I can give that experience that I have.

Madam Speaker, it is the whole question of our lifestyles: how we live, what we eat, what we drink, what we do in terms of cohabitation, what we do in terms of even our pleasure in life, which is perhaps related to some sexual encounter. When you look at cervical cancer, Madam Speaker, people might say cervical cancer has a lot to do with prevention. From my knowledge that is a virus that is given to the female from intercourse. What I am saying is that because we know that we can prevent that big word that the Minister used a while ago (*Human Papilloma Virus (HPV)*) . . . that we know is preventable.

Madam Speaker, when we look at the Cayman Islands—and I think the Leader of the Opposition spoke about the Third World countries yesterday, having such a high incidence of cancer. And I believe that the Minister spoke about the viral diseases that we could get, and I would like to say that we, in the First World/Third world, do not look at our diet as closely as we should because diet has a lot to do with cancers.

What we eat and how we eat. High starch, high sugars, and high fats are all preventable.

I have become conscious, and I hate to be speaking here about myself, but I am an experienced person in this topic. I have made a consciousness, in particular in the last two to three months to look a little more at my health. I spent an inordinate amount of money for my vacation this year in order to get back into a healthy lifestyle: what I should eat, drink, and what I should consume, or where I should consume. And all of us may look at me and say '*but you should have known that a long time ago*'. But, Madam Speaker, we do not take our own counsel. We can say whatever we wish—and I will be very personal here: Even in our dining room where we eat in this honourable House, there is no consciousness of what we eat and how it can affect us; the fat that we eat. Yes, it may taste good: everything that is *good* is bad for you. We know that from consumption to consumption. We know that it is bad for you.

I would ask also that whoever prepares the food for the legislators, that if they want us to live a long time like 83 and all of that, as the Minister is talking about—not in the House but afterwards, right—then I would ask that we look at our menu. How balanced it is in terms of good fats and good carbs? How balanced it is in terms of a lot of vegetables and meats that are not injected with a lot of hormones, et cetera?

I know we might all be saying, '*but I like my nice steak and I like this*'. Fair enough! I think we can have a nice steak but it could be organic too; it must be grass fed. These are things that I believe the Cayman Islands, in addition to what the Honourable Leader of the Opposition is saying about the incidence, must be cognizant about. It has to do a lot with our habits and lifestyles. So, we have to, Madam Speaker, look at the lifestyles that we have.

I am not a prude here, Madam Speaker. I don't pretend to be what I am not. I am not going to tell people that they must not drink or smoke. That is an individual decision that we make whether it is good for us or not. And a lot of things that we do, which are not seen to the naked eye, are not good for us either. But, I would say, in particular to us as legislators—and I am not here to dig out anyone's eyes or to be a prude—we could set the tone in our health, first of all by eating well in the legislature. If we do not eat another meal anywhere else that is balanced, we must try to have a good meal that is quite balanced in the legislature. Madam Speaker, that will make a difference in the preventable aspect of whether we get cancer or not.

Now, I am not here to say that my cancer will not return. Of course it will return; I just don't know when. However, I am trying to ensure that it returns slowly. The mutation is there already. Although I have gone through all of the different treatments, the cells have been changed up and I do have the potential to have cancer again. But if we screen ourselves well,

and this is to encourage our people in the Cayman Islands to have an annual check up. Cancer comes on you, not because doctors see it, you know; they can come on you without a doctor seeing it.

As a matter of fact, a lot of times it is only when the cancer has come to such a stage that we go to the doctor and he says that we have cancer. But if we could prevent cancer from childhood by trying to prevent our children from being so obese; trying to make our children have a balanced meal (*'balanced'* meaning in terms of the pyramid); trying to prevent our children from having a lot of sugars; trying to have our children exercise, whether it is in or out of school; trying to have our mothers to have a good lifestyle and always remember what goes inside of them comes out in somebody. I know that, Madam Speaker. I know that from personal experience. What goes inside of mothers comes out in somebody else and I also think that there is some research now which says that what goes inside of fathers come out in somebody else.

At the end of the day we have to get the schools, parents, churches, legislation if need be—I know that is a tough one to put legislation to but the legislation perhaps can come from the Honourable Minister for Education, when it comes to his physical education in the schools. And we all know the Honourable Minister for Education is pro-health. He rides 50 miles a day. Well the Honourable Minister for Health is getting there as well. So, he is conscious, but I would like for that consciousness to go into what he does in terms of our physical education for our children. And even if it is legislation, Madam Speaker, and I am not here to say how it should go, but all of this that I am saying is not just chat, it has to do with how we prevent cancers, and most cancers can be prevented. I have always heard that.

You know when I found out that I had cancer the first thing I said to the specialist when I arrived at Baptist was, *'How did I get it?'* You know what he said to me? He said, *'Let's not worry about how you got it, let's worry about how we can free you of it and you can live longer'*. And that is true.

So, when our people, having been screened find out that they have cancer and they are treated in our hospital or in Baptist, one concern I have, Madam Speaker, and which I deal with on a regular basis, is the resources of those persons who have cancer. I think the Government is extremely good by sending people off to the hospitals in various parts of the US, either for an operation or treatment, but at the end of the day, we need to ensure that when a person has cancer they need some caregiver around them, whether it is family or a friend. So, when we take our people and send them to Cleveland [Hospital] or Baptist [Hospital] or wherever else we send them, we need to ensure that for the four, six or eight weeks they are there that they have close relationships.

Madam Speaker, I have seen in my time people. And one person now deceased. I was there at the same time he was there and not a soul was there with

him except I would keep his company. I could not talk. My relationship with him was through writing. But I saw where he did not have the wherewithal to bring a family. And we need to extend, not necessarily our insurance but some sort of organization which is close to the Cancer Society to ensure that they raise funds to help people like these.

I have an incident now and this is not cancer: this is about a heart, where the only person that can go with this young child is an old aunt who does not have anything. She relies, as you know, on the politicians to give part of their salary. And so that is what you have to do.

So, I would say that we look also at the support that the cancer person gets through care giving, either here, Jamaica, or when we send them to the US . . . because, Madam Speaker, it is very, very, very important.

Madam Speaker, I too want to applaud the NGOs. I know what they do, especially the Lions of Tropical Gardens. I have attended many, many of their educational workshops. What I think is so good about them, is that they go around and collect money for people in this country, whether you come from Timbuktu or from wherever else, but it is anybody. And they are able to help women get a mammogram, a screening.

Now, Madam Speaker, if we do the screenings that we have to do—and forgive me, Madam Speaker, if I twist my words a little bit. Let's take the whole question of having colon cancer. If we know that after you've reached the age of 50 or 40 (I can't remember exactly what age group) we do a colonoscopy, it is expensive! That lasts for 10 years and when you look at the inside of your intestines they see polyps and right away if polyps are there they either snip them off and if not then they know what to do with it. Or, if it is that serious, they will have an operation which at that time is taking part of your intestine off and you are wearing a sack, or they have to stitch you in a different way. It is tough. It is a hard life. Not too many people live very long having had colon [cancer]. But that is preventable.

Imagine, Madam Speaker, it takes 10 years for a polyp to develop to a cancerous state. Ten years! And once you have ascertained through this screening process and you know you have a polyp, you have 10 years or less to treat it, prevent it, or change your lifestyle.

There is a little group called Bosom Buddies. Well it is implicit what it is, eh? They are a group of women who have had mastectomies and what they do is to bring each other [together], comfort each other and look after each other. There are a lot of women who have had breast cancer. And, of course, Madam Speaker, at the end when life seems to not be in your favour, there comes Hospice [Care] for whom I have a lot of respect. I saw them nurse my niece for a while until she passed on. But I would appeal to the listening audience that we need more NGOs; we need

more concerned persons to be involved in this because this is an issue about the whole longevity of human beings. This is not just about cancer you know, this is about the longevity of human beings.

So, Madam Speaker, my final point is to say that I applaud the Government and successive governments too for what they have done to keep people alive. I know it is inordinately expensive, particularly when they make a conscious decision and send you off. Within one and a half days I was in Baptist Hospital—and I was not a politician—if you think back ten years ago. Within one and a half days I was in Baptist and I know that other people have had that experience. I hope it is not because I might have had some influence in my life or people think that I am some important person. I think it should also apply to the poorest of the poor, that we do not question whether they should stay here, or that it takes a lot of money.

It does, but if we can have a government that can take on the responsibility to send you overseas, then we should have conscious persons in this society through the business sector, through the people that have social responsibility, to put money in whatever fund it is to help the poor people take their families and help them out. Madam Speaker, I would say 90 per cent of healing is when you know that you have a good doctor and you believe in that doctor, and when you have friends and family, or caregiver by your side.

I want to thank the Honourable Leader of the Opposition for bringing this and I hope that he has listened to the tack that I have taken about screening and prevention. And yes, we have enough evidence to know, because cancer is not just a new phenomena, [cancer] is as old as mankind. But what we want to do is be able to preserve human beings in the Cayman Islands before they get the disease and, after they get the disease, they can have a longer life.

Thank you, Madam Speaker.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] If no other Member wishes to speak, does the honourable mover wish to exercise his right of reply?

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, I want to thank the Honourable Minister for his acceptance of the Motion and his input thereto.

I also want to thank the Third Elected Member for George Town for her debate, being a person who has suffered this dreaded disease, she could speak from experience. Some of us can only read and perhaps we have experienced, as the Minister said, because family members have been affected.

I had a sister who was in her late twenties, twenty-nine, thirty, thereabouts, who died with it and I know the suffering, apart from seeing other family members. I just had a cousin, my best friend, one who actually made me say, *'I have to change my lifestyle'*

and that is when I decided that I was going to try to be a good Christian. He was 70 but he was a jovial person, loved life, had a good time, and to see him suffer the way he did . . .

I will never forget how Kerry, my wife, was in Baptist Hospital at the time and I was with her. I left to come home that Tuesday to attend the funeral on Wednesday, and I can never forget that at that point I said, *'You know what, all this fun we have, all the dancing and carousing we do, all of it affects your body, your health'* and it was there on that plane that I said, *'I'm going to make a change'*. I went from there to the parsonage, the Wesleyan [Holiness] Church, my mother's church, and decided I was going to try to walk the straight and narrow. No, seeing family suffer with this thing is not a good walk.

Madam Speaker, as I said in the opening debate on the Motion, the Cancer Society and Hospice Care are doing magnificent work that we could never afford to pay for as a country. The NGOs, service clubs, Rotary, Lions Club, Lady Lions, as has been said, have all impacted the society by doing the kind of social work and exhibiting the kind of social care this country could never really pay for. And so, we thank them.

I will await the outcome of what we have asked for. Someone asked what we will get out of it and I said that what it means is that the hospital will have better knowledge and, of course, will be able to plan better. Cancer Society will be able to plan better as well. But, in particular, our hospitals would be able to plan and get the kind of medical programmes that will be able to impact and help us on the way.

The Third Elected Member for George Town said that we now have a lot of information. We now know different kinds of cancers that people get and we know that people have died from them. However, we do not have empirical knowledge and we hope that all of this will come.

And, Madam Speaker, on the whole, when we get scientific reports—this is what I was drawing reference to yesterday, not just someone getting up and saying, *'I believe this; I heard this'*, because we have a lot of that in this country and people take it for gospel and sometimes we lay it down the wrong way in believing things. So, it is better to have knowledge that is given by science. And I hope that the Minister will be able to get this done. I am not saying that this is going to take a month. It is going to take a while because of the type of study it is. But I believe that when we get it the country will be well served.

I am thankful and I am sure the country will be thankful to the Minister that he was able to get something like that done.

I too believe that the lifestyle we live, what we eat, and I guess we don't know exactly what, but we are told about some things, as the Member who debated said. We are told about the green vegetables and the various kinds of fruits that detoxify the body;

that it is best for us to eat; and the exercise that we should have.

Eating is not the bad part, Madam Speaker, because we can somewhat control that by how we shop; how we go to the store and what we purchase. But getting that exercise, even to be able to get out of bed early enough to just ride a bicycle that I have in my room, is most difficult, much less ride 50 miles. But I know this (and can speak from experience), that when you start to get overweight it does affect your body; every aspect of your life. So, it is not an easy thing to be able to say I'm going to lose weight. You can do so in the extreme way and they now have medical services for that. I must tell you that that is something I would be thinking about too.

Anyway, Madam Speaker, there are things that we can do as individuals to help ourselves and families; even the old way of cooking so much and so many different things that our wives do because they have been used to it. *'Mama did it and showed me how to do it.'*

*[inaudible interjection]*

**Hon. W. McKeever Bush:** Yes, rundowns, pies, puddings; all those things that we love as Caymanians.

*[inaudible interjection]*

**Hon. W. McKeever Bush:** And the bad part of it is, we say *'don't do it'* and as soon as it is done we partake the same way.

Madam Speaker, I want to thank the Minister again. I truly appreciate the debate from the Third Elected Member for George Town. And I would hope, Madam Speaker, since I am running again, to be back here to see a report.

*[laughter]*

**The Speaker:** The question is BE IT NOW THEREFORE RESOLVED THAT the Government considers conducting a scientific study to ascertain and determine the possible causes of cancer in these Islands. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

Private Member's Motion No. 7/08-09, as amended, is duly passed.

**Agreed: Private Member's Motion No. 7/08-09, as amended, passed.**

**Private Member's Motion No. 3/08-09—Cayman Cultural Tourism Programme**

**The Speaker:** I recognise the Fourth Elected Member for the district of George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

Madam Speaker, I beg to move Private Member's Motion No. 3/08-09 entitled, Cayman Cultural Tourism Programme. The Motion reads:

**WHEREAS the Tourism industry is considered to be one of the twin pillars of our economy;**

**AND WHEREAS there are insufficient Cultural activities throughout our local Tourist establishments;**

**AND WHEREAS it is important to involve more Caymanians in the Tourism Industry;**

**BE IT THEREFORE RESOLVED THAT the Government in conjunction with the Cayman National Cultural Foundation and other related entities and individuals considers creating a cultural programme suitable for the wholesome entertainment of visitors and residents alike;**

**AND BE IT FURTHER RESOLVED THAT the Government considers the formation of a core group of cultural performers that will be made available to local tourism establishments on a regular basis;**

**AND BE IT FURTHER RESOLVED THAT the Government also considers working in collaboration with the relevant tourism associations to ensure the sustainability of this programme.**

**The Speaker:** Is there a seconder?

Third Elected Member for the district of George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

Madam Speaker, I rise to second Private Member's Motion No. 3/08-09—Cayman Cultural Tourism Programme.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the mover wish to speak thereto?

Fourth Elected Member for the district of George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

Madam Speaker, this Motion, as [with] any that I have offered on the Floor of this honourable House, means a lot to me. I am extremely conscious of being a Caymanian and things Caymanian are very important to me. Many times my friends will kid me and tell me that they believe I am older than I say I am, not because of the way I look, but because of my memory of things that I can recall. Some of the individuals who are in my age group don't seem to remember the things that I guess I should not be able to remember. But I came from very humble beginnings—beginnings that I am extremely proud of and I brag about those things every day.

I twisted strand and laid rope with my grandmother. People might believe that I am too young for that, but I did.

*[inaudible interjection]*

**Mr. W. Alfonso Wright:** Thank you, very much, Minister for Education. It is my East End heritage! And just so you know, my grandmother brought that to town and I twisted on Smith Road too.

Madam Speaker, many of these things that helped to build this country—which made us uniquely who we are—are gradually leaving us. Dying out with our older Caymanians are the things that we used to say, things we used to do, things that were important to us, the songs we used to sing, clothes we used to wear, the way we used to build our homes, our mode of transportation.

We have just been talking here about our diets—the way we live, the kind of food we eat, the things we provide for ourselves. All of that has been changing. I know that progress must come, and I will never stand in the way of that. I do understand that wholeheartedly. But, I believe that as a tourist destination—and there are many other reasons—but as a tourist destination, I believe that we are probably one of the only islands within this region that does not express itself in a cultural way as many of our neighbours do.

For some reason our development, our supposed success story in Cayman, we seem to simply disregard all those things that were important to us. Things like modern transportation, cars, the modern foods, the fast food restaurants and the advent of television coming ashore, internet and with everything else, Madam Speaker . . . we seem to not pay any attention to the things that made us uniquely who we are.

Unfortunately, we depend so much on tourism. But we, as Caymanians, seem to have forgotten what made Cayman such a sought-after tourist destination. It was the things people came here to see that they could not see anywhere else—the unique way that we talk, our hospitality, the way we treat people when they come to our shores. And we seem to have gradually moved away from that because we married the tourism industry with the financial industry and we somehow do not understand that they are two completely different things, and that it is necessary for us to maintain the two.

We pay a lot of attention and we spend a lot of money promoting the financial side of our economy to the world. I am not saying that we do not promote the tourism side of it, but we simply promote it as a destination with nice modern hotels, all the amenities in the world. But we seem to have forgotten about the things that are local—things that people really travel to other destinations to see—and nobody makes much of an effort in promoting those anymore.

Madam Speaker, when I travel to other countries, especially within the Caribbean, one of the first things I want to do is go where the locals go. I want to taste the local food. If I want to listen to music, I want to hear a local band. I don't want to go to Jamaica and listen to a band out of the US. I want to hear some local music. But that seems to have gotten lost for us here in the Cayman Islands.

We do not understand that when tourists come here, they hope to see the same thing. And it is a recurring cry, *Where are the locals?* And when they visit our tourist properties they find people who are speaking different languages from us and they leave without experiencing any of what I would consider local Caymanian culture.

Madam Speaker, there are many good stories, funny stories, about the days of old. I remember certain songs from my grandmother. I have a lot of pleasant memories of my maternal grandmother who did a whole lot of things that are still with me today, and the songs she used to sing. We know how difficult it was back then. A lot of times songs helped ease their burden and pain. And they had the habit of singing while they worked. That was the soothing calm for them in many instances and those songs became synonymous with struggle and their hope for a brighter future.

Those are the things that make us different from all the other jurisdictions, and things that we ought to bear in mind, preserve and, Madam Speaker, pass on. Although we will not go back to those days, it is important that we understand our history and our origins and always have a library of that somewhere.

Madam Speaker, the Cayman Islands are extremely unique. I am sure this is the way it is with other countries as well, but the way we speak is different from district to district. And I dare say that even within those districts people can tell you, for instance, *That person is from West Bay*. But a West Bayer can tell you that person is from Northwest Point, simply by the way he speaks. It is the same thing with East End, North Side and Cayman Brac.

Cayman Brac is uniquely different in that I think there is more distinction with dialects than there is on Cayman itself. Spot Bay people speak completely different from West End, the Bight and so on.

I have said all of that, Madam Speaker, to say that it must mean something to somebody. It must be an important part of who we are. The mixing of nations that we have now is gradually slipping away and we do not have those unique accents and dialects anymore. And the other customs that we have been used to are continually slipping away.

This Motion speaks to try and somehow preserve [these things] in a unique way. It will also ensure that visitors to our shores—people we depend on to keep our economy going—will also be able to share in that and be encouraged to tell other people to come and look for us. At some point or the other we would

be able to create a new type of industry for our local people, because this should include employment.

There are things, Madam Speaker, that we may laugh at. Things from my childhood. I'm sure all of us here would have heard about a *rolling calf*. Cayman Brackers would know about a *May cow*. We had different versions of *Junkanoo* and different types of ring games. These are things that I believe can be properly documented and put into songs and plays. While it may not seem too important to us because it is something we are used to, these are the kinds of things that tourists want to see when they come to our shores. These are things that [will] excite them. And I dare say that a [large number] of our local people who with some of the names that I have just called—rolling calf and May cow, in particular—have youngsters who may be hearing this for the first time. After hearing this, they will probably ask their parents what it is about.

These are the kinds of things that I would like to see us make an effort to record and share with our tourists. Indeed, it is also important that these tourism properties we are talking about do what they can to embrace this and help develop it, because right now not very many locals visit these tourism properties. I believe that is something they should have an interest in encouraging because that is another source of business for them.

There are many other things we can think about that are easily turned into songs and plays. We have a very strong Easter tradition in this country, kite flying, sailing, and all those things. Christmas is an extremely important time in this country. It used to be the time of the year that we all looked to when we were kids.

And as much of a nuisance as they were and still are, Madam Speaker, mosquitoes are a very tropical thing and an easy thing for us to develop into some sort of skit that can be [put on] at these establishments for months on end.

Plays all over the world: *Fiddler on the Roof*; *Cats*; *Lion King*. I can easily name off ten of them for you that run for decades. They keep going back into these locales and people still go and see them. They still pack theatres to this day, these plays that were put together decades ago. And I think it [would be] very easy for us if we become a little bit more innovative in our thought process here in the country to bring back some of these memories.

Things like *'backing water'* may seem a distant thought to many of us, but right next door, the Town Hall, was one of the meeting places. In the evenings people from the George Town area would get together in caravans and walk down to the Town Hall and the old Court House because that was our source of what we then considered good drinking water because not everyone could afford a cistern. And those journeys were fun times. They were times when communities were together and everybody would get together on a daily basis just before sunset or just after

the sun set and walk down to these establishments and draw water and take it back to their homes. That was a daily routine, and that was not just in George Town, there were other places as well. And I believe if everyone is following me here, Madam Speaker, these are the things that could easily be turned in to plays, skits, or songs.

Our traditions, Madam Speaker, turtling, sailing, even the horrible hurricanes, [all] make good stories. We still get some crabbing done. And there is this great story of the first car that ever came to this country and its first journey into West Bay that makes a very funny story. So, there is no end to the possibilities.

I already mentioned rope making. One of our favourite pastimes at Christmastime used to be the marching bands when people would walk the streets all night singing Christmas Carols and visiting homes at Christmastime. These are all things that lend themselves to helping us build this core group of entertainers that I am talking about here.

In addition to that, we have a beloved bunch of local characters within all of our local communities—West Bay, George Town. I laugh, Madam Speaker, at times until my head hurts when I listen to the Honourable Minister of Communications talk about the characters in his beloved East End, these older folks who brought much laughter to our people. Perhaps one of these days the Honourable Minister will publicly give us his *'sweet potato'* joke. Those of us who have heard that story . . . I won't take the chance to tell it here this evening, but maybe if he replies he can speak to it.

That [story] alone, those of us who know it [know that it] is a wonderful story to be played out on stage!

Again, I am saying that we can make sure that all of our districts are represented in some way. Whoever is given the responsibility to produce this can reach out and get information from all of those districts so we can be sure that we all represent it at some point or the other. I know many of them (and I probably should not call names here today), but in each one of our districts any Member here can easily name off between five and ten people who they know stories about; an old joker, someone who did things a different way and some of the lines that they used back then.

So, my request here, Madam Speaker, is for us to take the time to organise ourselves in a way . . . and I must say that in recent years there have been some efforts in recording some of these stories in print form that we could turn into plays. Madam Speaker, I want to challenge our people. I want to challenge our youngsters when they get into music, when they talk about a new type of dance, to be able to look back and understand some of the things we did, some of the songs that we had, the way we played our music back then and be able to incorporate that into some of their modern stuff.

My daughter is a dancer and she gets into choreography at times, something that she likes to do and I have challenged her. I said, "You know, it is good that you can do all of this modern stuff. But I challenge you to incorporate some Quadrille into this stuff that you do now and test it and see how it works. See how it looks and see how it feels."

Well, she laughed at me, but I think it is something that I will not give up on and at some point in time I really do hope that she will make the effort to do that.

I am saying that these are the things that we are really rich in, in culture. We do have a good core group of kids, especially the George Town and Red Bay Primary Schools that I see on a regular basis, and I know that East End also has a very good group of kids at primary school level who do an excellent quadrille. I mean it is a pleasure to stand and watch those kids dance around a stage.

Madam Speaker, I was reminded of the "Gimme Story", those things that we do now, how enjoyable they are when we do make the effort to go out and see them. And I want to congratulate and thank those individuals who have gone so far with that. But I want us to expand on that and be able to take these things into our hotels, into our tourism properties.

I started off by saying that when we all travel we want to see local stuff and almost every time that I go anywhere in recent times on behalf of Government, the CPA (Commonwealth Parliamentary Association) or anything of that nature, usually some of these outings include a cultural evening. And we go to places where when you are considered a visitor or a dignitary in someone else's country. They want to show off. They want to show you the best of what they have to offer.

I have been exposed to so much local culture in other countries and I sit there and watch and get so involved while sitting there and I think, *Why can't we do this too? We have similar traditions, similar culture, and similar background. This stuff is really easy if we put our minds to it.*

Madam Speaker, I hope that we can rekindle this love of our culture because it seems to be something that people from other jurisdictions are proud of, and happy to speak about. It is a way of life for them. But for some reason we seem to . . . and I do not know if it is because of how fast we developed into a modern society, but we seem to be a little embarrassed of our culture, our history, and believe that people will look down on us because of the things that we may say or do that were important to us.

We seem to believe that we should not speak in our local dialect when we are around foreigners. Madam Speaker, that is what they want to hear! *That wha they come ya fa.* They want to experience how the locals do it, how the locals speak it. But we get into this changing up thing. If they are from America we try to sound like American; if they are from Eng-

land we try to sound like the British; and if they come from Jamaica, all of a sudden we can speak Patois.

We need to recommit ourselves and understand exactly what it is we want; where we came from and who we are. And I hope, Madam Speaker, that this Motion can bring some of that back. We should not be ashamed of the way we speak. I have been criticised for calling you "Madam Speaka." *But I na stop yet, and na ga stop needa!*

Madam Speaker, some of the challenges will be for those who teach our children. We are fortunate in some respects and unfortunate in others. The bulk of our teachers . . . I don't think that we could ever produce enough teachers to be self-sufficient in this country, so we have to import teachers like we do in most of our other career areas. I am extremely grateful that we are able to employ teachers from the Caribbean. And as life would have it, most or all of the countries that we recruit from are very rich in heritage, and it is evident that those countries have a plan, a programme, because most of the Caribbean teachers who come here are able to involve themselves in cultural things.

A lot of what happens, however, is that they simply teach our kids what they learned, and this is where the challenge comes in. We need our teachers to understand that we write the curriculum. They need to understand that we need them to be innovative as well and learn the things that are important to us; learn our culture and the way we say things. I have always been told that one of the joys of teaching is that you continue to learn yourself.

So, this is one of the areas where my appeal needs to be understood, in that we need to make sure that our kids are taught the things that are Caymanian, in the way Caymanians did it. I know that they must also be taught how the other countries speak and so on, but I get a little tired of going to cultural places, going to the National Children's Festival of the Arts, and hearing Patois all the time on the stage and very little Caymanian dialect. So, this is my big challenge here, where we need to get our teachers to work with us.

No disrespect, Madam Speaker, I understand the importance of the role that teachers play. I have a tremendous amount of respect for them. But I need them to be able to help us in that area so that when our kids finish school, throughout their school life they grew up understanding the way that things happened in the country. We must also depend on parents, but we also understand that many times some of the parents do not know themselves. However, I believe that it is our responsibility as a government to do what is right within the school system and make sure that the things that the children learn are Caymanian based so that not only the adults . . . because what I am talking about here now, Madam Speaker, in putting this core group of performers together, would certainly more than likely be adults.



But we have to embed the cultural aspect of things in our kids from primary school or kindergarten, wherever they start, so that as they come up through the ranks that they will understand that cultural things—learning to speak well, learning the culture of your country—can be a full time job for you when you become an adult because of this organisation that we now have; and that you can become a dancer, a singer, or a performer of some sort and work for your cultural organisation and that can be a lifelong job. So, you are not learning it just because it is part of the curriculum, but you can settle in a career in the things that are Caymanian.

For instance, if what our teachers teach our children in the things that I am speaking about is considered extra curriculum, then we need to find a way to make it a normal part of the teaching day and made a part of a normal day in the life of our children.

Madam Speaker, I want to again take this opportunity to say how grateful I am to those teachers who do take time. I watch a lot of them and they do take a tremendous amount of time to help with the cultural things whenever the National Children's Festival of the Arts and other similar events are coming around. Teachers work doggone hard. A lot of the time they put in with our kids is personal time and I do not want them to think that it is not appreciated. I certainly do, and I am sure that all of us here do, as well.

Madam Speaker, we have a tremendous amount of people who are what I would consider heritage rich; people like the Minister for Communications and Works, because of a similar upbringing. Most of us here, for instance you, Madam Speaker, and Minister Eden. There are people who have a lot of history behind them and other individuals who we need to tap into and get them to be a part of this. Let them help us record the things that were important to them when they were young, and let us record it somewhere that we will always have a library of information that we can always go to where one year our theme is going to be this, and next year our theme is going to be that, and there's always a wealth of information to tap into to do our next set of plays or songs or whatever it is.

We have a good number of retired teachers, historians of all sorts. Let us embrace them. We have been talking in this country about finding employment for people who are over 60 who have been forced into retirement because of age, who still have a tremendous amount of energy and are able to contribute to this community, but simply because of age had to be retired. These are the people that we can turn to, to drive this type of thing for us. They are mature individuals who know exactly what it is all about.

I am saying that while we are creating cultural entertainment for people who come to our shores, we can also create a few jobs for people at the same time for people who still want to work. I hope that that is taken into consideration as well, Madam Speaker.

We must understand that this must be a partnership with the cultural side of our government and

tourism. The private sector must also play their part. As I said before, I hope that our schools will be involved. We must understand that that is a crucial part of making all of this work. I will say, though, that that, in my opinion must be controlled by Government because the content is important to us. We must know what is going in and what is coming out so that we make sure that it is clean, that it is also pure in the sense that it is Caymanian culture. So, guidelines must be set where the Government must always know what is being done and however we farm that out on the other end is up to us.

I believe, however, that for what it is, Government should not bear the entire cost. The private sector must help to pay for it in some form or fashion. Again, that may be a challenge for us to work that out the right way. But my plan here is to see us organise this core group of entertainers, who the Ritz Carlton could contract with the National Cultural Foundation and say, "*We want 'Rolling Calf' for three months and we are going to play them twice a week. You give us a price.*"

Madam Speaker, pensions and health insurance for these individuals must be considered. I believe that this may be one of the drawbacks that private properties find in organising things like this. However, if Government can organise that and simply rent or sell the product to these hotels, these entertainers can work a couple nights a week, maybe four or five nights a week. They can be at the Ritz one night, the Westin another night, the Marriott another night, and it could be the same play going on at the same time or it can be different plays, but this is how I envisage this happening. And the Government or tourism or the National Cultural Foundation, whoever it is, then pays a fee for that. But if somebody gets sick it is not the hotel's responsibility to replace them, the Cultural Foundation would have enough people trained in that group that they can slip somebody in one night and it goes on unnoticed that there was a problem.

Madam Speaker, I believe that this has to be good for our people. It will help them feel a lot better about themselves, if they are able to express themselves in things that are important to them. It is good for our image as a country. And I only hope that it finds favour. It does not have to work exactly the way I said it should, but I will sit and wait for other contributions. I do hope that the membership of this Legislative Assembly finds it possible to support this Motion.

Thank you.

**The Speaker:** It is one minute to the hour of interruption. I will entertain a motion for the adjournment of this honourable House.

Honourable Leader of Government Business.

## ADJOURNMENT

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, I move the adjournment of this honourable House until 10 am tomorrow.

**The Speaker:** The question is that this honourable House do now adjourn until 10 am tomorrow. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have. This honourable House now stands adjourned.

**At 4.27 pm the House stood adjourned until 10 am Friday, 12 September 2008.**



**OFFICIAL HANSARD REPORT**  
**FRIDAY**  
**12 SEPTEMBER 2008**  
**10.22 AM**  
*Fifth Sitting*

**The Speaker:** I will ask the Honourable Leader of the Opposition to say Prayers.

**PRAYERS**

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

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

*And Lord, we ask that you would especially continue to bless us in this hurricane season when the elements are ripe, and when your power is awesome.*

*We thank you, Lord, for the blessings you have already bestowed upon us and we ask that you will remember our friends elsewhere. Bless all our people, all that they do, all that they say, and all that they want.*

*Hear these, our prayers.*

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

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

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

**Proceedings resumed at 10.24 am**

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

**The Speaker:** I have no messages or announcements.

Madam Clerk, could I have an Order Paper, please? Thank you.

**PRESENTATION OF PAPERS  
 AND OF REPORTS**

**Maritime Authority of the Cayman Islands Year in  
 Review 1 July 2006 – 30 June 2007**

**The Speaker:** I recognise the Honourable Third Official Member responsible for the Portfolio of Finance and Economics.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Maritime Authority of the Cayman Islands Year in Review 1 July 2006 – 30 June 2007, and Madam Speaker, the term “year in review” actually refers to a clause to be called the Annual Report for that particular year.

**The Speaker:** So ordered.

Does the Honourable Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Yes, thank you, Madam Speaker.

Madam Speaker, I will outline the relevant highlights from the 2007 Annual Report.

In accordance with section 17 of the Maritime Authority of the Cayman Islands Law, and section 51 of the Public Management and Finance Law, a copy of the 2006/07 Annual Report of the Maritime Authority of the Cayman Islands has just been laid on the Table of the Legislative Assembly. The report covers the 12-month period from 1 July 2006 to 30 June 2007.

The financial statements as at 30 June 2007 (which are part of the annual report) were prepared in accordance with International Public Sector Accounting Standards and have been certified by the Auditor General.

These statements represent the Authority's second year of operation as an Authority. MACI was formed 1 July 2005 following the reorganisation of the

Cayman Islands Shipping Registry, which previously fell under the Portfolio of Finance & Economics.

In respect of the year 30 June 2007, total assets of MACI were CI\$3.3 million and its total liabilities at that date amounted to CI\$1 million, resulting in a net worth of CI\$2.3 million.

MACI's financial statements for the period 1 July 2005 to 30 June 2006 (that is, the previous year, which were laid earlier in this Meeting), have been restated to reflect the correct allocation of revenue. That restatement has resulted in total assets of CI\$1.6 million, total liabilities of CI\$1 million; resulting in a net worth of CI\$558,000 in respect of the year to June 2006.

These adjustments have reduced the previously reported operating deficit of CI\$181,000 to an even smaller overall deficit of just CI\$47,000. As I said, Madam Speaker, this is in respect of the previous year that ended on 30 June 2006. These restatements are actually shown in the Annual Report for 2007, which has just been tabled.

In respect of the year to 30 June 2007 total fees collected for the year were CI\$7.3 million and total expenses equaled CI\$6.2 million, resulting in a surplus from operating activities of CI\$1.1 million. When this amount is combined with a gain of CI\$68,000 on foreign exchange transactions, the resulting overall net surplus for the year was CI\$1.2 million.

The Auditor General has issued an unqualified, or "clean", opinion on the financial statements of MACI as at 30 June 2007.

The Cayman Islands Shipping Registry is a Category One British Registry and, as such, is able to register vessels of any size, age and type—from small yachts to super tankers—provided quality standards are met. During the reporting period, the Register increased by 8.9% as compared to the previous fiscal period of 2005/06. At 30 June 2007, there were a total of 1,600 vessels on the Register, of which some 350 were commercial (merchant) vessels. This represents an addition of some 300,000 gross tonnes to the Register bringing the total tonnage on the Register to 3.4 million tonnes at 30 June 2007.

Madam Speaker, I am pleased to report that the year 2006/07 saw continued growth for MACI. Amongst its other achievements, MACI established technical (survey and audit) services in the Far East, based in Singapore, and vessel registration capability and commercial representation in Florida's preeminent boating capital, Ft. Lauderdale. MACI also added advisory services, including survey, crew compliance certification and safety and technical services within just one year of its first opening in its South Florida location.

MACI continued to exhibit a high global profile through its attendance at the prestigious Monaco Yacht Show and the very popular Ft. Lauderdale Boat Show, as well as other boating and shipping industry

events to promote MACI's products and world-class value-for-money services.

MACI continued its dedication to service excellence and ensured the maintenance of first-class relationships with its valued clients. As a furtherance of that, the Authority became the first government-owned organisation to make available on-line payment facilities as well as shopping capabilities.

The Authority worked diligently to update and streamline its seven international Class agreements, as well as the Cayman Islands maritime legislation.

Concluding a successful year, which has included an overall net surplus of CI\$1.2 million, MACI is eager and optimistic to face the challenges of continued expansion in the subsequent year, the 2007/08 year.

Thank you, Madam Speaker.

**Civil Aviation Authority of the Cayman Islands Financial Statements for the year ended 30 June 2005, together with the Annual Report for the financial year 2004/2005**

**The Speaker:** I recognise the Honourable First Official Member.

**Hon. George A. McCarthy:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Civil Aviation Authority of the Cayman Islands Financial Statements for the year ended 30 June 2005, together with the Annual Report for the financial year ending 30 June 2005.

**The Speaker:** So ordered.

Does the Honourable First Official Member wish to speak thereto?

**Hon. George A. McCarthy:** Thank you, Madam Speaker, just a few brief comments.

Madam Speaker, this is the first set of financials and annual report being tabled since the new entity of the Civil Aviation Authority of the Cayman Islands commenced operation on 1 July 2004.

The Civil Aviation Authority of the Cayman Islands is a statutory body, as honourable Members are aware, and this body was established on 1 June 1987 under the Civil Aviation Authority of the Cayman Islands Law, as amended. On 1 July 2004, the regulatory and operational divisions were split into two separate authorities based on the Civil Aviation Authority Law of 2004 and the Airports Authority Law of 2004, respectively.

The Authority is principally engaged in the regulation of aircraft operations, airdromes air traffic control and air navigation services within the Cayman Islands. The Authority is also engaged in the registration and regulation of aircraft which are based and operated outside the Cayman Islands.

The financials will show, in terms of the split taking place . . . because we can see the significant change in the figures, particularly the balance sheet which shows the assets as at 1 July 2004 (this is for the combined operation) \$11,527,780, and subsequent to the split taking place as at 30 June 2005 reducing to \$3,114,794. So we now have two entities. We have the Airport Authority and the Civil Aviation Authority.

More updated figures and information will be provided when subsequent financials are tabled in this honourable House.

Thank you, Madam Speaker.

### **3<sup>rd</sup> Supplementary Annual Plan and Estimates for the Government of the Cayman Islands for the financial year ended 30 June 2008**

**The Speaker:** I recognise the Honourable Third Official Member responsible for the Portfolio of Finance and Economics.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House, the 3<sup>rd</sup> Supplementary Annual Plan and Estimates for the Government of the Cayman Islands for the financial year ended 30 June 2008.

**The Speaker:** That paper shall stand referred to the Finance Committee.

Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, as you have just said, the 3<sup>rd</sup> Supplementary Annual Plan and Estimates, just laid in accordance with Standing Order 67(1), shall stand referred to Finance Committee.

As the estimates that have just been laid will be considered in Finance Committee, I do not need to say much more at this point, except, with your permission, to move a motion in connection thereto.

**The Speaker:** Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Section 10 of the Supplementary Annual Plan and Estimates just tabled, contains the proposals for supplementary appropriations in respect of the 2007/8 financial year. I therefore beg to move, pursuant to Standing Order 67(2), that Finance Committee approves the Supplementary Appropriation proposals set out in section 10 of the 3<sup>rd</sup> Supplementary Annual Plan and Estimates for the Government of the Cayman Islands for the financial year ended 30 June 2008, which has just been tabled.

**The Speaker:** That motion shall be considered in the Finance Committee.

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

### **Suspension of Standing Order 23(6)**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, I move the suspension of Standing Order 23(6) in order to allow a Member to ask more than three questions during the course of one day.

**The Speaker:** The question is that Standing Order 23(6) be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 23(6) suspended to allow a Member to ask more than three questions during the course of one day.**

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

### **Question No. 5**

**No. 5: Hon. W. McKeever Bush** asked the Honourable First Official Member responsible for the Portfolio of Internal and External Affairs and the Civil Service, what is being done to ensure that Government Departments and Authorities are complying with the Public Service Management Law.

**The Speaker:** Honourable First Official Member.

**Hon. George A. McCarthy:** We have taken a very comprehensive approach to the implementation of the new Public Service Management Law to ensure compliance and support best practises. Firstly, each Chief Officer was provided with written delegated authority from His Excellency the Governor to take effect from 1 January 2007 (that was the date the Public Service Management Law was implemented). This delegation instructed all Chief Officers to ensure that all personnel decisions were in compliance with the Law and the Personnel Regulations, and that failure to do so could result in their delegation being revoked in whole or in part by His Excellency the Governor.

The Public Service Management Law establishes that the Head of the Civil Service is responsible for monitoring Human Resource policies and practices

and all matters relating to the Civil Service. Section 24 (f) of the Public Service Management Law also establishes that the Portfolio of the Civil Service (PoCS) is responsible for "undertaking periodic audits ... to establish the extent of compliance with the provisions of this Law and the Personnel Regulations and advising the Head of the Civil Service and the Governor accordingly."

By way of background information, to monitor compliance with the Public Service Management Law, the Portfolio has developed a Human Resource Audit Unit. The unit is comprised of a unit manager and two additional auditors. They have been operating for 18 months and have carried out 51 routine audit visits to various Departments to date (67% of all government departments). These audits provide a basic 'health-check' against key areas in the Law and Regulations.

They have carried out 29 'continuous' audits as part of an ongoing monitoring programme. These included quality reviews on the content of recruitment advertising and checks to ensure all advertised posts had been properly evaluated by PoCS to ascertain the correct remuneration grade.

They have also carried out five 'special' HR Audits, commissioned by the Chief Officer of the Portfolio of the Civil Service. These included three equity reviews of candidate selection for specific vacancies, a review of the performance management process and a check for staff being paid outside of the payroll system.

By the end of the 07/08 financial year, 45 government departments had been audited, representing 59% of the entire Government. The audit programme for the 2008/09 financial year will cover the remainder of the civil service and introduce a second round of more detailed audit reviews. Staff questionnaires and interviews are also being introduced, to ensure that staff, as well as management, have an opportunity to provide feedback on compliance matters.

Encouragingly, the 07/08 Audit Report from the HR Audit Unit indicates that 44% of the areas reviewed were found to be in strong compliance, and a further 40% were found to be generally compliant. Sixteen per cent of the areas reviewed were, however, judged to be weak in compliance.

In general, it was noted that where instances of non-compliance were observed, the vast majority were considered to have resulted from a lack of knowledge of the new requirements under the new Human Resource management regime rather than any intentional abuse of the framework.

As part of the standard audit process, and contained within the individual detailed audit reports issued throughout the course of the year, recommendations have been made to correct all identified problem areas. Management have agreed action plans to address the problem areas identified. These action plans will be followed up by the HR Audit Unit after a suitable amount of time has elapsed.

Based upon the work undertaken to date by the HR Audit Unit within the Portfolio of the Civil Service, combined with management's declared intentions for dealing with the weaknesses identified, the overall audit opinion is that there is currently no compelling case for me, as Chief Secretary and Head of the Civil Service, to recommend to His Excellency the Governor to revoke or curtail the delegation of Chief Officers.

In addition to the HR Audit Unit reporting on non-compliance, every civil servant under the Public Service Management Law has the right to appeal to an independent body called the Civil Service Appeals Commission. This Commission is not subject to the control of any person or authority, so it is truly independent. It has the powers of the Grand Court in relation to summoning of witnesses and the production of documents. In addition to dealing with appeals, I believe that this body has acted in a deterrent capacity, as Chief Officers and Heads of Departments know their decisions can be subject to independent scrutiny.

In addition to these entities, each Ministry and Portfolio has its own detailed policy and procedure manual which provides a step by step approach on how to deal with human resource issues. Also, it should be pointed out that a great deal of training was carried out prior to the decentralisation of human resource management.

With regard to Statutory Authorities and Government companies, the Public Service Management Law does not apply to them apart from the Public Service Values and Public Servants Code of Conduct. However, when requested, the Portfolio of the Civil Service has provided advice and guidance to Public Authorities.

In summary, to ensure that Government Departments and Authorities are complying with the Public Service Management Law we have set clear expectations about the standards expected through the Public Service Management Law, identified clear repercussions for non-compliance, avenues for staff to address concerns and developed ways of monitoring compliance. We have also matched those high expectations with equally high levels of support for Chief Officers and other managers. So we have taken a very comprehensive approach to the implementation of the new legislation.

Undoubtedly as everyone can appreciate, things are not perfect. Ideally, we would hope that there would be no instances of non-compliance, such as the 16% I pointed out earlier. However, we must not underplay the significance and extent of the change that has occurred in the area of HR management within the Civil Service. The new Law has modernised and advanced HR management within the Cayman Islands Civil Service. This change will take time to imbed, for people to change attitudes and develop new skills and knowledge. I am encouraged by the level of compliance reported by the HR Audit Unit within the Portfolio of the Civil Service in the first 18

months of implementation. It tells me that we are making excellent progress. We will, however, continue to strive for further improvements.

To recapitulate, we have developed an Audit function, an independent Appeals Commission and detailed regulations, policies and procedures providing necessary guidance for Chief Officers to observe.

**The Speaker:** Are there any supplementaries?  
Honourable Leader of the Opposition.

### Supplementaries

**Hon. W. McKeever Bush:** Madam Speaker, can the Honourable First Official Member say if there is a system of paying personally for work done by other staff in such areas as authorities and/or government companies even though they are salaried officers of the relevant company or authority?

**The Speaker:** Honourable First Official Member.

**Hon. George A. McCarthy:** Madam Speaker, is the Honourable Leader of the Opposition raising the question as to whether staff within statutory authorities are being paid for work carried out by the Civil Service?

**Hon. W. McKeever Bush:** By them for another department.

**Hon. George A. McCarthy:** If the Honourable Leader of the Opposition could give an example, Madam Speaker, it would be helpful to me.

**Hon. W. McKeever Bush:** I would be glad to give an example, Madam Speaker.

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

**Hon. W. McKeever Bush:** If the head of UCCI did work for his department, even though he was paid as the head of the UCCI by that relevant authority, would he be personally paid to do that work for another government department?

**Hon. George A. McCarthy:** Madam Speaker, under normal circumstances the answer should be no, because the head of a statutory authority would be receiving a salary from that statutory authority. Unless some agreement or contractual arrangements were entered into with a separate entity, it is unlikely that that entity would have an obligation to be making a separate payment.

**The Speaker:** Are there any further supplementaries?  
Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

The Honourable First Official Member is saying that within the rules, once that individual got permission, I presume from his Ministry, that that is possible. In other words, a person who is working in a government company or statutory authority, if he went to his Ministry, to the chief officer, he could get permission to perform functions for another government agency and receive separate payment.

**The Speaker:** Honourable Second Elected Member, that is way outside the original question, which asked what is being done to ensure that Government Departments and Authorities are complying with the Public Service Management Law.

The Honourable Leader of the Opposition used an example, and I do not think we can continue the supplementaries in that vein. Would you ask your [supplementary] on the substantive question please?

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

Let me make sure that I am clear on what I am able or not able to do. Are you saying that the last question that was asked by the Honourable Leader of the Opposition, to which I have asked a supplementary . . . because the First Official Member said that—

**The Speaker:** Honourable Second Elected Member [for the district of West Bay], the Leader of the Opposition asked a question related to the original [question]. The First Official Member wanted an example. He has given an example. But I am not going to allow the questioning to go down that vein, all right?

**Mr. Rolston M. Anglin:** All right.

**The Speaker:** Thank you.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

Can the Honourable First Official Member say, given his prior answer, whether or not such an officer could get separate payment if he received the Ministry's permission?

**The Speaker:** Honourable First Official Member.

**Hon. George A. McCarthy:** Madam Speaker, for the benefit of clarity, in the Civil Service organisation, or within the public service, it becomes necessary at times for an entity to provide service to another entity.

**Hon. W. McKeever Bush:** Right.

**Hon. George A. McCarthy:** That is normally done by way of what is called a "service level agreement." That is a contractual arrangement.

If an officer or officers of one entity, say entity X, carry out work on behalf of another entity for which that entity should be charged, the monies to be paid out would not go to the officer in question directly. For example, the University College of the Cayman Is-



lands, if it is going to bill the Portfolio of the Civil Service for work carried out, the payment would not be made to an individual person—be it the president or another officer. It would go directly into the coffers of the University College of the Cayman Islands.

**The Speaker:** Honourable Second Official . . . Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Madam Speaker, don't wish that on me.

**The Speaker:** Stranger things have happened.

**Mr. Rolston M. Anglin:** But, Madam Speaker, if I could just follow on, then, on the last answer given, could the Honourable First Official Member say whether it is permissible under the rules of the law for an individual staff member to enter into an agreement where they would receive individual payment? Is that permissible?

**The Speaker:** Honourable First Official Member.

**Hon. George A. McCarthy:** Madam Speaker, that would be a very novel arrangement. I am not aware of any such arrangements being sanctioned under the regime we have in the civil service or with arrangements with any of the public authorities.

**The Speaker:** Madam Clerk, the next question.

I recognise the Honourable Leader of the Opposition.

### Question No. 6

**No. 6: Hon. W. McKeeva Bush** asked the Honourable Minister responsible for the Ministry of Tourism, Environment, Investment and Commerce to provide the cost of the planned new cruise and cargo facility including the land.

**The Speaker:** Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** The actual cost of the planned new cruise and cargo facilities is not known at this time as assessments and design of the facilities have not reached the stage of costing.

In regard to the land, there is no present associated cost planned for land acquisition as we do not anticipate more land will be needed to complete the project.

**The Speaker:** Are there any supplementaries?  
Honourable Leader of the Opposition.

### Supplementaries

**Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

Is there not a plan to have part of this project separate and apart from the present land that the Government owns at the Port Authority?

**The Speaker:** Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Yes, Madam Speaker. That is correct.

I have said publicly before that the plan is to separate the cruise and cargo operations. And in relation to the cargo operations which will be relocated to the north of the existing Port, those facilities are planned to be built on land that is currently owned by the investor.

Part of what I just said is essentially going to be answered under one of the other questions, but that is the plan and those are the types of issues that are currently the subject of negotiations under the Memorandum of Understanding.

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

**Hon. W. McKeeva Bush:** Madam Speaker, can the Minister say what cost is associated with the development of the project on that land? That land has to have some value to the property where it will be developed.

**The Speaker:** Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Madam Speaker, as I said, this project is currently at the negotiating stage. What I have said before, and I will say again, is that during this negotiation phase we will be looking at issues such as financial modelling and making sure that the Government's revenue streams are protected and also that the investor gets a return on his investment.

We have a situation where we have land that is currently owned by the Port Authority, on which cargo and cruise operations co-exist, and the proposal is to separate the two—move the cargo to the north, on property that is owned by the investor, and as we move through this negotiating phase (and it is too early for us to tell at this point), we will look on the financial modelling and how we ensure that both the Government's and the investor's interests are protected.

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

**Hon. W. McKeeva Bush:** The property is not on some far distant *ya-ya* land. The property exists to the north, as he has just said, of the present docking and cruise facilities. So there is property there that he plans to utilise somehow. There has to be a value. If he tells me he does not know what that value is now,

then fine. I would have thought that by now they would have reached that [far], but he says he does not know that. Well, fine, but that has a value. And I am trying to find out what value they have placed on it.

**The Speaker:** Honourable Leader of the Opposition, I think you have another question coming up relevant to the developer where you may have an answer that will give you . . . Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

Of course the land has a value, and as we work through the financial modelling the value of that land will be taken into consideration. I cannot tell the Leader of the Opposition at this point what the value of the land is—but it clearly has a value, and it will be the subject of the negotiations as we progress. And we will look at that value. That value is obviously important to the investor, but so is the value of our own property. It is important to us and we have to make sure that we work through this so that we protect the interest of all parties, while at the same time securing for the country the necessary infrastructure to allow for growth in cargo as well as for the proper management of cruise tourism.

Thank you, Madam Speaker.

**Hon. W. McKeeva Bush:** Madam Speaker.

**The Speaker:** I will allow one more supplementary.

**Hon. W. McKeeva Bush:** Thank you kindly.

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

**Hon. W. McKeeva Bush:** Madam Speaker, can the Minister say what relevance the land down to the north has to what the Government owns to the south? What is the relevance, since he's talking about the two.

**The Speaker:** Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Madam Speaker, the relevance is that the two projects, the cargo and cruise operations, are being addressed simultaneously during these negotiations. I will say again, as I have said so many other times before, that the Government owns a part of this property and the investor owns the other part, hence the reason why we have involved ourselves in this Memorandum of Understanding with the investor.

We cannot properly develop our cruise facilities on the current site without moving the cargo operations. And it makes sense for more reasons than one to get the cargo operations away from the centre of George Town where, even though we do exclu-

sively night operations now for cargo, it does disrupt the commerce and activities of George Town at night, such as the many restaurants that have recently developed around George Town. Not to mention the fact that when the cargo operations (which, as I said, are conducted at night) cease at about 5 am in the morning, there is a big rush to clean up the Port to get rid of the spillage from the aggregate, et cetera, so that we can welcome the cruise passengers at 7 am. That is not a situation which is sustainable or desirable, so we need to separate the two.

If the Leader of the Opposition is expecting me to make guesses as to how the negotiations are ultimately going to end up, I cannot do that. But, clearly, there are reporting protocols within Government and with respect to the Legislative Assembly that will need to be followed in terms of reporting progress and reporting the final outcome of the negotiations. And those will take place at the appropriate time.

Thank you, Madam Speaker.

**The Speaker:** Madam Clerk.

**The Clerk:** Question number seven.

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

**Hon. W. McKeeva Bush:** Madam Speaker, I do not want anybody guessing at anything. And as far as reporting to this House, the truth is that the House does not know what happens until after it has happened. That is why, Madam Speaker, the question is coming now.

#### Question No. 7

**No. 7: Hon. W. McKeeva Bush** asked the Honourable Minister responsible for the Ministry of Tourism, Environment, Investment and Commerce to say what kind of guarantee the Port Authority and/or central Government has given, or will give, to the developer for the use of his land.

**The Speaker:** Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

No guarantee has been given to the developer at this stage for the use of his land as the Government is currently in the negotiation phase under a Memorandum of Understanding. It is within this phase that discussions will take place, as I said earlier, regarding financial modelling. These discussions on financial modelling will include a return on investment for the developer. The Government does not plan to offer a guarantee to the developer for the use of his land, but, rather, through financial modelling come to

an agreement that will allow for a return on his investment.

**The Speaker:** Are there any supplementaries?  
Second Elected Member for West Bay.

### Supplementaries

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.  
In the latter part of the Minister's previous answer, he said that there is not going to be any form of guarantee for the use of the land, but that it is going to be accommodated in the financial modelling. Can the Minister say what impact on the cost to the relevant statutory authority (i.e., the Port Authority) that non-guarantee but, rather, payment through a return is going to have?

**The Speaker:** Honourable Minister Responsible for Tourism.

**Hon. Charles E. Clifford:** Madam Speaker, again, that is a premature question. We have not reached the stage where I can provide that level of information to the Member. As we progress with the negotiations, as I said, and at the appropriate stage, not only will the House be informed of the progress and results, but we also, as I said publicly, intend to go out to extensive public consultations on this project. As soon as we have reached that point, we will go public with the concept for public input.

Also, very importantly—perhaps more important than anything else—like I have said, and the Government's position has always been, that this project is subject to a proper and detailed environmental impact assessment. And we have commenced the process for that already.

**The Speaker:** Are there any further supplementaries?  
Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.  
Can the Minister tell this House what information has been used, then, to make the decision to not give the guarantee but to go the route of providing a return in lieu?

**The Speaker:** Honourable Minister Responsible for Tourism.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

As I said in my substantive answer, no guarantee has been given to the developer at this stage, and we certainly do not plan to at this point. But we are in the middle of negotiations at this stage, and it is not possible for me to say to the Member, or to anyone else for that matter, how those negotiations are going to ultimately end up.

But let me say this, because I believe this may be where the questioning is leading, and I have said this before as well. From our point of view, and I believe from the investor's point of view, all the investor is interested in, as any other investor would be, is a return on his/her investment. As far as the operational control of our key infrastructure in this country (that is, our cargo facilities and our cruise facilities) is concerned, the Government is keen to ensure that we remain in operational control of that key infrastructure.

Thank you, Madam Speaker.

**The Speaker:** Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.  
Very early on in this Administration, there was much talk about any form of arrangement that this Government would come into would not be done under any, I think the term used at the time was, "funny business", but that everything was going to be done under traditional financing.

What has caused the Government to change its stance in regard to how it finances infrastructure projects?

**The Speaker:** Are you speaking specifically to this project?

**Mr. Rolston M. Anglin:** Yes, Madam Speaker. This one is obviously some form of public/private partnership. The Government said at the beginning of its term that it was not going to go this route, and that it would use traditional financing.

**The Speaker:** Second Elected Member for West Bay, I understood you clearly, but you said infrastructure projects. You just did not say this specific one.  
Honourable Minister Responsible for Tourism.

**Hon. W. McKeeva Bush:** [interjecting] If you want to answer that I will give you [inaudible].

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

I am not sure what the Member means by "funny business". Perhaps he is familiar with that and those types of arrangements.

Madam Speaker, the Government has a lot of infrastructure projects to deal with. We have roads, we have schools, we have airports, seaports, and many programmes that we have to fund. It is not possible for the Government to fund all of these infrastructure projects at once. But what is clear to the Government, Madam Speaker, is that these infrastructure projects have been neglected for too long.

**Hon. W. McKeeva Bush:** [laughter]

**Hon. Charles E. Clifford:** We cannot afford to leave the airport redevelopment and to put that on hold any longer. It should have been built a long time ago.

**Hon. W. McKeeva Bush:** Of course.

**Hon. Charles E. Clifford:** We cannot afford to delay the port infrastructure.

**Hon. W. McKeeva Bush:** That's right.

**Hon. Charles E. Clifford:** We cannot afford not to build our schools.

**Hon. W. McKeeva Bush:** Right.

**Hon. Charles E. Clifford:** We cannot afford not to ensure that this country has proper road infrastructure.

We have all of these things to do, Madam Speaker, and this Government is very well aware, as well as those who sit on the opposite side of this House, that this is no funny business. Public/private sector partnerships are common in many countries. Even large countries that have much larger budgets than we do have public/private partnerships. So, we have decided to go this route with the port redevelopment.

What I can assure this honourable House is that this is no funny business; this is going out to public consultation. This is not going to take place behind closed doors. And there are not going to be any funny deals, and the Minister himself is not going to be involved directly in any negotiations and any deals, because we do not operate that way.

**Hon. W. McKeeva Bush:** [inaudible interjections]

**Hon. Charles E. Clifford:** So, Madam Speaker, that is the rationale for going in this direction. Thank you.

**Hon. W. McKeeva Bush:** [inaudible interjections]

**The Speaker:** I will allow one final supplementary.

Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Madam Speaker, is the Minister then saying, because he seems to be labouring under some real false delusions . . . the funny business needs to be defined by him. It was his Government that said it.

Can he say whether the utterances made at the time by Members of his Cabinet were premature and inaccurate and, therefore, the Government has had to now change its course—

**The Speaker:** Honourable Second Elected Member—

**Mr. Rolston M. Anglin:** —in regard to financing?

**The Speaker:** Honourable Second Elected Member for West Bay, that has nothing to do with the substantive question.

Madam Clerk, can we move on to the next—

**Hon. W. McKeeva Bush:** I wonder if you would allow one last supplementary.

**The Speaker:** I have already allowed my last supplementary, Leader of the Opposition.

Madam Clerk.

[pause]

**Hon. W. McKeeva Bush:** You know Madam Speaker, I would really like to see some fairness in questions, especially when we have the magnitude of questions we have, you know. And when it gets so—

**The Speaker:** Madam Clerk, would you move on to the next question?

**Hon. W. McKeeva Bush:** —spared in this House with questions.

**The Clerk:** Question number eight.

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

**Hon. W. McKeeva Bush:** What's the good of asking you anything, Madam Speaker?

Question number eight is to the same Minister . . . and perhaps he would care to tell us who is doing the impact study on the dock. Which company?

### Question No. 8

**No. 8: Hon. W. McKeeva Bush** asked the Honourable Minister responsible for the Ministry of Tourism, Environment, Investment and Commerce to say if the Florida Caribbean Cruise Association (FCCA), or any other cruise line companies have been involved in the negotiations or discussions of the proposal for the planned new cruise facility.

**The Speaker:** Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Madam Speaker, for now I am going to ignore the first part of what the Leader of the Opposition said.

**The Speaker:** Honourable Minister, that is not the question before the House. Would you answer the question that is before the House?

**Hon. Charles E. Clifford:** Madam Speaker, I am going to answer the question.

**The Speaker:** Thank you.

**Hon. Charles E. Clifford:** But he made reference to it.

Madam Speaker, the answer to the substantive question: The Florida Caribbean Cruise Association (FCCA) has been involved in the preliminary discussions regarding redevelopment of the Port facilities. Now that the Memorandum of Understanding has been signed by the vested parties and the design concept work is being developed, the FCCA will be invited into more detailed discussions regarding the Port redevelopment.

**The Speaker:** Are there any supplementaries?  
Honourable Leader of the Opposition.

### Supplementaries

**Hon. W. McKeeva Bush:** Yes, about 10 supplementaries!

**The Speaker:** I make that decision.

**Hon. W. McKeeva Bush:** Yes, and you can't believe they are very many.

**The Speaker:** Honourable Leader of the Opposition, would you please ask your supplementary?

**Hon. W. McKeeva Bush:** Yes. I complain about the number of supplementaries we can get. I want it on record.

Can the Minister say what kind of discussions he had with the Florida Caribbean Cruise Association, (a)?

(b) Has the Government any idea, any ballpark figure of the amount of dollars the project will cost?

(c) Who is the company doing the impact study?

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

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

Let me take them one at a time.

What kind of discussions have I had with the FCCA? Madam Speaker, we have had discussions with the FCCA with respect to the overall concept of this project, that is, separating cruise and cargo, we have discussed with them the proposed location of the cruise facilities and the proposed location of the cargo facilities. We have talked to them extensively about the opportunities that this provides for the beautification and enhancement of the central George Town area and the fact that for the first time this presents a real opportunity for us to look in more detail at traffic

patterns, that is, vehicular and pedestrian traffic within central George Town.

They are very keen, Madam Speaker (and they have expressed this to us both collectively and individually), to be involved in this project at a very minimum in the design of the facilities. They are going to be the primary users of the cargo facilities, and they are very keen to be involved in the design of the facilities. And we have had expressions of interest in the cruise facilities.

They have certainly also indicated to us that they (that is, the individual cruise lines) are also interested in becoming investors in this project. So, the Memorandum of Understanding, as I said during the press conference when we announced it, allows for those parallel discussions with key stakeholders, such as the cruise lines.

The second question was in relation to cost of the project, Madam Speaker, and we have already dealt with that extensively under the first question, so I won't bother to rehash that.

The third part of the question was in relation to the company that will do the environmental impact assessment, and just let me explain where we are with that.

We have agreed on the structure we will use to essentially bring about this study and how the study will be done in terms of what it will look at, who would select the company, who would be the applicant. Actually in relation to this project let me say that at this point the important consideration all have accepted is that the investor will have to produce the names of three companies that they suggest are capable of carrying out a detailed environmental impact assessment.

Those three companies, and the principals of those companies, will be vetted by the Department of Environment. It will be the Department of Environment that will be the agency to decide which of the three companies is most appropriate to carry out the study.

Having said that, Madam Speaker, it should be clear that we have not yet reached the point where a company has been selected.

**The Speaker:** Are there any further supplementaries?

Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

In this arrangement that the Minister has included to in regard to performing an environmental impact assessment study, what happens if the Department of Environment is not happy with any of the three choices?

**The Speaker:** Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Madam Speaker, if the Department of Environment is not happy with any of the

three choices they will say so. The company will then have to come up with some additional names that would be acceptable to the Department of Environment.

**The Speaker:** Are there any further supplementaries? Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, the Minister said that he will not have any input (I think was the word he used). He will not be involved in the negotiations. Can he say how much discussion he has had with the developer on the project?

**The Speaker:** Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

When we were first approached by the developer (and this is all information that I provided in the press conference when we made the announcement and on other occasions) the original proposal from the investor was essentially to develop the cruise facilities on the site which they own on North Church Street. Because they came directly to the Minister on that, my initial response to them was that we needed to ensure that in this project—and this presents a good opportunity for us to do this—we can separate our cruise and cargo facilities. But I believe that the opportunity to do that is one where we leave the cruise facilities where they are now, and move the cargo facilities out of central George Town to the site that the developer and investor currently own.

The developer and investor went away and came back with a revised proposal that did just that, that is, properly establish cruise facilities on the current site in George Town and move the cargo facilities to the north.

We have had several discussions since that to see how that could possibly be done. We worked through a Memorandum of Understanding, which was approved by Cabinet and the public announcement was made. Within that Memorandum of Understanding it establishes the negotiating framework which includes a negotiating team from the Government side and a negotiating team from the developer/investor side.

The negotiations in terms of the details of the project and the financial modelling and all the other components of the project are the responsibility of the negotiating team, and those negotiations did not formally commence until the Memorandum of Understanding was signed.

**The Speaker:** Honourable Minister, I think we must be answering the last question, because the question before us is to say if the Florida Caribbean Cruise Association or any other cruise line company has been involved in the negotiation or discussion.

I will allow one more supplementary.

Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you.

**Hon. Charles E. Clifford:** Sorry, Madam Speaker, I was answering what I understood to be a supplementary from the Leader of the Opposition.

**The Speaker:** And the supplementary was supposed to have come from your last answer.

**Hon. W. McKeeva Bush:** [inaudible interjections]

**The Speaker:** Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

The reference to the FCCA being involved in the negotiations, can the Minister say, firstly, whether or not the . . . sorry, who are the parties, the other parties to the negotiating team that the question refers to and he referred to in his last answer? And, how many meetings has the Ministry held with the developer and the negotiating team?

**The Speaker:** Second Elected Member for the district of West Bay, let me get your question clear in my mind. We are still dealing with the Florida Caribbean Cruise Association, and you are talking about—

**Mr. Rolston M. Anglin:** Yes Ma'am.

**The Speaker:** —the FCCA and any other cruise line company?

**Mr. Rolston M. Anglin:** Right.  
Yes, Madam Speaker.

**The Speaker:** Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Madam Speaker, just to clarify. As I understand it, the supplementary question is in relation to which other parties are involved in the negotiation—

[inaudible interjections]

**Hon. Charles E. Clifford:** Madam Speaker, I understand the Member to be saying that he understands that the FCCA would be a part of the negotiations.

**Hon. W. McKeeva Bush:** No, who is.

**Hon. Charles E. Clifford:** What I said is that under the Memorandum of Understanding it allows for the Government to have a negotiating team and for the developer and investor to have a negotiating team.

That is, the developer and investor (when I use those terms) is one and the same. But the Memorandum of Understanding also allows for parallel discussions and negotiations to be held with other stakeholders, such as the FCCA. But the FCCA does not have a negotiating team because we do not know at this point. They have simply been allowed to have discussions under the MOU. But we do not know at this point whether they will actually be involved.

What they have said is that they are very keen to be involved in the design of the facilities.

**The Speaker:** Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Madam Speaker—

**The Speaker:** You do know that I have ruled that I have given my last supplementary, so go ahead.

**Mr. Rolston M. Anglin:** I thank you for your indulgence, Madam Speaker.

The question I actually asked was who are the members of the negotiating team. I made an assumption (that is where I mentioned FCCA) that they would have been a part of the Government's negotiating team because the Minister did say they would be a part of the process to make sure that whatever the end result, it would be workable for them. So I was asking who the members are. Can the Minister name who the members are?

And then I also asked him how many meetings were held with the developer.

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

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

The members of the Government's negotiating team are the Permanent Secretary in the Ministry; the Chairman of the Port Authority, Mr. Wayne Panton; the Port Director, Mr. Paul Hurlston; and there is one financial expert on the team whose name escapes me right now. But I can certainly provide that information to the Member and to this House. But that person is a person who is not employed by the Port Authority, but those services have been secured by the Port Authority.

And just to reiterate, the FCCA is not a member of the negotiating team, but the MOU does allow for parallel discussions with the FCCA and for them to be involved. As I said, they are very keen to continue to be involved, at a very minimum, in the design phase.

**The Speaker:** Honourable Minister, I think the other part of his question was how many meetings has the negotiating team held. I do not know if you are in a position to answer.

**Hon. Charles E. Clifford:** I am not, Madam Speaker. I am aware that they are having a meeting today. I think they may have had about three or four meetings so far, but I cannot say for sure exactly how many meetings were held with the negotiating team so far.

**The Speaker:** Madam Clerk.

**The Clerk:** Question number nine.

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

### Question No. 9

**No. 9: Hon. W. McKeever Bush** asked the Honourable Minister responsible for the Ministry of Tourism, Environment, Investment and Commerce to say if the Government has looked at any alternative site, excluding the North Sound, for the development of a cargo dock.

**The Speaker:** Honourable Minister responsible for the Ministry of Tourism.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

As the public is aware, the previous administration was considering East End as a possible location for a cargo port. To date, no detailed study has been done at this location to suggest it as a preferred location over George Town. But preliminary investigations suggest the development of cargo port facilities at this location would involve significantly higher capital expenditures than the redevelopment of the George Town Port.

The 1994 Master Port Development Plan did include an analysis of developing a port in the North Sound or South Sound, and at that time concluded that George Town was the best location for a port. The George Town area is the best area for a cargo port based on the infrastructure that has been developed to date at the cargo distribution centre.

It is significant, too, that our forefathers decided to develop the port in George Town, because they knew that this was the safest natural harbour on Grand Cayman.

**The Speaker:** Are there any supplementaries?  
Honourable Leader of the Opposition.

### Supplementaries

**Hon. W. McKeever Bush:** Can the Honourable Minister say what time these preliminary investigations were done and who did them?

**The Speaker:** Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

As I understand it the Port Authority did these preliminary investigations. This information came from them, and I have to assume that it was during the administration of the Leader of the Opposition because we certainly did not ask for it.

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

**Hon. W. McKeeva Bush:** Madam Speaker, that cannot be so because the project at East End was much more than a cargo facility. So, when we are just considering the cargo facility as against a cargo facility cannot be so. I do not know, because I have not seen any figures from the Port Authority to suggest that, nor did you get that far.

Madam Speaker—

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

**Hon. W. McKeeva Bush:** That is the last question on that. I do not know if . . .

**The Speaker:** Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

The third sentence of the Minister's answer reads, ". . . **but preliminary investigations suggest the development of cargo port facilities at this location [that is, the East End location] would involve significantly higher capital expenditures than the redevelopment of the George Town Port.**"

He then just said in his last answer that he did not commission this, that the information has come from the Port Authority and he is not quite sure how they arrived at it.

Now, I am puzzled, Madam Speaker.

Can the Minister say what a redevelopment of the cargo port facility has to do with a brand new development? Because, as I understand it, this Government is proposing a *development* of a port facility, not a *redevelopment*.

**The Speaker:** So what is your question?

**Mr. Rolston M. Anglin:** My question is, Madam Speaker, can the Minister give this House any support for the third sentence in his answer? It is his answer.

I am not sure what else it says, but this is his answer.

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

**Hon. Charles E. Clifford:** Madam Speaker, the term "redevelopment of the George Town Port" obviously involves the redevelopment of not just our cruise facilities, but our cargo facilities as well. I am sure the Member is aware of that.

The point I made was that the preliminary investigations the Port Authority referred to, that have been used in this answer must have occurred during their administration—

**Hon. W. McKeeva Bush:** Oh no!

**Hon. Charles E. Clifford:**—because we did not ask for it. They were the ones that were proposing a port and I believe some other type of facility in the district of East End.

**Hon. W. McKeeva Bush:** [inaudible interjections] You need a good spanking!

**Mr. Rolston M. Anglin:** Madam Speaker.

**The Speaker:** Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Madam Speaker, can the Minister say whether or not, in the answer that he has just provided to this House, he has any knowledge to support the answer?

**Hon. W. McKeeva Bush:** [inaudible interjections]

**The Speaker:** Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Madam Speaker, as I said, I am relying on information that was provided to me by the Port Authority. That is what Ministers do.

I do not understand where the Member is going with this question. If he thinks that digging a hole in East End is going to be cheaper than redevelopment of our current facilities in George Town, then perhaps he can give us some additional information on that. But [neither] this Minister [nor] this Government is going to be digging any hole in East End, making that community more vulnerable to things like hurricanes. We have a different plan—

**Hon. W. McKeeva Bush:** [Laughter]

**Hon. Charles E. Clifford:**—and we have indicated very clearly what that plan is.

Thank you, Madam Speaker.

**The Speaker:** I will allow one more supplementary.

**Mr. Rolston M. Anglin:** Madam Speaker.

**The Speaker:** Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Madam Speaker, the Minister digs a lot of holes, and he usually digs holes any time he opens his mouth. I am asking through you, Madam Speaker, for the Minister to tell this House whether or not he can support the answer he is giving. He gave



this House an answer, and then he turned right around and said he does not know the veracity of the answer. That is all I am asking.

Why he got all in a bundle there and had to start talking about digging holes—

**The Speaker:** Second Elected Member—

**Mr. Rolston M. Anglin:** I was not asking him. I did not make any suggestions. He said that he does not know where it came from. Therefore, Madam Speaker, I think that part of his answer should be struck.

**Hon. Charles E. Clifford:** Madam Speaker, I am not sure whether that is a question or not. But, clearly, Ministers refer to and rely on information that is provided by their agencies.

Now, if the Member is asking me to go to the Port Authority and look through their files so that I can ensure that they have the report or the preliminary investigations that are referred to in this answer, then . . . What is he suggesting? Is he suggesting that Ministers should involve themselves in that every time there is an answer that comes to this House, that we should go and look through those files to make sure that that information is there?

And as far as holes are concerned, it is that side of the House that is expert on that, Madam Speaker.

**The Speaker:** There are no holes in that question.  
Madam Clerk.

**Hon. W. McKeeva Bush:** Madam Speaker!

**Hon. V. Arden McLean:** [inaudible] East End.

**The Clerk:** Question number 10.

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

**Hon. W. McKeeva Bush:** No, we don't plan to dig East End; you already did that, my son.

**Hon. V. Arden McLean:** Yeah, I wish we'd buried you.

**Hon. W. McKeeva Bush:** Yeah, yeah, yeah, you just walked into this House. You are going to bury me? You and many like you won't do it!

[Gavel struck by the Speaker]

**The Speaker:** Would you all please address the Chair as mature representatives of this country?

Honourable Leader of the Opposition, please, would you continue with your question?

**Hon. W. McKeeva Bush:** If the Minister, who just walked in to open his *yabber* had not done that, then I would not have a call to reply.

And if the Speaker had stopped him, we would not have heard him.

Question number 10 . . . he should answer questions about Matrix! Not about Government docks!

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

[inaudible interjection]

**Hon. W. McKeeva Bush:** Madam Speaker . . .  
I get rich?  
Come and check my accounts.

**Hon. V. Arden McLean:** [inaudible]

**Hon. W. McKeeva Bush:** You heard what I said?

**The Speaker:** Would the Minister for Communications and Works and the Honourable Leader of the Opposition . . . please could we have some decorum in this, the highest office of the country?

Honourable Leader of the Opposition, would you continue with your question?

**Hon. W. McKeeva Bush:** Decorum has to start in many places, Madam Speaker. And not because we say it, that it is so.

#### Question No. 10

**No. 10: Hon. W. McKeeva Bush** asked the Honourable Minister responsible for the Ministry of Tourism, Environment, Investment and Commerce to say when will all outstanding annual accounts of Cayman Airways Ltd. be tabled in this honourable House.

**The Speaker:** Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

The Ministry is currently awaiting the issuance of the financial statements of Cayman Airways Ltd from the Auditors. Currently Cayman Airways Ltd has completed the 2004 and 2005 audit.

The 2004 audited financial statements have been issued by the Auditor and will be submitted to Cabinet shortly for onward submission to the Legislative Assembly.

The 2005 audited financial statements have not yet been issued by Auditors, but we are expecting that to take place shortly.

Madam Speaker, the 2006 and 2007 audits are currently being conducted. Once the audited financial statements are issued they will be tabled in this honourable House.

**The Speaker:** Are there any supplementaries?  
[pause]

Second Elected Member for the district of West Bay.

[inaudible interjections]

[pause]

**The Speaker:** If there are no supplementaries, Madam Clerk.

## STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

**The Speaker:** I recognise the Honourable Minister of Health and Human Services.

### Caribbean Wellness Day 2008

**Hon. Anthony S. Eden:** Madam Speaker, I rise to make a brief statement on Caribbean Wellness Day.

The Observance of Caribbean Wellness Day, which will be observed tomorrow, 13 September, was one of the decisions taken when the Caribbean Community (CARICOM) Heads of Government, met in Port of Spain, Trinidad and Tobago, last year on September 15 2007, to design a plan of action to tackle the epidemic of Chronic Non-communicable Diseases.

Madam Speaker, there is deep concern in this region over the physical, economic and social burdens caused by lifestyle-related diseases such as diabetes, hypertension (better known as high blood pressure), stroke, heart disease, obesity, and certain cancers.

The outcome of the Heads of Government summit was a Declaration calling for the passage of tobacco legislation, a mandate for the re-introduction of physical education in our schools and a comprehensive public education programme in support of wellness, healthy lifestyle changes, and the improved self management of non-communicable diseases. These are a few of the key initiatives agreed to in the Declaration.

Madam Speaker, what also followed from this meeting is that the Caribbean Community, through the first observance of Caribbean Wellness Day, will jointly, on September 13, 2008, seek to send a message to its citizens—young and old—about the growing epidemic in non-communicable diseases, and the critical importance of adopting healthy lifestyles.

I wish to advise this honourable House and the general public that the Cayman Islands joins our Caribbean neighbours in observing this day, under the theme “Love that body”.

Tomorrow (Saturday, 13 September) there will be free health checks at all District Health Centres, the George Town Hospital, Faith Hospital and Foster’s Food Fair at the Strand. Health checks will include,

body mass index, blood sugar and blood pressure. I urge the public to take a few minutes and avail themselves of this service. It will do your body good.

Madam Speaker, I can only hope that Caribbean Wellness Day will provide an added impetus to change behaviours. But we have already begun to act vigorously on this problem. With my colleague, the Minister of Education, we have already begun to make significant adjustments to protect the health of the next generation. In respect of school curricula, increased emphasis has been placed on physical education. I anticipate increased partnership with the Ministry of Education in promoting physical activity in schools and to see how best positive dietary habits can be incorporated in the diets of school children.

Madam Speaker, we must hope for the best results from these efforts, knowing that the adults in the community are not so easy to reach. It is a sad reality that we as human beings so often drag our feet when it comes to changing things in our lives, even when we know full well they are bad for us. For most people, it is well known that the keys to healthier living are simple—eat well, get regular exercise, and, of course, avoid tobacco use.

Yet, knowing this, we suffer through repeated illnesses in our families, we tremble to watch our friends and colleagues fall by the wayside with chronic complaints, yet still we carry on with our risky behaviours. Madam Speaker, you would think people preferred to be dependent on drugs and machines to keep them alive—yet we know it is not so. We know the horrors and heartache sickness can cause.

Madam Speaker, as we strive to turn this situation around, I must acknowledge the work of the Non-Governmental Organisations, such as the Cancer Society, the Lions Club and others, who seek to both prevent diseases and support the sick. They will soon have a strengthened partnership with Government in these areas, led by our revamped Public Health Department, and through our new Primary Health Care Initiative.

We also look forward to new partnerships, for example, between sports and Public Health; as well as dynamic new relationships with employers in support of employee wellness.

Chronic non-communicable diseases (lifestyle diseases) are characterised as one of the major causes of mortality in the world, representing 60 per cent of all deaths according to the World Health Organization. Throughout the region there is increasing focus on the alarming increase in lifestyle related diseases and its effect on our economic wellbeing.

Madam Speaker, more than half of the expenditure on health in the region is related to the cost of treating non-communicable diseases. These costs are projected to spiral, at a time when we face competing claims for our limited resources. Here in our own Cayman Islands the costs of treating these conditions is mounting rapidly, putting serious strain on public and private resources.

The Region is, in fact, reputed to have the worst prevalence of deaths in the Americas, resulting from chronic non-communicable diseases.

Madam Speaker, it should be clear that this is a subject of urgent importance. I urge our community's full support. If we hope to sustain a high quality of life we must make some real changes, and we need to start now.

Thank you.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### Private Member's Motion No 3/08-09—Cayman Cultural Tourism Programme

*(Continuation of debate thereon)*

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

The Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

Madam Speaker, I rise to offer my support to the Private Member's Motion No. 3/08-09, brought by my colleague, the Fourth Elected Member for George Town, in relation to Cultural Tourism.

Madam Speaker, this Motion, like many motions brought by this Administration and, indeed, by the Opposition as well, is a timely motion. It is to do with one of the things that is very near and dear to all of us in here and that is "Things Caymanian".

Madam Speaker, we are under threat in this country from many outside influences. I think the one thing that is [eroding] the most on a daily basis, is what we call "Things Caymanian", and that is our Caymanian culture.

As long as we continue to evolve as a society, continue to import foreign labour, [continue] primarily as a tourist destination where we are constantly in touch with people from the outside world . . . we are not living in a bubble or living in isolation. Certainly, we need to hold on to what we know as our Caymanian traditions and values. Valid attempts have been made by many organisations—the Cultural Foundation, the National Trust, and other groups in our society—to ensure that we hold on to that last little bit of Caymanian heritage and culture that is so near and dear to us and our people.

I would like at this time to pay tribute to many of the people who have worked in this area for many years, and who many times come in for stick. Over the years people like Mr. Dave Martins and Mr. Henry Muttoo—in particular those two individuals from other islands in the Caribbean who have made the Cayman Islands their home . . . if it were not for those two individuals in particular, Madam Speaker, I dare say we

would be a lot further behind when it comes to recognising our own "Things Caymanian". And I would like to pay tribute to those [two] individuals here today.

I would also like to pay tribute to our own people who have worked with those individuals over the years. For instance, there is a couple who started a business in West Bay. I think it is called "Cayman Traditional Crafts-Arts". Again, a very, very important job that these young people are doing. And throughout the districts all of the various groups who have held on to . . . whether it is looking after the senior citizens and ensuring that their values and traditions are passed on. I know I can speak firsthand for the group in Bodden Town. They have worked with our senior citizens and have done so much to maintain and keep alive our traditions in our district.

They continue to provide an outlet for seniors to showcase their talents. We do this weekly at the Nurse Josie Senior Centre on a Saturday afternoon where people can come and see these people at work with their crafts and handiwork and listen to them joke around and tell their stories of old.

This is so important, Madam Speaker, because we get caught up in the big hustle and bustle of the financial industry and making a dollar in Cayman, with everyone running wild and trying to keep up with the pace of life and at the end of the day dropping down with a heart attack. But you know, Madam Speaker, if we took a little time to smell the roses, a lot of times we would be better off.

There is nothing wrong with laughing at ourselves. Again, I come back to Mr. Dave Martins. Although a lot of people may criticise *Rundown*, over the years it has provided an outlet for us to have a laugh at ourselves. And our old people were very, very good at that. I will never forget the old timers in my district listening to the Fourth Elected Member for George Town talk about his experiences. It was a joy to sit and listen to the *Duppy* stories, and all of the other ones poked fun at one another. I would just sit there and gobble it up as a youngster. I dare say that was a privilege because the young people these days, in many ways do not have the advantage we had since a lot of those old folks have passed on.

Madam Speaker, this Motion is very near and dear. I guess that is why I jumped up so quickly. Perhaps I should have let the Ministers of Culture and Tourism go [ahead and make] their comments on it, but I am sure that they will have even more to say once I have said what I have to say.

Madam Speaker, I have traveled a fair amount. It was during some of my travels as a youngster that I realised that other nations do so much more to maintain their cultural identity than we do. I, like the Fourth Elected Member for George Town, said that when I travel I want to experience what a country has to offer. I want to see what the locals do, what they eat, how they hang out, and learn about the history and culture of that particular country.

The reason for traveling is to have a good time and experience another destination. The way you can experience that is not by sitting in the hotel room or on the beach in that destination (if there is one), but by going out and embracing what is on display. Usually one of my first questions is, *'Well, what is going on? What can I do to find out about the place?'*

I have a couple of examples, in fact. I think it was during one of my return trips that the Fourth Elected Member and I were discussing this type of thing—because we both share the same passion for it—and I was giving him an example of what I had experienced. I think this Motion was born somewhere around that time.

My wife and I went to Cuba a couple of years ago, checked into the hotel and immediately we hooked up with the concierge. I had been to Cuba before, but my wife [had not and she] was quite anxious to learn about some of the history and culture of Cuba. We asked them to recommend where we should go. Of course, one of the things recommended highly was a particular show by the name of *Tropicana*, which, I am sure is familiar to many people who have been to Cuba. Off we went to this show and it was wonderful. In fact, it was the highlight of our trip to Cuba. It was a wonderful, cultural evening where we enjoyed a nice meal and we watched the Cubans perform their local dance and we experienced a lot of what they had to offer music-wise and everything.

Madam Speaker, that was one example that came to mind. There was another trip where we accompanied the Minister of Tourism to Panama for the Trade Exchange. We went out one night for dinner and right in a very comfy little setting, in a nice little restaurant in an old part of Panama—Old Panama City—we had a lovely meal with a very intimate setting. There, right next to us (we could reach out and touch) a nice cultural performance was put on. This was not something put on just for us; it was something that happens on a regular basis.

So, what my good friend, the Fourth Elected Member for George Town, is advocating here, where we come up with a cultural group that can take the show on the road, as it were, to our hotels and to our tourists to experience “Things Caymanian” is right on target with what we are talking about here. This group could be split up into smaller components, it could act as a big group, whatever the occasion calls for. But the key to it, Madam Speaker, is that we are going to give our tourists the opportunity to come in contact with our people once again.

My background is the financial industry, as everyone knows. And one of the most common complaints by my clients over the years, and of course, tourists I have met otherwise, is that, *'we come to Cayman, we don't experience things Caymanian and we do not meet any local people apart from a few. Where are the locals?'* That is the big cry—*'Where are the locals?'* So, we want to be able to say, *'Here are the locals, here are some of our traditions'*. And we

want to put on a good show and at the same time provide employment opportunities for the people who perform in these various venues.

Madam Speaker, we all know that things have changed so much. In the early days the tourists who came here did meet and mix with our locals. In fact, I dare say North Side is probably the one district where it still happens almost the way it used to, where you go into a local watering hole or you go on the beach and you will find the mix of the locals with the foreigners. The Galleon Beach and Royal Palms days, and all of the other things that used to happen was the way that our tourists got to mix with our locals and, as I have been reminded, all of the cookouts and outside kitchens. There were tourists who came and lived within the districts away from the Seven Mile strip.

Before the development of the Seven Mile strip, we had tourists who eventually bought properties and employed Caymanians to maintain those properties, so they got to know those locals really well. I know in Bodden Town we had a lot of that, but it has died off unfortunately as well. We have lost this close camaraderie with our tourist product, and this is what the tourists want.

I keep saying that when I leave these Islands I am a tourist. And when I go as a tourist, yes, I don't mind bucking up with the odd Caymanian now and again, but I don't want to see my people over there. I want to meet and greet the people that I have gone to look for. So, when the tourists come here, I can't get into their heads, but I would imagine that they want to see us. They want a chance to meet Caymanians and eat Caymanian [foods], and do things Caymanian.

This is a no-brainer to me, Madam Speaker, to be quite honest. I am very passionate about it but I see no reason why this cannot be done successfully. It would enhance our tourism product and our destination, big time.

Madam Speaker, before I wrap up my contribution, I want to speak to the fact that we have to bear in mind the type of visitor that we have marketed to for these shores. We have always said that the higher-end of the market type visitors are the ones we try to attract to these shores: the more affluent and a certain market segment that we target. This is well known. DOT (Department of Tourism) makes no bones about that. We are looking people to come here spend money and have a good time. Usually, that means a family involvement; that type of visitor usually comes with his family.

Madam Speaker, it is natural then that when these people come to the Cayman Islands they want to do wholesome activities. They want to enjoy, as I said, “Things Caymanian”.

A lot of them come and they do not get any sort of incentive to leave the properties where they are [staying]. They are simply fed and looked after in that environment. Nothing really Caymanian is promoted by those hotels or wherever, and that tourist can come here and spend five days and the chances are that

that tourist does not even see the other districts. Now, it varies: some tourists are adventurous and will take it upon themselves to make sure that they do, and some do. Lately, with the increase in stay over tourism, thank God, and thanks to the Minister of Tourism and all the hard work that DOT and everyone has put in, we can see stay over tourism starting to bounce back. We have seen the air arrival figures go up and the cruise numbers go down. People are still screaming, yet, they were complaining a couple of years ago that there were too many cruise tourists. I am not sure, exactly, what people want in this country.

I would think, however, that we are now at the point where we are starting to get it right. We are not being smothered by cruise, we are managing cruise and at the same time we have a good boost in our stay over tourism. These people are here spending money renting cars, eating out at nights, buying locally and spending time with our local people. And I have seen an increase in them coming east. You see more rentals, you can usually look at the amount of rentals you see on the road and you can see—of course, with our lovely roads that the Minister of Communications, Works and Infrastructure has provided for us now—people can get east much easier and quicker.

I see them coming east and you know, there is hope that with the “Go East” initiative . . . In fact, Madam Speaker, this is all part of the plan to pull the people from the western end, where we are overloaded and burdened to some extent, to bring them out to experience the other side of the Island and “Things Caymanian”.

Madam Speaker, I think that this Motion is indeed very relevant, very timely, and with that I would like to congratulate my colleague, the Fourth Elected Member for George Town, for bringing it to this honourable House and congratulate the Third Elected Member for George Town, for seconding the Motion. I would also like to plead with our Administration to ensure that this is not just given lip service, but that action is taken on this. If we put this in place as quickly as possible, it will, as I said, enhance our tourism product. It will provide employment opportunities for our locals and it will allow us to showcase our wonderful, wonderful Caymanian culture.

I thank you, Madam Speaker.

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

The Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Thank you very much, Madam Speaker.

Madam Speaker, I rise on behalf of the Government to accept [Private Member's] Motion No. 3 of 2008/09, “Cayman Cultural Tourism Programme”. I wish to commend the Fourth Elected Member for George Town, as well as the seconder of the Motion,

the Third Elected Member for the district of George Town, on bringing this Motion to this honourable House. It is a very good motion and it is a very timely motion. It is timely because within the Department of Tourism . . . In fact, for the first time in the history of the Department of Tourism we now have a dedicated focus on Tourism product development which is essentially what this Motion is about—the tourism product and our culture. Our culture is very much a part of our tourism product.

Madam Speaker, not only do we have now for the first time in the history of the Department of Tourism, a fully staffed product development unit, but we also have a deputy director of Tourism, specifically responsible for this subject.

Madam Speaker, in terms of the Government's strategy in establishing this particular unit within the Department of Tourism, we had to look at what components of the product we would address first, because there are several components to the tourism product. We decided that it was best for us to start with human capital development.

The physical part of the product is important, and I will certainly speak to that as well. But, Madam Speaker, in terms of the human capital development we have established a tourism apprenticeship training programme. I am very pleased to report that the first apprentices will be graduating on the 20<sup>th</sup> of this month, that is, next Saturday. Fifteen tourism apprentices will graduate from that first class.

I am equally pleased to announce that the demand for this programme has significantly increased. Just last week we had the orientation session for the new intake of apprentices, and it was very satisfying to see 34 new apprentices entering the programme.

The Government decided that the programme was so successful and so useful that we would essentially double the budget from 20 apprentices to 40, and that was funded in this year's budget. Having gone through the process, Madam Speaker, we have selected 34 new tourism apprentices that have just started their year of study.

While I am on this subject, and before I move on, I want to take this opportunity to commend the Tourism Apprenticeship Training Council for their hard work on this programme. This Council consists of public and private sector individuals and they spend a tremendous amount of time on this programme. They offer mentoring services to the apprentices. And, of course, the private sector in the third semester of this programme offers employment to the tourism apprentices.

In terms of product development, Madam Speaker, the other part of the product that we have invested and commenced significant work on is the Customer Service Programme. This is a programme that we have named “PRIDE”, which stands for “Personal Responsibility in Delivering Excellence”. This programme is not just another one-off customer ser-

vice programme. This is a very robust and sustained customer service programme that will live with us for many years to come. It involves, not just the training of employees to certain established benchmarks, but there are other components of the programme which involve monitoring and auditing the various agencies and establishments to ensure that they are complying with those benchmarks. Where there is non-compliance, additional training is put in place to correct those issues. Of course, where people exceed expectations, there are opportunities for them to be properly recognised.

Madam Speaker, the missing component all along, and the next phase of the product development is, in fact, on the cultural tourism side. The Motion speaks specifically to this issue and I want to say that this is going to require the collaboration of the Ministries of Tourism and Culture, the Cayman Islands Tourism Association, and the Cayman National Cultural Foundation. I do not have any doubt that all of the agencies I just mentioned will embrace the spirit and intent of the Motion and will move it forward because, as I said, it is timely.

The Minister of Culture and I have already had discussions on this subject and we have essentially worked out the next steps.

Madam Speaker, where we have fallen down on this in the past—and just let me say that people ask the question all the time, *Why is it that when we travel to other regional countries we see a lot more of their culture manifesting itself?* I do not think I am wrong in believing that the reason is that when we look back on our history, the Cayman Islands have developed a lot more rapidly than most of our Caribbean neighbours. In the last 35 to 40 years we have come from the “Islands that Time Forgot” to one of the premier destinations in the Caribbean.

We have not only done that using tourism, we have done it based on two key economic pillars: the tourism industry and the financial services industry. That is what is unique with respect to the Cayman Islands. Not many other Caribbean countries built their economies on those two industries. We know (I know from my own experience) when we were youngsters that our parents essentially pushed us in the direction of the business side of the economy. They preferred if we were working in the financial institutions such as banks, and wearing ties, et cetera. We were not encouraged—as we should have been—to enter the tourism industry.

Madam Speaker, because of that and because of the way financial services developed and because of what it represents, there really was not any demand for the cultural component in the financial services industry. So, here we are at this point.

I am very pleased to say that through programmes like the Tourism Scholarship Programme and the Tourism Apprenticeship Training Programme there is a renewed emphasis on the tourism product and a renewed interest. And I mentioned specifically

the Tourism Apprenticeship Training Programme because when I attended that induction ceremony I mentioned a few minutes ago, Madam Speaker, not only were the new apprentices there—the young Caymanians who are interested in the tourism industry—but more importantly, or as importantly, their parents were there with them to support and encourage them. I was very, very pleased to see that turn in the way that we think about the tourism industry. It certainly bodes well for the future.

Now, Madam Speaker, there are those who will say that because we developed so rapidly over the last 35 to 40 years there is some confusion about Caymanian culture. I am here to say, and I am sure that every Member of this House can say, that we are not confused about our culture. We understand what our culture is. We live it. It is our culture because we practise it. Every time I talk about culture and mention that, I remember some years ago attending a Miss Teen Pageant and one of the contestants doing her talent on stage. Her talent was essentially structured around what it is that she experiences and does as a young Caymanian in this country, and how some people continue to tell her—and she was explaining this on stage—that is not Caymanian culture. And she was making the point that, of course it is Caymanian culture because I am a Caymanian and I am doing it and doing it based on what I know about my country, what I have been told by my parents. So don't tell me it is not Caymanian culture because I am a Caymanian, this is my culture and this is what I do. She made that point, Madam Speaker, very, very clear. I always remember that night when I heard her saying that on stage.

Certainly when we know we have young Caymanians thinking like that, it is good and gives you a very good feeling.

The other thing we did recently which tells us and the country—both residents and visitors alike—that our culture is alive and well, is that when we hosted the annual FCCA (Florida Caribbean Cruise Association) Conference here in this country with some 1,200 delegates, every night during that Conference there was a different cultural show or demonstration by our people in this country.

Madam Speaker, the talent is here. We know the people and we know that we have these people in every district. The missing component over the years is that we have not really, until now, focused on our product. And, as I said, our culture is a very important part of that product. In order for us to ensure that our people are involved and committed to this and that we are able to achieve the objectives that are set out in this Motion we have to put some funding behind it. This requires a lot of investment in terms of time and resources.

It is not possible for individuals to have full-time jobs and also be expected to be at hotel establishments for three and four hours every night. We have to make sure that we put the funding behind this

programme. It would allow individuals to see it not only as a part-time job, but as a career. They can use it to promote not only their culture, feeling proud of 'what it is to be Caymanian' and representing the Cayman Islands, they would understand at the end of the day, at the end of the night when they are finished with their performances, that they do not have any worries about where their salaries are coming from. They would not have to worry about how to support their families or pay their utility bills.

That is the missing component, Madam Speaker, and we as a Government must now, under this focus—this first real focus on our product—be prepared to put the necessary funding behind this programme.

Madam Speaker, I am not going to read the entire Motion, but I am going to read one of the resolve sections because I believe this really is the key component of the Motion. It says: **“AND BE IT FURTHER RESOLVED THAT the Government considers the formation of a core group of cultural performers that will be made available to local tourism establishments on a regular basis.”**

That is the objective. That is what we want to achieve with this Motion. I am saying again that we cannot achieve that unless we are prepared to put the funding behind it, and I know that this Government is committed to doing that.

Madam Speaker, the other thing that we need to consider is when we travel overseas. As you know, I have traveled to many countries on various tourism activities. We can promote our culture not just here at home to the people who visit this country, but we can export that and take it overseas and be proud to put it on display when we go to the various conferences and meetings overseas, just as many Caribbean countries do already. And so in establishing this, I do not believe that it is something we should have strictly focused on performances in our own country, but that we should also understand the value of taking that culture overseas and helping people understand what it is to be Caymanian and what they can experience when they visit our shores.

Madam Speaker, the Third Elected Member for the district of Bodden Town, my colleague, mentioned the “Go East” initiative. This is another important initiative in relation to helping facilitate the objectives that are contained in this Motion. I have said from the time I launched that initiative that the “Go East” initiative was about the development of our people in the eastern districts. It was about giving them the opportunity to showcase their culture and what it means to have that eastern district experience, because it is quite different from the experience that you get on the western end of the Island.

Of course, I have been criticized for the “Go East” initiative because people have said, *‘We don’t see anything happening. We don’t see any hotels going up’*. It’s not about hotels, Madam Speaker. We are not saying ‘no’ to hotels and we are not saying ‘no’ to

condominiums, but what we are saying is that when those developments come into our districts in the east we want them to be developed along the lines of sustainable tourism development. We do not want any skyscrapers in the eastern districts.

It is a complete disconnect with the experience that we have there now. People value that experience and we do not want to do anything in the eastern districts that is going to change that experience. We understand the tranquil nature of the eastern districts. That is something very attractive and we do not want to lose that. So, if people believe—and I do not think many people believe this but I know that some of the detractors do, because we have said very clearly that the initiative is not about the development of hotels all over the eastern districts. It is about the development of our people, as I said.

Madam Speaker, we have taken quite a bit of time to talk about the “Go East” initiative. We have had consultations in North Side, East End and Bodden Town. We have committees established and we are about to merge those three committees to one steering committee for the eastern districts to support the “Go East” initiative. Although we have not made certain decisions yet, as soon as we are back in this House to debate some of the legislation that is outstanding I will table the National Tourism Management Policy which will take us and manage tourism over the next five years.

Importantly, Madam Speaker, appended to that policy will be the formal “Go East” initiative policy. What I believe, and have always believed, is that the “Go East” initiative and the policies that are going to be contained in that document are going to require some changes to legislation, whether that is planning legislation, the Tourism Law or some other form of legislation, or all of the above. I think we are going to have to look at the amendments to some of those policies to ensure that our tourism is developed along the lines of sustainability. That is a concept that we have fully embraced.

Madam Speaker, the mover of the Motion, the Fourth Elected Member for George Town, also put forward some excellent ideas with respect to how we can achieve the objectives under this Motion. He mentioned, as an example, some performances that would be structured around certain seasons, such as, Christmas and Easter and things such as that. I think that is an excellent idea. I think once we get this up and running that is something that should be a key component of the performances that emanate from this new initiative.

Madam Speaker, I do not think that it would be right for me, in addressing this Motion, to not talk about the physical part of the product. I think that the human capital development component of the tourism product is important, but it cannot be viewed and discussed to the exclusion of the physical development part of the product.

I just wanted to mention that, at least briefly, to say that when we talk about the physical tourism product we are talking about everything from our air to our sea ports, to our attractions, hotels, restaurants, and our culinary offerings. Cayman Airways, our National Flag Carrier is a very, very important part of our tourism product. We have to look at all of these components globally and understand how one interacts with the other, and how one affects the other.

You will remember my mentioning in the very early part of my debate, the "PRIDE" programme. I am very pleased to say that Cayman Airways is one of the first agencies to undergo that Customer Service programme. They have not finished the training yet, but Cayman Airways is one of the first government agencies to go through that programme. Of course, there are private sector organisations that have also embraced that.

Madam Speaker, when we talk about our tourism product, cultural performances and the physical part of our product, all of that has to be considered in the context of our environment. We need to protect not just our natural environment but [we need] to ensure that our built environment develops in such a way that it is sustainable, and that the whole concept of not just sustainable tourism development but sustainable development generally is fully embraced by this country.

It is always rather dangerous to mention names because you cannot possibly mention everyone. But, Madam Speaker, we already have people in this country. I know, for example, that the group supporting the cultural activities at the seniors home in Bodden Town meets quite frequently (the Third Elected Member for Bodden Town mentioned this) and they are very, very engaged in this whole concept of embracing our culture. It is very good to see the activities that they have on weekends. It is also very pleasing and satisfying for us to see so many local Caymanians coming out and trying to learn more about the Cayman of yesteryear so that those memories are not lost.

We know who the key people are. We know people who have performed in various ways in plays, comedy shows, and various cultural demonstrations. We can draw them from every district in this country. Those are the people we need to begin to talk to at this point so that they can help us build this programme.

In summary, I will simply say that I again commend the mover and seconder of the Motion. Madam Speaker, the passion with which the mover of the Motion spoke, I understand where his heart is. We understand as Caymanians that we all embrace our culture. We understand our culture, and I thank the mover of the Motion for bringing it. It is a very timely Motion, as I have said, and I look forward to working with him and the other Members of this honourable House and, indeed, the Department of Tourism, the Ministry of Tourism, the Ministry of Culture and the

Cayman Islands Cultural Foundation, and, of course, the many other individuals to progress this initiative.

Madam Speaker, this is very exciting. I am going to close on this note—we have for the first time in the history of the Department of Tourism, had a real focus on tourism product development and enhancements and we cannot go down that road without fully embracing our Caymanian culture.

I thank you, Madam Speaker.

**The Speaker:** Proceedings will be suspended until 1.45 pm.

**Proceedings suspended at 12.25 pm**

**Proceedings resumed at 1.52 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

Debate continues on Private Member's Motion No. 3/08-09. Does any other Member wish to speak?

The Third Elected Member for the district of George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

Madam Speaker, I rise to debate the Private Member's Motion No. 3/08-09, Cayman Cultural Tourism Programme. This whole week we have been talking about the destiny of the Caymanian people. First, we talked about their life's savings in terms of the hurricane. Yesterday we talked about the whole prevention of diseases. And today we are talking about the culture of the Caymanian people resulting in an economic impact.

Madam Speaker, culture is a powerful human tool for survival. I am very glad that the Fourth Elected Member for George Town brought this Motion. If I could reflect for a moment to tell you that when I was a teacher, about 20 years ago, I witnessed where the word "*Caymanian*" could not be said or written even in a document. I remember when we [spoke] about the curriculum and we were talking about Caymanians, we got a lot of opposition from some of the other persons there because we wanted to use the word "*Caymanian*". That was about 20 years ago.

We have come a long way, and this is great. But, if you listen to the talk shows and you can take away all the nay-saying, what they are saying is, '*Look, we have a culture; we want to nation build; we are Caymanians; we want to be identified; we want our culture to be highlighted*'. And that is what they are saying despite some of the nay-saying that will be interspersed in there.

Madam Speaker, we know that culture and tourism are inextricably linked. As a matter of fact, it is like a shoe and a foot or a hand and a glove. Tourism cannot go anywhere without culture development. But the culture that we want to personify today is our own. And if I can also reflect, Madam Speaker, when I was



a young girl—and, of course, I speak with experience since I am the Minister of Dance—the dances of Quadrille, Polka and Cha-cha I think was the dance, Madam Speaker) we exhibited. And I can also reflect that Caymanians showcased their culture through kitchen dances, poetry and stories.

But today it would seem that something has happened. I do not know what it is that has happened, but, like our culture has . . . there is something in terms of highlighting it. And it is not that we do not do a lot in our schools. I mean, I can attest to that. I spent a lot of my lifetime in education where we developed the schools in terms of understanding the culture. But as soon as we become adults it appears as if something happens; something just happens and we do not manifest it.

I will draw a parallel. One of the things you can say about other nationalities [is that] when they come here they crave for their own culture. They crave for their dance. We see every weekend something advertised at the Lions Centre—this play, that performance, whatever. It is because they are so embedded that they want to see it. Well, that is exactly how it must be for us here. That is exactly how it must be for the tourism, for us to subsume the people that come here as visitors and as residents, into our culture. In other words, acculturate them into our culture.

Madam Speaker, you and I went to Fiji. When we had breakfast we were subsumed with their culture. They had poetry, songs, dance, whatever it was. By the time we left there after 10 days we ourselves were humming it. It was [another] language but we understood their dance, their dialect, we heard everything. They ensured that they impinged upon us what their culture was.

This is what the spirit of the Motion is saying. It is saying that what we want to do with the tourists that come here, or the residents that come here, is to expose them to our culture so they will understand where we have come from, what we are, and in so doing, it will impact our economy.

I heard the Honourable Minister speak about it today, and he said that it is going to cost at first, the upfront, yes, in the Ministry of Tourism and perhaps in the Ministry of Education also. But at the end of the day it will pay for itself, Madam Speaker. At the end of the day we would have developed the business people because this is business we are talking about, we are not talking about some little willy-nilly thing; we are talking about developing businesslike people who will organise themselves in the arts to make money from the arts. And this is a different dimension that we are moving forward to.

We are moving into a dimension where our own people can see that their culture can make money for them. I am sure you laugh, Madam Speaker, when we reflect on the different artifacts that the Fijians made in order to make money.

Madam Speaker, when I was a young girl going to school in Jamaica, Saturday was a free day for

us and I liked to go down by the tourist boat in the craft market. Perhaps you yourself may remember that. I would love to hear Sugar Belly. I'm dating myself, but I'm sure the Honourable Minister of Communications would perhaps remember that.

Sugar Belly. I loved to hear him play the music and we would dance. This is in the tourist area where the boats came in, and we would go there not every Saturday and we would enjoy ourselves and eat curried lobster. I do not remember having that in the Cayman Islands (not curried), because curry was foreign to us at that time. We would dance and enjoy ourselves and by four o'clock in the evening, we were back to the college.

Madam Speaker, I also went to Barbados to a place called Plantation, where they had the different exhibitions of dances in the various Caribbean areas. It was all-inclusive. You paid like \$80 which included drinks, food and everything, and you watched the dancers come on, maybe not every country, but I know they had the Rumba, the Cha-cha, whatever, and you learnt — that was in Barbados.

Madam Speaker, when you take a cruise to the Caribbean and go to a tourist area, wherever a tourist area is in the Caribbean it is either music, craft, poetry, or some literary thing. And people make their money from this!

I know that the Caymanian people have talent. Every day in this honourable House in the dining room we have three characters who act out for us. We have our Minister of Communications, who tells us about a lot of the East End heritage; we have the Minister of Education, who dramatizes what happened in the old days; and sometimes we have our own Leader of Government Business, who reflects on what happened in Cayman Brac. So, I know that we have a lot of talent. And this is free for us, which means, Madam Speaker, in this honourable House we too have our own culture. It is free, but at least we are able to laugh and take away from some of the sourness that happens when we are in the well.

Madam Speaker, my colleague, the Fourth Elected Member for George Town, is very passionate about this. He has talked about this. He has developed it, done a lot of research, called people all over the place; put a lot of work into this, brought it to caucus. And here he is. This is the time for it. Nothing happens before time, and it is right because the Caymanian people want their culture to shine. I hear that every day.

We talk about being a Caymanian, but we must not be a Caymanian in some nebulous form. We must understand our traditions, our beliefs, our dance, our songs; we must know our stories, and in doing so we can also make some money off it. In doing what we are doing here, we will be able to block the cultural penetration that is taking place at this moment.

Madam Speaker, if the Cayman Islands, in particular the legislators, do not take a handle on cultural penetration the traditional culture of the Cayman

Islands will be subsumed. You do not want that, although what you want to do is have the layer of the subset of the culture that comes in. Because at the end of the day, Madam Speaker, culture is changing. They bringing their culture, and added to our culture, it changes. We don't mind that. We don't mind taking a bit of other people's culture and mixing it with ours. And it can be better, or much better I would say. But what we don't want to happen is for our culture to be subsumed.

Madam Speaker, I know that the Leader of the Opposition in his jest tries to mock me and call me the Minister of Dance because I like to dance. If I would come again in this lifetime, I would want to be a dancer. But I don't think in my time growing up there was anything for me to be able to do that. But I know myself how I am creative and what I do with my feet and my arms and my head and how I dance, I know I could be a dancer, I know that.

So, Madam Speaker, just like Jamaica has its dance group led by the Honourable Rex Nettleford—and that came from just the same way the Fourth Elected Member wants it to come—and where that makes money now for itself is dancing to the tourists. They go and see it, just like it happens in England, the United States, the Haley Group. It happens in Africa, in India. It happens all over the world where people use their culture to raise funds, to raise money, to extend jobs, to get jobs; to be entrepreneurs, to have businesses, and at the same time to allow the tourists that come to understand the way we were, who we are, and to enjoy our culture and come back.

Madam Speaker, you have just gone to Austria, a European country. I do not know if you have been there before, but you came back all ablaze on the culture of Austria. Notwithstanding, you still like your own culture, but their dances are different. Their dress is different. And you go there and enjoy it. You had to pay for it. It is the same thing here in the Cayman Islands. When the tourists come by boat, by plane, or by whatever means they come, we want them to enjoy our culture, and also pay for it because that is the way it goes. Culture is inextricably linked to Tourism.

Madam Speaker, I know that my colleague, the Fourth Elected Member for George Town, is wise in bringing this Motion at this time. But, Madam Speaker, before I leave I want to say that I believe that this is going to revolutionise the whole culture dimension in the Cayman Islands. When I think of Caymanians who have the talent but they do not have the wherewithal to put it together . . . but the guide is going to come from the Government. And I am sure in another five years' time the Government will sort of move away a little bit so that it takes its own colour, own dimension, and this will be a great phenomenon for us. Our culture will be alive and our Caymanians will be happy, not only that our culture will be alive, but that we will also have an economic impact from it.

Thank you very much, Madam Speaker.

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

The Honourable Minister responsible for Culture.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, I take this opportunity to add my views to what has been said in relation to this important Motion brought by the Fourth Elected Member for George Town, regarding the development of a core group of cultural performers being made available to local tourism establishments, and calling also for the Government to consider working in collaboration with the relevant tourism associations to ensure the sustainability of this programme.

This Motion, Madam Speaker, is being brought, as the Motion says, to ensure that our tourism product is enhanced and that there is greater value placed on and greater development of our culture.

Madam Speaker, the Minister for Tourism spoke at some length about the importance of culture and cultural programmes to the tourism product. I don't propose to go into much detail in that regard. My other colleagues on the Backbench have spoken eloquently about the vibrancy of the Cayman culture and how important it is to us as a people, and how important it has always been to those who come here and truly want to understand what life is like in Cayman for those of us who live here.

The Government has given this Motion very careful consideration. My Ministry has had discussions with the Cayman National Cultural Foundation about what could be done fairly quickly to ensure that we meet the objectives of the Motion. And I am happy to say, Madam Speaker, that we have now devised in broad terms a programme. I am going to go through in some detail the way we see this working. I should also say that, after consultation with the Leader of Government Business, I am proposing to bring the necessary Cabinet paper to Cabinet (in conjunction with the Minister for Tourism) over the course of the next few weeks, to establish this formally as a government policy and to underpin it with the necessary funding required to make this happen.

Madam Speaker, what is contemplated is that the Cayman Islands Government in conjunction with the Cayman National Cultural Foundation and other related entities and individuals will develop a company of Cayman Islands' talent to create a programme of cultural entertainment that combines music, dance, storytelling, and theatre for presentation to the general public, including residents of the Cayman Islands and visitors.

Madam Speaker, it is expected that this will enhance Cayman's tourism product by offering regularly scheduled live entertainment that showcases Cayman's unique and vibrant brand of culture, that it will provide wholesome entertainment for residents

and visitors alike; that these efforts will support learning initiatives aimed at cultural education within the school system and cultural understanding in the corporate sphere. It will also raise the profile within the Cayman Islands, as well as regionally and internationally, of Cayman's history, cultural heritage and arts. It will promote professionalism amongst its members, and by their example, among those desirous of entering the field. Finally, we believe it will provide gainful employment for Caymanians who are qualified for a career in the arts.

Madam Speaker, a bit more detail: The company will comprise, at least initially, 8 to 10 fulltime members (although we are not suggesting that that number could not be increased if there were suitable additional persons willing to become involved), and that this would comprise a number of performers, actors, dancers and musicians. In addition to that, we would need creative and administrative personnel including a stage director, company manager, choreographer, and a stage manager.

The Cultural Foundation has spent quite some time working out how this would actually be structured and staffed. The company would offer ongoing internships for two high school or college students so as to provide additional training for youth who have the requisite interest, discipline and talent in the arts. As the need arises, on a part-time basis the company would co-opt additional personnel in relevant areas, such as instructors of specific disciplines, musicians or dancers.

The programme, as we envision it, will exemplify Cayman's strength in the area of entertainment and promote an appreciation for Caymanian culture and arts in order to give support to Cayman's tourism product with regularly scheduled performances as well as a repertory suitable for presentations at special events. It will give support, we believe, to the educational system by enlivening social studies and other set texts. It will do likewise with the workplace environment, both public and private, by offering cultural awareness training.

Among the production elements being envisioned are folklore and storytelling, fiddling and drumming, Quadrille and Maypole dancing; enacting traditional pastimes such as fishing, kitchen dances and weddings; contemporary Caymanian music and dance such as steel pan, jazz and reggae fusion and lyrical dance, and Batabano-type costumes and spectacle.

What is contemplated, Madam Speaker, is that the programme would be fully implemented within 10 months of final approval by Cabinet. This would allow for advertising for and contracting members who are already qualified, or who demonstrate unmistakable talent in these areas.

There would be an additional eight-month training period for members, involving four two-month long modules that would prepare members to perform the various disciplines and, at the same time, immerse

them in Caymanian cultural heritage and arts. This would give time for the commission and completion of appropriate scripts, choreography and music arrangements that will form the basis of the company's repertoire. [It would] also allow sufficient rehearsal and set and costume construction time in order to premier the company by a target date of the opening of the next tourist season, which is November 2009. This is what we have in mind.

The company would operate under the auspices of Cayman National Cultural Foundation and report, as you would expect, to the Cayman Islands Government.

So, Madam Speaker, as I have said, we have had a careful look at what is being sought in this programme. We believe that the Fourth Elected Member for George Town ought to be highly commended for bringing this Motion to the House, bringing to national attention what is actually a well-known need, a well-known void that has existed in our tourism product for many a year. While others have recognised that need for a long time, Madam Speaker, the reason the void has never been filled is because there has never been the funding to make it happen.

What is going to be required if this is to work, is that we have to have local people come to regard this as part of their work. If not full time work, certainly, a significant part of what they do to earn a living and that they are able to look forward at the end of the month to a regular pay cheque for what they do. Most people do this sort of activity and performance out of love for what they do. And we have never taken the additional step as a country and as a government to say, *What you do is really and truly valued in terms of what you can spend at Foster's*.

And what this Government is doing on the initiative of the Fourth Elected member for George Town and his seconder, the Third Elected Member for George Town, is to say, *We are going to put our money where 'your' [mouths are.]* As I said, for the first time what is being proposed is a programme, a company that is funded by the Cayman Islands Government to ensure that there is continuity, adequate resources allocated to doing a professional job at these various performances.

So, Madam Speaker, I am happy to join with my colleague Minister, the Minister of Tourism, and the other Backbench Members of this House, to support this Motion.

Could I have just a moment, Madam Speaker, before I wind up? [pause]

Madam Speaker, as I said before, this is a very commendable Motion. It is one that demonstrates some vision; one that demonstrates an awareness of what is transpiring—or, indeed, not transpiring in the Cayman society and economy. And the only disappointment I think those of us on this side of the House have is that the Opposition has not indicated their support for this Motion.

Indeed, Madam Speaker, they appear to have deserted this Chamber on this occasion—particularly the Leader of the Opposition, who was former Minister of Tourism and who did nothing about matters such as this. I would have hoped, and I believe my colleagues would have hoped—I know the Fourth Elected Member for George Town, in particular, was looking forward to hearing what he would have said about this Motion of such importance. So, we shall have to press on without the Opposition in this case.

We may have to do that in relation to the constitutional talks as well, but . . .

**The Speaker:** Honourable Minister, could we get back to the Motion before the House?

**Hon. Alden M. McLaughlin:** Yes, Madam Speaker.

**The Speaker:** Thank you.

**Hon. Alden M. McLaughlin:** But, Madam Speaker, this Government has gotten used to knowing that we have to do what has to be done without the support of the Opposition. This is but another sad example of their dereliction of duty.

Madam Speaker, with those remarks I want to offer my support to this Motion and, I believe, we can assure safe passage.

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

If no other Member wishes to speak, does the honourable mover wish to exercise his right of reply?

Fourth Elected Member for the district of George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I only have a few comments to make and to say that I am extremely grateful for the contributions made. I thank the Third Elected Member for George Town for seconding the Motion and for her contribution. I also thank the Third Elected Member for Bodden Town for his passionate contribution.

Madam Speaker, I am a bit overwhelmed, to say the least, by the response from the two Ministers that are connected to this Motion—firstly, that of the Minister of Tourism, who [expressed] his commitment to the Motion; and then to listen to the actual Minister of Culture speak to how he sees this and the fact that he has already gone ahead and had his staff work on proposals to set this Motion in motion . . . Madam Speaker, if there ever was a time since I was elected that I felt like crying, I can tell you it is today!

I will not do that, but I must tell you that the Government's response in recognising the merits of the Motion does evoke a lot of emotion.

Thank you, Madam Speaker.

**The Speaker:** The question is: BE IT NOW THEREFORE RESOLVED THAT the Government in conjunction with the Cayman National Cultural Foundation and other related entities and individuals considers creating a cultural programme suitable for the wholesome entertainment of visitors and residents alike;

AND BE IT FURTHER RESOLVED THAT the Government considers the formation of a core group of cultural performers that will be made available to local tourism establishments on a regular basis;

AND BE IT FURTHER RESOLVED THAT the Government also considers working in collaboration with the relevant tourism associations to ensure the sustainability of this programme.

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

**Ayes.**

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

**Mr. W. Alfonso Wright:** Madam Speaker—

**The Speaker:** Private Member's Motion Number—

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, can we have a division please?

**The Speaker:** Madam Clerk.

#### Division No. 4/08-09

**Ayes: 12**

**Noes: 0**

Hon. Alden M. McLaughlin, Jr.  
 Hon. Anthony S. Eden  
 Hon. V. Arden McLean  
 Hon. Charles E. Clifford  
 Hon. Samuel W. Bulgin  
 Hon. G. Kenneth Jefferson  
 Ms. Lucille D. Seymour  
 Mr. W. Alfonso Wright  
 Mr. Osbourne V. Bodden  
 Hon. W. McKeeva Bush  
 \*Mr. Rolston M. Anglin  
 Mr. Cline A. Glidden, Jr.

**\*Mr. Rolston M. Anglin:** *Present and Aye.*

[inaudible interjections]

**The Speaker:** Honourable Deputy Speaker, would you give the Speaker an opportunity to deal with the division please? Thank you.

**An Hon. Member:** Oooh.

**The Speaker:** Twelve Ayes; No noes.

Private Member's Motion No. 3/08-09 is duly passed.

**Agreed: Private Member's Motion No. 3/08-09 passed.**

**Private Member's Motion No. 4/08-09—Man Power Survey**

**The Speaker:** I recognise the Fourth Elected Member for the District of George Town.

**Mr. W. Alfonso Wright:** I beg to move Private Member's Motion No. 4/08-09, entitled Manpower Survey. The Motion reads:

**WHEREAS the Cayman Islands currently have on record in excess of 25,000 work permits;**

**AND WHEREAS a significant number of qualified Caymanians continue to experience difficulty in finding employment in their area of expertise;**

**AND WHEREAS the office of Employment Relations, the Education Department and the Immigration Department would benefit from access to a register of qualified Caymanians;**

**BE IT THEREFORE RESOLVED THAT the Government considers conducting a Man Power Survey throughout the Cayman Islands and establishing a robust system for the maintenance of the records.**

**The Speaker:** Is there a seconder?

Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Bodden:** Madam Speaker, I beg to second the Motion.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

My very first time out of the blocks as a candidate for the district of George Town, at our very first meeting in the courthouse parking lot, this idea of a manpower survey was a major part of my maiden campaign speech.

This is an idea given to me by Mr. Uriel Scott who spoke to me about the benefits of it and explained how it could work. Right away, it was something that stuck with me and I saw great merit in it.

I spoke to it throughout the campaign and I have mentioned it in this House on a few occasions. I want to say again that this idea is one that we have talked about for quite some time, Madam Speaker. The way I work with things that I want to bring to the Legislative Assembly is that I live it; it becomes a part of me. I weigh the pros and cons for some time until I can get a proper handle on it, because not every idea that comes to mind ends up being one that you should move forward with. A lot of times you do not see the negative side of it, and it is through talking about it on

a regular basis that those things are pointed out to you.

This Government has had many things to focus on. We have had a tremendous amount of fixing to do and not everything could be done at the same time.

We gave schools our number one priority, the education system, there is evidence that we are doing something about that. That took some time for us to get our hands properly around. Roads were another major issue of neglect in this country over the years. Housing was another major issue. Social services, health care, tourism—Madam Speaker, still a topic that we are dealing with. Human capital, Madam Speaker, again, another area of great concern for us.

As we have gone along, we have taken on projects that others only dreamed about but never dared to touch. Many of them gave lip service to our human capital, to schools, roads, housing, but it is only since the PPM Administration took office that we have seen any real work done on all of these topical areas.

Madam Speaker, my idea of a manpower survey is one of extensive research and development of live data. Right now, at the stroke of a pen, the click of a button, anybody can get from the Immigration Department statistics on every foreign worker in this country. It can tell you where they are supposed to be working, what they were employed as (as far as profession), but so far we are not able to adequately pinpoint those exact figures. We are not able to give anyone the same or similar statistics about the Cayman population. We have no legitimate register of our Caymanian human capital, the workforce of our Caymanian people.

I believe it is difficult for us to plan the lives of our people and, indeed, the development of this country, to ensure that the people are receiving the economic benefits of the development of the country. We [need to] put ourselves in a position where we understand the labour dynamics and understand what our people are capable of doing, what they are qualified to do, and make sure that as a Government we assist in making sure that they get placed in those particular areas. We must know how many jobs there are in the various sectors of this community. We must have an idea of what the labour force should be to satisfy that demand. My job here in this Legislative Assembly is a simple one—to improve the lives of my people.

Madam Speaker, in the days of old Caymanians were the powerbrokers, so to speak, in this country. They owned the majority of the land, if not all of it. They had very little debt. We have seen that power shift from our traditional wealthy families to foreign investors. While this country has always been considered a very progressive and developing country, Madam Speaker, the natives, the local people, are not as big a part of the success story as they ought to be.

Foreign investors come, and we are happy for them, extremely happy for them, Madam Speaker. But

we have somehow failed to put the necessary laws or networks in place to ensure that our people share in the wealth, share in the development and continue to own property and be the major owners of businesses in this country. Most of us now work for someone else, not even Caymanian-owned companies.

The economic base is no longer in the hands of Caymanians. The best jobs in this country are not going to Caymanians. The best business opportunities are not going to Caymanians. It is time for us as a nation to pull ourselves up by the bootstraps to ensure that the country we are building will benefit us.

My idea of a manpower survey is . . . I know there is some information held by the Employment Relations Office, but the majority of that information will come from people who go there to register, or to see what they may be able to garner from companies that they speak to. I believe that in order for us to genuinely help ourselves, in order for us to connect the dots and help develop our people and help them to take their rightful place in the workplace, we as a Government need to be a little bit more proactive.

We have talked until we are blue in the face to company HR managers, to managing directors about training in this country, about the importance of making sure that they help to qualify Caymanians to take the place of some of our work permit holders. By and large, some of the companies have taken the initiative. Some should be commended for their efforts. But, for the most part, Madam Speaker, the majority of them have ignored that and continue to force their way through and continue to apply for work permits and develop ways to justify why their businesses are going to fail unless they get another work permit, another work permit, another work permit.

Madam Speaker, I believe that with the proper information in place we can be in a much better position to make sure that the people of this country get the necessary training to be able to fill the jobs, and that we can start this process through our curriculum and career guidance counselors.

Because we have no way of knowing exactly what our labour force is or what our people are capable of doing in the various categories, we do not have much ability to defer or turn down work permits when they come before the Immigration Board. If we knew exactly how many Caymanians were qualified to do the jobs that people continue to apply for work permits for, we would be in a much better situation when making decisions on whether or not to issue a work permit.

Madam Speaker, we know that stories of qualified Caymanians not finding work in their desired field are rampant. We hear these heartrending stories all the time of people who have qualified themselves . . . we keep talking to them about making sure they have the necessary qualifications to fill the positions. Many of them do that, and they are still unable to land the job they are qualified for.

Madam Speaker, what I would like to see happen is once we get to the stage where we can have this survey conducted and we put our database in place, if somebody comes to the Labour Office and registers and says that he is out of a job, and your database now tells you that the person is qualified in a respective area . . . Right now the Labour Office will only have information on whoever comes in to register. That only tells them what that person can do. And some of the companies the Labour Office works with will say that they use 10 mechanics, 3 secretaries, 5 drivers, 10 cleaners, 1 supervisor and 2 accountants and so on. But, what the Labour Office also needs to know is the overall picture of exactly where every Caymanian in this country is placed and what they are capable of.

If we had this database, the Immigration Department would be able to look at this database (that it should have access to along with the Labour Office), and be able to say that for, let us say a work permit application for a carpenter . . . the Immigration Department can easily look in their database right now and see that there are 20 carpenters here on work permits. Neither the Immigration Department nor the Labour Office knows how many qualified Caymanian carpenters there are in the community. Also, they would not know how many of them are out of work unless they registered at the Labour Office.

The other side of this, Madam Speaker, is that if they had that database and we had these 20 carpenters on work permits, and here is another application for another carpenter, this database would be able to tell the Immigration Department that there are 10 Caymanian carpenters who are out of work. The decision would then have to be made as to whether or not this particular application for a carpenter is a specialty carpenter and does not fill the role of any of these other 10 Caymanian carpenters, for instance.

Let us say that the database says there are no Caymanian carpenters out of work. But there may be 10 Caymanian carpenters who are doing other jobs because they could not find work as a carpenter. This database should be able to tell the Immigration Department or the Labour Office where these 10 carpenters are, what they are doing, and make contact with them.

Madam Speaker, in this country we continue to witness an exchange of wealth where money is generated in this country and people are earning good money, but because [we have] expatriate workers the funds are leaving the country. If a qualified carpenter is working in a mechanic shop as a driver because he had to take what was available to him, and he was making \$5 an hour—whereas he could be making \$15 an hour in his area of qualification—these are the things we need to understand about what is happening in the local community.

Our Caymanian people, because of the ad hoc way we have always issued work permits, and because we have no database to depend on, these

individuals who may be side-lined and who have gone into other professions . . . and most people have even forgotten that that person was a qualified carpenter. He will forever be stuck driving taxis or returning people to their jobs when they drop off their cars at a mechanic's shop and so on. He simply had to find something to do, but he is not experiencing his true earning potential. Whereas, the work permit holders are filling those jobs.

The Labour Office is handicapped because they do not know how many Caymanians are out there qualified to do that job. When someone comes to the Labour Office and asks if they have anybody qualified, they say no, and give the exemption letter for the Immigration Department to issue a work permit. As far as they are concerned, they do not have anyone registered. It is only because no one came in to register. Not all people are going to do that.

I am saying, Madam Speaker, that somewhere along the line wed as a country, we as a Government, need to understand what is happening here and try to resolve this matter and look out for our Caymanians. We cannot spoon-feed everyone, Madam Speaker. That's not really what I am saying.

This has gone on for so long that it has become the norm. People do not even fight any more. They do not argue or go with that impetus any more that there really is a job here for them. They simply go to a place and ask if there are any vacancies and they are told "no". But there are people on work permits in those areas that are occupying positions that Caymanians should be able to fill.

The development, the lifestyle of the Caymanian, Madam Speaker, continues to degrade. They continue to have problems with their loans, their mortgages. They have problems financing the simple things in life. They have problems sending their kids to school, buying uniforms, the simplest of things. But there are so many people in this country who are working here and enjoying the things the Caymanian cannot. And it is only because we have not sat down and carved out what is truly Caymanian to make sure that we take part in that.

Madam Speaker, I will never be so naïve as to believe that we can do without foreign labour. As of about 11 o'clock this morning there were 25,688 work permits on record in this country. I understand that we will always have people on work permits. However, what I want to make sure of is that the work permits must be genuinely for positions that Caymanians are not qualified for. The work permits must go to the jobs that Caymanians cannot fill, not the other way around.

We have made it too easy for the work permit regime to continue. It is time that we stood up as a Government, as a nation, and did something about this.

Madam Speaker, the psyche of our people who see all this prosperity around them, is not very good. They understand. They see work going on. They see people prospering, [yet] for some reason or

another they have been unable to break through and find their rightful place.

I have also spoken about the curriculum side of things where we must understand that if . . . and Madam Speaker, I am going to give a few other statistics here that might shock some of us.

In this country right now, there are 696 work permits for accountants. Now, I am saying that obviously these are areas that Caymanians should be encouraged to qualify in because there are jobs available here that people are filling with work permits. So our tertiary education side of things will connect, once we get this database.

Madam Speaker, I have said before that in my mind what I am proposing here is the missing piece of the puzzle because we have done what we had to do. We have started the ball rolling with education. The Minister has placed a tremendous amount of emphasis on training. But we have to connect the labour issues here now.

Our career counselors must be directed to tell our students who may want to be something else . . . and you cannot force people to be what they do not want to be. But career counseling is about directing. It is about advising and opening up options to people. And many times people have been redirected. It makes very little sense, Madam Speaker, to go into a particular area where you already know there is going to be difficulty finding a job. We must make our children aware of where their best opportunities are. So, 696 accountants as of this morning.

Madam Speaker, lawyers, I am not sure about this figure but the number I have here is 275. I guess there are different levels of this, but professional managers: 786.

Quantity surveyors: 7. That is a small number, and one of the professions that I continue to mention because the point I am trying to make is that the higher-paying jobs are the ones that are mostly controlled by expatriate workers. We need to have our people step up. Prepare them to step up to take those positions.

Trainer, nonprofessional (how is this one, Madam Speaker?): 20.

Trainer, professional: 20. I am not sure exactly what they are doing. Are they training our people or are they training the expatriate workers? I do not know.

Air conditioning mechanic: 139. Here is an area, Madam Speaker. We have a lot of industrious people in this country, a lot of people who may not want to go the academic route.

There are really not many of us when you look at other world populations. There are about 55,000 of us. So, if we can qualify 139 of our people to take these 139 jobs that expatriates are holding, that is a major difference. That changes the whole dynamics of this country in something as simple as air conditioning mechanics. It does not take 10 years to qualify for that.

Auto body painter: 17.  
Auto body repairman: 49.  
Bartender: 111.

Earlier on the Minister of Tourism spoke to that (in another Motion). Some parents directing kids away from that area, but there is a tremendous amount of money in the service industry.

Barber: There are 70 work permits for barbers in this country. Now, that's one that we do not even have to go to school for. Madam Speaker, I am just saying that these are all areas where our people can further develop themselves.

Cabinetmaker: a very noble profession, very skilled. There are 37 people on work permits.

Computer technician, there are 43.

In a country where there is usually always a building boom going on, we have 919 work permits in place for carpenters. Nine hundred and nineteen!

Now, Madam Speaker, a simple thing: Cosmetologists: 180 work permits.

Computer programmer: 17.

Now, this may be a small number, but 56 work permits are in place for boat captain. A country that is surrounded by water! A country that prides itself in a seafaring heritage. Boat captain: 56.

Dive instructor/Dive master: 240. We were all born in the sea, literally speaking.

I am using these statistics so that we can all understand where we are going wrong and where we have sold ourselves short in this country over the last couple of decades. I am not going to go the route and blame anybody in particular with this because this is a long time in the making. But I want to say that I am confident that my Government in recognising this situation will be the first to really make a difference to do something about it.

Food and beverage servers: 1,143. There seems to be . . . I guess they put them in different categories.

Another area that we have some of the best in the world is heavy equipment operators: 248 work permits. There are some professions in this country that need to be protected totally for Caymanians where we just do not issue work permits. I believe that there are things we ought to sit down and consider. Boat captain is one that I would like to see reserved for Caymanians.

Dive instructors. We need to qualify our people and make sure they can do the job. The jobs pay well. The expatriates would not come here and stay and make a living for themselves and not want to leave if the jobs were not paying very well.

A simple thing like a truck driver, 130 work permits.

Welder: 93.

Madam Speaker, there is even a job here listed as beach attendant: 44.

Carpenter's helper—

**The Speaker:** Honourable Member, is this a convenient point to take the afternoon break?

Proceedings will be suspended for 15 minutes.

### Proceedings suspended at 3.03 pm

### Proceedings resumed at 3.33 pm

**The Speaker:** Please be seated.

Proceedings are resumed. Continuation of debate on Private Member's Motion No. 4/08-09.

The Fourth Elected Member for the district of George Town continuing his introduction of the Motion.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

As I was saying before, our inability to make sure that our Caymanian population gets their fair share of opportunities also relates to the wellbeing of a nation, of people being able to share in the prosperity because it is all around us. There is always some major project, some new company starting up. There are always signs of prosperity in this country and it is obvious that the country is doing well.

I believe that many of our people are having difficulty making ends meet. It is not that the opportunities are not here, it is just that they are not finding themselves in positions where they can take advantage of those opportunities.

We are speaking to how the HR officers, managing directors and owners of these places do not do enough to make sure that Caymanians are trained in the right way and available to take on the responsibilities with these jobs that make them a better living. It speaks to a [people] who are extremely disappointed in the system that runs their country. The majority of it is centered around their ability to earn an honest day's work.

We hear the talk all the time about Caymanians being lazy and so on, but that is really not true. We do have some, I will admit. There are some Caymanians who are simply not employable. But I believe that is true anywhere you go. We have our fair share. But the majority of our Caymanian people are willing to work.

I have seen too many able-bodied individuals in this country who talk to us, and some of them cry because they want so much to be able to provide for themselves and their families. For one reason or another, they are not able to land a decent job. Some of them will take anything and they cannot get anything. So, the psyche of our people right now is not very high. We are not feeling very good about ourselves, and we need to be able to do something about that, otherwise, this goose that's laying all these golden eggs . . . at some point in time it is all going to fall apart if Caymanians are not able to share in the prosperity that this country is experiencing.



Madam Speaker, I have a little routine. I try to do a little bit of healthy exercise in the morning. One of the ways I ignore the pain in the limbs when I am going through that little routine is . . . Madam Speaker, I do not know if you can hear me, but I talk to you in the mornings. Whatever it is that I have to do in the Legislative Assembly, I rehearse it while I am on the machine. I speak as if I am contributing to a debate or making a speech in this Legislative Assembly. I don't do it when anybody else is at home, Madam Speaker.

[inaudible interjections]

**Mr. W. Alfonso Wright:** I rehearse the things I want to say because I was told during the campaign process, especially by the Honourable Minister of Communications, who . . .

You have to be careful with him, Madam Speaker, because whatever speech you had prepared, if he gets his hand on it you would stand in front of the microphone with nothing because he believes that we should come here without anything prepared. But he learned over time as well, and I needed that time to develop myself as well, Madam Speaker.

I believe I have gotten pretty near to where I can make a coherent contribution from bullet points. That is the way I operate now. I do not come to this podium with a prepared speech. I do not have anything to hand to the reporters when I sit down. But I do rehearse the things that I want to say.

Madam Speaker, I had just finished one day (I think it was Monday), and Susan Watson of Radio Cayman was on the radio. As I stepped off, Susan had a 'thought of the day' that she lends us at times. I was dealing with this particular Motion at the time, and this very point where I was talking about our Caymanians needing to feel good and know that they can take their right place in the community, their right place in the job market and earn the decent salaries so that they can have their nice homes and their nice cars and take proper care of their families and have no worries about sending their kids off to school. As I stepped off, Susan said, "Your thought for today." And it said, "If you don't respect what you have today, how can you value what lies ahead?"

I said, "Oh my, she is speaking to me" because it fit right into the point in my mind where I was at the time that unless we can get our people to a stage where they are proud to be Caymanian, and understand that this country works for them, and they in turn for their country, and that they benefit from it, their outlook on life is bleak.

We need to understand that as a country and work towards making sure that every Caymanian who has ambition, who has a desire to succeed, does so. The opportunities are in this country for them to do so.

Madam Speaker, I want to complete. . . We talked about needing to understand how the numbers work and how the Labour Office, the Immigration Department, and the educational and training side of

things are supposed to come together. We [must be] able to understand that whenever [young people] get to the stage where they are thinking about tertiary education—and many times they have their minds made up about what they think they want to do. Many times they have to be coerced or pointed into a certain direction.

We must be able to understand that if our database tells us that there are 20 mechanics in this country on work permits and there are 40 jobs for mechanics, and only 15 of them are filled by Caymanians, that tells us that there is room for 5 more people to be employed and that we do not have enough mechanics in the country.

Once we understand the dynamics of that, our career counselors should be able to explain to [young people] that this is an area that they could possibly work because we do not have enough; that we have 20 work permits, so this would be a sure area for them if they qualify. There is a job here that they must be able to get as Caymanians, and we must be able to follow that through. When that [young person] qualifies, that job must be waiting. That [young person] must not be forced to go into another profession because room cannot be found for him in the workplace.

I want to also say that I am not just talking private sector here. I am also talking public sector. As a matter of fact, Madam Speaker, I am especially talking to the public sector.

Madam Speaker, we have had too many stories of [young people] going through tertiary education, whether overseas or local, and when they come back home we are in shock. We did not know that we had an architect coming back home. We gave exempted employee status to another architect just last week. Unless someone gets fired, this [young person] has to be placed in some backroom somewhere earning probably half what he was supposed to earn. He is not able to practise the thing he just came out of school able to do.

He sits there and he becomes despondent. He gets by. All of his learning, all the things he was taught in school are for naught. In 5 or 10 years he is still there in some area because he has become so disillusioned by the system that he really does not have much impetus to do something with himself or his life.

That is what I want us to stop. When that application for exempted employee comes before the Board, the information from this database must be made available to whoever makes that decision. They will know that six months from now we will have a Caymanian coming back home who can fill this position, so there is no need to grant the exempted employee application. This is the kind of thing I am talking about, where we understand it from the bottom up.

I also want us to understand that we must find ourselves in a position in this country where we can forecast what our labour needs are going to be. That is done throughout the world scientifically. We must

be able to know by the economic trends in this country whether we are going to need 20 mutual funds officers in the next 10 or 15 years, and start preparing for that. These are the things that, if done right, this database will be able to help us prepare for.

Again, I am not going to be too naïve to believe that this is not going to cost some money. Everything that is good costs money. Most things I should say, not everything. Plain old fashioned love and affection does not cost a penny. Well, maybe eventually it does. But, Madam Speaker, it has to be done right.

I commend the Labour Relations Office because I believe from what I have heard and seen that they have started along the right track. With the right kind of support, I believe that we can get this done in very short order.

I need everybody to understand that this is a battle we all need to fight—every one of us in here. This is key to the economic survival of our people. We cannot allow our people to continue to be second class citizens in their own country.

Maybe natural evolution should have taken care of this, Madam Speaker, but it did not. Being the passive individuals we are, we kind of sat back and allowed things to go on. People understand that right away and they begin to take advantage of us.

It is disheartening to have a Caymanian employee come to you as a legislator, because most of them have nowhere else to turn. So they come to us and tell us their problems. One of the things they usually say before we can say anything to them is that 'You can't make them know I came to you.' But we understand that. And I have seen it happen so many times.

Madam Speaker, when they do come to us, anything that we can do to help them usually makes it worse for them. The majority of the HR officers in this country have set themselves up so that anybody who complains, especially Caymanians, are harassed to death until they eventually leave their place of work. It is usually somebody else, some other expatriate individual that they have in mind to fill the job.

I feel like a criminal at times when they come to me and I have to go through all kinds of positions to find out information about exactly what is going on. You cannot make this feared HR officer know that this person has complained. The way things are now, Madam Speaker, there is nothing you can do about it. There is nothing anybody can do. And these are the things that we have to put in place; these are the things that we have to fix before something really bad happens in these beloved Isles Cayman.

Madam Speaker, I will allow others to make their contributions and I look forward to wrapping up.

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

Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

My good friend, the Fourth Elected Member for George Town, is on a roll today! He has brought two blockbusters to the Floor of the House, I would say on this Friday, 12 September 2008. But I think this Private Member's Motion is even more important in some ways than the earlier one on Cultural Tourism. Everything hinges and rides on the back of this very important Motion and if we can get it *right*, as *Mr. Wright* says (that is, the Fourth Elected Member for George Town). Pardon the pun, Madam Speaker!

Madam Speaker, this Motion is all about ensuring that our local people get a share of the economic miracle, the success story called the Cayman Islands. We campaigned heavily on this, and I am glad that we are finally getting to where these motions and policies are taking shape for us to address some of these very important issues. As the Fourth Elected Member for George Town rightly said, we had a lot on our plates. Not everything could be addressed right up front, but this has been on our minds from the get go.

I too remember the conversations we had with the gentleman the Fourth Elected Member spoke [about] in relation to this very important matter. I was privy to some of those. I remember the Member coming to me and discussing it. Ever since then it has been something that he and I have discussed at every opportunity in caucus or whenever we are just chatting.

Madam Speaker, it is a very, very serious matter. Yes, the Motion is one of those that, if accepted and actioned, will cause additional expenditure on the Government because a survey of this nature is not going to be cheap or easy to do. But, I think that once done it is something we need to refresh every so often. I would say we should look at refreshing it at a maximum of every five years because it will get stale. The labour force changes constantly and people's development changes as well as new people coming into the market and so on and so forth. It will take a serious effort by all concerned to really make this work.

Our people need to understand that they have to find their rightful place in society. Opportunities on the education front will provided, but they have to take those up. Too often we make these opportunities available and we find that others come to this country and jump at the chance quicker than our own people. Our own people have to be prepared to grasp the opportunities given to them.

Immigration will have to work hand in hand with the Labour Office, the Employment Services Department, and before I go any further I would like to pay kudos to that group of individuals who work there, who on a daily basis are constantly trying to place people in the work force. We have some of them here with us today, Madam Speaker. The new director has taken on the challenge with both hands. I know he has

a lot of ideas and he brings a lot to the table because he has been on both sides of the fence.

He knows what it is to be an employer, he knows what it is to be an employee, and he has also been in the financial industry in this country. So, he knows where we are coming from. I know we are increasing the workload of his staff, but I am sure he shares our concerns with this very, very important area.

Madam Speaker, it is disheartening the number of people who say these days that they are having difficulty finding work. Just during the break I got a text [message] and [a lady] is on her way now to my office for assistance. The lady claims she cannot feed her kids. Her mother, this is the grandmother of the kids . . . often times the people who are suffering are older people who are still working day in and day out trying to keep these families afloat. We have a lot of single parents. They get themselves with a number of kids who, often times, have different fathers. The fathers are not doing for the kids and the story goes on and on. The person cannot hold down a job having all of this burden. It is a vicious cycle, and we have to break it. We will have to break it by making hard decisions.

Madam Speaker, this is the reality of what we face. As my colleague mentioned, the amount of individuals in the workforce working below where they should rightly be placed, and often times training permit holders who come into this country on top of them. Training them! And they stay there and suffer at a lower pay scale without benefits, and see these people gallivant, do whatever, and make a lot of money in this country and they are being suppressed. And if they open their mouths, well woe be unto them: they are either out of a job or they are so frustrated that in short order they leave.

I know, because these people come to us. They talk to us. This is not hearsay: this is reality. I worked for a long time in the financial industry myself—20 years—and I saw it. I started photocopying until my eyes were green. I worked my way up until I resigned as a VP. I know what it is, because I encountered it. But I stuck it out until the day I could say, *'bye—I don't need you anymore.'*

How many people get that opportunity, Madam Speaker? How many people? How many people really have the ability to stick it out? Each of us has a different breaking point. Sometimes we hear that people get in trouble because they have been pushed to the limit in the workforce. Yes, at the end of the day they are in court or whatever, and then they are written off as a reprobate or whatever. Often times it is the system that causes people to react the way they do.

Madam Speaker, this is a very, very serious matter we are talking about. I hope the entire House understands that this is not political posturing or grandstanding. This is a serious matter. It will be to the benefit of all to get this right, whichever side of the House we sit on. If, at the end of the day our people

are not properly placed, we will have social discontent in this country.

**The Speaker:** Honourable Member, I think it is the wish of the House to adjourn at this hour. Is this a convenient point for you?

**Mr. Osbourne V. Bodden:** Yes, Madam Speaker.

**The Speaker:** Honourable Leader of Government Business.

## ADJOURNMENT

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

Just to explain to everyone, the plan is to come back on Monday morning to finish this Motion. Then we will adjourn until 6 October to resume this Meeting to deal with the Tobacco Bill and the Immigration (Amendment) Bill.

I accordingly move the adjournment of this honourable Legislative Assembly until Monday at 10 am.

**The Speaker:** The question is that this honourable House do now adjourn until Monday at 10 am. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 4.02 pm the House stood adjourned until 10 am Monday, 15 September 2008.**

**OFFICIAL HANSARD REPORT**  
**MONDAY**  
**15 SEPTEMBER 2008**  
**10.24 AM**  
*Sixth Sitting*

**The Speaker:** I will ask the Honourable Third Official Member responsible for the Portfolio of Finance and Economics to say Prayers.

**PRAYERS**

**Hon. G. Kenneth Jefferson:** Let us pray.

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

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

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

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

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

Proceedings resumed at 10.26 am

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

**The Speaker:** I have no messages or announcements.

**STATEMENTS BY HONOURABLE  
MEMBERS AND MINISTERS  
OF THE CABINET**

**The Speaker:** I have received no notice of statements by Members and Ministers of Cabinet.

**OTHER BUSINESS**

**PRIVATE MEMBERS' MOTIONS**

**Private Member's Motion No. 4/08-09—Manpower  
Survey**

*(Continuation of debate thereon)*

**The Speaker:** The Third Elected Member for Bodden Town continuing his debate.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

Madam Speaker, continuing my debate from Friday afternoon on Private Member's Motion No. 4/08-09, Manpower Survey, as was said on Friday, we have an excess of 25,000 work permits in this country. For a country this size, that is a very significant amount. In fact, it is very close to our resident population.

Madam Speaker, we have to do everything in our power to ensure that we are employing people we need and in the right areas. We all understand the need for foreign labour in this country. We have an economy driven by finance and tourism, the two main pillars, and they do require a lot of imported labour. At the same time, I have always said that we are a small enough country to know exactly what our needs are, and we should be able to project quite accurately where we are trying to get.

I am very concerned that a number of our own people are not gainfully employed for various reasons. There are those out there who are still finding it difficult to get good jobs. I believe that with a resident population of 35,000 in the Cayman Islands (subtracting seniors, young ones and the others who work in the country) it is ideal for those of us who are in the workforce to ensure that everyone who is capable and able to work should be working in the best job an individual can hold. On top of that, we supplement with foreign labour. That is the ideal we should strive for.

The goal for any administration or for the country as a whole should be to ensure that our peo-

ple are reaping the benefits of development in this country and we are not just developing for others.

Madam Speaker, if we could attain that goal, then I have no problem with whatever else is needed in terms of permits to keep the economy going. But I do have a concern when we are constantly increasing the number of permits in the country and we still have some of our own people who are not gainfully employed. As I said, there are a number of reasons. No matter how hard you try, you are going to have some people who are simply unemployable. That is the reality the world over. But we have to ensure that those who can be employed are given the tools, education and whatever retooling, to ensure that they are making a contribution in this country.

The manpower survey we are speaking to in this Motion will allow us to understand our local workforce. As the Fourth Elected Member for George Town said, we have a good handle on what we have here in terms of work permit holders; but we do not have a comprehensive list or database that can show us exactly where our locals are employed.

Madam Speaker, it speaks to being able to tie in our immigration (that is, the work permit side of things) with our educational provisions along with the work related requirements in the economy. It is [of] no use as it is now. It is basically a random thing. A young person comes out of school feeling this is his strength academically or vocationally, and that is the way he goes. There is nothing to say that we really need to channel people in a certain direction because we need more of these.

It may be happening to some extent. But that is what we are speaking to here, Madam Speaker. For instance, there is a worldwide shortage of accountants right now. Everyone knows that. Cayman is no different. We are part of the world, so we have a shortage of accountants here for our industry. That is an area [of work] that we should encourage our young people to go into.

Now, you have to have an aptitude to do anything you are going to take up, so we are not saying that we are going to take someone who is no good at numbers at all and try to make them into an accountant. But those that can, we certainly would like to channel them in that direction.

At the same time, if you have a bunch of people using the same accountant, for example. If you had a surplus of accountants in Cayman you would certainly want to channel the young people away from that area and into vocational areas, doctors or lawyers, other areas that are needed. This is what the manpower survey would do for us. It will highlight areas where we have a shortage and a surplus. We will have a better handle on how to move forward.

At the moment employers, especially large employers, get just about what permits they need. They have business plans (they should) if they have more than 15 employees. But let us not make any bones about it. The employers, especially the large

employers in this country, know how to manipulate the system as it were. They know how to get what they want, and they know how not to push to hire a local if they so desire.

There are people in the large corporations that look out for one another. A lot of them do not look out for Caymanians. Some do, but a lot do not. If they are [of] a certain nationality, they look out for their own. That is no secret, Madam Speaker. We get the complaints all the time. We know what's happening. Therefore, these employers continue to get permits at will. They do not make the extra effort to invest in the Caymanian who many times ends up having to train that same employee brought in from another country, and continue to work under them. The expatriate worker reaps the benefits and eventually frustrates the Caymanian out of a job.

Madam Speaker, this is not an area to be taken lightly. It is a very serious time in our development, a serious time for our people. We have a lot of people who are hurting out there, who feel that they are being forced to be second best, or take second best. We need to ensure that our people are placed where their skills are best served [so they] can reap the maximum economic reward for their hard work.

We have a lot of hardworking Caymanians who take a lot of stick. People often say they do not want to work or they are lazy. We have Caymanians who are holding three jobs and still have a family at home to worry about trying to make ends meet. That could well be because in the first place they are not in the right job, which would pay them a greater reward for their services and maybe the need would not be there to have to work two or three jobs. It speaks to the whole social development of the country and the social impact on families. When parents are out there and [children] are left in the care of helpers or relatives, whatever, then the children in the family certainly suffer because of the lack of parental guidance.

That is a whole other side of it, but it is a spin off of what we are talking about here in terms of ensuring that we have our people getting the best out of the workforce that they can.

The other thing we hear too often are the complaints of returning graduates—some with first degrees, some with Masters, Doctorates and some who are doctors. They continue to not get the type of employment they deserve or were promised. There are doctors who have qualified for this country and have gone to work in other countries because they just could not get their foot into the system when they came back here. You have to wonder about that because, certainly, we do not have any great surplus of local doctors.

There has to be something that is not quite right when you see things like that. Those are telltale signs that things are not the way they should be.

Madam Speaker, as I was speaking earlier to larger employers knowing how to manipulate the system, one can check with the employment services.

They can say first hand where they have examples of employers who send out hundreds of referrals for job applications and, at the end of the day, a handful are hired. If you are sending hundreds and a handful are hired, do not tell me that there cannot be a better success ratio in that. Something has to be wrong. That is an example of what I was talking about with larger employers knowing how to manipulate the system in keeping the type of staff that they want and prefer, rather than the local worker.

I am not sure, because as a small employer myself, I certainly wish that I had a full Caymanian workforce. I do not enjoy working with immigration on work permits. I do not know the thought process these employers have, but if I had all of my people working and I did not have to deal with immigration on a work permit, I would be a very, very happy man. Because when you have to deal with that, it is a whole other issue. It speaks to the people in the position who, as I said before, are basically looking out for one another and not for the best interest of our local people.

Madam Speaker, I do not want to go on and on with this. I think the point on the importance of having this survey completed has been made quite clearly by the mover of the Motion. For the first time, it will give us a real handle on what we have in terms of our local workforce as to where and how they are placed. Certainly, it will allow all of our educational components—schools, college, and career advisors—to be able to channel students from an early age into areas we really need them to focus on. It certainly will give the Departments, Employment Services and Immigration, a handle on where they can place their efforts and where restrictions can be put in place.

Madam Speaker, we may not be far off from the point where, for instance with certain permits, we may have to say enough is enough for the time being. Let's find people within to do these jobs.

Last week, or the week before, I read that Spain (I think it was) actually said no more foreign labour. They felt that they needed to utilise what they had there at the time because they had so many of their own people out of work. We do not want to reach that point. We want to ensure that we deal with this sensibly from the beginning. As I said, we may have one or two segments that we can look at, and there may be other areas (who knows?) where proper analysis can be done and we can say no more permits in those areas for the time being, a moratorium or whatever.

Sometimes you have to force people to do what you want them to do because if you leave it up to their own volition, no matter how many immigration restrictions there are, they keep finding ways and means of jumping through the hoops, over the hurdles, and getting what they want in their various businesses. This is the truth, Madam Speaker. I am not making this up. This is the reality of what we are facing.

As I said, I do not want to make anyone believe that we are anti-foreign labour or expatriate because nothing could be further from the truth. But we have to ensure that our locals are properly utilised in our workforce—that those who are willing and able, those who are trained properly are put in the right jobs and those who need re-tooling [will be] moved to other areas. Again, it all has to work together as one smooth unit, otherwise we are throwing darts in the dark and we are not sure exactly who is going to get stuck.

Madam Speaker, having said that, I would like to conclude my debate and once again give kudos to my colleague, the Fourth Elected Member for George Town, for bringing another very important Private Member's Motion. This is one deserving serious consideration by all agencies and those involved to make sure that at the end of the day we have a proper assessment done. I would also like to thank the Member for allowing me to second this Motion because I certainly feel as strongly as he does [about] the need for such a survey in this country.

Madam Speaker, I thank you.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] If no other Member wishes . . .

The Third Elected Member for the district of George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

I rise to support the Motion brought by the Fourth Elected Member for George Town on the manpower survey, and to give my brief comments on the rationale for the Motion which he has presented to the House today.

Madam Speaker, for the past week and a half every motion brought in this House, whether by the Opposition or the Government, has been to enable the people of the Cayman Islands in some way or the other. Today we bring a motion on the whole development of human capital. Nothing happens before its time. And this is perhaps the best time for us to look at manpower planning, because in the last six years a lot of things have been done to our population.

We have increased our population by thousands. I do not believe we have done much of a scientific study to have empirical evidence to say how our own Caymanians, who were either born here or have acquired status, are distributed in the labour market. And whether or not they are round pegs in square holes and have the skill set to manage the labour that we are surveying.

Madam Speaker, it is the duty of any Government in a legislature to look at the destiny of its people. At this time that is exactly what the Motion is trying to do. The Motion is trying to ascertain whether or not Caymanians are benefiting from this economic miracle that has been beset upon us for the past 30

years. That's a long time, Madam Speaker; yet it is a short time.

In our hustle and bustle to build this country from a financial perspective, I believe that we were not able to put the manpower in place. As a result, we have an issue with 25,000 work permits. Notwithstanding, we do need persons to work for us. Our economy is based on that to get more labour. But, Madam Speaker, what we need is to ensure that the population we have here is fit into the high skill sets where they can accrue an economic base and they eat of the fat of the land and are happy. And this is the Island that everybody wishes to come to because everybody wants to be happy.

Madam Speaker, you yourself go to the bank on a Friday. And I do that myself many, many times. When I go into the banks—and anybody can do this on a Friday—in particular the larger ones, they are inundated with people who are going to cash cheques or receive money. And I will bet you (although I am not a betting person, as such) that the majority of those persons in those banks are work permit holders.

Madam Speaker, may I be excused a moment?

[pause]

**Ms. Lucille D. Seymour:** Madam Speaker, my own assessment tells me something. It tells me that a lot of people are working and making money here. But, without trying to be crass or anything like that, if you follow those same people, you will see them go to various MoneyGram operations because they have their families that they have to look after and they send their remittance over to their family. And that is one happy family on a Friday evening.

But, Madam Speaker, let us look at the locals to see whether they are happy on a Friday evening, whether they are placed in those artisan jobs. They have the skill set and they can make that kind of money. I have stood behind persons who are dressed in ordinary work clothes. I have stood behind them in the bank and I have seen the teller count out—we call the orange money \$100 bills, right? I have sometimes seen 15, sometimes 20 counted out to ordinary people, young men, younger than me.

They laugh, they fold their money and put it in their pockets and off they go to send it to their family. And that's good, Madam Speaker. But, at the same time, you want that same feeling distributed amongst all the people in this country on Friday evenings, particularly those who work in the labour force for them to be happy so they can go home, feed their families, send their children to school and if they want to send them to a private school they have the wherewithal to do it, and give them enough money to live.

Over the years that position has been imbalanced, so to speak. I believe this Motion, brought by the Fourth Elected Member for George Town, wants us to look at that in a way to ensure that there is bal-

ance, equity, and justice in terms of distribution of labour when it comes to the Caymanian vis a vis the work permit holder.

Can we have a blame game for that, Madam Speaker? Perhaps not. Perhaps we can stand here and say that others should have done it. Maybe in the thrust of trying to do so much for this country in such a short time that was forgotten. But this Government in its whole preparation to move as a Government of the Cayman Islands had people first. It started with education. If we want our people to be in the higher skill sets, we have to start with education. That's a long time, you know. That does not come over night. But we have seen the revolution in the education system and the transformation, as the Minister would say, of the education system.

As a matter of fact, Madam Speaker, quite recently the Minister issued a statement about extending the education of our young people in this country so that instead of them leaving at the age of 15 or 16, where they have very little skill set, they will be given that extra year. That is an important part of manpower survey, you know. Because in all of this you will find who is highly skilled, who is semi-skilled and who is not skilled.

Part of his statement was to ensure that when young people leave high school they do not just go out into the world of work, they go to different areas of education. If there was a fault in this country, and I stand here today and say it is because we allowed our entrance level to be too low to work. And [the reason] I say that, Madam Speaker, is . . . what is a 15 year old doing going to work in a bank? Or a 16 or 17 year old? When we put them in there we are, in a sense, keeping them from moving forward.

But, Madam Speaker, people may say when they hear this that I am not fair. I think I am fair. If years ago we had looked at the entrance level of our people going into the financial industry, in particular, we would not be in this situation today. We have some brilliant people in the financial industry. But do you know what, Madam Speaker? They are not qualified with the papers. They are smart! Very intelligent people! They are running the show, but they do not have that piece of paper. And if I get the intent of the Motion from my colleague, the Fourth Elected Member for George Town, it intends to do that.

I know the Opposition might get up and say, well, you had four years to do so. But, Madam Speaker, four years is a short time to what has happened in thirty years. Four years is a short time. This Government would need at least another three terms in order to ameliorate and remedy the situation that faces us. The Fourth Elected Member for George Town cited labour! The number of persons who . . . let's take for example, carpenters.

Madam Speaker, you come from a family of carpenters. A lot of the people who sit in this House come from a family of carpenters. Yet, do we have a master carpenter in the Cayman Islands? Who is the

master carpenter? Who is the master plumber? And who is the master electrician in the Cayman Islands? It is certainly not a Caymanian. At least [not] a Caymanian who was born here.

Those are the issues, and that is why we need a survey to see where our people are. Also, in particular over the last six years, we have extended the Caymanian population. We have to include those people. We certainly have to. We cannot go around and say we are not going to look at those and see what their skill sets are and whether they are round pegs in square holes. We have to. This has to be an inclusive thing.

We must have (and I stand to be corrected here) given over 6,000, 7,000 Caymanian Status in the past six or seven years, Madam Speaker. Maybe more than that. And do we know what they do? Do we know their skill sets? Do we know whether they are in the right jobs? Do we know whether they are accruing the benefit of the economic miracle?

Let us go to our own Caymanians that we meet on a daily basis (let's take a carpenter) who say, *'You know, they want to pay me \$5.00 or \$6.00 less than what I am worth.'* Now, I am not a carpenter, but I know it is a noble profession. I know it should make good money. I know that. But, Madam Speaker, some years ago we allowed . . . and this is not digressing, but I want to show you something. Some years ago in the construction boom, we allowed people to debate on what our carpenters were worth. What our construction people were worth. I think it was during the building of the Ritz Carlton. I stand to be corrected, and I am sure somebody will come behind and perhaps correct me. We allowed that imbalance there and we have not really recovered from it, you know, Madam Speaker.

You know how Caymanians are. We are very proud people. So, imagine you have taken my job and you have brought it down to the level, taking off three-quarters of it. And what did some people do? They went off into different things. And they left their lovely occupation that they used to make money from. They built their homes, their families, and it was denigrated to a lower level.

Madam Speaker, we have to do the manpower survey. This may sound funny when I say this, but we have to do it to avoid brain drain. I would venture to say that if we do not do something in terms of this now, that the people who are qualified, the Caymanians who are qualified and cannot fit into this economic miracle that we have, are going to leave. Perhaps they are leaving now. We cannot afford that. We have too few as it is. We cannot afford our people leaving. That is what we call brain drain—the indigenous people leaving their own country to go elsewhere to find work.

So, we have to ensure . . . and, Madam Speaker, the time is now. And it works. I feel sorry, sometimes for the Minister of Education because so much is entrusted upon him in terms of re-engineering

this country to an educated country where we can eat of the fat of the land. I feel sorry for him. He has a big job ahead of him. But, I dare say he has done it well, and he has big shoulders also to carry it with.

I know that the nay-sayers may say that we are spending far too much on our schools. Madam Speaker, you know I was in education. When people tell me—me, in particular—that we are spending far too much on our schools, Madam Speaker, if I were a Cassius Clay or even the Minister of Communications, Madam Speaker, do you know what I would do? I [would] look at them. These are supposed to be intelligent people. "You're spending too much money on schools." I'd say, "You know, we are about development of human capital."

Madam Speaker, the Government decided that we had to look at high school education and change it. But at the same time we have also changed the primary because this year we have changed the curriculum of our primary schools so that our children can be working in the same curriculum as anyone international. So we will build up to our high school system. I would venture to say that in another 10 or 15 years we will see the results of this.

Education is not an overnight thing, you know. You do not just become Euclid over night. Education is something you build on. I think the Government has done the right thing in terms of looking at education first, which is a part of human capital development, but now we are going to look at bodies.

We also have to look at the manpower planning because the Cayman Islands is kind of an ageing population. This year and for the next six years we are going to have a lot of people retiring. So, we have to have a great succession plan. How can you do a great succession plan . . . and this is not just for the private sector, this is also for the public sector, to ensure that no one is waiting on dead men's shoes. No one, no young person waits on dead men's shoes. We are preparing them so they can have their rightful place in the ascendancy of their work.

This is important, and I hope that the manpower planning will not just be extended to the private sector but [that] we will also look at everything; how it works in the public sector as well.

Madam Speaker, in my final point, the whole question of the manpower planning survey is to ensure that each one of our Caymanians gets a good slice of the cake; that each one of them gets a part of this economic miracle. There is loads of money in this country. It is coming in daily.

If you want to know how much money is in this country, simply put, if we ever have a brush of anything called a hurricane coming, you know . . . and I will tell you something, Madam Speaker. They do not take cheques in the supermarket. And not everybody has a credit card or a debit card. It is pure unadulterated cash. Therefore, somewhere our people find that money. I do not know where it comes from. Maybe



because we are so blessed it comes falling, like manna, from heaven.

Madam Speaker, we want to ensure that what we call the indigenous Caymanian is highly skilled, can carry his own to compete with any outsider that comes in for a job so that in the long run it is not just about "I'm a Caymanian" it is about "I am a *qualified* Caymanian. I have the skill sets, I can handle this job." And you get it. At the end of the day our economic base within the middle class will be higher so that there is space for those who have fallen at the bottom of the ladder to rise up.

Thank you, Madam Speaker.

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

The Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

I rise first to commend the Fourth Elected Member for George Town for bringing another motion of substance, another motion that causes us all to focus and concentrate on an area that has always been an issue in this country, at least for as long as I can recall.

In many ways we are a very unique jurisdiction in that we almost always had, since I have been around, more jobs than local people to do them. At the same time, perhaps because of that, we have always had tensions, concerns, and even resentment over the fact that while there is this profusion of jobs, there is always a certain percentage of local people who cannot seem to get a job. Or many, while employed, are not employed as they would like and they feel they are qualified to be.

Then, there is the other issue of upward mobility for those who are employed, particularly in more skilled or professional jobs.

We have struggled, and we continue to struggle to deal with this complex set of issues. We try to resolve it principally through immigration controls and work permit controls. I dare say at best we have had a sort of mixed result in that regard. On the one hand, we have, and we continue to have, those in the country who would rather there were no immigration controls at all, and who bleat and mourn about the requirement that they have to satisfy a Caymanian board that there is a need for the particular work permit for which they have applied. Perhaps it is not weekly any more, but I think I can safely say that no month passes that there is not some complaint in some media about difficulty in getting work permits or complaints about attitudes to work permits. And there's always the complaint about the rollover policy.

Madam Speaker, I believe it will always be a difficult exercise to balance the various interests that are involved in this area—the interest of the employer

to obtain the best possible employee skill set, attitude and all of the things that make up a good employee, at the lowest possible price. Also, the desire on the part of the employee for work, the willingness, certainly at the middle and lower levels of the employment hierarchy, of expatriate employees to work for less than Caymanians are willing to. And they do so, obviously, because of the fact that they are expatriate. They have migrated because they want to better themselves, and they find their lot in the Cayman Islands—even at salaries below that which Caymanians are willing to work for—still better than where they came from.

And they are prepared in many instances to live in conditions which most Caymanians would find unacceptable, living three and four to a room, sharing communal facilities—kitchens, bathrooms, and the like—eating communally, cooking as one family, one group, doing whatever they can to lower their overall living costs, which are significant in these Islands. We have those kinds of strains, as I said, at the lower and middle order.

Then at the upper echelon of the employment chain, we have on the part of many employers a willingness, a desire, an attraction to employ the sort of people with whom they are familiar, that come from the countries and jurisdictions from which the upper management of these organisations originate. The reality, even 40 years down the road since the financial services industry actually commenced in these Islands, [is that] the big businesses, big firms, and big organisations are still largely controlled by persons who come from somewhere other than the Cayman Islands. I am not speculating in this instance or basing what I say on what other people have told me. I did not spend 20-plus years there not to understand that particular culture.

Then, Madam Speaker, we have on our part, from the downside in many instances, unreasonable expectations on the part of many of our people in the desire to reach the top in very short order. And, in some cases, an unwillingness to put in the time, develop the experience and develop the work ethic necessary to obtain in the first place so as to hold on to those top positions in business, law firms, accounting firms, banks and trust companies and the like. So, all of these factors are operating in this little place that make tension in the workplace, tension in the economy inevitable. And Government, whoever the Government happens to be, is the one that is expected to make everything right.

It is a difficult, and perhaps an impossible exercise. Over the years every government that has been and every board—protection board, immigration board, work permit board, or business and staffing plan board—that has existed, has always come under major criticism for its immigration policy, for its work permit and, consequently, its labour policy in trying to find ways to deal with these issues.

We must—and every government that has been has recognised this—create, support, and encourage an environment for businesses to flourish, for the economy to expand. And that necessarily requires an assurance to employers that they are going to be able to get the skills set that they need to build their businesses.

And then, Madam Speaker, there is the need to assure our own people that their interests are being looked after, that employers are not going to be able to push them to one side and say, *Yes, that's fine. You may have all of these qualifications and experience, but there are people whom I can get to work for me who will work for significantly less than you are willing to earn.*

That is one of the major shifts that occurred in recent years. The competition did not use to be about how much people were prepared to work for; it used to be about other things—prejudices based on other things. But increasingly we are hearing and seeing that that is a major factor; that is, how much the expat employee is prepared to work for. Not so much at the upper echelons but, certainly, at the middle and lower echelons. It is starting to become a factor even at the upper echelons in the mid-management areas of business in Cayman. I am hearing more often now than I once did, that there are people prepared to come and work as middle managers, people who are prepared to come and work as sort of basic accountants who are prepared to work for less than we thought the market used to bear.

Again, Madam Speaker, this in itself is not an easy issue to resolve either, because the businessman will say to you, *If I can get labour more cheaply, why is that an issue? The cheaper I can get labour, the more I can keep my prices down.* And everybody talks about the cost of living and the cost of services in the Cayman Islands. Again, there is this very difficult area to resolve because the Caymanian will say, *But I can't live in Cayman at that salary you are proposing to pay.* But if you pay the Caymanian what the market used to bear, or what he says he needs to live, that then increases the operational cost of the particular business involved and reduces the bottom line for that particular business.

All of these factors have to be taken into account when one tries to address this complex area. It is not an easy exercise. Whatever you do, it is going to involve criticism or dissatisfaction from one quarter or the other.

Madam Speaker, I have said for now nigh on to three years that we must make some amendments to our present employment legislation. Over the course of the past few months, in particular, I have met with some of the stakeholders to talk to them about labour and employment issues. These discussions were to try to reach some middle ground to bring some sense of equity and, hopefully, satisfaction to some areas of the economy and some particular industries perceived as being dominated by the expa-

triate workforce because of salaries, working conditions and so forth.

Today I will not go into the exercise of calling the names of various associations, but that will come. I have to say that I have been less than happy with some of the responses to some of the issues. It seems that just about everybody is reasonably happy with the introduction of a minimum wage because the minimum wage this Government contemplates is just that, the minimum salary, the minimum hourly rate for which any person can be lawfully employed in these Islands. The reality is that that is not going to be a huge sum. By and large, it is not going to be a factor in most areas of the economy because most would be paying above any such minimum wage. It seems like we will have general support for that.

Some of the critical areas I believe must be dealt with absolutely to address many of the issues the mover of this Motion, the seconder and the Third Elected Member for George Town raised are areas that apply to the conditions of service. This is not unique to the Cayman Islands. In many instances, expat workers, particularly at the lower end, but not entirely so, are willing to work in conditions and work for longer hours than the local people are prepared to do. Where this creates particular aggravation is where it is principally expatriate workers who work longer than the standard workweek of 45 hours at straight salary or wage.

They get (or in some cases do not) what's called an overtime waiver that allows the employer to continue paying them at their standard hourly rate for hours well in excess of the 45 hour workweek.

Of course, employers will say to you, *Well, the employee wants to work. I need the work done. I'm getting the work done for whoever it is I am doing the work for, so they are happy. My client, my customer is happy, so where is the issue?*

Well, the issue is, Madam Speaker, the expat workers, by and large, do not have family strains, family obligations and responsibilities in the majority of instances that local people do. So it is really not that great of a sacrifice for them to continue to work 60, 65, 70 hours in the week. It just means that there is less time to hang out at O Bar, or wherever the in-place is at that moment.

But if our local people are going to work overtime, and quite rightly so, they feel that they ought to be paid overtime at overtime rates. So, you find in many instances, particularly in relation to the supermarkets and in some instances construction, that Caymanians do not work or, if they work, they do not get the overtime because they are not prepared to work the overtime at the standard wage.

This creates issues and resentment. Sometimes it causes, if not loss of employment, unemployment because, particularly at lower levels, the Caymanians will not work in many instances for standard rates doing more than the 45 hours normally required. That has been a consistent complaint we have re-

ceived. As consistent as that complaint is, we have an equally consistent position taken by many employers—a real resistance to paying overtime rates over and above the standard 45-hour workweek.

So, Madam Speaker, that is one of the areas I am still focusing on. I have a few more meetings. I have another one with the Chamber of Commerce, and one with the Contractor's Association coming up very shortly. I am still determined for us to address some of these aggravating issues (as I call them), which help create some of the underlying tension and some of the employment issues that have been spoken about by my colleagues in this matter.

I have been around long enough to understand that we will never get the perfect situation where everybody is happy. And unless we ensure that local people feel they are treated fairly, have opportunities, that when they finish work at the end of a work period what they take home is sufficient to be able to support their families and live a decent life, this country is going to have major, major problems.

There have always been tensions, and over the years these tensions have increased. Madam Speaker, I know there is a constituency out there who thinks the rollover policy, the limited term permit policy, is a bad idea—although, all evidence seems to indicate otherwise. I will say this, Madam Speaker, and this is not the time to go into any long debate about the benefits or otherwise of the rollover policy. But it will be a brave government—in fact, the government who decides they only want one term—who will remove the rollover policy. What the rollover policy actually does from a positive standpoint, which I think is often overlooked, is that it has helped to lessen the tension and the concern of Caymanians. I am not saying there is not still real tension and concern. We hear it all the time. But we who have been around, know that it has been much worse.

What Caymanians fear most is a loss of control of this country. One of the major objectives—in fact the major objective to the rollover policy—was not to reduce the number of employees here. And we have seen from the evidence that, in fact, it has not had that effect, that in fact work permits have increased appreciably every year since the policy was first introduced in 2004. We are now at 25,000. We were at about 16,000 when the policy was introduced. The nay-sayers said it was going to create an environment where people did not want to come to the Cayman Islands to work. That has not happened. And those of us who were involved in its development and introduction did not believe that would be the case.

So, it was not about trying to stop the growth of businesses and the growth of immigrant labour; it was about reducing the number of persons who qualified to be able to stay here long term and get added to our permanent population base. Not to shut them out entirely—which it has not—through the key employee process those who get through the gate to year eight are almost guaranteed permanent residence and

then, in due course, on to getting British Overseas Territory citizenship and ultimately Caymanian Status.

That is a deliberate process developed so that the number of people allowed to stay long term was reduced. Therefore, there would be less worry about the number of persons who got Caymanian status, which I perceive is the case. And never again would we wind up in a situation where we had thousands of people here for 10 or 15 years with no form of tenure whatsoever. And the pressures would build, as they have in the past, where something radical would be done, such as what the last government wound up doing—granting roughly 3,000 persons status in one fell swoop.

The rollover policy prevents the likelihood of that sort of thing happening, because it is a process (while not terribly popular in some quarters) that is reasonably predictable. People know that after year seven they are going to move on unless they have key employee status. If they get beyond that point, they are virtually guaranteed to be able to stay as long as they wish if they are good citizens and so forth.

Madam Speaker, I point these out as areas where different governments . . . because the rollover policy was actually introduced under the UDP Government—but with the support of this Government—and we have continued it. I should say, we've taken the licks for it as well! So be it. There is at least one Member on the other side, the Second Elected Member for West Bay, who I know firmly supports the rollover policy still.

Madam Speaker, coming back to this particular issue about how we resolve these labour issues: For as long as I can recall, before I had any designs on being in this honourable House, I said that we as a people, and Cayman as a nation, were going to be in big trouble unless we found ways to broaden opportunities for more and more of our own people to take advantage of the tremendous possibilities available in a jurisdiction like Cayman, unlike most places in the world. The harmony that exists and, despite the issues I have spoken about, the continued relative friendly nature of our people and willingness to accept others from elsewhere is going to slowly disappear. We cannot expect people to stand quietly by and continue to smile if they see people coming from elsewhere to their country and in relatively short order living in nice homes, driving nice cars, holding down all the best jobs, and the local people generally do not have those opportunities.

So, aside from the sort of immigration controls, legislation and so forth, we have to ensure that our people in this country have every opportunity, every facility, every possibility to obtain the best possible education, the best skill sets available to make them marketable and attractive to those who do business in these Islands.

You see, Madam Speaker, we can develop as much legislation, as many policies as we want, but the reality of the workplace, the reality of the economy—

and Cayman is part of a global economy these days, certainly—is that they want the best. Some places have done all sorts of things that may be regarded as crazy things to ensure that their local people are employed, even when they do not have the wherewithal to do the job. I am not going to name any countries, because I do not want to get into trouble. But we have seen that in some places employers are prepared—because the numbers are relatively small—to make accommodations and pay local people, even though they do not have the various skills and abilities to do the job, just to keep them and the government quiet.

That is not what I and my Government advocate. What we are seeking to do with the vision we have and the plans we developed which are being implemented is to aim at giving local people in these Islands the best education that we can possibly afford and the best skill sets. Therefore, the best possible opportunity of employment at the upper echelon of whatever their particular discipline or interest is. Therein, I believe, lays at least a partial answer to many issues we have.

We will never, never, Madam Speaker—and if we dreamed that we can do it in Cayman, then dream on because it has never been done anywhere else. We will never ever rid the country of the prejudices and the attitudes that come with being human. Because that's what it is. It is not unique to Cayman. People come with their own preconceived ideas and notions about people from elsewhere. It has been since time began, certainly, since humankind has been around. We all have to find some reason why we are better than other people, or why other people are less than we are. If it is not nationality, it is colour. If it is not colour, it is religion. If it is not religion, then it is language. It's something. That is just how humans are unfortunately.

Madam Speaker, we have to get to a point where no one can objectively look at the education, the qualifications, the abilities of a Caymanian worker and say that they are any less than they are anywhere else in the world, and that they are as good as they are anywhere else in the world. Not everybody is going to be a rocket scientist or a cardiac surgeon. And I am not suggesting that. But our education system must give everyone the basics to be able to realise his or her potential at whatever their particular interest, discipline or vocation is.

We have to have an education system which encourages, which sets expectations for every one of the people who come through it, that does not discard them simply because they are not “academically inclined”, that values all different types of abilities and intelligences. That is what we have been driving at ever since this Government was elected, ever since I took this office.

I have taken my share of licks, and I will take some more—particularly from the Leader of the Opposition who does not believe in this particular approach to education, who does not believe that educa-

tion is the most important area, and that it deserves the priority this Government is giving. But that is in large part what distinguishes this Government from the last.

**The Speaker:** Honourable Minister, is this a convenient place to take the morning break, or are you going to wind up shortly?

**Hon. Alden M. McLaughlin, Jr.:** Not any time soon, Madam Speaker.

**The Speaker:** Proceedings will be suspended for 15 minutes.

**Proceedings suspended at 11.46 am**

**Proceedings resumed at 12.11 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

Honourable Minister of Education continuing his debate on Private Member's Motion No. 4/08-09.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

When we took the suspension, I was talking about the critical importance of providing to all our people—but particularly the young people—the best possible opportunities, environment and facilities to allow them to achieve their full potential in our education and training system thereby allowing them to have the basics on which to build successful careers.

Madam Speaker, I said that this was a key component in ensuring that all of our people are able to make the best of the tremendous opportunities these Islands and this economy present. I also spoke about how important that is to societal harmony and the sense of welcoming, which we as a people in these Islands have always provided to those who come to live here, work, do business and to invest.

Over the course of the past few years and going forward over the course of the next couple of years, that is, over five years, this Government would have invested the best part of \$200 million in improving, creating facilities and opportunities for the people of these Islands, particularly for the young people. As I said before, not everyone agrees with this investment.

The Leader of the Opposition, in particular, has made it quite clear that he believes that such expenditure is an extravagance. I pointed out before that that is one of the key factors that distinguishes this Administration from his.

One of the great concerns that the country must have is ensuring in years to come that this investment in educational facilities—the tremendous strides we have made in improving outcomes from the educational process—does not falter, but that it continues and improves. We are just beginning to see, three years down the line, some of the possibilities,

some of the tremendous capabilities and potential that is there as the new system, the new governance model, the new approach to teaching and learning and, starting this year, the new curriculum that has been developed locally is put in place. It is going to take many years, Madam Speaker, until the true dividends are paid on this huge investment in our young people.

Madam Speaker, there has been and continues to be great concern about the level of interest that the private sector has in developing our people. It is something of a mixed bag. There are some areas of the industry and some firms, in particular, who spend huge amounts of money and commit tremendous amounts of resources to the development of our people. I want to publicly thank them and encourage them to continue to do so.

Last Saturday evening, I had the privilege of attending a gala dinner hosted by CISPA (Cayman Islands Society of Professional Accountants), in which they honoured 23 of our young people who had achieved significant milestones in accountancy. It was an occasion of great pride. As I said that evening, this job as Minister of Education (Minister generally, but Minister of Education in particular) has a huge downside. As we say, we take a lot of licks for things that we do, things we don't do, and things that other people do. However, it is on occasions such as this weekend . . . and this really has been a banner weekend, Madam Speaker, when you can look with pride at the achievements of our people, but our young people in particular.

On Friday night, I had the occasion of hosting our Olympians. [It was a] wonderful, wonderful evening where we could celebrate the achievements of our young people.

On Saturday evening we had 16 of our young people who had obtained degrees in accounting and finance, or some other related subject, and 7 who had achieved their CPAs (Certified Public Accountant) or ACCA (Association of Chartered Certified Accountants), a professional qualification in accounting enabling them to practice as professional accountants. One of the things that really warmed my heart even more, was that the 16 degrees were all obtained locally either from the University College or from the International College of the Cayman Islands. It is when you attend these sorts of events, Madam Speaker, that you see the achievements of our young people and you get the evidence of not just what is possible but what they have done. And with what they have done how bright their futures are; and, consequently, how much brighter the future of this wonderful little place we call the Cayman Islands actually is.

I said on Saturday evening that we spend so much time living in negativity. And in many instances I say to myself we have become reduced to a nation of whiners because those who have . . . and I don't really think that is true, but it feels that way. Those who have complaints are those who speak the loudest, those

who are the most vocal, those who are the most consistent—everywhere! You hear them on the talk shows and other media. You hear them at the bars, restaurants and wherever people congregate.

And I am talking about negativity for the Government. I am talking about negativity generally, but particularly about, *Oh there is no hope, and our young people are failing, and our young people are not the way we were when we were young*. You hear so much of that negativity particularly about young people. But we do not as a nation, I believe, spend enough time celebrating the achievements and the possibilities of our young people. So, I commended CISPA for the gala event at which they celebrated achievements of these wonderful young people on Saturday night.

I have to say, Madam Speaker, that there are now 833 professional accountants who are members of CISPA. I do not know if there are other professional accountants out there, but CISPA accounts for 833. That is an amazing number! But, the most amazing bit to me was sitting at the table with some of the CISPA executives, including the Secretary, Mr. Rohan Small. I learned that they estimate a need for another 100 accountants every year for the foreseeable future.

Now, if we consider that, there is no end of opportunity for our own people in Cayman to aspire who have the wherewithal, I have to say, because not everybody can be an accountant. I certainly could not be. I would not make much of an accountant, I do not believe. But for those who have that interest and that aptitude, there are huge opportunities out there because of the demand for accountants locally and the demand for accountants globally.

I have not talked to the lawyers in a long time about these sorts of issues. Although the numbers of lawyers are significantly less, and, therefore, I think the demand is significantly less, the demand continues to grow year on year.

I remember when the law school was being formed. I went into the second year of the law school in 1983 and I remember one of the things that was said regularly. One senior person said to me, "Well, I do not know how long law school is going to be around because where are you going to put all these young lawyers when they come out? There must be some end to the need for them."

But the Cayman Islands economy and the demand for people with training, experience, attitude, aptitude, ability, all of those things right across the board, continues to grow and to expand.

Certainly, for this generation and the next I see no need whatsoever for us to be concerned about the opportunities that are out there, the availability of jobs. The concern has to be, must be, making those opportunities and those jobs available to our young people in particular, but our people generally, equipping our people both with the attitude and with the necessary education and training to be able to take advantage of these tremendous opportunities.

Madam Speaker, I know (and I alluded to this a while ago) there are other factors at work aside from the strict "Is there a job?" and "Is there a Caymanian who could do that job?" If it were simply an exercise of *'Well, we have one Caymanian and three jobs, therefore he/she should be slotted into them,'* it would be an easy exercise, but it is not that.

There are prejudices. There are issues. There are attitudes. There are salaries. There is a whole range of things on the employer side. On the employee side, it is a question of whether they have the wherewithal, even at the basic level. I am not now talking about skilled jobs. I am talking about jobs at the very entry level and whether they have the wherewithal to do even entry-level jobs. That is why I speak about the importance of equipping our young people with the basic education (and I have said this many times) and attitude to be able to enter the workforce.

Madam Speaker, the Government and I have been looking and working on a range of things, which are now in the process of implementation. One is that I hope to bring the new Education Bill to this House in November. Indeed, I hope to lay a draft on the Table of this honourable House when the House resumes from the suspension that will follow today.

One of the things that Bill will do when it becomes law is to raise the mandatory age of education to 17. That additional year post-external exams will allow a range of possibilities for our young people. Those who have not done as well as they could or should have will have the opportunity to re-sit examinations thereby building their qualification portfolio as they move on. There will be an opportunity for those who wish to go on and do A levels, thereby doing another two years. We will use the same system we have now. We are not going to go and reinvent the wheel. We have worked to essentially provide an 80 per cent scholarship for those who want to do 'A Levels' to pursue them at St. Ignatius Prep [School] and Cayman Prep and High School. We will continue that process.

We are developing a programme to implement and make available the AP programme to our students. That is an American programme called Advanced Placement, which is very, very highly regarded.

We will be introducing the IB (International Baccalaureate) Diploma, which is a two-year programme as well. We will also be focusing on technical and vocational courses in conjunction with the University College and a work placement programme. This will allow young people to spend part of the time in school, and part of the time in the workplace as they develop their skills and get hands-on experience to go along with the theoretical end of what is being taught at the school.

Madam Speaker, the plan is that when the new John Gray High School (which is actually under construction now) and the other two high schools, the Beulah Smith in West Bay, and the Clifton Hunter in

Frank Sound, open in September 2010, the George Hicks campus, as we know it, will cease to operate as a middle or high school. This will then provide the physical plant we need to implement a number of these additional courses on the tech/voc side in particular.

So, Madam Speaker, there is a carefully thought through plan to make sure that our young people stay in school longer and leave the mandatory system of education better equipped than has been the case for many, many years. As I said, not just the 25 per cent or 30 per cent who are going to get 5 or better good passes at external level in academic subjects. We have been working on developing some technical and vocational CXC and O level courses so that our young people who are not going to come out with great passes in maths, biology and history can come out with good passes in tourism-related subjects and construction-related subjects and the like. So, their portfolio will still show that they have five or six good external passes, albeit not those that one would consider to be traditional academic subjects.

A great deal of thought, effort, resources, and planning have gone in and continue to go into how we can better improve the manpower of these Islands (and the womanpower too, I should say, for fear of being criticised!) to make it more attractive to employers, thereby presenting all of our people, particularly the young people, with greater opportunities in the workforce.

Madam Speaker, to underpin my case for what is necessary in terms of equipping our young people, I would like to mention, with your permission, a few of the statistics provided by the Department of Employment Relations. We can see the correlation between education—or the lack of education—and unemployment. I have spoken before in this House and in Finance Committee about the development and implementation of a job placement database and how that has helped the Department of Employment Relations to better find employment for our people. I am going to talk a little bit about how that works in relation to the whole work permit scenario. I found this bit of information given to me to be quite revealing.

The number of people who have been successfully hired since the inception of the job placement database in June of last year to date is 313. The average number of persons to be placed on a monthly basis since then has been 22, which is up from 6 people a month before we had the database. So, it does appear to be helping considerably.

The number of people who registered up until now in the job placement database is 1355. But what I found particularly revealing was the level of education of the job seekers: 75 per cent of the job seekers (or 791) had a high school diploma or less as their highest level of education. Three quarters of those who sought the services of the Department of Employment Relations to get a job are persons who had high school education or less.

Sixty per cent were female, which suggests that there are more young women unemployed than young men, although I think we need to be careful interpreting that because perhaps young women have more initiative in going and seeking employment, or at least going to the Department of Employment Relations. It may well be that, so I will proceed to interpret that bit of data with some caution.

Madam Speaker, of the 1355 I mentioned earlier, 94 of those are under 18 years of age. Between the age of 19-25, there are 346; between 26-35, there is a similar amount, 346; between 36-45, 283; between 46-55, 196; and 55 and over, 90.

Sharing a bit more of the analysis of the department on this sort of data, these are some of the conclusions they have come to: Job seekers are having difficulty in obtaining decent work as a result of lack of skills, low levels of education and experience. Holders of high school diplomas with little experience and no technical or vocational education constitute the predominant group of job seekers. These findings demonstrate the proven correlation between level of education and employability.

There is a gender imbalance with reference to ease with which Caymanians are employed. Females are faced with more challenges than their male counterparts are in securing productive and decent work. In such a scenario, general analysis in terms of education, training and employment needs to be done, and efforts made to facilitate the training and upskilling of women. Overall the Cayman Islands economy continues to produce higher paying, decent and productive jobs that require highly skilled professionals more than those that require low levels of skill and education.

So, that is where we are in that regard, Madam Speaker. I do not think that much of that would come as any great surprise to any of us here. Nor, do I believe that even my fiercest detractors—including the Leader of the Opposition on the other side—would at least publicly argue that we ought not to be doing everything that we can to improve educational opportunities, training opportunities, improvement of skill sets among our young people in particular. And not just the young people because there are many who have come up through the system that have missed the opportunities available now in school, and would need to go back to school, back into the system to acquire these skills if they are to improve their marketability, their employability and their upward mobility as employees.

Madam Speaker, the Motion asks the Government to consider conducting a manpower survey throughout the Cayman Islands, establishing a robust system for the maintenance of the records. The last manpower survey was carried out in 1995. Since then, the Department of Employment Relations has carried out a number of what are called occupational wage surveys. There are plans to conduct one of those during the course of this year.

The Occupational Wage survey summarises existing situations in the Cayman Islands labour market by providing a detailed analysis of the distribution of employees by immigration status, employment contract, industry and gender. The survey also provides an analysis of wages, salaries, allowances and benefits and compensation by the abovementioned variables.

Madam Speaker, I suppose the way it is most distinguished from a manpower survey, at least as far as I understand it, is that a manpower survey is something akin to a census in the sense that they actually go from workplace to workplace and actually count people, [speak on] what they do, what the benefits and salaries are and so forth. Whereas, the Occupational Wage survey is a sampling exercise that is done.

The Government does not have difficulty in considering carrying out a manpower survey at this stage, but I should warn that it is a very extensive national exercise that will take considerable time to plan and implement. The results would not be forthcoming in a few short months. As a Government, we will look carefully at the logistics and viability of doing this at this stage. There is a census to be carried out; I think it is in 2010. I think we would want to look at it in the context of that to come.

We will accept the Motion, Madam Speaker. There is no question about that. I believe that perhaps as importantly as what the Motion actually calls on Government to do—that is, consider a manpower survey—what I hope it will fuel in the broader community is to bring focus and awareness on what is an important issue that has been around for a long time. And that is, how we best make sure that all local people get a fair shake at the tremendous opportunities available in these Islands and how we can improve the various systems and agencies we have to ensure that all employers do everything that they can to improve the lot of Caymanians.

Madam Speaker, it has also provided me, as the Minister for Education with responsibility for employment, with the opportunity to again articulate what I see as the issues and what it is we are doing, what it is that my Ministry and the Departments with responsibility for employment and education are doing, to make our people more employable.

Madam Speaker, the other aspect of this (which I have mentioned but have not gone into any great deal of discussion about) is how the work permit end of this is handled by the various boards that have responsibility for approving permits.

This Government has adopted a policy which basically says that if you can demonstrate that there is a need for a work permit, the work permit is granted or ought to be granted. In other words, there is no quota. We have not said, as I think has been the case in the past on occasions, although it has rarely ever lasted, that we should cap the number of work permits at a certain amount. That is because we believe that the

economy must be allowed to grow, that people must be allowed to develop their businesses and they cannot do that if they do not have the necessary manpower.

The challenge continues to be to ensure that only those who really need a work permit are granted a work permit; that Caymanians are not overlooked in the process of making that happen. What we are striving to do is improve the relationship that has always existed between the Department of Employment Relations, the Work Permit Board, and the Business Staffing Plan Board. Therefore, when considering these applications the boards are armed with as much good, current information as possible, so that in their consideration on whether or not to grant the work permit, they are able to say with some certainty that there is not a suitable Caymanian available for this particular job.

That exercise has been underway for some time. I spoke today and before about the development of this job placement database. The challenge now, which is underway, is making this database available, accessible, and having it utilised by Immigration so they can see in real time in real numbers the various individuals who are available to do particular jobs when they are considering applications.

Madam Speaker, as I said, the level of involvement of the Department of Employment Relations with the Department of Immigration, particularly these boards, has improved, is continuing to improve. Based on the feedback that I have been given, the board now has better access to current information than has ever been the case before. In the past, there was often a lag between what the information said and what the actual situation is. There are still improvements to be made. Efforts are underway on the part of both the Director of Employment Relations and the Chief Immigration Officer to improve that situation.

The big issue that I think we still have to consider, actually, is are we getting the bulk of Caymanians who are, in fact, looking for employment registered at the Department of Employment Relations job placement unit or not. Indications that I have, Madam Speaker, are that it is doing a fair job in attracting people to it and the stigma that I think haunted it for a while, that it was not a terribly effective unit, has pretty much gone away because they are achieving real results.

More and more of those people who are having difficulty getting employment or employment they want are seeing it as a viable place to come to, to have their needs addressed. So, as its function and popularity improves we will be able to look at it as a better barometer for what the true employment or unemployment situation is in these Islands.

Madam Speaker, I simply want to conclude now by commending the mover of the Motion, the seconder, and my colleagues on this side who have spoken to this matter and for having brought this Motion to the House, and to say to them that the Gov-

ernment will carefully consider what is being sought. In any event, I believe it has already served a most useful purpose in highlighting this critical issue to the general public. I hope that broader public discussion will ensue.

Thank you.

**The Speaker:** Proceedings will be suspended until 2.15.

**Proceedings suspended at 12.51 pm**

**Proceedings resumed at 2.20 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

Continuation of debate on Private Member's Motion No. 4/08-09. Does any other Member wish to speak?

Honourable Leader of the Opposition.

**Hon. W. McKeever Bush:** Madam Speaker, there is no doubt in my mind that any government needs information to better plan and make laws in the kind of economy that we have in these Islands but, more so, where there are so many work permits.

When I was the Minister of Labour in 1993 (well, from 1992 actually, but I'm speaking specifically about manpower development between 1993 and 1995) I put in place a manpower development advisory committee to plan for training and long range career development of able and willing Caymanians. I believed then, as I do now, that the articulation of well defined and workable manpower development policies and strategies are essential tools for achieving those important objectives.

That committee . . . Madam Speaker, you would remember it. You were part of the government then, Madam Speaker. The committee then consisted of a broad section of 20 individuals with varied expertise. Even the Chamber of Commerce was part of it. That committee made a report, which I presented to the Executive Council at that time in 1995.

I cannot forget that day in Council when Mr. Truman Bodden wrote in red the word "Socialist" all over it—"Socialist, Socialist, Socialist." And I was not able to present the report to the honourable House. I believe the Minister of Health would remember that because he remembers the struggles that I had, and ought to remember the struggles I had with labour legislation. I could not make that report to the House. I had to make a report, which they doctored in Executive Council.

Madam Speaker, I resigned my seat in 1997. Labour and training, which was manpower development (they called it), was split up. Training and culture, part of my ministry at the time, went to Mr. Bodden, who was the Minister of Education.

I guess, Madam Speaker, they are saying, *Well, why did you not do it? Why did you not do some-*



*thing about it?* As every one of us well knows, if we do not have responsibility for a subject we cannot carry it to Cabinet. But when I had responsibility that report . . . even though it was doctored I still had to come here because that was the sanction of Cabinet, to come here and read it and it said the right things. But we have not gotten very far except we have an Immigration Law, which I will come to.

Madam Speaker, the Motion before the House is something in spirit that I support. It does not really address the main areas that are affecting our qualified Caymanians today. Definitely, creating the register the Member is speaking about will do some good, I hope. But what it will not do is help Caymanians get jobs. And that is the main problem today. It is not that they do not know so much who has the qualifications, who is a carpenter, or who is an accountant; but the upward mobility is stymied for many, many varied reasons. Some of them have already been expounded on by Members.

In my opinion, Madam Speaker, the Minister of Education—while he gets up and tries to blame me for the colour jacket he wears—should be doing that. But I will come to him in a short minute.

In my opinion, Madam Speaker, the Minister should ensure that the laws currently in place are properly implemented and adhered to. The Business Staffing Plan already provides the framework to allow the Government to monitor activities in the workplace. That is what it is all about. The problem is that they have failed to give the Immigration Department and the Employment Relations Department the resources to enforce the current Law. A manpower survey will not fix that.

It is very important, Madam Speaker, that that survey be done. It is very important also that Government create an environment that will attract and retain business. Yes. But it is equally important that qualified Caymanians are given the opportunity to be promoted and gain the benefits that are available within the private sector as is.

The Government must ensure that qualified Caymanians are not victimised, or unduly affected negatively in the workplace. That is what the Minister needs to be doing. That is what he should be doing instead of getting up and blaming me. But this Motion will not achieve that.

The Government must ensure that the laws passed by this honourable House are properly implemented, including the labour legislation, to allow our young Caymanian professionals to get through the proverbial glass ceiling. And when I stood here in 2003 and moved that Bill, that was part of it. It is still part of it. There is no excuse!

There is no excuse, other than to say that business is booming and we need the work permits. But it is not an excuse that Caymanians are being set aside. And never in my time in this House have I seen so many qualified Caymanians that are not moving up the ladder. It has happened for a long time. I know,

Madam Speaker. My daughter took one year after she left the Monetary Authority because the doctor said she could not do that work any longer. It took one year.

I know that qualified people are not moving up, and I had the position back then. Give the permits to any business that needs them; but, by God, ensure when you are doing that, that at the same time Caymanians are getting the jobs. That has not been happening simply because of lip service.

*[inaudible]*

**Hon. W. McKeeva Bush:** The board is not doing its job. Simple as that! You cannot have the board doing its job when you have somebody on the board who is only looking out to see what kind of business they can get for staffing plans. Then they set up the business to do that and get into that business! Cannot do its job!

The Motion—good in thought, good in spirit, and needed—cannot fix those things.

Madam Speaker, the archives of this honourable House will bear witness to my numerous efforts throughout my tenure. The records of this House will show from 1985, throughout my tenure as a legislator, to improve conditions and opportunities for Caymanians in the workplace, and yet the Minister of dress-up, functions and parties, has the audacity to talk about what I did not do? When I had responsibility just for that one aspect, by God, I tried, and I took the licks. And the records of this House will bear it out.

When I came to this honourable House, all we had for labour legislation was the Masters and Servants Law of 1845 or 1855. All the Masters and Servants Law did was just that—you are the servant, and you deserve to be treated as such. And when the people who worked their lifeline out for them left, they held a hand behind them and maybe got a little pat on the shoulder—but nothing in the hand. Maybe they gave them a little Timex watch. Maybe. But track the human resource development from 1985 straight to now and you will see tremendous improvement in this country.

You will see Caymanians are now heading up various corporations. Just saw one the other day. A Caymanian left the office, but at least another one went at Cable & Wireless. Look out through the financial industry and you will see companies like Ernst & Young, KPMG, Julius Bear Bank; a whole heap of them. But I know what it took to get that, Madam Speaker. And they are not going to say that McKeeva fought that kind of battle, you know. What they want to say is that McKeeva is not any good, and he is something else. They do not want to say that!

I will relate that this afternoon, since everybody else walked all over the globe, Madam Speaker. Give me the opportunity just to recount a little bit of history.

Madam Speaker, it was a battle to get that labour legislation here. One major contribution to this

end was the call for the labour legislation brought into being by Mr. Norman Bodden. But it did not go far enough. Perhaps people say it is still not far enough. When I got responsibility in the 1990s, I amended it. I gave working mothers who got into their pregnancy . . . you will remember, Madam Speaker, because you debated it.

**The Speaker:** I am the only one that stood with you.

**Hon. W. McKeeva Bush:** You remember that they had to beg for pregnancy leave. But that law mandated it in their expectancy and gave them more time.

And you will remember that they did not have any compassionate leave when the parents or a loved one died. But that law created it.

Check what we had, and check where we are today, and see if the Minister of Education can get up and open his *yabber* and try to blame anybody.

We made a lot of progress. It was not easy within government because there were some that did not want it. Others wanted it. But we stood together. And they like to talk about why we do not stand together. Over the years we stood together to get it.

There are some today, Madam Speaker, who fought to get partnerships in law firms and they could not get it. Perhaps they might even hate my guts today. I believe at least one does, but for no reason at all other than I am on the wrong side politically. But when they had need, and I was the Minister responsible for labour, they came to me and laid out their case.

I can think of three young Caymanian barristers, and I said simply, "If you do not get those boys a partnership, you simply will not get any work permits." That's all. That's what I said; that's what I meant. As Minister of Labour, I was prepared to go to the board and put my case to them. But they got it. They got it.

Madam Speaker, we can look back . . . I simply told the Chamber of Commerce, "You want to fight me on labour legislation? If your companies do not give people jobs and scholarships in this country, you will not get any work permits." That's what I said as Labour Minister.

And do you know what, Madam Speaker? Look back. Think back on the companies that did not give any scholarships in this country. Think back from the 1990s how many companies started to give two, one, and then another one. Look back now and see how many companies are doing it. We simply said to the commerce in this country, we will support it, we will do all that is necessary to help it grow, but if you do not give our people scholarships to get training, because that was the cry sometimes: *Oh, you don't have the training*. And then, when you went and got the training, it was, *Oh, you don't have the experience*. So, we simply said, if you do not, you do not get any permits, and, boy, I was not liked for a long time. I think I am better liked today. I am glad too.

But I was not liked for a long time. And some of them still hold it against me because I made them do their duty to this country because that is really nation building. You pull everybody along, and as many as are willing, capable and able to get trained you help them get trained. So, when the Minister talks about me not supporting education, he is talking nonsense!

Much work went into that exercise and it would interest all of you . . .

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** I hope you listen because I have a few more words for you, my son.

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** You?

You have not done anything yet. I hope you know that! I do not know what you have done.

Much work went into that exercise and I would commend to all who are genuinely interested in manpower development to read the *Hansard* of 14 September 1995 when I laid that report. Maybe they have already.

Madam Speaker, as I said, it is my view that while the spirit of this Motion is right and what the Member is doing is right, it does not go far enough to bring about the desired outcome that I think is needed. Information derived from surveys and what is currently available will comprise one component of the needed system. But, an overarching mechanism that brings together the information from the survey, the Immigration business plans, the efforts of the Employment Relations Department and the education system, is needed.

All of the components are in place, but effective leadership—has he gone out? He should have stayed—and adequate resources for the implementing agency will be needed to ensure that a comprehensive and equitable system is in place.

In our service-based economy, yes the management of manpower is crucial. The right balance is needed to ensure opportunities for Caymanians, while not stifling businesses that rely on sufficiently trained employees to service their clients. As I said a while ago, the nature of our economy is one that the true and tangible benefits of our economic growth must be through employment and training of our people. This income is circulated and creates lasting economic benefits allowing Caymanians to be the beneficiaries of our economic prosperity and allows for a greater sense of belonging and commitment to the development of our Islands.

Similarly, if our people feel that they are appreciated by employers and are given the opportunity to prove that they are capable of upward mobility, they will be more productive employees and citizens mak-

ing a positive contribution to continued labour tranquility as well.

That is why, Madam Speaker, while I was [courted] and advised and had supporters who supported a labour union, I said no. I said, let government work the training programme, be the mediator and we will keep out a lot of strife. I still believe that today. And while there are others who believe that the people would be more protected through labour unions, I do not. I believe that Government doing what it should do with the right kind of mechanisms in place can get our people better trained.

Madam Speaker, from 1995 I pointed out the need to have the private sector involved in attempting to fill the qualitative gap in the labour market. That is, Government needs to develop a conducive environment to encourage the private sector to help alleviate identified skill deficiencies in the labour market. The Manpower Development Committee reported that, although such policies would be costly initially, if they are properly designed and supported they will pay for themselves in the long term with a more qualified, skilled and productive workforce. The end product is to achieve a greater balanced overall demand and supply of Caymanian skills.

Madam Speaker, the numbers of people, carpenters and so on, and other skilled people we have that was outlined earlier by some of the Members, shows that over the years we have had a buoyant economy. Because we did not have enough people, we simply brought these people in. We must accept that the problem we face today was not created over night, and will not be solved over night.

The Member or somebody gave an example of how many boat captains we have. But one of the things going back to the 1970s, our parents preferred their children in commerce. "Go to work in the banks", I was told. "Leave the hotel, that's where I work. I don't want you there. Get a white shirt and a tie."

Which parent wanted their child not in CIBC, but out in a boat in the North Sound? None! But not even that.

When these so-called boat captains come here, they have probably been through some programme in England or one of the metropolitan cities, and they go to work for these people and they—

*[inaudible]*

**Hon. W. McKeeva Bush:** Madam Speaker, I am not going to be tested like that. But, if the Minister has something to tell me, maybe he can write it on a paper and pass it to me.

*[inaudible]*

**Hon. W. McKeeva Bush:** All right.

And so, Madam Speaker, those companies get them because the kind of economy we had—I do not know how much we still have—we found those

young people (because that's what they were, the vast majority of them) getting together, three or four of them renting a house so they saved money together that way. Caymanians are not going to do that. Let's face it! We were brought up different.

It is hard for our children to now go abroad and stay together in one room. They do not. Ha! They want separate rooms when they go to college, boy. So, much less if you think you are going to get any of them . . . and who wants to encourage them to do that?

Not everybody is going to go there. There are some Caymanians, and I know some good young men in the district of West Bay who have done this sort of living. They are now creating their own business. That's good. But what we are talking about is commerce, if I understand correctly. Of course, I think the lower levels were mentioned.

Madam Speaker, this has been a long time problem, as far as where people wanted to go to work. The Cayman Islands' rapid development has outpaced the growth and development of our people. Government's approach to this end must be from an informed perspective and in a reasonable timeframe.

I believe that the comments I made in 1995 are as equally relevant today as they were then. Government's policy to Caymanianise the workforce both in the private sector and the public sector is for competent Caymanians. We keep hearing that and more and more we believe that. People should never be promoted simply because they are Caymanian, but because they are competent. As I said, we are getting more and more willing and able Caymanians who work hard to develop themselves and their careers trained in order to make a positive contribution to their employer and the community in general.

Madam Speaker, I believe the intent of this Motion is good. It will encourage the Government to consider the spirit of the Motion and bring about the full and desired outcome by enforcing, strengthening and improving the functioning of the provisions in the Immigration Law regarding employees' training and human resource development to resource the Employment Relations Department, so as to better match training to the needs of the labour force and lead through their action.

I would encourage the Government to re-establish a manpower development committee representing a broad cross-section of knowledge and expertise from the private and public sectors. The mandate of the committee would be somewhat as it was then, to develop a long-term, comprehensive and balanced human resource development strategy and policy for these Islands, identifying the skill gaps, consistent training policies, programmes and career development paths for willing and able Caymanians.

Madam Speaker, in closing I once more remind all of us that you can point fingers as much as you like. There are people who have worked hard in the past to get this country where it is—including you,

[Madam Speaker] and some of the older ones here. Some of the newer ones coming in want to make you believe that nothing was done, and that they are doing it all. I am glad for every effort that they are making. I am glad for every fresh effort that they are making.

But, do you know what, Madam Speaker? I get a little bit peeved when I hear them saying that nothing was done. A lot has been done, and much more could be done if the electorate had been consistent.

Madam Speaker, the Second Elected Member for George Town, the Minister of Education, cannot seem to resist telling lies, and does so every chance he gets. Any time he brought anything to this House for education he got the 'yes' vote from me and my Opposition colleagues. So I do not know what he is talking about that I do not support education. As I said, it is a lie. Every time he gets the chance, he repeats it.

If anybody in this honourable House does not support education it must be him! He is the one who hired a doctor of education who had no degree to be such to lead the college, and who spent somehow, somewhere on somebody, maybe on a couple of some-bodies, \$500,000, probably on all kinds of other matter that was not an education matter. If anyone here does not support education it must be the Minister of Education, because we do not have one single classroom in nearly four years built by him.

Madam Speaker, if anyone here does not support education, it must be him. When he signed us up to that European Convention—which I would not sign, Madam Speaker . . . the day that [Governor] Dinwiddie brought it to me I said I left my pen home.

The case in Bermuda is going to test us. And no constitution is going to help us unless we do some radical stuff that we will not get away with in any event. But he is to blame for it, nobody else. Him!

And when they come and test you and say, *This job is mine, I want it*, and you do not give it to them under the local law, they are going to the Privy Council, and the Privy Council gives it to them. What are you going to do then? Who are you going to blame? Me? No man! Blame the pretty boy! Blame Pretty Boy Floyd.

Madam Speaker, if they are trying to say that I do not have education . . . well, maybe I did not get the college education I wanted. I wanted to be a lawyer or a teacher but the system of the day did not allow that, and my poor mama could not afford it. But I match their degrees with my commonsense, my granny-wit and my drive and ambition to do things for this country for the good of this country.

If they are saying I do not do anything or have not done anything for education . . . Madam Speaker, I do not expect them to know about the many students—more like \$1 million that I personally guaranteed in 24 years so that somebody's child could go abroad and get a degree, get qualified. They would not know about that.

Then, Madam Speaker, they would not know—they should—about those who the government system says after that person has been working for them for years, *We'll give you the job, but we cannot give you the support to go abroad to get trained to be able to hold that job*. I guaranteed such people. And I am glad I was able to do it. I am glad that I have been able simply [because] I see it as part of my contribution to my not being able to get the college education or the university education that I wanted. I have ensured that others do, and I did for my children—not government.

Madam Speaker, I get peeved a little bit when they make that kind of reference that I do not see the value of education. I do not see the value of education? They would not know. Let them go ahead in their folly because there are those out there who matter who know what I have done and have attempted to do. And nothing that the PPM does can wipe that out.

They can talk about me, cuss me, and get up behind me and say all sorts of things now. It does not matter because the records are there. I have done what I could.

Madam Speaker, as I said, if you do not have responsibility for a subject, you cannot take it to Cabinet.

Madam Speaker, I support getting a survey, but I support more the provision in this Immigration Law, which is a driving force and a means by which the Government can help remove that proverbial glass ceiling. Give businesses the permits they need, but ensure that our people are trained, and in so doing are moved up the ladder of success in these Islands.

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

Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

I rise to offer a few comments on the Motion at hand. Before delving into my contribution, let me reflect back upon the many contributions on a national level that previous legislators and classes of legislators have achieved in this whole area of labour.

Whilst I have not been in this Legislative Assembly that long, one thing I have learned is that to be a legislator or a statesperson (versus just a politician), one has to have honesty, maturity and candor and pay credence to those who toiled and got us to where we are, and got the country to where it is at a particular juncture. In my humble submission, thus far the Government bench has done its usual thing with its usual style—create history and ignore history.

How can you, in 2008, stand on this Floor as a duly elected representative and not reflect back about where we have come from in such a short period of time and not really give the credit that should be given?

[inaudible]

**Mr. Rolston M. Anglin:** Madam Speaker, I hear them mumbling that I was not up in here. There is a speaker system throughout this Legislative Assembly.

They may believe they have done it, but in my humble submission, mission failed. Mission failed is going to be the theme of my submission because labour has been an unadulterated failure under this current Government. I will give the House all the evidence it needs to recognise that fact in a few short minutes.

Madam Speaker, we have come a long way in a short period of time as it relates to labour and the development of our people. I am not going to be one who simply jumps on the bandwagon to complain and not give the whole perspective required on this subject, but I will also talk about the gaps and areas for improvement. There is no doubt that there are gaps and areas for improvement.

Madam Speaker, I did some research through the *Hansards*, which we all get copies of these days—not only the hard copies, but we also get the electronic CDs. As you search through [the *Hansards*] you see the toil by former Members who brought labour legislation in the late 1980s against vehement opposition in this country.

As referred to by the Honourable Leader of the Opposition, we can look at the work done by him in the mid 1990s to build upon the work done a short two decades ago. Yet we have Members running around here who would make you believe somehow that nothing had been done, and that all the plight of any individual Caymanian ought to be heaped at the doorstep of that lovely phrase that they like to use, “expatriate” and “expatriate worker”; many of whom have been allowed to stay in this country for decades. I wonder where some of them were when all of this was happening and yet they were supposed to be the adults at the time that should have been making some sort of change.

Madam Speaker, manpower is defined as human effort or labour as opposed to machine or animal power. If we go back to some of the more textbook definitions, we will see that the term “manpower” has many meanings for different people in this day and age, but, certainly, from a historical perspective initially the economists shied away from how you would even label human effort. We know that throughout history there have been many, many different forms. Certainly, it is only in the last couple of centuries that we have really seen human labour start to attract the type of reward it deserves. Certainly, every country has had to come up with its own model as to how to allow human labour to reap its greatest reward.

Madam Speaker, I am going to use a few terms that I think are relatively common these days in this subject area. Human capital refers to the stock of skills and knowledge embodied in the ability to per-

form labour to produce economic value. As I said earlier, many early economic theories refer to it simply as labour. It is one of the three factors of production, and considered a fungible resource, homogeneous and easily interchangeable.

However, there have been other conceptions of labour that dispense of these early assumptions. The great economist, Adam Smith, defined four types of fixed capital. One was useful machines, or instruments of trade. The second was buildings as a means of procuring revenue. The third was improvements to land. And the fourth was human capital.

Madam Speaker, I offer up a quote that really took us to the next level in this regard. And it reads: **“Fourthly, of the acquired and useful abilities of all inhabitants or members of the society. The acquisition of such talents by the maintenance of the acquirer during his education, study or apprenticeship, always costs a real expense, which is a capital fixed and realized as it were, in his person. Those talents, as they make part of his fortune, so do they likewise of that of the society to which he belongs. The improved dexterity of a workman may be considered in the same light as a machine or instrument of trade which facilitates and abridges labour, and which, though it costs a certain expense, repays that expense with a profit.”** That is from *An Inquiry into the Nature and Causes of the Wealth of Nations*.

**The Speaker:** Honourable Member, do you think you could give us a copy of that to lay on the Table?

**Mr. Rolston M. Anglin:** When I am finished, Madam Speaker.

**The Speaker:** Thank you.

**Mr. Rolston M. Anglin:** I have no problem in doing that because it is good for all of us to learn new subject matter and learn the history surrounding it because often times it can inform, not only our debate, but also our view as to solutions to some of the common problems that we face.

In short, Smith saw human capital as skills, dexterity (that is, physical, intellectual, psychological, et cetera), and judgment. Life, they say, helps a lot. “On a national level a country’s ability to learn from the leader is a function of its stock of human capital. Furthermore, human capital can be acquired through formal schooling and on the job training.”

Madam Speaker, when we look at this whole issue of surveys and national manpower, or human capital surveys, we see that these are data collection exercises. What this Motion is asking for is a national data collection exercise to ascertain our national human capital position, which should also give insight into what weakness and strengths we have. It is by building upon those strengths and filling those gaps

that we will be able to build the type of Cayman from a human perspective that all of us would want to see.

I presume that the goal of such a survey would be to project our future personnel and training needs by occupation. This would have to be worked in conjunction with our current manpower capabilities, but it should also inform and drive our scholarship and training regimes in the future. That is a point that I can agree very readily upon with the mover of the Motion and those who spoke after him.

The Minister has quite rightly pointed out that such an exercise is not an insignificant undertaking. This is a mammoth undertaking if you are going to do a true national manpower survey. The Minister has alluded to the fact that perhaps it could be done (that was my interpretation from what he said) in conjunction with the next census, which I believe is due in the year 2010. That, for many reasons, would make a lot of sense because this exercise is not only going to costly, but the workers that you need to execute it will be significant.

Certainly, Madam Speaker, if the country is going to go through a census exercise in a few short months, it would seem to make sense to enhance the census in such a way as to satisfy the needs this particular Motion aspires to. As we know, a national census does obtain certain critical data that surrounds labour in the first instance. It is not simply a head count. Our national census has always produced significant information and there is a reason why it is attempted every ten years. People generally see decades, or ten-year blocks, as the length of time that you can meaningfully compare information to see trends and know exactly what is going on, or have a better idea and better opportunity to understand what is happening within your population.

I believe the overall spirit of the Motion will find favour with the collective membership of this Legislative Assembly. However, I believe that we also ought to be a little more careful with some of the concepts that we try to push in this House because sometimes they can run contrary or counterproductive to the national good.

On one hand, we hear the Minister get up and point to the fact that we do have in this country an agitation that has existed, and I dare say that is not unique to Cayman. But it is an agitation that has existed between the permanent and established members of the community, that is, the Caymanians who have been here for a long period of time, multi generations, and the relative newcomers, that is, the immigrant workers.

However, it never ceases to amaze me that whilst we know that, [we keep] fanning the fire, not trying to nation build to ensure that we get the best possible labour relations there can be in the country. And, we still continue to go down that road talking, *Oh well, we get non-Caymanians who come here to work, but at the end of the month they send their money back home.* I find it hard to believe, as a very young

Member of this House, that some of the older Members would have forgotten that when our men went to sea, and when they were the expats somewhere, that it was them sending their allotments home. They were earning money outside of this country and sending it home. And that is what helped to build this country.

I hear the Fourth Elected Member asking did they take anybody's job.

Well, since the Member wants to engage in crosstalk, let me ask the Member—

**The Speaker:** Honourable Member, I do not think we should engage in crosstalk, he said something—

**Mr. Rolston M. Anglin:** Well, then, Madam Speaker, I suggest that—

**The Speaker:** Would you stop shouting at me for one minute please?

Thank you.

I am saying let us not get into crosstalk. So continue your debate please, sir. Thank you.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

I presume then, that those who believe that Caymanians going somewhere to work were not occupying a job that could have been done by someone else must also believe in UFOs, that they were going to come down and do the job.

Madam Speaker, whenever humans move it is for a reason. Yes, there could have been some other nationality and someone from somewhere else that could have done that job. However, we did the job, and we sent the money home to build our country.

You see, Madam Speaker, in the modern times in which we live, we have to look carefully at how we expect to build this country and the expectations and realities that we as legislators are going to impart upon our people. That is what representative democracy is. The people elect us to tackle tough issues, but in many instances, to [also] offer leadership and leadership often times require us to say it as it is, to call a spade a spade.

This rhetoric that we continue to hear in these chambers, which can do nothing at all, Madam Speaker, to help these Cayman Islands. Nothing! It cannot help. That sort of rhetoric can only hurt. Every Member in this House knows that we have a unique economy in the sense that we have close to 100 per cent more jobs—a little more actually—than we have people to fill them. So, people are going to come to Cayman to work, and they are going to have their being. One of the things that's natural to immigration is the building up of the global place.

So, because a person works and lives in Cayman and sends their money to their place of origin to build it up . . . is that a bad thing? Where is the Godliness and Christianity that we are supposed to have?

Naturally, Madam Speaker, we want to ensure that every able-bodied, employable Caymanian is given every opportunity to maximise his or her potential. I am going to come to that further in a minute in terms of some of the strategic points that we have to follow through on to ensure that Caymanians are given that ability. But, to continue to get up with that rhetoric is wholly irresponsible of any elected Member in this country. This is 2008, and we should be past that. We should be well beyond it. I personally disassociate myself from any of those sorts of comments.

Madam Speaker, all of the quotes I am offering come from the same document. Let me offer another one. This, thank God, we have been the beneficiary of and not been subjected to.

"Educated individuals who often migrate from poor countries to rich countries seeking opportunity, this movement has positive effects on both countries. Capital rich countries gain an influx of labour and labour rich countries receive capital when migrants remit money home. The loss of labour in the old country also increases the wage rate for those who do not immigrate."

So, Madam Speaker, there is a win/win situation from an economic standpoint when people, human capital, move around the globe. In Cayman, as small as we are, nobody can say that we have not played our part in this region and hemisphere in providing an economy and a sense of hospitality that has allowed not only Caymanians to benefit, but other people as well. Should we become so begrudging that we are going to create animosity and hatred in our hearts because of that fact? I do not think that is wise, Madam Speaker. I do not think it is wise on a number of fronts.

Firstly, I do not believe it is right as a human being to live that way. Secondly, when we look at the economy we have built, the Caymanians who have businesses and benefit greatly from this economy have benefited because this population has increased so rapidly. Has there been a great price to pay in some respects? Yes, there has been. Could we have done a better job over the years in some instances to have managed and mitigated some of those impacts on culture, lifestyles, et cetera? Yes, we could have.

We are where we are, though. It is 2008, let us pull up our bootstraps and do something about it now. Let us work from the base that we have today. We cannot talk about what existed in 1998 or what existed in 1988. Those days are gone. The only day that we have right now is this day—15 September 2008—and going forward for however many more days God is going to grant us.

Madam Speaker, the Minister of Education made another point that I have to agree with him on. I disagree slightly.

This whole point of the thankfulness and how many unthankful and ungrateful people we have in our community is a real troubling aspect for me as a legislator. When people are using their energies to tear

down other nationalities and their own Caymanians, that energy is not being spent productively. We ought to be more productive in being a part of the solution versus spreading venom throughout our community and causing others to also catch that complaining fever. Should we not fight to ensure that every able bodied and willing Caymanian gets a fair shake and the opportunity he deserves? Of course! We need to fight in that vein. That is part of where we as legislators come in.

If we see policy and legislative gaps, we ought to work diligently to fill, fix and remedy them. If we achieve nothing else as legislators, that should be the one thing that we all work together on; that we all work together to try to achieve. Maximisation of opportunity for every human being, every Caymanian getting the opportunity to maximise his or her God-given potential is of paramount importance.

But not only from a legislative standpoint, because you know you get some people who if life is not perfect and life is not exactly how they want it, then they have to blame something and somebody. That something and somebody so often blamed is the Government. That loose phrase, "the Government." *Oh, it's the elected Members. For the last decade, they have not done what they should have done and that's why I'm struggling. That's why I have the problems I have today'* That is how a lot of people look at life, Madam Speaker. Whereas, nobody wants to be held accountable for what they could have done to assist.

One thing that has been a real hallmark for Caymanians, unfortunately, certainly in the last good while, has been that crab-in-a-barrel syndrome. We are so busy trying to tear down the nearest pant leg we perceive is slightly ahead of us, that we are not working and doing what we need to do to ensure we are building ourselves and our communities so as to avert some of the situations we have gotten ourselves into.

Also, as a community we have made some inadvertent mistakes. When I was a teenager, my parents made me understand that they wanted better for me. But, more importantly, they used themselves as an example. While they would say, "An honest day's work is an honest day's work I do not want you to have to do what I do." And so we come to the situation we are in these days where most people who are going through the process of getting their high school education, do not even consider certain sectors of our economy, especially the service industries.

They do not consider the hospitality field anymore. They look at it and say, *Well, my parents told me I want you to do better than I did.* Therefore, you have the scenario where a young Caymanian (and we have seen and talked about this for many years) will always choose a job where they put on a shirt and tie, or a nice suit if a young lady. They would rather make less money for an entry-level job than go into the service sector and try to become a *Maitre d'*, a

Food and Beverage manager, or one of those hospitality industry posts which pays superior to a lot of the skilled level equivalent positions in the financial services industry.

That whole cultural shift (because that is what it has become now) that we have had in our community, we are now starting to pay the price for that. So Caymanians are left scratching their heads not understanding how the waiter or chef at a nice restaurant can afford the nice town home that they cannot afford, yet they work in a very nice office. They may work for a branch of one of the biggest banks on Wall Street. They may work for one of the biggest mutual funds administrators, they may work for one of the big four accounting firms in an administrative position, but not be able to earn as much as people who have been brought into Cayman because a lot of Caymanians have simply said they are not getting into that area. We cannot then connect the dots and figure out why life is the way it is.

Madam Speaker, the mover of the Motion spoke at great length more about the workings and necessity for a manpower database than necessarily the survey itself. He spent a lot of time talking about the database and how a national manpower database could work and the benefits it would have. That is a point that we all agree with him on. In fact, Members of this House before us called for such a database, such a system for managing human capital.

After I saw the Motion come out on one of the Business Papers, I decided to look back and see some of the . . . because I know that this is an area that over the years I have stringently advocated for more attention from Government.

I am looking at the *Official Hansard Report* from Wednesday, 27 February 2002. This was part of my contribution to the Budget Address at that point. I quote, Madam Speaker, with your permission.

**“During the boom, things were relatively good here in the Cayman Islands. A lot of the fundamental infrastructure that was necessary—for example a national database of employment—were never developed. So we find ourselves in quite a quandary. On the one hand we have thousands of persons in these Islands on work permits; on the other hand you have Caymanians being displaced from jobs. Many times the Caymanian has a skill set that they could take to another company and be able to replace someone who is here on work permit. However, when one speaks to the persons who are in Immigration, the system and the processes that the person has to go through are not quite so simple or seamless, and so it is important as we go forward, that those fundamentals start getting urgent attention.**

**“I understand from the Department of Employment Services that this is exactly what they are embarking upon. They are embarking upon equipping themselves along with the Immigration Board with the information that would allow them**

**ready access to employment statistics and to employment information. In other words, the vision is to have one main database of all persons living and employed here in the Cayman Islands. That is indeed a massive undertaking but one that is critical to the way forward.”** [2002 *Official Hansard Report*, p. 120]

I said other things on other occasions. But the other one that caught my eye was when we were debating the motion brought down here by the Minister of Education where he sought to have the House endorse, and did receive such endorsement, his education conference to be the blueprint for the way forward for the development of education.

Madam Speaker, just to be clear, we not only debated the motion, we also debated an amendment to the motion, as you may recall, because the Opposition offered an amendment to the original motion to make it what we believed a little more clear and succinct and in line with what the legislative arm of government should have been endorsing.

I quote my comments on 12 October 2005. **“It would also have been good if some of what he discussed in his contribution to this Motion was tied, even in snapshot form, to give us a glimpse of how he envisages tying this to labour policies. Again, I will try to assist in that regard.**

**“You see, Madam Speaker, one of the most frustrating things for a human being is to achieve and obtain skills and not be able to use them to their fullest potential. Education has very little meaning to achieving potential if one does not have the ability to use it and if one does not have the opportunity to use it. How many countries suffer from the “brain drain”? Just think about the names of some of the doctors you encounter when you travel to the United States and you look at their last name and you meet them and talk to them and find out where they are from.”** [2005 *Official Hansard Report*, p. 230]

**“One of the things that will obviously be critical is that we develop some sort of national manpower database in this country. I find it frightening, and I have said this in a debate before—if I remember correctly I have said it twice on two different debates and Throne Speeches. How can we manage the labour situation in Cayman where you continually hear Caymanians say, ‘Well, I am not going back to the Labour Department because I do not get results.’ Whether that is true or whether that is a perception I do not know, but quite frankly, any of us who have been MLAs, if you have not heard that complaint then I would be astounded. However, it is difficult to blame the Department if it is not tooled and equipped properly.**

**“One of the things that we would like to see is a holistic position of where we are. There is some tracking of people and trying to keep up with them after they have completed their education. I say that is not taking it far enough in this**



technological age. We have very useful tools in technology, one of which is databases. Someone would have to convince me that this cannot be done.” [IBID p. 231-2]

I was alluding to the fact to develop a national manpower database.

Madam Speaker, during that debate I went on to make numerous points in this regard. That was 12 October 2005—two years and 11 months ago. At the time, the Minister in his winding up made the promise, oh yes, he would take into consideration the points raised by the Opposition during that debate because he did acknowledge in his response that there were some very valid points raised by the Opposition.

Madam Speaker, a couple of short months later, on 19 May 2006, in finance committee, I also tackled the same Minister on the same issue.

During the deliberations on that occasion, I asked the Minister, and perhaps I will need to quote for it to be as clear as possible. This was a question that I was asking. I quote: **“Mr. Chairman, let me then ask the question: Does the Ministry and or the Department [that is, the Department of Employment Relations] see a need to have something that is more akin to a national manpower database that captures . . . And you will never ever have it accurate; completely accurate, because firstly, you have to get people registered, people change jobs, people retire, et cetera. We understand that. But, is there going to be a database that will have all persons who are residents in this country . . . , registered in that database when any department of Government, in particular Immigration and the Department of Labour, needs to understand what is happening in the local market place? Say the Minister wants a briefing, for example, and he wants to know how many people are in hospitality. He may want to know what the age make up is, he may want to know what the gender make up is. Is there a view taken that eventually we need to have that sort of information?”** [Unedited transcript of Finance Committee, 19 May 2006]

And this was the response from the Honourable Minister, the Hon. Alden M. McLaughlin, Jr.: **“Mr. Chairman, Mr. Anglin makes a very valid point.**

**“I think right across Government there has not been a sufficient emphasis on the collection and use of data so that more strategic decisions that the Government takes are based on—to use my expression—empirical data, as opposed to sort of we have a feel for what it is that has to be done.**

**“In the Ministry, generally, not just in relation to employment, in relations matters, we have started to focus on, as I said, not just the collection of data, but the application of data as strategic decisions are taken.**

**“The whole question to the development of a manpower database, I think, is a very valid suggestion or recommendation, and it is certainly**

**something that I will take under advisement and discuss at length with Mr. Whittaker [who was the director of Employment Relations at the time] and the other persons in the Ministry, in particular the Department of Employment Relations, to see what needs to be done or if something can be done to the system that is being developed now to take it to that additional level, because I think that is very, very critical information as we plan for the continued development of Cayman. I mean from everything, roads and schools, and all of those things are impacted by the number of people that you have in the workforce and the kind of people you have in the workforce. So, it is a very valuable suggestion.”** [Unedited transcript of Finance Committee, 19 May 2006]

Some other questioning went on, Madam Speaker, and other Members interjected with other questions. At that point, I was not sufficiently satisfied so I came back some time later and said: **“Mr. Chairman, with your indulgence sir, we covered a very important matter just before we took the break, and I think it was left hanging a bit, and I would just like to ask of the Honourable Minister if he could give the finance committee a commitment that when they have looked more in depth at the whole issue of a national manpower database, whether or not he would give consideration to reporting back to Members of the House in that regard in terms of the way in which the Ministry is going to move and what findings they have uncovered in that area.”** [Unedited transcript of Finance Committee, 19 May 2006]

And the response: **“Hon. Alden M. McLaughlin, Jr.: Mr. Chairman, the whole question of a manpower survey is a matter that was raised by us on the campaign trail, particularly, Mr. Alfonso Wright and Mr. Osbourne Bodden, both articulated that position of the PPM repeatedly, and so I’m being pressed also by them and by other Members of the Backbench to move this aspect of it forward. So, I don’t really have any difficulty at all in giving Mr. Anglin the undertaking he wishes.”** [Unedited transcript of Finance Committee, 19 May 2006]

Now, Madam Speaker, I have heard Members of this current class of legislators absolutely rip to shreds any Minister prior—but in particular, any Minister who was part of the previous UDP Administration—for anything that they did not do. I always hear them jumping up, thumping their chests and saying, **“Well, you had three-plus years to do it.”**

So, Madam Speaker, I find it quite alarming that in 2008 we get what, in my humble submission, seems to be one of those feel-good private member’s motions, one that one would want to ensure was included on a resume that is called a manifesto so that you can get up and say, *Well you see, I moved this motion.* Yet, Madam Speaker, I see three-plus years and the Minister has the audacity to use his favourite

phrase, "Oh how loud the thunder; but how little it rains." I think that's what he likes to say a lot.

Madam Speaker, in this regard, as it relates to labour, because no one can convince me . . . because I heard them when they first started off the debate. I heard the excuses being formed at the very outset by the Fourth Elected Member for George Town, talking about, *Oh well, this one has been busy. That one has been busy*

' Madam Speaker, all legislators are busy. How can you be too busy to have not moved forward one of the most important initiatives in trying to get to some of the root causes and information as it relates to our labour market?

In my humble submission, this one has been around for quite some time—certainly, as I pointed out in my first quote, from February 2002 (and I know there was an earlier reference in my first Throne Speech [debate] as well), to how important it is for us to effectively manage our labour pool. In fact, I recall on another occasion in the House, I made the point that I hoped nobody would use the excuse that this was too mammoth an exercise (that is, creating a national manpower database) when you have countries the size of the United States where the Internal Revenue Service has created a massive database to track hundreds of millions of people and their income tax filings.

Madam Speaker, I like to see and believe the best about everybody. I think that I am fair across the board in my analysis. I critique myself better than anyone else. I say that because I believe that before one criticizes, one should look inside and say, *what else could I have done?* In looking at the records of this honourable House, I can only say that the mumbling I am hearing from across the Floor is because the Government now realises that on this occasion they are being exposed because they have come with a motion that the whole House is going to support. Why would the whole House not support it? All of us understand the necessity of it.

The Government has not done anything to move this forward. Nothing tangible to move forward this position. Yet we are talking about 12 October 2005. I clearly remember at the time that when the Minister wound up the debate on the results of the National Education Conference, he clearly said that the good points raised by the Opposition—and there were many—would be moved forward as part of the future development in the area of education and labour.

Madam Speaker, one thing that I have learned is that you can make as many good points as you want from this Opposition bench, this Government takes on board none of them. They will accept motions. And only if you can really box them in to get to a point where it is hard to have any wiggle room at all, do any of the points of the Opposition get any real redress.

Madam Speaker, I personally believe that what happened in this instance was that it was raised before any other Member moved a private member's motion. If you remember, Madam Speaker, the election was in May 2005. The debate that I spoke about was October 2005. So, no Member had moved the motion. No Member had brought it forward, yet as they have said, this was a big point for them on the campaign trail. I am not quite sure why they did not, but that is not for me to judge.

Nothing happened. It did not move forward. We mentioned it in a debate. A Minister of the Government said he was going to take it on board and eight months later in Finance Committee, we pressed the same Minister again. He said, yes, we are going to move this forward.

Now, two and a half years later we hear members of the Government and the same said Minister get up and talk about how important this area is, and have the audacity to say that the Honourable Leader of the Opposition does not support education. Well, certainly, his track record has unequivocally proven that he does not meaningfully support labour in this country.

**Hon. W. McKeever Bush:** True!

**Mr. Rolston M. Anglin:** How can three years pass, right? It is three and a half years since he was elected. So, let us assume that all this talk about the campaign trail was just fluff and they did not really mean to do anything about it. October 2005 rolls around. They were pressed by the Opposition. Commitment was made; yet nothing was done.

Let us hear that saying again, "Oh how loud the thunder; but how little it rains" as it relates to labour!

I hope the Minister of Works is listening as it relates to labour. It is a parched wasteland on his side because nothing has been done and nothing was going to be done because they know—even after passing this Motion—nothing of substance is going to be done to achieve the outcome of this Motion before the next general election. They already know that.

That is why the Minister has already said that the national manpower survey is a massive national undertaking, and he alluded to the census. And we would have to agree with him on that. But in regard to the national manpower database . . . September 2008. Elections soon rolling around. House is going to be prorogued soon. A feel good motion to get up and say to the public *You see? I moved the motion. I care about labour. I care about you. I will try and do something for you.*

Now, Madam Speaker, as I said, I try to see the best in all people in all things.

**Hon. W. McKeever Bush:** Hold on!

**Mr. Rolston M. Anglin:** But, Madam Speaker, that one really, really, really baffles me. How could it have taken this long?

How could it take this long?

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** Madam Speaker, some history needs to be corrected because we cannot have debate that is going to form part of the *Official Hansard Report* that takes history and completely rewrites it.

I have stood up on the Floor of this House and talked since 2000 about the depression of wages in this country. In fact, if you look at the record of the motions moved, we see that going way back we have many, many motions that impact this particular subject matter. Minimum Wage by Category—study done. We had all sorts of good stuff: Minimum Wage motion again in 1998. Training initiatives. Public Education System. I even moved a motion down here about Review of the Labour Law.

Madam Speaker, we have had some movements in the last while. But the reality is that you are going to get up and say that you care about all of these things, are doing all these things, but you just have to get up sometimes and give the position as it is. You dropped the ball. You did not do anything, but you're hoping to make amends. That's what the Government should have done.

Now, getting back to history: I heard the Third Elected Member for George Town who, I must say, whenever I debate she always seems to take great interest in what I am saying. But I must tell her the depression on wages in the construction industry and in other industries, in particular tourism, did not start with the Ritz Carlton. Madam Speaker, I stood on the Floor of this House and gave evidence that from 1984—the Ritz Carlton did not start building until 1999—the stagnation of labour in the construction industry . . . if you go into the specific areas. When we saw the Westin built, and if I remember correctly, Hadsphaltic was the company that built the Westin.

Let us get back to a little economic theory here. The reality is that labour is very much like any commodity. The Minister of Education spoke to this point, and I agree with him. When there is a cheaper alternative, and that cheaper alternative can move with minimal restriction, then the price in whatever domestic economy importing that commodity has to be impacted. So, we saw a large influx in certain sectors of the construction industry that caused cheaper foreign alternatives to the Caymanian labour. And that did depress the wage in that area. But it had nothing to do with the Ritz Carlton!

The reason she had to mention the Ritz Carlton is because she wants to also tie that to the Honourable Leader of the Opposition. Everything in the world! We stopped the constitutional talks, we did this,

we did that, anything that goes wrong, this Government blames us!

**Hon. W. McKeever Bush:** You were not blaming me?

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** But to say that the depression of wages in the construction industry started in 1999 is a complete misrepresentation of history —

**Hon. W. McKeever Bush:** Of course!

**Mr. Rolston M. Anglin:** —it started a decade before that.

**Hon. W. McKeever Bush:** A decade? More.

**Mr. Rolston M. Anglin:** Easily a decade before that.

Madam Speaker, what surprises me is that I know that these Members know better.

**Hon. W. McKeever Bush:** Oh yeah.

**Mr. Rolston M. Anglin:** Every one of them is older than me, Madam Speaker. Every one of them.

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** Ashamed?

Well, as I would check my records, my darling, in 1988 I was 16. I do not know how old you were, but I know you were not 16! You were not doing anything about it.

**The Speaker:** Second Elected Member for the district of West Bay and Third Elected Member for George Town, can I have this crosstalk stopped so that the Second Elected Member for West Bay can complete his debate?

Thank you.

**Mr. Rolston M. Anglin:** I know, Madam Speaker, you do try to defend me, and you do try to defend my rights.

**Hon. W. McKeever Bush:** [laughter]

**The Speaker:** You always put your foot in your mouth, don't you?

**Mr. Rolston M. Anglin:** Madam Speaker, I do not know what I did wrong.

**The Speaker:** Would you please continue your debate?

**Mr. Rolston M. Anglin:** But I thank you for defending me, Madam Speaker, because the Government just does not like to hear any of the truth.

Whenever the other side is told on any story they have to get in this chatter and try to distract you. But I am not going to be distracted, Madam Speaker.

Madam Speaker, if I listened to my good friend, the Fourth Elected Member for George Town, I would believe that—

*[inaudible interjections]*

*[Mr. Cline A. Glidden, Jr., Deputy Speaker, in the Chair]*

**Mr. Rolston M. Anglin:** I would believe, Mr. Speaker, that everything has gone amuck and awry in Cayman. Again, this gets back, in my humble submission, to fueling that anti-foreigner sentiment, which is negative and bad for this country.

**Hon. W. McKeever Bush:** Right!

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** Mr. Speaker, I heard the Member say that the best jobs are not going to Caymanians. The best opportunities are not going to Caymanians. The companies are not owned by Caymanians. But, Mr. Speaker, we have certain industries that we need to do a lot of work with, and we need to take some hard decisions on, in my opinion. Let me use an example of a hard decision and line that was taken, and the positive results that were gleaned.

In my profession, accountancy, accounting firms were not allowed to bring in on a work permit a staff accountant. A staff accountant is the entry-level professional position in an accounting firm. What did that make the firms do? A scholarship programme to send Caymanians off to get educated. They came back, became the staff accountants and worked their way up. It is a good positive result.

Sitting on the IRT, I can tell this House that a natural follow on, in terms of initial legislation passed, was to look at two other aspects: One was to have a complete review of the Trade & Business Licensing Law done; and, secondly, to take a hard look at industries in this country and decide if there were any others that we needed to take such a hard line position on. And, Mr. Speaker, the bottom line is, if you follow the logic, other than a company that has been given a specific exemption (that is, a big bank, other areas in the financial industry, major multi-million dollar firms), or you obtained a local controlled companies license, an LCCL, every company is supposed to be a Caymanian company.

So, there are Caymanian companies that have given certain semi-skilled and skilled positions to cheaper foreign labour alternatives, even having to pay the work permit. They would much prefer that than to take a young Caymanian in, train him and get him there. If anybody was listening to my early comments, they spoke to the expense involved in develop-

ing human capital. All of us know that. When you hear of somebody fresh and green, depending on the industry, it can take anywhere from 12 to 24 months, sometimes longer, before that person is of the skill and competence that you, as the employer, can make a return versus a trained experienced person in the same area.

I am going to use an example. I said this on national radio a few weeks ago, and I will say it here again. Heavy equipment—it grieves me to see non-Caymanians in that area on work permits. It grieves me. The spirit of our legislation is that we first try to make sure that we strengthen the areas that are highly technical in terms of scholarships—engineers, architect, lawyers, doctors, accountants. Those are the areas where we naturally have huge gaps between economic needs and demands of the economy, the availability and number of Caymanians going into those professions. We have to be realistic about our size.

Of the 300 or so graduates that we get a year, only X per cent is going to go on to university. Of those an even smaller number is going to go into each of the specific professions.

The Minister spoke to the growth in the accountancy field, the growth of around 100 professionals needed each year. I do not care which government is there, there is no government that is going to be able to produce from our natural population 100 accountants per year. We do not have the numbers to support it. Just do not!

However, one of the key things that was supposed to come out of the new immigration regime, was to look at the economy, see the areas where there is a shorter timeframe between a person starting off green and becoming competent and able to make a decent living.

*[Hon. Edna M. Moyle, Speaker, in the Chair]*

**Mr. Rolston M. Anglin:** In other words, we were supposed to look at the key areas, skilled carpenters, et cetera, because even though we talk about depression in wages I still know skilled carpenters, Madam Speaker, who make CI\$60,000 a year. Skilled carpenter. That's good money.

We were supposed to look at the areas that were not necessarily professional areas that we knew would involve a four-year degree, sitting exams afterwards, getting experience, and then becoming fully qualified. The average person who is going to become a qualified accountant is still going to take somewhere between six to eight years, depending on how quickly they pass the exams before they are fully qualified.

A lawyer has to go through his law degree, pass his professional practice exams, get articulated, then get called to the bar; a similar type of timeline. Again, a much smaller percentage of any population, not just Cayman, any population, that will have the

skills, necessary acumen and desire to get to the end of the road.

However, where we have dropped the ball since that new Immigration Law came into effect, has been on the labour front in terms of our detailed analysis. The Fourth Elected Member for George Town quite accurately said when it comes to work permits the numbers, company, nationality, you can slice it and dice it any way you want to. The information is there at the Immigration Department. We know the areas that we have huge shortages in. We do not need any manpower survey to prove some of those. We just know the raw numbers that are there.

So, a lot of those areas where we need to sit down with industry and the private sector should have been looked at to say (and it's a very difficult conversation) . . . but we need to say, *Look, you have an area you need to fill with Caymanians. You need to go and find . . .* This whole business about advertising in the paper and if someone does or does not apply . . . Madam Speaker, I got my scholarship in 1990. At that point, PriceWaterhouse had been granting scholarships from the 1970s. So, [that was] over a decade. If previous administrations had simply said to them, *Well, you know, advertise and if you can't find a staff accountant locally, if no one applies, then you go ahead and we will give you a work permit.* If they had taken that approach, certainly, a lot of the opportunities that have been accrued to many Caymanians would not have existed.

But how did they go about it? I cannot tell you precisely what each firm does these days, but back in those days they came into the high schools and directly recruited and found someone. They made sure that each year they found someone to give a scholarship to by coming in. We may be small, but Caymanians—who are driven and desirous—are as good or better than any, in any profession. I have no apologies to make with that statement. We can compete with the best in the world, as small as we are.

But the reality is, if you are still going to keep a very hands-off approach with some of the critical areas of our economy, then naturally you are going to continue to get some of the complaints that the Fourth Elected Member for George Town has complained about, and complaints that we get in our MLA offices every day.

We need at all stages, in my opinion, to monitor where your economy is, monitor where the labour market is, and make sure . . . we know the areas that pay well. A lot of our kids do not get exposed to it. No one is going to convince me that if X employer went into the high schools and into the relevant class, just as the accountant firms used to do with their accounts and business class teachers and say to them, show me a good student. So, they go into your woodwork, electrical studies class, "Show me a good student." And that person is directly recruited.

I understand some of that is happening. I was pleasantly surprised when a young man that I was

talking to sometime over the last few months told me how he happened to get his job. It was not an application process. It was someone coming to find him. We have to shift the paradigm in specific areas that we as a country need to Caymanianise, because we know the opportunities are there for our people. And Caymanians will rise to the challenge. They will rise to the challenge. But, Madam Speaker, I have certainly not seen, in my opinion, the type of emphasis and effort emanating from Government to make this happen.

What is very interesting is that we are debating this and we are going to be breaking to come back to take up another very interesting debate, which is, a change in the work permit approval system.

Vision 2008 envisioned that there would be some sort of national manpower authority that would be responsible for this whole process of approving in and out those who would be able to live and work in Cayman. So, over the next year or two in this country (because this is not going to happen tomorrow) we have to decide whether or not to take a big step back to see if immigration should or should not be responsible for one of the most critical aspects of management in our economy, that is, the approval of work permits. Or, if perhaps that task would be better vested with people who have more in-depth knowledge, skills and expertise in this area, and immigration is left up to the technical aspect of simply granting the actual visa.

I will stop there on that point, but suffice it to say that I think this manpower motion could be extended in the sense that perhaps we need to think long and hard about which area of government is truly going to manage it. You have one area—Department of Employment Relations—trying to get jobs for people and that sort of thing. However, there is a crucial aspect of the whole process removed from them, which is the approval in and out of who should be allowed to get a job within a particular company (that is, the grant of a work permit). Perhaps we need to think long and hard about whether or not that area of responsibility should be extended to them.

Certainly, from a logistic standpoint, once you have built a proper system, and by proper system I mean a proper information technology system, this whole process could be seamless. This is not rocket science. This whole area could be seamless in terms of application to a human resource authority. That authority would house the manpower database this Motion envisions. In my opinion, they would then be able to better judge the need, applicability and relevance of that application, approve or disapprove and electronically send the approval to the Immigration Department where the work permit would be then be generated into their computer database, which would allow the person to come in with a stamp in their passport. Remember the work permit aspect of it is simply a technical generation.

These are the sorts of things that as a country we have been talking about since 1998 in terms of this

whole issue of the national manpower authority. But I do not see the strategic direction; I do not see the strategic leadership that is needed in the most critical component of our economy and our society—our people. We need to ensure that our people are given the best opportunity for success.

Madam Speaker, whilst there are employers that take advantage of the current system (and we know that) we cannot take a broad brush and paint everybody a spade. There are many, many good employers in this country. Over the last 15 years or so, there has been much investment in the human capital in Cayman. Do I want to see every Caymanian that ever got into any profession make it to the top of their profession? Yes, I do. Yes, I do, Madam Speaker. All of us want to see that.

I will say this: The rhetoric that emanates and is encouraged sometimes from these chambers has caused people who are here currently, particularly in the finance industry where they have exemptions from the Trade and Business License regime, to really think long and hard about what they do here. When you start making people feel not welcome . . . because, let us just do the math, Madam Speaker.

Take one institution that has a managing director. Let's say he makes \$250,000, but he employs 10 accountants. Those 10 accountants average \$70,000. Throw in the support staff and the knock off benefits in the whole economy. Yes, I want to see a Caymanian as that managing director, but I want to see a Caymanian there when he is ready so he can do a great job. Hopefully, he will not forget where he came from and he will pull other Caymanians in too.

But at the same time, we cannot be running around with all this anti-foreigner rhetoric that is going to start to make people feel uncomfortable, start to make people ask, 'Do I need to stay here or should we move this to San Francisco? Should we move this to Boston? Should we move back to Dublin?' We cannot kill the goose that is laying the golden egg. For every company that we chase away, there go opportunities for Caymanians.

I have said before in this House and on the radio, I have said it on the campaign trail, and I will say it here, I want to see Caymanians reach the top. But I will say this: I would much rather have people coming to me to talk about their particular situation and how we can help them move forward if, in the institution or organisation they work in, they are hitting a glass ceiling. I would much rather that than to have them coming to me because their entities have picked up roots and left Cayman.

Obviously, in this instance it is not an easy task because you have your people on one end, private sector on the other end, and government is in the middle. It is not an easy match to referee. None of us can downplay it and make it seem as though it is a piece of cake, because we know it is not. However, we need to make sure that we are moving motions, putting policies in place, talking to our people in mean-

ingful ways and making sure that we are keeping the business we have and building upon it. That is what is going to fuel the growth; that is what is going to make life better for all of us, our children and our grandchildren—not companies picking up roots and leaving.

I have looked at some of these blogs. I have looked at some of the rhetoric that you hear people calling the talk shows with. And this is heard all over the world now. Last time I was at Radio Cayman they said that they were getting hits online . . . I don't remember the number of countries, Madam Speaker, but a staggering number of countries are listening in. In retrospect, it is not surprising in the sense that we have a lot of nationalities here. Therefore, a lot would have come and gone. So, there would be some who still have an interest and keep up with what's happening in Cayman.

The bottom line is that we need to be getting out a clear message about who we are, what we do, and how we want to do it. Do we have to be firm? Yes, we have to be firm. We cannot let any Caymanian get railroaded; whether it is a Caymanian who is in business, a Caymanian who is working, and that could be working from the dishwasher right up to the managing director. Every single Caymanian needs and ought to have whatever protective mechanisms we can have in legislation and government policy.

Madam Speaker, this Motion—

#### **Moment of interruption—4.30 pm**

**The Speaker:** Second Elected Member for West Bay, it is the hour of interruption. Is it the intention of the House to carry on to completion of this Motion? If so, I would entertain a motion for the suspension of Standing Order 10 to continue beyond 4.30.

Honourable Leader of Government Business.

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

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

I move the suspension of the relevant Standing Order so that we may continue beyond the hour of 4.30.

**The Speaker:** The question is that Standing Order 10 be suspended in order that we may continue beyond the hour of 4.30. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 10(2) suspended to allow proceedings to continue beyond the hour of 4.30 pm.**

**The Speaker:** The relevant Standing Order has been suspended.

Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Madam Speaker, much work has been done in the area of labour. I understand that there is some good work happening within the Department of Employment Relations. I have no problem giving my support to the Motion.

But, Madam Speaker, in my humble submission there is a lot of talk a little bit too late in regard to meaningfully helping the people of this country during the term of this legislative class, which runs from May 2005 to May 2009. However, we are where we are, and I know that the good people of Cayman will recognise it for what it is in terms of the timing of the Motion.

I just hope and pray the real work that needs to be done . . . and it is a lot of work. Developing a national manpower database is not a small undertaking. The real hard work that is necessary is in the overall economy to better manage it and better manage opportunities for Caymanians. That is where the rubber meets the road. That is where our people live. It needs to be done, Madam Speaker. We have a duty.

I know, Madam Speaker, that they will come behind and say all sorts of good things like, *Well, he (that is, me) spoke about the contributions he made in the House but why didn't he move a motion?*

I know they will come behind (I already hear them grumbling), *Oh well, the last Minister of Labour did not do this, and did not do that.*

The reality, Madam Speaker, is this: it is September 2008. We were elected in May 2005. And to be talking about absolutely, positively, one of the most important aspects of human existence in the twilight of this term is, quite frankly, just not good enough.

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

If no other Member wishes to speak, does the honourable mover wish to exercise his right of reply?

Fourth Elected Member for George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I would like to thank each honourable Member for their contribution to this debate. I would also like to thank the seconder who came along with me in seconding this Motion.

At no point in my contribution did I turn to the bashing of expats in this country. As a matter of fact, the *Hansards* will prove that I made it quite clear that I was not going to lay the blame for this on any particular regime, government or entity at all.

Madam Speaker, I really cannot tell you how disappointed I am, how flabbergasted I am by the pronouncements made by the Second Elected Member for West Bay, who did his best to make this look like a bashing of expats motion.

On the one hand, he spoke about how we have to be careful how we speak to the expats be-

cause they will pick up their companies and leave. No one said anything connected or related to that at all. On the other hand, you have to do what you must in legislation to protect Caymanians.

We are talking about jobs in this country. At one end of the spectrum are Caymanians who were born or otherwise naturalised here. At the other end of the spectrum are expat workers who come here looking for jobs. How do you protect and preserve jobs for Caymanians unless it has an effect on the expatriate workforce? How do you separate those two things and make sure one does not intertwine or mix with the other?

I say, Madam Speaker, this is a dark day in this country when a Caymanian Member of Parliament with qualifications stands up in this House and tries to set one community against another and encourage expatriates to look at what the government is trying to do as bashing them.

Right now, the Opposition is doing what they do best. They sit down on the other side of the House and they giggle all day. They have nothing better to do, no positive contribution to make in this country. They seem to be able to do that all day, all the time.

Madam Speaker, the Second Elected Member for West Bay spoke about how there is no point in going back and talking about things that happened previously. But that's all he did! He talked out of both sides of his mouth all afternoon. Madam Speaker, the Leader of the Opposition will, as usual, get up and speak about all of the things he did, while the Second Elected Member for West Bay says that there is no need for that. It just shows you how synchronised they are and how they think alike.

We listened to them talk about all the things the Leader of the Opposition did from 1984, and on, and on, and on. Had the Leader of the Opposition done the things for this country that he should have done, we would not be here right now debating a motion on a manpower database.

**Hon. W. McKeeva Bush:** No?

I did it. [inaudible]

**Mr. W. Alfonso Wright:** Madam Speaker, the amount of things that should have been done in this country are the amount of things that people try to take credit for. You know, Madam Speaker, I am a little upset, but I am okay.

I will readily admit that there are times in this country when things piloted and initiated by the Leader of the Opposition have been good for this country. I will readily admit that. But, all that he did, and all that his government of 2002 to 2005 had accomplished . . . in one fell swoop of the pen, Madam Speaker, they negated every piece of good will that they ever did for this country by their status grants in 2003.

**Hon. W. McKeever Bush:** How many has your Government done? And how much did you put in? And ask who was putting in for you.

**Mr. W. Alfonso Wright:** Madam Speaker—

**Hon. W. McKeever Bush:** That's what you need to tell the people.

**Mr. W. Alfonso Wright:** Madam Speaker—

**Hon. W. McKeever Bush:** Better not get me started on that.

**Mr. W. Alfonso Wright:** The Leader of the Opposition can say whatever he wants. I sleep good at night. I have done no one wrong in this country.

**Hon. W. McKeever Bush:** You?

You had your hands in those status grants like everybody else.

**Mr. W. Alfonso Wright:** I am afraid of no man.

**The Speaker:** Could we stop the crosstalk so that the Fourth Elected Member can continue his debate?

**Hon. W. McKeever Bush:** Well, you make him state correct things.

**Mr. W. Alfonso Wright:** What the Opposition continues to do, and the people need to understand this . . . The Second Elected Member for West Bay stood up and tried to give the impression that this Government is anti-expatriate.

**Hon. W. McKeever Bush:** You're worse than that.

**Mr. W. Alfonso Wright:** And he continued, Madam Speaker, to make sure that the expatriate supporters—the people they have helped to get Cayman status in this country—understand, by way of his debate, that they are still looking out for them over their own Caymanian people. People need to understand that, Madam Speaker, because that is whom they are protecting.

Now, Madam Speaker, I have not differentiated between born Caymanians and those who have acquired status in this country. We are all equal. I accept that.

**Hon. W. McKeever Bush:** Oh boy.

**Mr. W. Alfonso Wright:** I accept that, Madam Speaker.

So, when I bat for Caymanians, when I talk about Caymanians, that we need to protect them, their positions, their job opportunities, the business opportunities, I am talking about even the naturalised Cay-

manians. I am not separating anybody. I made no distinction.

**Hon. W. McKeever Bush:** You mean the ones that Kurt goes around looking, saying, *Bobo you know we still support you*. Them?

**Mr. W. Alfonso Wright:** I am not anti-expat, Madam Speaker. I never have been, never will be—but I am pro-Caymanian.

Now, Madam Speaker, instead, the Opposition (when they were the government) [should have been] looking out for the welfare of the people of this country. Now all the talk they have is about all they did for employment in this country. When they had the opportunity . . . and if you listen to the Second Elected Member for West Bay, he was never part of a government. Never, ever had the opportunity to do anything about the stuff we are trying to do now.

They were more interested in adding numbers to the database of voters in this country than looking out for the welfare of the people who are rightly Caymanian and deserve to be protected. That was their interest, to add to their ability to get re-elected!

**Hon. W. McKeever Bush:** And what are you doing?

**Mr. W. Alfonso Wright:** That's where their interest lies.

**Hon. W. McKeever Bush:** And you are trying to stop them. Yet, unnah allow them.

**Mr. W. Alfonso Wright:** The Leader of the Opposition spoke about his goal. His wish in life was to be . . . what? A lawyer. What was the other one? Teacher?

**Hon. W. McKeever Bush:** What was yours?

**Mr. W. Alfonso Wright:** Madam Speaker, UCCI and the International College of the Cayman Islands are still here. I suggest that he enroll.

**Hon. W. McKeever Bush:** [laughter]

**Mr. W. Alfonso Wright:** The Deputy Speaker, is currently going to law school.

**Hon. W. McKeever Bush:** I have too much work to do.

**Mr. W. Alfonso Wright:** And I admire him and I congratulate him every day for that, Madam Speaker.

If the Leader of the Opposition really wants to improve his education base, he still has the opportunity. He is not too old. Like anything else, Madam Speaker, let him stop talking and do something about improving his lot and the lot of the people in this country.

**Hon. W. McKeever Bush:** [laughter]



**Mr. W. Alfonso Wright:** And stop his hyena giggling on the other side of the Floor.

**Hon. W. McKeeva Bush:** I do not have to be a lawyer to do good. I have proven that. I have done the good without being a lawyer or a teacher.

What are you?

**Mr. W. Alfonso Wright:** Madam Speaker, the Second Elected Member for West Bay—

**Hon. W. McKeeva Bush:** You think lawyers are the only ones who get anything done? [laughter]

**Mr. W. Alfonso Wright:**—rightly said that there are more jobs in this country than we can fill. I acknowledge that. We acknowledge that. I do not know what area of the world you have to be from if you do not understand that. And I made it very clear in my contribution that I would not be so naïve as to believe that we could rid ourselves of work permits. That is here to stay with us, at least for the foreseeable future.

What I went on to say was that my goal was not just to make sure that Caymanians get work in this country, but I said I would take it further. I want to see Caymanians get the jobs they are qualified to do and that are rightly theirs, and for training programmes to come into this country to help qualify them to take the better paying jobs.

Now, the Second Elected Member for West Bay criticised me for saying that Caymanians do not hold the best jobs, they do not hold the highest paying jobs, they do not own the companies . . . Madam Speaker, is that not what we want for our people?

**Hon. W. McKeeva Bush:** Is that what you said?

**Mr. W. Alfonso Wright:** Madam Speaker, what I said was that I not only want to see Caymanians get jobs in this country, but I went on to explain that the jobs the work permits are issued for must be the jobs that Caymanians cannot do, and the jobs that we do not have enough Caymanians to fill. But it is wrong in every sense of the word, Madam Speaker, for Caymanians to be getting the jobs that are left over from what the expatriates do not want.

[inaudible interjections]

**Mr. W. Alfonso Wright:** We do not want the crumbs from the table. Now, if that is what the Opposition wants, Madam Speaker, then they can get up and pound there chests—

**Hon. W. McKeeva Bush:** Oye.

**Mr. W. Alfonso Wright:**—if that is how they think about their Caymanian people.

**Hon. W. McKeeva Bush:** You wouldn't live long to do as I have done [inaudible]

**Mr. W. Alfonso Wright:** My goal, Madam Speaker, is to make sure our Caymanian people are assisted by being given opportunities in the learning facilities of this country to better themselves. Therefore, [for] the jobs the work permit holders are holding, our people can uplift themselves to be better and not simply accept jobs at the lower end of the ladder just to say they have a job. And many of them are doing that now. They are simply accepting jobs just to make sure that they have a way of making ends meet. Many of them cannot do it because they are not earning enough money.

So, if the public and Opposition believe that what I am saying is that if a job is being held by an expatriate work permit holder and there is a Caymanian in a lower paying job qualified to do that job, that he should have preference to that job over that work permit holder, then they are right. That is exactly what I am saying. That is exactly what I am saying!

Perhaps this whole concept escapes the Opposition. Perhaps this whole thing escapes them.

[inaudible interjections]

**Mr. W. Alfonso Wright:** The Second Elected Member for West Bay said we dropped the ball. The ball they were playing with got soft!

[laughter]

**Mr. W. Alfonso Wright:** Do you know why a ball gets soft, Madam Speaker? Because it sits in a corner somewhere and nobody uses it. And the heat sucks the air out of the ball. Their ball was not used.

[inaudible interjections]

**Mr. W. Alfonso Wright:** Madam Speaker, the Department of Employment Relations has been working on a programme called "Job Placement Database" since June 2007. They have done a tremendous amount of work. And what they have done so far has paid off. Even the Second Elected Member for West Bay had to admit that.

You know, Madam Speaker, one of my greatest qualities that people do not understand is that I love to observe people—their facial expressions, the way they walk. That is a hobby of mine. And when the Second Elected Member for West Bay walked into the chamber this afternoon, I said to him that he was walking with a reluctant gait.

[laughter]

**Mr. W. Alfonso Wright:** I said to him that is usually the way you behave when you are about to do something that you really do not want to do.

I said that to him before we started back this afternoon. You can tell by his mannerisms when he is being put in a position that he really does not want to be in. But until he is man enough, Madam Speaker, to stand on his own two feet, and not be influenced by all of the negatives around him—

**Hon. W. McKeeva Bush:** Get back to [inaudible]

**Mr. W. Alfonso Wright:** —this country will never receive the full benefit of his potential.

**Hon. W. McKeeva Bush:** Fool-fool.

**Mr. W. Alfonso Wright:** And the sooner he realises that and understands that he is being kept down by those around him, Madam Speaker—

**The Speaker:** Fourth Elected Member for the district of George Town, give me one moment please.

I would like to advise Members that all comments being made are picked up and broadcasted.

Someone just called the Fourth Elected Member a word that should not even be in this Parliament. So, would you desist and stop the crosstalk? It is being recorded, and it is sounding bad on the future of this country when Parliament is behaving like this.

Fourth Elected Member for George Town, continue please.

**Hon. W. McKeeva Bush:** [inaudible]

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I am used to the names that come from that side of the House, especially from the Leader of the Opposition. That is childish, so I do not resort to that. There are many things I could call him. Many things!

**The Speaker:** Fourth Elected Member for the district of George Town, just continue your debate please.

**Mr. W. Alfonso Wright:** Madam Speaker, the Second Elected Member for West Bay also went on to talk about too little too late for this Motion because this is in the “twilight” of the term.

Madam Speaker, somebody of his learning, training and intelligence . . . is he saying that there comes a point in an elected term when you stop doing good? Because you know it may not make legislation by the end of your term you should not propose it?

This Government knows that we will be here for the next term! This is something that we are going to continue. The people of this country have good sense, Madam Speaker. You believe that we are going to get to a point where the people of this country are going to give the reins of this country back to the likes of the Leader of the Opposition? That will never happen, Madam Speaker!

**Hon. W. McKeeva Bush:** Who says so?

You?

You're likely to lose your seat, my son.

**Mr. W. Alfonso Wright:** The Leader of the Opposition just said that I might lose my seat. I have also heard that he has said that if it causes him to lose his, he is going to make sure that I do not get re-elected.

**Hon. W. McKeeva Bush:** I don't love you that much!

**Mr. W. Alfonso Wright:** But, Madam Speaker, when the Leader of the Opposition takes on somebody like me as a project—

**Hon. W. McKeeva Bush:** Ooooh.

**Mr. W. Alfonso Wright:** —the world knows that I am doing something good. So, proceed on!

**Hon. W. McKeeva Bush:** [laughter]  
You got more jokes to tell?

[inaudible interjections]

**Mr. W. Alfonso Wright:** Madam Speaker, the Leader of the Opposition has many things about me that he does not like, but I will say what I have to say. Madam Speaker, I was born of the Negro persuasion and I will die like that, whether he likes it or not.

[inaudible interjections]

**Mr. W. Alfonso Wright:** Madam Speaker, one of my chief concerns for this country is, whether the Opposition accepts it or not, that for every work permit that we import we in turn export wealth. Until we come to grips with that as a small nation . . . the Second Elected Member for West Bay spoke about our seafarers, about them going off to sea to make a living. Madam Speaker, we all understand how that happened. Obviously, the way that Caymanian seamen were sought after, it must mean they were doing jobs that other people could not do and that we were not taking jobs, we were not affecting economies.

If we want to do the numbers on that as far as percentages are concerned, a great percentage of our population went to sea. It was a drop in the bucket to the foreign labour market that they were immersing themselves into, so it had no negative effect on those economies. I would trust that an accountant of the qualifications of the Second Elected Member for West Bay would understand that and not try to make that a negative point.

Madam Speaker, I am wholly satisfied with the accomplishments of my Government. I have no apologies to make for us bringing a manpower survey motion at this stage of the term. When I started, I said there were many things we had given priority to. Education had to be one of them. And we have done that—with a lot of resistance in all areas. But we have

gone ahead with it. Madam Speaker, our schools are underway. Construction has been started on all of them. There are more to come. We have done much work in immigration reform, all connected to this whole idea of a manpower survey.

We have challenged ourselves to look at how we work our curriculum and how we employ people to do career counseling so that everyone understands how this whole thing comes together. The Immigration Department understands how it works, and what their part is in making sure that Caymanians are properly looked after.

I accept that the manpower survey is a long drawn out process. But if I follow the line that the Second Elected Member for West Bay has taken on this, we would never bring it because it's expensive and it's a tremendous amount of work and it involves a tremendous amount of personnel to get it done. So, at what point do we make the decision that we are actually going to bring a Bill to tackle the manpower survey? At what point?

Madam Speaker, I am convinced that we have done the right thing. We have discussed this at length in our caucuses. The Minister is quite aware of what needs to be done and he has his plans. And if we know our Minister for Labour, he does not do anything until he has all his ducks in a row. I am very comfortable with that.

It matters not to me at what point in the term the bill comes, provided we get it in the system and we understand it is something that we need to do. The Minister is fully aware, he had great involvement even before he was a Minister with immigration workings by sitting on one of the immigration review teams in this country. He is also the Minister for Education, so he understands the whole concept. If there is anybody perfect for this job in seeing this through, it is the current Minister of Education and Labour—

**Hon. W. McKeeva Bush:** Oh-oh.

**Mr. W. Alfonso Wright:** —and I have the utmost confidence in him. As do all of his colleagues.

Madam Speaker, I could say a whole lot more, but I believe I have said enough.

**Hon. W. McKeeva Bush:** Yes, you have.

**Mr. W. Alfonso Wright:** I ask Members for their support—even the Opposition. And I want the Second Elected Member for West Bay to understand that I and this country still have very high hopes for him.

*[inaudible interjections]*

**The Speaker:** The question is: BE IT THEREFORE RESOLVED THAT the Government considers conducting a Manpower Survey throughout the Cayman Islands and establishing a robust system for the maintenance of the records.

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

**Ayes.**

**The Speaker:** The Ayes have it. Private Member's Motion—

**Hon. W. McKeeva Bush:** Madam Speaker, can I have a division please?

[pause]

**Hon. W. McKeeva Bush:** A division. What are we waiting on?

**The Speaker:** Madam Clerk.

*[inaudible interjection]*

**The Speaker:** Pardon?

#### Division No. 5/08-09

**Ayes:12**

**Noes: 0**

Hon. D. Kurt Tibbetts  
 Hon. Anthony S. Eden  
 Hon. V. Arden McLean  
 Hon. George A. McCarthy  
 Hon. Samuel W. Bulgin  
 Hon. G. Kenneth Jefferson  
 Ms. Lucille D. Seymour  
 Mr. W. Alfonso Wright  
 Mr. Osbourne V. Bodden  
 Hon. W. McKeeva Bush  
 Mr. Rolston M. Anglin  
 Mr. Cline A. Glidden, Jr.

**The Speaker:** The result of the division is 12 Ayes, no Noes. Private Member's Motion No. 4/08-09 is duly passed.

**Agreed: Private Member's Motion No. 4/08-09 passed.**

**The Speaker:** I will entertain a motion for the adjournment of this honourable House.

Honourable Leader of Government Business.

#### ADJOURNMENT

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

Just to advise Members that when we return on 6 October [2008] we will be dealing with the Immigration (Amendment) Bill, the Justice Protection Bill, and the Tobacco Bill, and whatever other remaining questions.

I move the adjournment of this honourable Legislative Assembly until Monday, 6 October 2008, at 10 am.

**The Speaker:** The question is that this honourable House do now adjourn until 10 am Monday, 6 October 2008. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 5.02 pm the House stood adjourned until 10 am Monday, 6 October 2008.**



**OFFICIAL HANSARD REPORT**  
**MONDAY**  
**6 OCTOBER 2008**  
**10.24 AM**  
*Seventh Sitting*

**The Speaker:** I will ask the Second Elected Member for Cayman Brac and Little Cayman to say Prayers.

**PRAYERS**

**Mr. Moses I. Kirkconnell:** Let us pray.

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

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

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

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

**Proceedings Resumed at 10.26 am**

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

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**

*(Administered by the Clerk)*

*By Mr. Donovan W. F. Ebanks, MBE, JP*

**The Speaker:** May we stand.

**Mr. Donovan W. F. Ebanks:** I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her majesty, Queen Elizabeth II, her heirs and successors according to law, so help me God.

**The Speaker:** Mr. Ebanks, I invite you to take your seat as the Acting First Official Member.

[pause]

**The Speaker:** Please be seated.

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

**The Speaker:** I have received no messages or announcements.

**PRESENTATION OF PAPER  
AND OF REPORTS**

**Second Annual Report of the Office of the Com-  
plaints Commissioner of the Cayman Islands Ad-  
dressing the Fiscal Year July 2005 to June 2006  
(Deferred)**

**The Speaker:** As the Chairman of the Committee of the Legislative Assembly responsible for overseeing the Office of the Complaints Commissioner, the Honourable Minister responsible for Education, is not here, Honourable Leader of Government Business could we just move that we come back to these reports once he arrives? If not, until a later time in this meeting.

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

The Minister is unavoidably late, so I move that the first three items under Presentation of Papers and of Reports be put to the end of Presentation of Papers and of Reports, and if he is not here by then, to be at a later session.

**The Speaker:** The question is that the first three reports appearing under the item Presentation of Papers and of Reports be placed at the end of this item. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The first three reports appearing under the item Presentation of Papers and of Reports placed at the end of this item.**

**Health Insurance Commission – In Review 1 July 2006 – 30 June 2007**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House, the Health Insurance Commission—In Review 1 July 2006 – 30 June 2007.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Anthony S. Eden:** Thank you, Madam Speaker. I would like to briefly speak on this.

As you are aware, since 2004 it has been mandatory for the Health Insurance Commission to sensitise and educate employers and the general public.

The Health Insurance Commission has acknowledged and conducted an Island-wide campaign through radio, television and print, seeking to bring about awareness. It has also partnered with the Immigration Department and the Monetary Authority to ensure compliance with the requirements of the Health Insurance Law.

The Public Education Campaign. In August 2005 the Health Insurance Commission launched a website that provides information on standard health insurance fees, frequently asked questions, details of the Health Insurance Law and the Regulations, role and function of the Health Insurance Commission.

In May 2007 the Government Information Services (GIS) Spotlight Programme (which aired also on CITN) featured the Health Insurance Commission showcasing the benefits of having health insurance, as well as holding group discussions with the expatriate community.

Standard Health Insurance Fees (SHIF). The SHIF covers nearly 7,500 Current Procedural Terminology, that is, the CPT code. The CPT is a uniform language used internationally by health care providers and health insurance companies for reporting, billing and claims processing for medical services and procedures. Each fee represents the amount of money an approved health insurer will reimburse a health care provider for healthcare services delivered to compulsorily insured patients. Patients may actually be charged higher fees by the provider. However, approved health insurers will only pay those fees in the publicized Gazette.

Kroll Cayman Limited and Mercer Oliver Wyman were employed as consultants in April 2006 to

review the SHIF and compare to fees utilised in Florida. The Report found that the current system overvalues some types of services and undervalues others resulting in the Health Insurance Commission implementing changes and initiating a further study with a review to making recommendations

Standard Health Insurance Contracts (SHIC). The SHIC available at the present time is the basic minimum plan allowed under the law. The level of coverage it provides is found to be inadequate. A working group was established, and has now made recommendations that an additional SHIC plan should be established to provide a mid-range contract of benefits to respond to the average employee's current needs. These recommendations are currently being reviewed by the Health Insurance Commission in collaboration with the Ministry of Health and Human Services.

Segregated Insurance Fund (SIF). In accordance with the Health Insurance Regulations (2005 Revision) all fees collected by the Health Insurance Commission from approved insurers must be paid into the Segregated Insurance Fund. The primary function of this fund, Madam Speaker, is to assist the Ministry to defray costs incurred for providing treatment to indigent persons. Approved health insurers in accordance with the Health Insurance Regulations (2005 Revision) and Public Management and Finance Law, 2005, submit collections to the Health Insurance Commission which are deposited into the Ministry of Health and Human Services executive revenue bank account. For the period ending 30 June 2006, a deposit of \$2,216,551 was made.

Complaints. Five hundred and thirty one complaints were received in 2006/07. Four hundred and fifty-six were resolved, five prosecuted, two referred and they are still working on seventy-three.

Madam Speaker, I would like to take this opportunity to commend the Superintendent of Health Insurance and his staff for a useful report and their continued good work.

Thank you.

**Annual Report of the Cabinet Office for the year ended 30 June 2005**

**The Speaker:** I recognise the Honourable Leader of Government Business, Minister responsible for the Ministry of District Administration, Planning, Agriculture, and Housing.

**Hon. D. Kurt Tibbetts:** Madam Speaker, I beg to lay on the Table of this honourable House the Annual Report of the Cabinet Office for the year ended 30 June 2005

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

**Hon. D. Kurt Tibbetts:** No, Madam Speaker.

**Annual Report of the Portfolio of Legal Affairs for the 2004/05 Financial Year**

**The Speaker:** I recognise the Honourable Second Official Member responsible for the Portfolio of Legal Affairs.

**Hon. Samuel W. Bulgin:** Thank you, Madam Speaker.

I seek leave of this House to lay on the Table of this honourable House the Annual Report of the Portfolio of Legal Affairs for the 2004/05 Financial Year.

**The Speaker:** So ordered.

Does the Honourable Member wish to speak thereto?

**Hon. Samuel W. Bulgin:** Madam Speaker, just briefly to point out that . . . and I will just direct my attention to the concluding paragraph of the certificate from the Auditor General where he states, "**In my opinion, except for the effects of such adjustments** [as outlined in the Report itself], **if any, as might have been determined to be necessary had we been able to satisfy ourselves as to the accuracy of the property, plant and equipment, the related depreciation expense and extraordinary items, and the opening net worth amount, the financial statements present fairly, in all material respects, the financial position of the Portfolio of Legal Affairs as of 30 June 2005 and of its financial performance and its cash flows for the year then ended in accordance with International Public Sector Accounting Standards.**"

Thank you.

**Annual Report of the Judicial Administration for the 2004/05 Financial Year**

**The Speaker:** I recognise the Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** Madam Speaker, I seek leave of this House to lay on the Table the Annual Report of the Judicial Administration for the 2004/05 Financial Year.

**The Speaker:** So ordered.

Does the Honourable Second Official Member wish to speak thereto?

**Hon. Samuel W. Bulgin:** Madam Speaker, as I did previously, I would again direct honourable Members and the public's mind to page 9 of the report which contains the qualified opinion of the Auditor General where he says, "**In my opinion, except for the effects of such adjustments, if any, as might have**

**been determined to be necessary had we been able to satisfy ourselves as to the accuracy of the opening net worth amount, inventory, property, plant and equipment, the related depreciation, and the related party note disclosure, the financial statements present fairly, in all material respects, the financial position of the Judicial Administration as of 30 June 2005, and of its financial performance and its cash flows for the year then ended in accordance with International Public Sector Accounting Standards.**"

Thank you.

**Annual Report of the Ministry of Health Services, Agriculture, Aviation and Works for the year ended 30 June 2005**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Health and Human Services.

**Hon. Anthony S. Eden:** I beg to lay on the Table of this honourable House the Annual Report of the then Ministry of Health Services, Agriculture, Aviation and Works (which was the name when we took over at that time), for the year ended 30 June 2005.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Anthony S. Eden:** No, Madam Speaker.

**Annual Report of the Ministry of Planning, Communications, District Administration and Information Technology for the year ended 30 June 2005**

**The Speaker:** I recognise the Honourable Leader of Government Business, Minister responsible for the Ministry of District Administration, Planning, Agriculture and Housing.

**Hon. D. Kurt Tibbetts:** I beg to lay on the Table of this honourable House the Annual Report of the Ministry of Planning, Communications, District Administration and Information Technology for the year ended 30 June 2005.

As that time period indicates, Madam Speaker, that was the name of the Ministry then.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

**Hon. D. Kurt Tibbetts:** No, Madam Speaker.

**The Speaker:** I recognise the Honourable Third Official Member responsible for the Portfolio of Finance and Economics.



## Annual Report of the Portfolio of Finance and Economics for the year ended 30 June 2005

**Hon. G. Kenneth Jefferson:** I beg to lay on the Table of this honourable House the audited Annual Report of the Portfolio of Finance and Economics for the fiscal year ended 30 June 2005.

**The Speaker:** So ordered.

Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Yes, thank you, Madam Speaker.

Madam Speaker, the contribution I will now make can be applied in general terms to the other Ministries and Portfolios' reports that have preceded the one which has just been tabled.

The Annual Report that has just been tabled represents the result of operations for the 2004/5 fiscal year—which ended on 30<sup>th</sup> June 2005.

An Annual Report is required for each Ministry, Portfolio, the Audit Office and the Office of the Complaints Commissioner (collectively referred to as Agencies), in accordance with section 44 of the Public Management and Finance Law (2005 Revision), better known as the PMFL.

The PMFL requires that an Annual Report set out the actual performance of an agency being reported upon in comparison with expected performance set out in the Annual Budget Statement.

The Annual Report of an agency is required to have:

1. An audited statement of the outputs delivered—such a Statement summarises the outputs required by the Cabinet and delivered by the Agency during the particular fiscal year.
2. It also requires that a summary of the nature and scope of the activities during the year be set out in the Annual Report.
3. A summary that outlines the extent to which the strategic goals and objectives of the agency for the fiscal year, as described in the annual budget statement, were actually achieved.
4. The Annual Report also requires that ownership performance actually achieved to be detailed in the Report.
5. It requires that a set of audited financial statements be prepared in accordance with the requirements set out in the 4<sup>th</sup> Schedule of the PMSL.

Madam Speaker, I will proceed by highlighting the performance of the Portfolio of Finance & Economics during the 2004/5 fiscal year under each of the above five categories.

1. Statement of Outputs Delivered: The Portfolio of Finance budgeted for the provision of some 58

outputs for the 2004/5 fiscal year. The performance results of these budgeted outputs are reported under section 2 entitled "Statement of Outputs Delivered" and are outlined from pages 6 through 65 of the Annual Report. The Report shows a picture of mixed performance for the provision of outputs. There were several areas where the Portfolio met or exceeded budgeted output performance expectations, but it also fell short in many areas.

This position can be attributed to various factors that occurred during that fiscal year:

The 2004/5 fiscal year began with great expectations as it hailed the first year of the implementation of the then new Financial Management Initiative. However, less than three months into the fiscal year, these Islands experienced the passage of Hurricane Ivan. To say that this affected the plans and ability for the Portfolio of Finance to deliver all of its planned performance objectives would be a gross understatement.

In the aftermath of Hurricane Ivan, the Customs Department worked feverishly without any additional staff in processing a huge volume of imports. The Portfolio of Finance's Administration section processed over 3,000 waivers of duty under Government concession schemes as well as over \$2.5 million in grants under the District Assistance Program to help people effect repairs to their homes.

The Budget Management Unit handled the insurance claims and settlement issues for the entire Government. That Unit also prepared the pre-election and financial update statement prior to the General Election in May 2005. It also prepared the pre-appropriation exercises and two supplementary budget processes.

The Treasury Department also performed well under extremely adverse conditions and was able to prepare the monthly payroll for the Government ahead of schedule immediately following the storm. It was done deliberately ahead of schedule so that Civil Servants could receive their wages and salaries early so that their difficulties and needs could be addressed as quickly as possible.

Another department significantly affected was General Registry. Prior to the hurricane, that department occupied the Tower Building. In the aftermath, their operations were split into five different locations, and for a period of time records had to be stored in rented containers parked outside their various locations.

Reprioritization is the key when faced with any state of emergency. A significant portion of the Portfolio's resources were spent ensuring the continuation of basic Government functions. As a result, the level of recordkeeping necessary to provide the delivery of the various outputs during an annual audit fell short of the required standards.

In some instances, the Portfolio delivered greater quantities of outputs than reported in the Annual Report; however, due to the absence of the re-

quired evidence, the Portfolio was only able to properly record quantities of outputs that it could prove had actually been delivered.

The conclusion of the audit in relation to the Output statement is an adverse opinion.

Madam Speaker, whilst the Portfolio may not have been able to prove everything it did to the satisfaction of the Cayman Islands Audit Office, I can unequivocally state that the Portfolio's staff rose to the occasion in an extremely difficult time and did whatever it took to play their part in continuing the operations of our Government in the aftermath of Hurricane Ivan, and, further, that Cabinet received good value for the funding provided to the Portfolio.

2. Nature and Scope of Activities: The general nature and scope of the Portfolio of Finance & Economics is to provide the Government with sound financial and economic advice, accounting, and registry services. The Portfolio is also responsible for the inspection and clearance of people and goods entering and exiting the country and other border control activities.

Notwithstanding the conditions and events described earlier, the Portfolio operated within its approved nature and scope of activities during the fiscal year.

3. Strategic Goals: The strategic goals for the Portfolio for the 2004/5 fiscal year included:

- Continued implementation of a major public relations campaign to heighten awareness within the global financial services marketplace of the significance of the Cayman Islands as an international financial services centre and to demonstrate the relevance of its contribution to commerce within the global financial community;
- management of the continued implementation of the Public Management and Finance Law and the Financial Management Initiative;
- provision of training for the Economics and Statistics Office staff in aspects of statistical concepts, methodology, international standards, data processing and the policy and legislative framework for statistics;
- development of internal audit methodologies to guide auditors in reviewing strategic planning and budgeting, output and ownership performance, financial and input acquisition management systems;
- continued work in ensuring the Cayman Islands gains full international recognition from bodies like the International Monetary Fund (IMF), Organisation for Economic Corporation & Development, the OECD, the G7 group of nations, and European Union for its regulatory and international cooperative regime;
- development of capabilities for staff in the area of accrual-based budgeting, reporting and other financial management skills;
- improving the organizational structure for the Portfolio with a view to improving greater cohesion

and establishing clear reporting lines between the various units and sections;

- the continued improvement of the storage and retrieval of information for births, deaths, marriages and public records through the use of microfilm and a web-based system; and
- continued establishment of the Management Support Unit, the Revenue Unit and the Cayman Islands Maritime Authority.

I am pleased to report that whilst goals such as those relating to training and staff development are continuing efforts, the Portfolio of Finance was able to substantially achieve all its planned strategic goals for the 2004/5 fiscal year.

4. Ownership Performance: The ownership performance outlines the performance of the Portfolio in the areas of physical and human Capital Maintenance, Risk Management and Financial Performance.

In the area of Physical Capital, significant changes were made to the planned performance due to the passage of Hurricane Ivan. The Portfolio's original plans were for the addition or expansion to certain physical assets, however, it was necessary to change our focus to one of repair, replacements and renovations of existing assets in response to the destruction caused by Hurricane Ivan. To this end, the Portfolio expended \$191,850 in replacing vehicles at the Customs Department, \$215,488 for a new generator (also at the Customs Department), and \$139,285 towards fitting out the new Public Relations Unit in the Cayman Corporate Centre.

In relation to the maintenance of Human Capital, I am happy to report, that the Portfolio was able to achieve approximately 97% of its target.

In the area of Risk Management, several areas were identified to be in need of assessment at the beginning of the 2004/5 fiscal year. These included: loss or absence of critical staff, loss of important data, inadequate office space, inefficient data management and the potential failure of the IRIS system amongst others.

To address these risks, the Portfolio made concerted efforts in the areas of cross training and improvement of the organizational structure. Work on an effective data management and backup plan was also undertaken.

5. Financial Performance: Madam Speaker, the financial statements and the supporting notes thereto are shown on pages 77 through 89 of the Annual Report.

During the fiscal year to 30 June 2005, the Portfolio of Finance earned a total of \$33.6 million in operating revenues. This amount consisted of \$16.8 million for outputs provided to Cabinet, \$14.9 million for outputs to third parties, \$1.9 million for outputs to other Government agencies and \$124,000 in other operating revenues.

In earning these revenues, the Annual Report shows that the Portfolio of Finance also incurred some \$24.5 million in operating expenses. This comprises of

\$14.5 million in personnel costs, \$9.4 million in supplies and consumables, \$277,000 in depreciation expense, \$276,000 in capital charge expense and \$28,000 in other operating expenses.

In addition to the operating expenses, the Portfolio also recorded \$165,000 in extraordinary expenses. These figures culminated in a net surplus of \$8.9 million for the fiscal year ended 30 June 2005.

Madam Speaker, in looking at the Balance Sheet, on page 79, you will note an accounts receivable figure of some \$10.9 million. That is \$8.5 million higher than planned. The vast majority of the \$10.9 million accounts receivable figure (approximately \$9 million) comes from the provision of outputs to Cabinet. This receivable arose from a delay in billings sent to Cabinet by the Portfolio.

Another figure of significance is the \$9.4 million in other current liabilities.

The Portfolio, in the absence of a directive to the contrary from the Financial Secretary, is required to repay its annual surplus to Cabinet. The Portfolio has accrued the surplus amount of \$8.9 million to show it as owing to Cabinet.

Turning to the Statement of Cash Flows on page 80 of the Annual Report, it shows that the Portfolio realised a net increase in cash balances of \$2.4 million.

Madam Speaker, I am pleased to report that the audit opinion on the financial statements of the Portfolio of Finance and Economics is an unqualified (or "clean") one.

An unqualified audit opinion means that the financial statements present fairly in all material respects the financial position of the Portfolio as at 30 June 2005, and the results of operations for the year then ended.

Madam Speaker, the presentation of this Annual Report represents the final leg in the reporting cycle for the 2004/5 fiscal year.

Many lessons were learned in this maiden year. I believe we have grown from the experiences and have gotten better because of them. I firmly believe that our annual performance results will continue to improve going forward as we continue to work toward raising the standard of our financial and performance management systems for the Cayman Islands Government.

Thank you, Madam Speaker.

#### **Annual Report of the Portfolio of Internal and External Affairs for the year ended 30 June 2005**

**The Speaker:** I recognise the Honourable Acting First Official Member responsible for the Portfolio of Internal and External Affairs and the Civil Service.

**Hon. Donovan W. F. Ebanks:** Thank you Madam Speaker.

I beg to lay on the Table of this honourable House the Annual Report of the Portfolio of Internal and External Affairs for the year ended 30 June 2005.

**The Speaker:** So ordered.

Does the Honourable Acting First Official Member wish to speak thereto?

**Hon. Donovan W. F. Ebanks:** Madam Speaker, only to briefly thank the Third Official Member and endorse some of his comments to the general nature in relation to the difficulties of the 2004/05 year.

The accounts are qualified and we look forward to progressively improving the audit as we go forward in subsequent years.

#### **Annual Report of the Portfolio of the Civil Service for the year ended 30 June 2005**

**The Speaker:** I recognise the Honourable Acting First Official Member responsible for the Portfolio of Internal and External Affairs and the Civil Service.

**Hon. Donovan W. F. Ebanks:** I beg to lay on the Table of this honourable House the Annual Report of the Portfolio of the Civil Service for the year ended 30 June 2005.

**The Speaker:** So ordered.

Does the Honourable Acting First Official Member wish to speak thereto?

**Hon. Donovan W. F. Ebanks:** Madam Speaker, only to commend the Portfolio of Civil Service for having achieved their unqualified accounts and to encourage them to continue to work hard in that area.

Thank you.

**The Deputy Clerk:** Suspension of Standing Order 23 (7).

**The Speaker:** Madam Clerk, we have to go back to the reports to be laid by the Honourable Minister of Education. It was suspended that it would be laid at the end—the first three.

#### **Second Annual Report of the Office of the Complaints Commissioner of the Cayman Islands Addressing the Fiscal Year July 2005 to June 2006**

**The Speaker:** I recognise the Chairman of the Committee of the Legislative Assembly responsible for overseeing the office of the Complaints Commissioner, the Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I beg to lay on the Table of this honourable House the Annual Report 2005/06 of the office of the Complaints Commissioner of the Cayman Islands.

**The Speaker:** So ordered.

Does the Honourable Chairman wish to speak thereto?

**Hon. Alden M. McLaughlin:** No, Madam Speaker.

**Own Motion Investigation Report Number 10 – Sunrise Adult Training Centre: Does the Government provide adequate day-care centre facilities and education for adults who are mentally and physically disabled**

**The Speaker:** I recognise the Chairman of the committee, the Honourable Minister for Education.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House, Own Motion Investigation Report Number 10, entitled Sunrise Adult Training Centre: Does the Government provide adequate day-care centre facilities and education for adults who are mentally and physically disabled.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, earlier in this meeting I spoke at some length about the steps that Government has taken since July to deal with a range of issues relating to the Sunrise Adult Training Centre, including those that are set out in this report. I do not propose at this stage to say anything more in relation to the report.

**Special Report to the Legislative Assembly – The Existence of Internal Complaints Processes in Government Entities in 2008**

**The Speaker:** I recognise the Chairman of the committee, the Honourable Minister for Education.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Special Report to the Legislative Assembly entitled, The Existence of Internal Complaints Processes in Government Entities in 2008, prepared by the office of the Complaints Commissioner.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Alden M. McLaughlin, Jr.:** No, Madam Speaker.

**Suspension of Standing Order 23 (7)**

**The Deputy Clerk:** Suspension of Standing Order 23 (7).

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, I move the suspension of Standing Order 23 (7) to allow questions to be asked after the hour of 11 am.

**The Speaker:** The question is that Standing Order 23 (7) be suspended. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 23 (7) suspended.**

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

**The Speaker:** Question 11 stands in the name of the Second Elected Member for the district of West Bay. Second Elected Member.

**Question No. 11**

**No. 11: Mr. Rolston M. Anglin** asked the Honourable First Official Member responsible for the Portfolio of Internal and External Affairs and the Civil Service if (a) there is a policy regarding the rollover of non-Caymanian members of the Royal Cayman Islands Police Service and, if so, (b) were Caymanian police officers consulted regarding such a policy.

**The Speaker:** Honourable Acting First Official Member.

**Hon. Donovan W. F. Ebanks:** The answer to part (a) of the question is no, however, there is a Civil Service term-limit policy which is now being formulated for consideration and consultation.

In addressing part (b) of the question, discussions have been held with the senior command of the RCIPS who were invited to make submissions as to how this policy, when approved for implementation, would impact the RCIPS. They have submitted a report. The report indicates that, as part of the research undertaken for the report, non-Caymanian police officers and civil support staff that would be affected by the policy were surveyed.

By way of context, the proposed term-limit policy for the Civil Service is intended to mirror the term-limit policy for the private sector in every respect apart from the fact that there will be a separate body called "The Civil Service Term-Limits Advisory Committee" to decide on key employees.

No date has been agreed for the implementation of the term-limits for the Civil Service. We are currently reviewing a comprehensive report that has been prepared by the Portfolio of the Civil Service which assesses the operational impact of the intended term-limit policy and advises on implementation. The report draws on data from the Government's HR Integrated Resource Information System (IRIS) and information provided by Portfolios and Ministries which has been cross-checked against information held by the Immigration Department's data base.

The proposed term-limit policy for non-Caymanian Civil Servants has brought about a need to evaluate the potential effect of such a policy on Government's human capital. As we will all appreciate, the Civil Service must be prepared for the impact this policy will have on the workforce and plan accordingly in order to maintain the high quality of essential services provided.

Therefore, in preparation of the implementation of the term-limit policy, the focus will be on business continuity. Each Chief Officer and Head of Department will be asked to undertake a detailed business continuity exercise in relation to the potential impact of the term-limit policy on their business to enable them to maintain their current standards of service to the community.

In summary, there is no term-limit policy in place for police officers. However, a term-limit policy for the Civil Service is being developed. No date has been agreed for implementation. The RCIPS has been proactive in researching the possible impacts of such a policy. That is a good thing.

As has been stated before, all agencies will be encouraged to undertake a similar exercise as cases for Key Employees will need to be made. I would expect that any such case would provide a balanced perspective in that the possible impacts on all employees will have been considered.

**The Speaker:** Are there any supplementaries?

Second Elected Member for the district of West Bay.

### Supplementaries

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

In the last sentence of the second paragraph of the substantive answer, reference was made to non-Caymanian police officers and civil support staff that would be affected by the policy were surveyed. Could the Honourable Acting First Official Member say who determined which ones of these particular staff members would be affected? Who came up with that formulation?

**The Speaker:** Honourable Acting First Official Member.

**Hon. Donovan W. F. Ebanks:** Madam Speaker, I think I understand the phrase that the Member is referring to and, unfortunately, I cannot tell him what sieve was used to determine which officers warranted being surveyed or whether all officers were surveyed.

**The Speaker:** Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

Given the last answer, that would then preclude me from asking my next question, which was how they went about the particular survey.

I wonder if the Acting First Official Member could give an undertaking to provide an answer in writing to the previous question that I asked, and also who developed the survey and decided to whom the survey would be applied, because I have received complaints from within the RCIPS from officers at various levels who were not satisfied that they were consulted on this exercise.

**The Speaker:** Honourable Acting First Official Member.

**Hon. Donovan W. F. Ebanks:** Madam Speaker, I have no problem with giving an undertaking to seek that information and provide that to the Member.

**The Speaker:** Are there any further supplementaries?

The Third Elected Member for the district of West Bay.

**Mr. Cline A. Glidden, Jr.:** Thank you, Madam Speaker.

I wonder if the Acting First Official Member could give us some understanding [as to] whether the current staff complement at the police is up to the desired number and, if it is not, whether he could give us the reasons, specifically in answer to this question about the rollover, whether that has been the effective cause.

**The Speaker:** Honourable Third Elected Member for the district of West Bay, that is totally outside this original question. But if the Honourable Acting First Official Member will undertake to supply that to the Member, it would be most appreciated.

**Hon. Donovan W. F. Ebanks:** Madam Speaker, I am not aware of any pressing shortfalls in police staff complement. Having said that, obviously, the recruitment of the uniformed officers is not a matter the Portfolio of Internal and External Affairs is involved in.

What I can say is in relation to any impact of the potential introduction of a rollover policy to the civil service and, in turn, to the police, according to the Acting Commissioner . . . and some Members may have seen this recently in a statement that was made to the media. I think six or eight non-Caymanian offi-

cers had left since he took up the temporary tenure. His survey indicated that none of those officers were leaving as a result of the impending introduction of a rollover policy.

**The Speaker:** Are there any further supplementaries? Madam Clerk, we will move to the next item.

## STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

**The Speaker:** I have received no notice of statements by Honourable Members or Ministers of the Cabinet.

## GOVERNMENT BUSINESS

### BILLS

#### FIRST READINGS

##### Justice Protection Bill, 2008

**The Deputy Clerk:** The Justice Protection Bill, 2008.

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

##### Immigration (Amendment) Bill, 2008

**The Deputy Clerk:** The Immigration (Amendment) Bill, 2008.

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

##### Tobacco Bill, 2008

**The Deputy Clerk:** The Tobacco Bill, 2008.

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

#### SECOND READINGS

##### Justice Protection Bill, 2008

**The Speaker:** I recognise the Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** Thank you, Madam Speaker.

I seek leave of the House to move the Second Reading of A Bill for a Law to establish a programme to give protection to witnesses and certain other persons; and for incidental and connected purposes.

**The Speaker:** The Motion has been duly moved and is open for debate.

Does the Honourable mover wish to speak thereto? Honourable Second Official Member.

**Hon. Samuel W. Bulgin:** Yes, Madam Speaker, thank you.

I rise to present to this House the Justice Protection Bill, 2008, and to point out by way of background that the reason for witness protection is that the proper functioning of any criminal justice system and for the proper adjudication and disposal of criminal cases depends on the availability and willingness of witnesses to testify in a court freely and without fear of harm to themselves and their family.

For years now there has been a growing trend where witnesses are reluctant or have become increasingly reluctant to testify in court. In some instances they have flatly refused to because they are not convinced, Madam Speaker, that the state can or will protect them.

Madam Speaker, it is common knowledge that witnesses have been shot and killed, intimidated or otherwise threatened. And, of course, their families as well, persons close to them. This has impacted the delivery of criminal justice throughout the world, including the Cayman Islands. Indeed, such action has led to collapse of major criminal trials because witnesses have flatly refused to testify. In some instances they prefer to face the consequences of contempt of court rather than risk their lives to testify.

Case Law throughout Europe has shown that a state has a legal obligation to protect witnesses whose lives have been threatened, and failure to do so, if harm should (God forbid) occur to these witnesses, the state can and will be held liable by way of damages.

Madam Speaker, to put this in perspective, I wish to point out that the issue of witness protection and the intimidation, threat, harm and so on, that has given rise to it is not unique to the Cayman Islands. We are having, as we speak, similar problems in other Caribbean Overseas Territories, and, indeed, a much wider sphere in places like some of our Caribbean neighbours as well as the United States, United Kingdom and elsewhere.

I recall some time last year (I think it was) reading an article in the newspaper from Trinidad, where the director of prosecution was extremely concerned and warned that the criminal justice system in Trinidad was on the verge of collapsing because of the problems that they were having with witnesses refusing to testify out of fear of being killed and/or otherwise intimidated.

Madam Speaker, we saw some time this year, where there was a major problem with a ruling in the United Kingdom because of the problem in getting witnesses to testify. England and Wales have resorted to what is called "anonymous witnesses", where the identity is not disclosed when they testify. That has been a practice in place for a while so as to 'shore up'

(for want of a better word) the criminal justice system there.

There was a recent ruling from the court in the UK which questioned the legitimacy of such a practice and the fairness of such a practice where persons were accused and not given the opportunity to confront face to face, or at least learn about the identity of the witnesses. The court literally struck down the provision, and the UK Parliament had to move in emergency session to pass legislation to prevent the major trials pending that depended on similar arrangements from collapsing.

So, Madam Speaker, the point I am making is that it is a worldwide problem, and one which we, as a country, are obliged to tackle. If we fail to do so, it could very well be to our peril where we will have anarchy and other social falling out from such a state of affairs. And so, Madam Speaker, this Bill seeks to put in place legislative framework to hopefully give effect to a proposal for the Caribbean Overseas Territories and Bermuda to establish a scheme for witness protection.

Following the hosting of the Annual Overseas Territories Attorneys General Conference in Bermuda in April 2006, chaired by Lord Goldsmith, QC, the then Attorney General for England and Wales, an attorneys general working group was formed. This working group, Madam Speaker, was tasked with looking at a number of criminal justice initiatives, including the feasibility of establishing a witness protection programme between the OTs as well as Bermuda; the provision of timely and cost effective forensic services including DNA; the issue of training for prosecutors and the possibility of relocating or transferring, as it were, of dangerous and disruptive prisoners, as well as other related issues.

This working group had several meetings over the last two years and consisted of all the AGs in the Caribbean Overseas Territories and Bermuda. At its most recent meeting in June of this year the group met in Miami and pored over a finalized draft justice protection Bill and a memorandum of agreement as set out in the Bill itself (on page 28), which is there as Schedule 4.

The intention of the draft Bill is that it contains what is hoped to be harmonized provisions to allow for an effective and efficient witness protection programme for witnesses and for various other persons to be implemented uniformly across the Caribbean Overseas Territories and Bermuda if it is the wish of the other territories to follow through on their commitment to participate in this proposed scheme.

Speaking about commitment, Madam Speaker, at the last two Overseas Territories Consultative Committee (OTCC) meetings in London, our Honourable Leader of Government Business took the lead and proposed this scheme, and was able to get significant political binds and commitments from his colleagues in the Overseas Territories, including Bermuda.

He was also able to secure the necessary UK support for this scheme. He, on occasion, has also been able to get them to throw up their commitments, certainly at pre-OTCC meetings, that were held both here and the Turks and Caicos Islands. We are therefore confident, Madam Speaker, that the other OTs are on board and will soon be enacting similar enabling legislation and, thereafter, will sign the Memorandum of Agreement.

Madam Speaker, giving that background I would like to touch on some of the main features of this Bill.

Part I of the Bill deals with the definition of various expressions.

Part II of the Bill details the establishment of the Justice Protection Programme, which would provide to participants protection and assistance, and would be administered by three units, namely, the Justice Protection Administration Centre, the Justice Investigative Agency, and the Justice Protection Protective Agency. These can be seen, Madam Speaker, in clause 3 (1) and (2) of the Bill itself.

Part III of the Bill deals with the Justice Protection Administrative Centre, its composition, functions and powers. It also deals with the responsibility developing, managing and administering the programme and deciding whether a prospective participant is to be afforded protection or assistance under the programme as set out in the various categories of prospective participants prescribed in Schedule 1.

This part, Madam Speaker, also deals with the procedure for the submission of an application for entry into the programme prescribing the offences which may give rise to protection and the requirement of a prospective participant to disclose certain matters such as details of all their outstanding legal obligations including debts.

Madam Speaker, it further stipulates that a participant in the programme would be required to sign a memorandum of understanding containing the various matters specified in Schedule 3. And if Members look at the Bill they will see examples in clauses 2, 4 and 5, and clause 5(1) and (2) which sets out the eligibility criteria.

Parts IV, V and VI of the Bill make provision in respect of the Constitution, functions and powers of the Justice Protection Investigative Agency, and the Justice Protection Protective Agency. These parts together with Schedule 3 make provision in respect of the Memorandum of Understanding to be signed, as I said, by the participant in the programme.

Madam Speaker, Part VII of the Bill together with Schedule 4 would, in respect of the Memorandum of Agreement, be the basis of cooperation between the various countries in relation to the objectives outlined in the Memorandum of Agreement itself.

Part VIII the Bill seeks to impose on the Centre the duty of maintaining a register to include details of the matter giving rise to a participant's entry into the

Justice Protection Programme and regulations of access to the register.

Part IX of the Bill seeks to prescribe the procedure for ensuring that a participant in the programme is able to exercise his legal rights and carry out his legal obligations. These are more particularized in clause 15 (1) and (2), Madam Speaker. It also seeks to impose on a participant who has been provided with the new identity under the programme a duty not to disclose his former identity unless he has obtained the prior approval of the Centre (that is the Administrative Centre). This part also prescribes a circumstance under which protection or assistance under the programme would be terminated and the restoration of the former participant's former identity, if his protection is so terminated. The disclosure by the Centre of Information of a new identity of a participant under investigation or who has been arrested or charged with an offence also deals with the maximum penalty for any transgressions under this scheme.

Part X together with Schedule 5 would make provision for the external enforcement for the Justice Protection Programme in certain territories.

Part XI of the Bill deals a number of miscellaneous matters set out as follows: It deals with the protection of officers of the Centre, the Investigative Agency and the Protective Agency, from civil suits for any actions taken by them in the course of their duty. It sets out the creation of offences under the legislation. It deals with provision for confidentiality in respect of any participation under the programme and it also deals with a case where a participant who has a new identity is to appear as a witness in a criminal proceeding.

It seeks to protect disclosure of a participant's new identity where in court proceedings a new identity becomes an issue. It deals with requiring a submission of annual reports by the Centre in respect of the general operation of performance and effectiveness of the programme. And it deals with enabling the making of regulations to give effect to the legislation itself, certain provisions of the legislation. It also touches on enabling the designation of approved authorities for the purposes of the legislation and also, understandably, it would contain certain savings provisions.

Madam Speaker, as I explained earlier, this Bill, if approved and becomes law, is aimed at enabling the establishment in each participating territory of relevant frameworks, including institutional, for the development and implementation of a proper witness protection scheme with any other territories if they so wish.

The Law would also put in place a mechanism for cooperation between the participating territories, including facilitating the sharing of information as it relates to the protection of witnesses and related criminal justice issues. In this latter regard, let me also inform this House that the other OTs will also be looking at amending their evidence laws to provide for the reception and admissibility of testimony by way of

video link. If a witness is located in one territory he does not physically have to travel to another territory to testify in court. His evidence can be given by way of video link. And so the provisions in all our respective evidence laws will be harmonized to facilitate this ongoing arrangement.

Let me also explain that the mere passage of this Bill by this House does not in any way establish such a witness protection scheme as it does not bind any of the other Overseas Territories or Bermuda. The wish is that each territory will eventually enact a similar enabling legislation and then sign the Memorandum of Agreement. Only then will the Agreement come into force as between the territories that have actually signed the Agreement. What this Bill is seeking to establish is the legislative framework that will eventually pave the way, hopefully, for a formal agreement between the Overseas Territories and Bermuda.

This initiative enjoys the full support of not only the Governor and the Cabinet, but also the police, the Foreign and Commonwealth Office, the Honourable Attorney General of England and Wales, as well as the UK Overseas Territory Law Enforcement Advisor, Mr. Larry Covington, who has partnered the Attorneys General and this initiative over the last two and a half years.

Madam Speaker, finally, like any other initiative, there is the issue of expenses. Territories have expressed concerns about funding the programme and there were various suggestions as to how the funding would be addressed. There was one school of thought that said maybe a common pool of funds could be identified and kept somewhere and the expenses to administer the programme could be drawn from that common pool. However, after much discussion, it was agreed that the best way to deal with this is that each territory appropriate money in their domestic budget. The programme would then be funded from that because, even though it is likely to be a recurring expenditure, the truth is that sometimes there are instances where for an entire year there is really no need for any funds to be used if there are no witnesses or anyone who wants to participate in the programme.

So, it was agreed (subject to, of course, the Legislative Assembly passing this Bill) that the appropriate way to address this issue of expenses is for each domestic legislature to appropriate funds to address the needs as they do arise.

Madam Speaker, I have endeavoured to outline what I consider to be a fairly detailed background to this Bill and I cannot overemphasize the need. I know that Members are aware of the problems surrounding witnesses and the fear that they have. And so I am confident that I have the support of certainly Members on this side. It is a perennial problem. It is a difficult one; one that we have to face, and one that requires urgent attention. I am not here advocating that this is going to be the panacea to all the problems



surrounding witness protection and giving up the evidence, but certainly this is a major step in the right direction to address this ongoing concern.

Thank you.

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

The Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, we welcome the Bill before the House. This is a Justice Protection Bill for the protection of people, witnesses, but also those involved, or I am hoping it will be for those persons involved, in the administration of justice.

The question I have is: How much will the scheme protect Justices of the Peace, people who sign a search warrant? As we know, how that operates is that the police need a search warrant and they go to a Justice of the Peace who signs that warrant. The police then hand that warrant to the person who is a suspect or a culprit and we do not know how far he is a criminal, but what we do know is that what this Bill envisions and how it came about is because of the problems we have had with criminals and witnesses and interference thereof.

The concern is that this Bill will offer protection, but we want to find out about the exposure of Justices. Therefore, while we welcome it, hopefully in the end or at the Committee stage the Honourable mover of the Bill could explain. I checked and read but could not find where it will take that into consideration, but I think it does.

In today's paper, in fact, we see where a judge is questioning, I guess the veracity of the . . . or even the judgment of the Justices of the Peace Association now. I know that the Justices of the Peace Association is vigilant and they have been holding for many years various seminars that tell you what you need to do as a Justice of the Peace. This brings in a whole different scenario of possibilities and, therefore, I am concerned about that. But perhaps the Honourable Attorney General will clear it up during the course of his closing or during the course of the Committee stage.

Thank you, Madam Speaker.

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

The Fourth Elected Member for the district of George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I would like to express my support for the Bill and simply want to highlight what may be, as far as I am concerned right now, an omission. I will ask the mover to clarify in the wrap up.

I searched but I do not see much, if any, information based on what would happen with the involvement of minors who are under the age of 18 who may be under this programme. What would we do in

terms of education and simple development of a child after being a witness in such a programme? Would that be part of companion legislation somewhere else? I would like the Honourable Member to speak to that in his wrap up. But the Bill does have my support, Madam Speaker.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] If no other Member wishes to speak, does the Honourable mover wish to exercise his right of reply?

**Hon. Samuel W. Bulgin:** Thank you, Madam Speaker.

Madam Speaker, the short answer to the concerns raised by the Honourable Leader of the Opposition is that the Bill does in fact cover such eventualities, such persons. On page 29 of the green Bill, if honourable Members do have a copy, it speaks to participants, and it says, **“‘participants’ means witnesses, jurors, judicial and legal officers, law enforcement personnel, their associates and any other person to whom assistance and/or protection is given in accordance with this agreement, and ‘participant’ shall have a corresponding meaning.”**

It is really all encompassing in that regard. It does cover the scope of concerns raised by the [Honourable Leader of the Opposition.]

Madam Speaker, in respect to the point raised by the [Fourth Elected] Member for George Town, the Bill contemplates that persons under 18 who participate in the programme will be covered by the programme, and it contemplates that they would do so with the authority of the parent or guardian. There is a provision there for them to sign so as to agree to participate in the programme. And whilst the Bill itself does not set out all the operations of the programme, Madam Speaker, regulations are going to be made there under.

But to address his point, the programme will be designed and structured in such a way that there will be minimum disruption to the normal lives of persons who participate, even though they would have to be relocated. Issues, such as any legal obligations they might have to attend court . . . one of the examples used at one of the seminars we had was that persons, for instance, who have a case of maintenance in court and are required to attend court, would be escorted to ensure that that is done in a structured way.

Persons who have educational needs and special needs and other matters that require their physical presence, the programme is designed in such a way that they would be facilitated as much as possible provided their identification is not unmasked.

There will be a memorandum of understanding that is going to have to be signed before persons participate in the programme whereby they basically

undertake to abide by the terms and conditions of the programme.

There will also be training for them, Madam Speaker. There will be a psychiatrist, psychologist, and other resource persons who will be involved at the very early stages to help people make the transition into the programme. There will be an ongoing assessment review, and so on, whilst the person is in the programme to ensure that there are really no psychological problems or a falling out.

So, while understandably not all the details can be spelt out in legislation, because of the very nature of the programme itself, the understanding is that all of those issues will be addressed in regulations as well as in other manuals that will be developed to set out how the programme is going to be administered.

The persons who are supposed to administer the programme will be persons who work in the administrative agencies, the protective agencies and the investigative agencies. They will undergo significant training as well by personnel from the UK and USA, and that aspect of it will be coordinated by the Overseas Law Enforcement Advisor, Mr. Covington. He has already done significant work in trying to craft the manual and identify resource persons—some of whom we have spoken to at some of these meetings, and who have given us elaborate demonstrations and so on about how it will work.

So, all these concerns, Madam Speaker, have been factored into where we are now. It is the hope that, with all things being equal, we can have the programme in place and address all of those needs as we go along.

Thank you.

**The Speaker:** The question is that a Bill shortly entitled The Justice Protection Bill, 2008, be given a second reading.

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

**Ayes.**

**The Speaker:** The Ayes have it. The Justice Protection Bill, 2008, has been given a second reading.

**Agreed: The Justice Protection Bill, 2008, given a second reading.**

**The Speaker:** Proceedings will be suspended for 15 minutes.

**Proceedings suspended at 11.46 am**

**Proceedings resumed at 12.07 pm**

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

## SECOND READINGS

### Immigration (Amendment) Bill, 2008

**The Deputy Clerk:** The Immigration (Amendment) Bill, 2008

**The Speaker:** I recognise the Honourable Leader of Government Business.

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

Madam Speaker, since this Government took office we have made our commitment to putting in place an effective and efficient approach for managing migration very clear. In 2005 the Cabinet commissioned a comprehensive review of the Immigration Law 2003, which came into effect on 1 January 2004. The purpose of the review was both to address a number of anomalies and technical deficiencies that had come to light since the coming into effect of that law, and also to create more stringent provisions in relation to immigration offences. This led to major amendments being made to the Law in December 2006.

When I stood here to introduce that Bill I remarked that, although the changes that were then being made would significantly strengthen our immigration legislation, the process of review would not stop there.

In November 2007, my colleagues and I announced the next phase of development—a radical new approach that would greatly improve efficiency in the way work permit applications are processed. I am referring to a system where certain categories of work permit applications are decided upon administratively rather than by the Work Permit Board or the Business Staffing Plan Board. The necessary changes to the Law to give effect to this important initiative are contained in the Bill that I am now introducing.

At the same time, Madam Speaker, the Bill also addresses several anomalies and makes changes where weaknesses have come to light. Let me forewarn Members that during the course of the passage of the Bill I will be seeking a few Committee stage amendments, which I will speak to as we come to them.

Madam Speaker, given the importance of the proposed changes that relate to the processing of work permit applications by administrative personnel, I want to begin by spending a few minutes explaining the rationale for this change and how it will work in practice. I speak first of all, Madam Speaker, to the administrative granting of work permits.

In the past decade the Cayman Islands have experienced unprecedented growth. As a result, the associated need for foreign workers to meet the shortfall in Caymanian workers has placed a significant burden on the work permit system. The responsibility for the granting of annual work permits has always been vested in a Board comprising members ap-

pointed by the Cabinet (or Executive Council before the change of name). For many years this was the Caymanian Protection Board which then became the Immigration Board. These Boards were responsible for not just work permit applications, but also for processing applications for Permanent Residence and Caymanian Status.

In 2004 the Immigration Board was divided into three separate Boards:

- ▶ the Work Permit Board;
- ▶ the Business Staffing Plan Board; and
- ▶ the Caymanian Status & Permanent Residency Board.

This heralded and reflected the huge growth in recent years in the number of applications being received in all three categories, the complexities of a much more modern and sophisticated society, and, for that matter, labour market.

The growth in work permit applications can be illustrated by the following statistics. Madam Speaker, in 1994, the number of work permits in force was 6,400. By 2004, 10 years later, that number had escalated to 19,004. By last month (September of this year 2008), the number stood at 25,772. So that in itself shows us the tremendous growth, and the tremendous increase in the workload that these Boards face.

Madam Speaker, although these changes made a considerable difference—that is, moving from one Board to three—the numbers of work permit applications received continued to increase at a pace which the Work Permit Board and the Business Staffing Plan Board could not keep up with, without having to work unacceptably long hours.

In this regard we must remember that Board members are not employees of the Immigration Department, but, rather, they are private individuals who take time away from their professions and businesses to serve the community in this important function.

As a result, Madam Speaker, the Immigration Law was amended to increase the number of members on each of these Boards so that they could split into sub-committees and still be quorate in order to hold additional meetings each week. We knew it then, Madam Speaker, and we say it again. We recognised at that time that this was not a perfect solution, but a stop-gap measure to assist. The 'processes' remained unchanged, even then, and until now the efficiencies remain unacceptable. We recognised that adding more Boards and more employees and increasing the numbers on the Boards was no longer the answer; real gains in efficiencies required real changes in the processes.

Now to the new system: With that in mind, Madam Speaker, the Governor-in-Cabinet instructed the Immigration Department to proceed with the development of a system where certain straightforward categories of work permit applications are processed administratively by Immigration Department personnel against a carefully chosen checklist of criteria rather than by a Board. Research has shown that such a

system operates effectively in the United Kingdom, New Zealand and Australia.

Madam Speaker, I will pause for a minute because I do believe that I forgot to do something that I should have done before I actually started to speak to this Bill. If you would ask me, I would be very happy to do so.

**The Speaker:** Honourable Leader of Government Business, I appreciate that. I do not think that you moved the motion. You just went into the debate. So, if you will move the motion, I will call on you and you can pick up your debate from where you were. You will move the motion that you 'wish to move the motion for the Second Reading of the Immigration (Amendment) Bill, 2008.'

**Hon. D. Kurt Tibbetts:** Thank you very much Madam Speaker.

I move the Second Reading of the Immigration (Amendment) Bill, [2008].

**The Speaker:** The motion has been duly moved and is open for debate. Does the Honourable Leader of Government Business wish to speak thereto?

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. I will continue.

And, Madam Speaker, so that I do not have to repeat all that I have said thus far, I certainly would want to ensure that you allow the entire House to adopt all that I have said thus far as part of my initial contribution.

**The Speaker:** Most certainly.

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

**The Speaker:** We do. We are human.

**Hon. D. Kurt Tibbetts:** Absolutely.

Madam Speaker, earlier this year the Cabinet approved the proposals put forward by the Immigration Department and these have now been translated into the requisite legislative changes.

This system will significantly reduce the number of work permit applications going before the Work Permit Board and Business Staffing Plan Board. As a result, backlogs on applications for annual work permits will not arise and the turnaround time on these applications will be greatly improved. Madam Speaker I am certain that this is a consequence that will no doubt be well received by the business community and by individuals. This will mean that the Boards will now be able to focus closely on difficult or sensitive applications and the critical issue of Key Employee designation.

I want to emphasise that the Boards will retain decision-making control of all applications where a

Caymanian applies for the position. I want to reiterate that: The Boards will retain decision-making control of all applications where a Caymanian applied for the position so that there will be careful consideration of those specific applications; or, where there is a signed complaint against a prospective employee on file; or where the Department of Employment Relations identifies that there is a Caymanian who is capable and who is available for that position for which the work permit is being applied.

The Boards will also retain responsibility for determining applications involving the promotion and re-designation of an employee; the revocation of work permits; applications for the grant, renewal or amendment of a Business Staffing Plan, and requests for the waiver of the requirement to advertise a position.

Madam Speaker, I want what I just outlined to be made very clear: The Board will still have total control over those sensitive areas where serious and lengthy deliberations may be needed. I do not want people to get the impression that the Department will just gloss over applications and deal with them one way or the other by way of a decision. People need to have a clear understanding, because I have heard . . . This is not something new. We announced this quite a while [ago], and I have heard a lot of concerns. But as I go through the introduction of the Bill, for those who will listen it will be made clear that careful consideration has been given to moving this new system.

At the same time, Madam Speaker, careful consideration has been given to ensure that this system of administrative grants is not open to abuse. To this end, the Immigration Department has implemented a series of measures designed to ensure quality and consistency of decision-making among those persons involved, and randomness in the allocation of applications. These systems will be supported by regular internal and external audits. Checks and balances are being put in place, Madam Speaker.

I want to say here and now that the personnel who will be able to deal with the devolved authority to be able to make decisions will be working under strict regimes. They will be trained properly and will be continuously under the oversight of the Chief Immigration Officer. And as I just said, there will be a system of regular internal and external audits to ensure the consistency in dealing with these applications.

Madam Speaker, I dare say that these systems will provide as much—I will not go so far as to say, if not more—but as much of a check and balance of the system that exists with the Board. The difference between the Boards and these trained—and I want to say handpicked—employees is that one is getting paid and the other only receives a stipend for attending Board meetings. Madam Speaker, I for one am not going to for one minute allow the thought to stay in my mind that we can trust the Board but we cannot trust the individuals. And it is wrong for those who may think that.

Madam Speaker, I would now like to go through the other changes that are outlined in the Bill.

The right to be Caymanian: The Law is being amended to correct an anomaly with respect to the granting of permanent residence to the surviving spouse of a Caymanian. As it presently stands, where the Chief Immigration Officer grants permanent residence to such a person, this does not include the right to work. It was never intended that they should not enjoy the right to work, and this is now being addressed. As with persons granted permanent residence on the basis of being eight years' ordinarily resident in the country, however, this right to work will be limited to working in a particular occupation. So, both of these categories will enjoy the same rights, or for that matter, the lack thereof.

Another important amendment reinstates the power to revoke the right to be Caymanian where the holder is convicted of a serious offence. This provision existed in the previous legislation, but during the overhaul of 2006 it was inadvertently omitted. So, the Law is being amended to the effect that the right to be Caymanian (or Caymanian Status as it was known previously) may be revoked—and I stress *may*, not shall—*may* be revoked where the holder is convicted of an offence for which he is sentenced to a term of imprisonment of twelve months or more, other than for a non-payment of a fine. This provision relates not only to the grant of the right to be Caymanian by the Caymanian Status & Permanent Residency Board, but also to grants made by the Governor-in-Cabinet.

As we know, the Law was amended in 2006. Part of the overhaul of that Law allows the Governor in Cabinet to grant Caymanian status to four individuals during every calendar year, unlike the provisions that once existed which had no limitation on numbers. So, instead of possibly 4,000 or 40,000, that is now down to four. The only reason that is there now, Madam Speaker, is (because we could not envisage any special circumstance) as a catch-all section in case a circumstance arose where it was the right thing to do, but there was no other recourse for that reason alone.

With regard to Permanent Residence, Madam Speaker, the Law is being clarified with respect to persons applying for permanent residence on the basis of their being ordinarily resident here in the Islands for eight years. Where an applicant receives a minimum of one hundred points under the Points System, after deductions have been made on grounds of character, health and other mitigating factors, the Caymanian Status & Permanent Residency Board must approve the application. With respect to the latter, the Governor-in-Cabinet has also, through an amendment to the Immigration Regulations, clarified that 'other mitigating factors' will include proven ill-treatment of Caymanians in the workplace. Madam Speaker, that was very vague prior to this.

With respect to the deductible components, speaking generally, the Regulations have been

amended to require the Caymanian Status & Permanent Residency Board to provide a full explanation in writing justifying any deduction made and showing that the number of points deducted was reasonable in the circumstances.

So, Madam Speaker, this is another check and balance to prevent the possibility of prejudices causing an application (shall I say) to go wrong—or the results of that application. What it simply means is that with that provision in place, and the Board knowing full well that if deductions are made justification has to be in writing, that ensures that the consideration is careful and as objective as it possibly can be, which is what the desired objective is.

Madam Speaker, an amendment to the Law is also being made to remove the existing—

**The Speaker:** Honourable Leader of Government Business, I have to interrupt you there. If you are going to go into the amendments you are going to move, I have not seen them. And until that time, if you would like to take the lunch break now and we can get these amendments so that I can waive the two days' notice—

**Hon. D. Kurt Tibbetts:** Madam Speaker that will be very kind of you and that is exactly what we need. I know that you are a good Speaker and would see through that.

Thank you.

**The Speaker:** Proceedings will be suspended until 1.45 pm.

**Proceedings suspended at 12.33 pm**

**Proceedings resumed at 2.47 pm**

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

The Honourable Leader of Government Business continuing his debate on the Immigration (Amendment) Bill.

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

I intimated I would ask your permission to allow for two Committee stage amendments which are ready to be circulated. If you will allow me, I would just like to quickly explain the two amendments.

**The Speaker:** Go ahead.

**Hon. D. Kurt Tibbetts:** That is, if you have given us permission.

**The Speaker:** I have waived the two days' notice, Honourable Leader, and accepted the amendments, so you can continue.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, in clause 13(b) of the Bill, where it speaks to "the principal Law is amended in section 38" . . . The first amendment being proposed is that, in clause 13(b), subparagraph (i) be substituted [with] the following: "(i) he fails to maintain the level of financial investment stated in his application for permission to remain permanently in the Islands."

That simply is a tidying up exercise because as the Law reads now, 13(b)(i) . . . or forgive me, 38(i) rather, simply reads, "he fails to maintain the required prescribed minimum level of financial standing." So, the addition is (in his application for permission to remain permanently in the Islands) simply to make it very clear what that subsection refers to.

The second amendment is to add a paragraph (and this is in clause 19 of the amending Bill) . . . this is to add a subsection in section 48, adding subsection (k), which will read: "(k) that the applicant failed to give the written undertaking referred to in section 42(4)(b)."

As I continue the debate, I will explain that specific amendment when I get to that stage of the contribution.

To continue on, an amendment to the Law is also being made to [prevent] a person whose application for permanent residence has been refused and who has not appealed against that decision from re-applying for permanent residence during the currency of the final one-year work permit to which he is entitled. It is obvious that it was not the intention for someone to be able to continue to reapply for permanent residence without ever having to leave the Islands.

As the Law reads now it is not clear when an application for permanent residence is refused, and when a person does not appeal that application, that the final one-year work permit which he or she is granted . . . as it stands in some instances that final one year work permit gives a period of more than a year since his last application was refused. Therefore, that person thinks he or she is entitled, because a year has passed, to be able to reapply, when, in fact, that was certainly not the intention. It is just that the way it was drafted was not absolutely clear.

The process as it was intended, Madam Speaker, was that if someone applied for permanent residence, and if that application were refused, once the person does not appeal that decision that person would get a final year, and his employer would get the final year for that person, which would give the person time to get his affairs in order during that time to prepare to leave the Islands. The employer would have ample time to find someone else to replace him, whether it is a Caymanian or not.

That is not to deny anyone the ability to return to the Islands after the one year is up; it is simply to create the break in stay. So that is the way it was intended. The section which will make the amendment in the amending Bill before us today will make that very clear as to what that procedure will be.

Madam Speaker, again with respect to permanent residence, it has become necessary to amend the Law regarding persons who buy property solely for the purposes of their application for permanent residence. An important consideration in deciding whether or not to grant a person permanent residence is their degree of long-term commitment to the Islands. One of the ways this is assessed is by the extent to which they have invested in property or business in the Islands relative to their income.

Meaning, to be fair and to have a level playing field for all individuals, the way the point system works . . . the level of investment that is looked at is all in relation to the level of income. So, a person on the Island earning \$500,000 a year who has a \$100,000 investment in the Islands, and someone who earns \$50,000 a year (which is one-tenth of the first person), and that person has a \$50,000 or a \$60,000 investment, perhaps a piece of property, then that person is considered to actually have more of an investment relative to their income than the person with the higher income.

This is reflected in the point system by there being up to 20 points available for investments out of the total 100 points needed. This actually amounts to 20 per cent of the total needed for the grant of permanent residence.

Where a person has clearly made an investment solely for the purpose of their permanent residence application, as evidenced by the fact that they liquidate some or all of their assets immediately upon being granted permanent residence, then it becomes obvious that they are seeking to gain advantage over the system rather than demonstrating a genuine commitment to the Islands.

For example, if a person purchases a piece of property just before making an application so that he can say on his application that he has an investment, or perhaps he makes the purchase after his application and sends in an update on his application, then, while we cannot know before the application is granted (if it is granted) what that person is going to do, after the fact is what we are speaking about here. In such cases, the Board should have the ability to revoke the permanent residence and the Law is being amended to allow for this.

It is recognised that a person cannot be compelled to retain investments, and he must be free to choose what he does with his money. But, unless there are exceptional reasons for not doing so, a person should be expected to maintain as a minimum the value of assets or property that he stated on his application form simply because 20 per cent of the points he gained is based on that level of investment as reported on the application form.

This does not really mean that the assets need to be the same as those listed on the application form; but the value of those assets as stated on the application form must be maintained unless that person has very good reasons why that is not possible.

For instance, a person may have \$30,000 in the bank and a piece of property worth \$70,000, which speaks to his assets here in the Cayman Islands being \$100,000. Based on his income and based on those assets, the person may have gained full points (that is, 20 points for that section of the point system under which they are marked) and that person is granted permanent residence. Twenty points out of the 100 needed were for this \$100,000 worth of investment.

What the new amendment is simply going to deal with is to say that the person may well sell the piece of property, for instance, and use that as the down payment on a home or apartment, or whatever, and his assets might remain the same when you take away whatever mortgage the person gets. The fact that he does not have the same piece of land any more would not affect the person because his total investment would be the same.

But if the person liquidates that asset by selling the piece of property (if it is a piece of property) and the money no longer remains in the Cayman Islands, then we are saying the Law needs to be amended so that the Board may revoke that permanent residence because 20 per cent of the points were granted based on that investment. That is the intention of that one.

Madam Speaker, with regard to spouses of Caymanians, I am certain you will recall that spouses of Caymanians were removed from the work permit system. Under the new Law they are now granted a Residency and Employment Rights Certificate, popularly known to everyone as an RERC. The intention of this previous change in policy was to allow such persons, out of recognition of their connection to a Caymanian (the spouse of a Caymanian), to be granted employment rights very quickly and with fewer restrictions than are attached to work permits.

So when a person is married to a Caymanian, he no longer applies for a regular work permit, he simply applies for an RERC (Residency Employment Rights Certificate) which is granted with the ability to work under that RERC for a period of seven years. This change in policy has certainly achieved its goal and it has made life easier for many spouses of Caymanians.

I might just pause here to say that the reason for that seven-year period is because within that seven years, assuming the marriage is intact, that person would then have the ability to apply for Caymanian status being the spouse of a Caymanian and, all things being equal, there would be no impediment why that person would not be granted Caymanian status.

But while this has achieved its goal, as I said, a problem arises where the parties subsequently separate but do not immediately divorce. That happens. I do not have to go into all of the possible circumstances under which a marriage can take place. But if we use our imagination, we can think of many

circumstances that might cause some difficulty. In such a situation, it would not be appropriate to allow the non-Caymanian spouse to continue to enjoy the full rights afforded by the Residency and Employment Rights Certificate.

In other words, there have been occasions where people do get married. Once they get the RERC there are problems at home and the non-Caymanian separates from the Caymanian spouse. But they leave it at that. They are simply separated. They do not go the full end of the road to actually get a divorce. Once you are married, and you are still married, then that person can enjoy the RERC for its full tenure.

It is proposed, Madam Speaker, to allow a work permit to be granted to the spouse of a Caymanian in exceptional circumstances for a period not exceeding three years, after which no further work permits may be granted or renewed in respect of that person. Meaning . . . for practical purposes, let us say that I am a Caymanian and I marry a foreign national. That foreign national, by way of marriage to me, gets a RERC, and there is a separation. This amendment will allow in exceptional circumstances for that person to get a work permit for a maximum three-year period. If during that three-year period the marriage becomes intact again, or the person goes through the process of acquiring a divorce, once that person gets divorced he is not eligible for a RERC any more. But being divorced, he can still get an ordinary work permit because he would no longer be the spouse of a Caymanian.

This amendment allows a three-year window for the situation to be regularised one way or the other. It is not penalising the individual from acquiring a work permit; it is simply saying to that individual that he/she cannot continue indefinitely under the guise of being married to a Caymanian and to have a RERC, when, in fact, you are really not married. Legally you are still married, but you are not living together, you are not operating the institution of marriage, and the union is (to put it bluntly) mashed up.

That is what this is saying, because there are people who take advantage of the system. We are saying that we are not going to disenfranchise anyone, but you are going to have to be decisive about your actions. You either have to be fish or fowl in the institution of marriage. That is all this is doing.

Much consideration has been given to this and we find this is fair and equitable and sort of closing the loophole that some people have used.

With work permits, the Immigration Law presently allows a person who has submitted an application for permanent residence to work by operation of Law either on the same terms and conditions as applied to his last work permit or to work for a different employer. The Law at this point in time does not clearly state that the person cannot change occupations.

We consider that to allow a person to change occupations at will would provide him with a benefit that he would not enjoy if simply granted permanent residence, because the grant of permanent residence does not give you the luxury of changing occupations at will. So, the person who has not been granted permanent residence and is awaiting the result of his application should really not have more of an advantage than a person who has been granted permanent residence. And as of now, it is not very clear: the fact that they can go to a new employer but that that employment has to be in the same field as allowed in the previous work permit.

Additionally, this freedom (if it were to be allowed to continue) could prejudice Caymanians. We are proposing, therefore, to limit the person under such conditions (that is, working by operation of Law) to working for any employer—but in the same occupation that he was working as previously when he held a work permit. So the person would still be able to change employers, but it still has to be in the same field as before.

From here on in it will be an offence where a person intending to work by operation of Law fails to submit his passport to his employer, and fails to pay annually all fees that would have been paid had the worker continued to be working on a work permit.

Really, what that is saying, Madam Speaker, is that if a person has applied for permanent residence and that person is awaiting the result of that application, that person is granted the ability to continue to work by operation of Law in the same job that he or she held before. What will happen now is that it will clearly be an offence if the fees are not continued to be paid during the same period of time that he would have normally paid had he been working with a regular work permit.

Another amendment relates to the processing of work permit applications for professional employees. At present, the Law prescribes specific requirements that the Work Permit Board and the Business Staffing Plan Board must take into account with respect to professional workers. For example, the Board must consult with the appropriate regulatory authority prior to approving an application. At present these requirements do not extend to the Chief Immigration Officer or the persons designated by him to process temporary work permit applications and annual work permits that will in future (once this Bill is passed) be dealt with administratively.

Given that many companies apply to the Chief Immigration Officer for temporary work permits for professional employees prior to the application for an annual work permit, it follows that he should have the same responsibility as the Boards.

In a nutshell, what that amendment will simply do is . . . the fact that an application can be made to the Chief Immigration Officer for a temporary work permit in the professional category, and the Chief Immigration Officer becomes the sole person responsi-

ble for either granting or not granting that application, and the fact that when this Bill is passed and becomes Law, the Chief Immigration Officer or his designate will be able to deal with some of these applications administratively . . . we are simply saying that under those conditions the Chief Immigration Officer and whoever his designate becomes will have the same responsibility as the Boards.

Madam Speaker, the Law is also being amended with respect to what is known as the 'job-hopping' provisions. At present, an employee may only change employer during the currency of a work permit where the Board accepts that there are special circumstances. This provision only applies to the Work Permit Board and the Business Staffing Plan Board. It does not presently apply to the Cayman Brac and Little Cayman Immigration Board, or to the Chief Immigration Officer, or those who will, in future grant, work permits administratively.

Madam Speaker, these important 'job hopping' provisions must be applied by all who are making these decisions on work permit applications, including temporary work permits. That is simply to allow all of those individuals and Cayman Brac and Little Cayman Immigration Board to do the same thing as a regular Work Permit Board and the Business Staffing Plan Board.

Madam Speaker, with respect to the designation of key employee status, and speaking to the designation of key employees, the Law is being amended to enable the Cayman Brac and Little Cayman Immigration Board to process applications for key employee grants. That is simply because it is acknowledged that that Board is better suited to determine whether a person meets the criteria for key employee status, given their knowledge of the specific needs and circumstances of Cayman Brac and Little Cayman.

So, as of now, applications for key employee status in the islands of Cayman Brac and Little Cayman have to be sent to Grand Cayman to be dealt with. We are saying that that Board is quite capable of handling those applications. So the amendment to the Law will give them the authority to do that.

Speaking to temporary work permits. Madam Speaker, there are several amendments being made with respect to temporary work permits. First, the Law is to be changed to allow a temporary work permit that was issued for up to 90 days to be extended for a further and final period of 90 days. That is, a three month work permit will be allowed to be extended for a further three months and that is final. This brings the Law in line with the Regulations where there are two fees—one for a temporary work permit, for a period of up to 90 days, and another fee for a period of 90 to 180 days.

Secondly, two new categories of temporary work permits are being created with this amending piece of legislation. The first of these is called a 'Seasonal Temporary Work Permit' which will be for work-

ers employed in the tourism hospitality or water sports industry during the peak tourism season. This category of temporary work permit has been introduced in direct response to representations from employers in those industries who find that a six-month temporary work permit is simply too short to cover the peak tourism season. [It is necessary], then, to apply for a one-year work permit which is burdensome, given the fact that the person concerned would in most cases be released only two or three months after the grant of a full year permit, having received up to a six-month temporary work permit.

The new seasonal work permit allows for a temporary work permit to be issued in respect of a person employed in those three sub-industries for a non-renewable period of 8 months in any 12 month period after which the worker must leave the Islands. Employment under a Seasonal Temporary Work Permit will also activate the work permit holder's term limit.

So, Madam Speaker, again in a nutshell, what that means is the individual who now can get up to six months of temporary work permits, in those categories that I spoke to earlier, and the employer needs that person for another two months, because after six months you have to apply for a one year permit it means the employer would be forced to apply for a full one-year permit with that person only working two months out of that one year. What will happen now (and the representation has been genuine and it is accepted in those sub-industries) is that they can apply for an eight-month, seasonal temporary work permit specifically for those categories so that will take the individual employees through the peak season. Then the person would depart the Islands.

The key to that, however, is that the period of time of that work permit, even though the person will leave the Islands, does not mean that he could do this and, after receiving eight of those eight-month work permits, apply for permanent residence. That would simply not be the normal circumstance. This is taken into consideration. It does not allow that individual to count each of those work permits as a year of ordinary residence here without a break of stay.

The second new category of temporary work permits relates to entertainers coming to the Islands to perform. Under this new category the Chief Immigration Officer, or the person processing a temporary work permit application, will be required (in addition to the normal requirements for work permits) to take into account the nature and content of the proposed act as well as the views of the Cayman Islands Music Association, the Cayman National Cultural Foundation and other Government Departments which are relevant.

Another important factor that will also be taken into account is whether or not a local artist or act has been engaged to participate in the event.

On to Business Staffing Plans: Madam Speaker, with respect to business staffing plans the Law presently prohibits the granting or renewing of



work permits for an employer who is required by law to have submitted a Business Staffing Plan application but has failed to comply with this requirement.

The original thinking of that, Madam Speaker, was simply because there were (should I say) no teeth which forced these applications to be forthcoming. When deadlines were set, if the employer did not meet the deadline, did not consider it important, there were no sanctions. So, when we did the change and said that we gave an extension for when these applications needed to come in (those pending), and we said until the application is received by such and such a date we are not going to be dealing with renewals or any new applications for that person, the whole idea behind that was to spur the applications on to get them all caught up and dealt with.

Having said that, and understanding that it is not a perfect world, we are now seeking to amend the Law to the effect that where an employer submits a Business Staffing Plan application after the deadline they must pay a fee amounting to double that which would otherwise have been paid if the application had been submitted on time. We are saying that you are going to feel it in your pocket. Pay attention! Make sure that your applications come in on time.

The Law is also being amended to allow the Boards and the Chief Immigration Officer to resume granting or renewing work permits as soon as the Business Staffing Plan application is received, notwithstanding that it was submitted late. So, the fact that it is submitted late will not prevent the process; it is just that that application must be accompanied with a cheque for double the normal amount.

Madam Speaker, in regard to Immigration Crime, in order to combat immigration and identity crime the Law is being amended to allow the Immigration Department to take and record the fingerprints of all persons over the age of eighteen who are granted a work permit. In future, by signing a work permit application form the prospective worker is giving an undertaking that he will consent to his fingerprints being taken and recorded. If he refuses to give this undertaking, this will be a ground for refusal of the work permit application.

I am also pleased to inform this honourable House that the provisions allowing for the imposition of administrative fines and forfeiture of assets introduced in the previous amendments have already proven their effectiveness. To date, the Immigration Department has acquired approximately \$90,000 in fines and a boat that will be sold under tender.

Madam Speaker, the reason for all work permit holders being asked to allow their fingerprints to be taken is very simple. Many of the countries that the Cayman Islands has certain treaties with, or certain understandings or certain levels of cooperation with, have their own database with fingerprints. From time to time, the interdiction authorities in the Cayman Islands have been able to utilise the databases in other countries to identify individuals.

Work permit holders are considered to be transient. When it comes to immigration crime, it is something already in the works but the department feels very strongly, and the Government agrees with the department wholeheartedly, that no one who comes here with the desire to acquire a work permit should be afraid to have his fingerprints taken.

What we do not want to happen (and why this amendment is part and parcel of the amending Bill), is for there not to be enough teeth in the Law so that if a person simply refuses or just does not bother to do so, that it is not a big deal and there is no enforcement. This is simply saying that if you do not agree to have your fingerprints taken, then you are very liable to have your work permit cancelled.

What we are saying is that we understand the possible difficulties. Because the application for a work permit has to be done while a person is overseas it may not be easy for fingerprints to be supplied and may not be practical for the local system, because the truth is that you want the fingerprints to be taken locally so that it gets into the system immediately and you begin to create and add to your database.

So your application can be granted, but the fact that your application is granted [means] that once you have signed (as you have to) the application form as the employee, the application form includes a section which says that in signing you agree to have your fingerprints taken. If you refuse and do not allow it to happen, then Immigration has the right to revoke that work permit. That is simply a check and balance to make sure that once the system is instituted it can be done in an efficient manner and persons will not simply be able to not do it.

In fact, the second amendment that I am proposing (where we are adding subsection (k) to section 48), where it reads "that the applicant failed to give the written undertaking referred to in section 42(4)(b) . . ." that is to cover the way the Law reads to ensure that the necessary action can be taken if the individual does not comply.

Madam Speaker, as I have mentioned on a number of occasions, the process of creating an immigration system that ensures the protection of our borders and, at the same time, provides a solid framework for managing migration both now and for the future is an ongoing one. The amendments contained in the Bill that I have described represent the latest stage of this development.

Again, the process will not stop here. In November 2007 I also announced that as a means to combat work permit abuse by unscrupulous employers, new measures would be introduced that would require employers to pre-qualify before being able to apply for and obtain any work permits. This pre-qualification process will ensure that employers are complying with health insurance and pension requirements in respect of their employees and that they have adequate programmes in place to ensure that

Caymanians are given every opportunity through on-the-job-training, mentoring or further education to advance in their careers.

I am pleased to say, Madam Speaker, that the Immigration Department has almost completed preparations to introduce these new requirements. A further amendment will be brought before this honourable House in short order. As part of this initiative, mechanisms will also be introduced to reward those employers who show that they are good corporate citizens.

I will not expand on that yet, Madam Speaker. Suffice it to say that those amendments which are forthcoming will simply be part of the ongoing process to cause our regime to be robust and as relevant to the times as possible.

Madam Speaker, I certainly commend this Bill to this honourable House. I believe that all of the amendments proposed are not only necessary, but good. They will serve to create the efficiencies that are sought in our system [while], at the same time, protecting all parties who need to be protected in the manner that they should be protected.

I await the Members' contributions. If there are questions I will certainly make every attempt to respond to them in my winding up. I wait to hear how much support this Bill receives in the House.

Thank you, Madam Speaker.

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

Second Elected Member for Cayman Brac and Little Cayman.

**Mr. Moses I. Kirkconnell:** Thank you, Madam Speaker.

I rise [to make] a short contribution to the Immigration (Amendment) Bill, 2008. In particular, I want to mention that the Government has taken under consideration and brought an amendment to section 2 of the Immigration Law (2007 Revision). I am extremely pleased, and I want to spend a few minutes speaking about it because I believe it is a very important amendment. It entitles the Board in Cayman Brac by having a redefinition of "Boards" in this section, and it includes the words "**44(4)(b), 49 and 52.**"

[Section] 52 will continue to be in effect as it is now for the Board in Cayman Brac and Little Cayman which will allow them to continue to issue permits (term limit permits as they know it) as they do today. It is a very capable Board. It has added another part of the puzzle that Cayman Brac and Little Cayman need in the vision and direction for a sustainable economic development plan for the citizens of both Islands. It is a Board that has vision and local knowledge.

Madam Speaker, section 49 [of the Immigration Law (2007 Revision)] allows this Board to function in the granting of key employee status. It says, "**An employer may make an application pursuant to subsection (4) to the Board to nominate a worker as a key employee . . .**" Why I believe this brings a

much needed economic boost and a much needed boost to the confidence of the Board itself is, if you look at the Law and you see some of the criteria for the Board to look at in granting key employee [status], and clearly understand that we are removed by 65 miles of water between East End and Little Cayman and that we need the ability to draw on local expertise and local knowledge as we make those decisions to that Board, it says, "**[49(4) (a)] he is recognised as having particular expertise in his field of practice, trade or employment and the Board recognises that there is difficulty in attracting such persons to the Islands or retaining such persons within the Islands . . .**"

The key is the Board.

**"[49(4) (b)] he is or will be directly involved in training Caymanians or developing their skills in the field in which he is employed or practises and his expertise in this regard is important to the effective continuation of such training or development;**

**(c) he is a professional employee whose expertise and skills are in short supply globally and are not available in adequate measure in the Islands and it is of economic and social benefit to the business or the Islands to attract such skills to the Islands;**

**(d) his absence from the Islands will cause serious hardship to his employer, to Caymanians, or be detrimental to the Islands;**

**(e) his business contacts are, or will be, of importance to the continued success of the business or its contribution to the Islands;**

**(f) there exist other economic or social benefits to the Islands by virtue of securing or retaining his specialist skills or expertise; or**

**(g) the circumstances of his particular case are considered by the Board to be exceptional and to justify a special reason to employ him or to allow him to be designated as key employee."**

Madam Speaker, I think it was virtually impossible for the Board here to be able to take under consideration because of their lack of local knowledge and expertise needed to make judgments on key employees for Cayman Brac and Little Cayman. So it is with that that I commend this amendment.

I believe it will add quite a bit to the Board and to the work situation as far as it has to be realised that the local knowledge of a key employee in Cayman Brac and Little Cayman, knowing what those two Islands need, may well be quite different than the criteria needed for a key employee in Grand Cayman. Again, I go back to the local knowledge.

Madam Speaker, the Residential Certificate was mentioned earlier by the Leader of Government Business. "Required financial standing of applicant required for residential certificate for persons of independent means." This is a Regulation, not a Bill. But it will be looked at as this Bill is brought. I am just asking

the Immigration Department and the Leader of Government Business to take into consideration that, as this stands, the criteria for Grand Cayman is a \$250,000 investment in real estate to be considered for a residential certificate with independent means.

In Cayman Brac or Little Cayman, it has to be an investment of \$125,000 in developed real estate.

You have to show proof that you have an annual source of income of \$150,000 in Grand Cayman. In Cayman Brac and Little Cayman you show proof of an annual source of income of \$75,000.

Madam Speaker, the precedent and pattern being set is that to spur on the development of Cayman Brac and Little Cayman the fee is half of the established fee in Grand Cayman. The only thing that is different, and this is where I ask for consideration, is that the residential grant fee itself is \$15,000. I ask Immigration and the Leader of Government Business to consider looking at a regulation that would reduce that to be consistent with the other parts of the Law for Cayman Brac and Little Cayman. Reduce that, again, being consistent, to \$7,500.

Madam Speaker, it is with those short comments that I stand to support the Bill.

Thank you.

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

Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

This amending Bill is one that I believe will go a long way to tidying up and rectifying a number of the complaints that we get from time to time in regard to a number of Immigration matters.

The principal tenets as outlined under the new regime, as it would relate to the administrative processing of work permits, is one that I can say the Opposition does not have any objection to. Indeed, we believe that many of the reasons that have already been stated are valid, and ones that would cause us to believe that good will accrue to the Cayman Islands as a result of these changes being made.

Madam Speaker, one of the points that I think would bear some emphasis and repeating is this whole notion that whilst the administrative processing for matters that are not contentious will be a new paradigm shift as it were in the Cayman Islands, the process that would be gone through by an employer should not prejudice the ability of Caymanians to get jobs. Indeed, once the process runs as envisioned in conjunction with some of the work that is being undertaken at the Employment Services Department it could indeed enhance those abilities of Caymanians who are perhaps changing jobs and seeking employment.

Madam Speaker, in regard to a number of the other points and issues being addressed by this Bill,

those surrounding the application for permanent residency, I am happy to see some of that work because we have also had representation of different abuses of the system as it relates to a person's portfolio of assets.

As the Leader of Government Business outlined in his presentation of the Bill, this is an area that is not necessarily easily resolved. As he pointed out, striking that balance of a person being able to live life, as it were, as he sees fit versus the law's restriction on what a person does with his portfolio of assets is one that is not easily dealt with or solved. However, in looking at provisions and how that is designed to work, I think this is probably as good as we are going to get it.

Obviously, there would be matters that would be outside a person's control, such as the depreciation or decline in value of his assets subsequent to the acquisition where the person does not have any control over those circumstances. For example, if [an applicant] had a piece of property worth \$150,000 prior to the application and during the time of grant that asset subsequently declined in value, naturally those are circumstances that the successful applicant would have no control [over]. However, in looking at the provisions I believe that those circumstances are contemplated and should be dealt with in a manner that is not prejudicial towards the person. In those circumstances the person has not necessarily used his assets simply for the acquisition, pretending to make a commitment to the country and then, after acquisition of permanent residency, simply liquidating those assets no longer having the commitment that his application suggested he would have.

Madam Speaker, there are other areas that will cause some to perhaps have concern or contention, in particular the whole issue of a person on a work permit having to give a written undertaking that he will submit himself to being fingerprinted. At the end of the day as a country we have to decide what we believe is best for us to be able to most effectively and efficiently manage ourselves, our society, and our borders. While we never want to overstep bounds unnecessarily where the Government or State has cause and will derive a benefit that is much better than the perceived invasion (I guess is the word I want to use) . . . causes invasion into some people's rights and particular matters of privacy, et cetera. I believe that all governments are duty bound to do what they need to do.

As I said, if the benefit outweighs the costs, or the perceived costs, then one has to do what one has to do. Certainly, in that regard we all have our particular choices we can exercise.

Madam Speaker, getting back to the administrative processing provisions, there will be those who will have suspicions and will see the change as in some way not having the capabilities to process and deal with applications as they believe would be most beneficial to Caymanians as being impaired upon. But

I dare say [that with] any change made to this system, there will be those who could come up with varying arguments and resistance.

However, in the main, given the circumstances that obtain, given the costs to the country and to employers overall, and the fact that the whole system of temporary permits has now grown into one of necessity where their use is certainly not within the spirit of the Immigration regime . . . that is, a temporary was certainly, in spirit, for those circumstances where a person was going to be employed and in the country for a temporary period of time (and typically people would have tied that to less than one year). We know that that is what that regime was intended to deal with. But now we see this deal with a whole raft of permits where they go from someone applying for a domestic helper right up to hiring a chief executive. People go through this process because it is the quickest and most efficient way to get someone on the ground working.

We have long heard complaints from our constituents in regard to their perception about some of the processes that a person goes through as it relates to a full work permit, and people feeling somehow that if everyone had that full work permit test applied to them, that that in some way is more beneficial and fairer to society and to Caymanians who are in the workforce. We see that those sorts of complaints would basically go out the door.

This system, though, is one that is going to require scrutiny that will allow the public to more fully embrace it. By that I mean that once it is given a chance and it is up and running and all of the work envisioned to scrutinise and ensure that the result at the end of the day is one that Caymanians believe does not compromise or inhibit their employability, but—even going to a higher point in principle—is one that is fair to society in terms of the particular applications being granted, are the ones that meet all of the hallmark requirements and, more fundamentally, meet the needs test.

I know that for a long time the system and the department struggled to keep up and deal with the whole issue of frivolous applications—people simply taking out a work permit for someone in order to get them on the Island. In most of those types of instances there is no work for them, and those people basically wander about. In some instances they do go back and try to legally get some sort of variation. But in a lot of instances they simply work outside the terms and conditions of their work permit and work elsewhere.

Those are the sorts of issues that I believe having the system uncovered will become more transparent and more ably dealt with. However, by uncluttering the system the penchant for someone even trying it declines greatly because they themselves would understand, and word would get around that we do not have this bogged down, inefficient system any

longer in Cayman. So, trying that particular trick may be unwise.

Madam Speaker, I know that we will always have detractors and those who complain about the work surrounding Immigration. But as I looked through all of the provisions being brought in this amendment Bill, I see a vast number of them being dealt with, or attempted to be dealt with. There are a few that I have not seen here that I would like to highlight. I am not sure if any of them are simple enough, or non-contentious enough—simple from a drafting standpoint and non-contentious from a principle standpoint—that perhaps Government could look at if not now at some time in the not-too-distant future.

We have a real problem as it relates to certain persons who are born to Caymanians. In other words, at the time of their birth, they were born to a person who was a Caymanian at that point in time. But the parent and child moved outside the Cayman Islands and the child is now an adult. Having sat on the IRT (Immigration Review Team), I know one of the [reasons] behind a lot of the changes we made was [to] try to build Cayman and the Cayman population, society and workforce as far as possible from persons who were Caymanian or of Caymanian descent. That is one of the reasons why at the time, Members may recall, that we went back a generation when we started dealing with Caymanian as a right, and did not just deal with parents. We also went back to grandparents.

What is happening to a lot of those people is that the test for the person to acquire status, or have access to acquisition of Caymanian status in those instances, has caused them to fulfill a legal and ordinary residency requirement test.

Let me take one quick step back. In these instances, Madam Speaker, I am speaking of the person born to a Caymanian but born *outside* the Islands. I think I said earlier that the parents moved away. I made a slight mistake there.

So, a Caymanian who has moved away from Cayman has a child. Let us say the person moved to the United States. The spirit of the legislation would have been that that person would have had automatic acquisition of status pretty much irrespective of where he now resides. In a lot of instances, these people are persons whose parents are Caymanian, their grandparents are Caymanian, their great-grandparents may have been Caymanian, but to exercise their right they now have to go through the process of applying for a work permit to become legally and ordinarily resident here because if they come to Cayman, they would normally just be landed as tourists.

I would ask the Government to look at that situation and see what can be done to ensure that those persons can have access to their right to be Caymanian in a much more efficient manner.

The case was highlighted to me in an instance where a person who was trying to return here was a qualified teacher. This is the type of person we want

to ensure gets to Cayman and exercises that right to be a Caymanian as easily as possible.

As I said, as far as I know, on her mother's side she goes back at least four generations of Caymanians. She has always visited her grandmother here, and has always stayed in tune with the community and the society.

In our work on the IRT we certainly stopped at the grandparent stage as it related to any form of more automatic acquisition. But we know . . . and I had another case recently that highlighted another weakness in the system where a person who is of Caymanian descent on both sides (both of her great-grandparents were born in the Islands) was being rolled over, and that is why she called me. She wanted to find out . . . in her mind she could not understand why she would be rolled over when both sides of her family were born Caymanians. The reality was that in the type of semi-skilled work she was engaged in, more likely than not she would be replaced in the jurisdiction by a work permit holder.

The truth of the matter is that, certainly, given our current and projected needs from a human resource perspective as a country, we are simply not, from a birthrate standpoint, having enough Caymanians born to fill our needs.

I think it would be helpful if Government looked at the regime as it relates to persons of Caymanian descent who have come back to see if there is anything that can be done to give some form of preferential treatment to individuals in that category. As was said to me recently, some people find it rather frustrating when they see Powerys and . . . I do not want to start calling all sorts of last names, but a lot of persons with Caymanian last names being caught in the rollover regime.

We know why we put that system in place. And while it has its detractors, I believe that by and large all of us as legislators recognise the necessity that it serves, especially given the wholesale change that we made in 2003 and the numbers of people that our society would have absorbed on a permanent basis from 1 January 2004 to the present. Certainly, there would still be people in the system to be dealt with.

Madam Speaker, I think if Government looked at that situation and spoke to the folks at Immigration they certainly would have seen these types of cases that have come through the system and be able to deal with them effectively. I believe that the society would not . . . and we are not suggesting that they be given any form of automatic acquisition to rights. In other words, we are not suggesting going back yet another generation. I believe that most Caymanians would agree that we have basically gone back two generations and that is far enough. But if they are given some preferential treatment within the system, you could easily see a scenario where the society would have adequate time to have them live and move within the community and be able to weed out,

for whatever reason, any that it may not be desirous to [let] remain in the society on a long term basis. I think that could wind up being a win/win scenario.

For those of us who sat on the original IRT, the spirit behind what we tried to put in place was to first and foremost try to build Cayman from Caymanians and persons of Caymanian descent who looked to return to Cayman. We know persons who, historically, have moved to Texas, New York, Jacksonville, different places in the States. We know in the 1990s the then administration took a cognisant view of persons who were in Isle of Pines in Cuba. We know that a lot of Caymanians moved to the Bay Islands. So, I would recommend that the Government take a hard look at those two situations because I believe they would find that they are two areas that could be helpful to us as a society as we continue to evolve.

Madam Speaker, let me just reiterate that, certainly as we look at the new system that surrounds the granting of work permits—and that is what a lot of people will talk about coming out of this Bill—we believe that as the system gets un-cluttered and as the Immigration Department works a lot closer with the Department of Employment Services, that this system, once up and running the way we envision it to run, will go a long way to help the economy, but [it will] also help Caymanians who are out there either seeking a job for the first time or perhaps out of a job, or looking to change jobs.

Madam Speaker, I believe that overall the tenets and principles in this Immigration Bill are supportable by the Opposition. I think the community, once given a chance, will say it is something that was for the best interests of the Islands.

With those few words I recommend support of the Bill.

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

If no other Member wishes to speak, does the Mover . . . Fourth Elected Member for the district of George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I rise in support of this Bill, this very necessary piece of legislation.

One thing that has been constant throughout the world from the time that mankind was placed on the Earth is migration of people. For that reason and the ever-changing trends the world finds itself in we have to pay very special attention to our immigration policies. We realise and understand that there will never be a time when we will be able to say this is it, we no longer need to make any changes.

We know that the Law governing Immigration in our country has been left unchanged, or without upgrading for too long a period of time. But in recent times, we have all come to terms with the dynamics of

migration and the way immigration affects the way we do business and the lives of our citizens.

I would like to mention the rollover policy, for instance. That had its share of support but it has also had its many detractors. In spite of the gloom and doom when this piece of legislation was being circulated, by all indications from all walks of life it has done the country well. I believe that as we go along we will find it necessary to fine tune that as well. But for all intents and purposes, legislation such as the rollover policy has done this country well.

What I have come to understand and appreciate is the level of commitment and the intelligence of the Chief Immigration Officer who has refused to simply remain static. He constantly looks for ways to improve his department. Whenever legislation comes to this House, and the Chief Immigration Officer and his staff have a hand in it, it is usually well thought out. I can only say that I commend him and his staff for the tremendous amount of work that they put into it and I would like to say that this department is extremely well run. I am so proud of him being a Caymanian who continues to improve himself and also of those in his department who work with him.

Madam Speaker, there are a few things that come to mind with the Bill. I am in full support of the fingerprinting issue. I believe it is something that is long overdue. We may find that fingerprinting in itself may become a very normal part of our everyday lives in a short time to come. Criminals are becoming more and more intelligent, finding ways to beat the system. Even for our own law-abiding Caymanian people, fingerprinting may be one of the things we come to accept as a norm. So I am in favour of introducing fingerprinting to work permits.

While I understand the point made by the Leader of Government Business about new applications, that we introduce the fingerprinting at that stage, we did not hear too much of anything about how we would handle renewals. I am sure that must be part of the thinking of how we would deal with renewals as far as fingerprinting is concerned. So I would ask that during the wrap up there be some mention as to how we plan to deal with renewal. I understand that we will not be able to do everybody at one time; but I hope that even those who are in the system will be captured somewhere and we do not just deal with new grants.

Madam Speaker, by and large, as I have said before, this Government has recognised that Immigration must be taken very seriously. We continue to look for ways to improve, although it was said on the radio today by Members of the Opposition that all we are doing is messing up a good piece of legislation. Madam Speaker, we would not be doing our jobs as legislators if we thought that areas like immigration should simply be left alone. Immigration affects every thing and every one, from the way we do business, to the people who work in our gardens, our homes, our businesses, people who work in law offices, in doctors' offices. We also have to balance immigration with

the livelihood of our people and make sure that opportunities are not taken away by the willy-nilly issuing of work permits.

I believe that the changes in this legislation will go a long way in assisting Caymanians, people who are in business, with processing their applications more quickly and also help them to understand what is happening with their applications. It will relieve the Boards of these long agendas and things that never seem to come to an end.

I must commend the Chief Immigration Officer again for deciding that the best way to handle this is for the employees of the Immigration Department to take on more responsibility. These are the people who deal with work permits every day. Not taking away anything from the members of the Boards who have done this for so long, but I believe these are things that can be handled a whole lot better administratively. I support our going in that direction.

The point made about assets placed in somebody's personal holdings and used as an investment to satisfy the investment section of an application for permanent residency . . . Madam Speaker. I am extremely happy that steps are being taken to look at this. This is one of the areas where people have taken advantage of us, transferring funds or property in people's names. As soon as the applications are granted, they move the assets somewhere else.

At times, some are led to believe that the assets could be borrowed. I would like to take it a step further: rather than simply saying that the assets should stay in place for a period of time, have the ability to monitor the assets so that if they disappear we are able to track, for instance, cash. If [an asset] were sold, we should be able to track where the cash went. If you recently bought the property, [you] be able to show where the funds came from. It has been rumoured, and there are cases where you know full well that people were helping out buddies at times in the transfer of funds or property.

I am asking that Government take a second look at that portion to see if there are any other areas within that that we can tighten up.

I am also mindful that the workings of these new amendments will also assist some of the things that we have been fighting for a long time and continue to fight—that of enhancing the ability of Caymanians to get jobs. This is a primary concern of this Government and any well-thinking government. The new system of the administration dealing with work permits will apparently assist in this area to ensure that Caymanians are looked after and that we can make sure that none of our people who can fill these positions are overlooked.

Nothing is mentioned in the amendments, and maybe it is a trivial matter, but there is a lot of talk about the Language test and how useful it is. I know that one of the things we use to explain why it is necessary is, for instance, the probability of a helper having to deal with medication for an elderly person or

someone she is taking care of and she cannot read the instructions properly because the instructions are in English and she does not speak English very well. While I will say that I agree with the test, I do wonder at times if maybe it could be explained what triggers the test.

For instance, if somebody applies for a work permit from an English-speaking country and, as far as Immigration officials are concerned, they speak proper English, is there a system that can prove that although one can speak English, one can read and write English? That could be worse than somebody not being able to speak English. It could be more detrimental, I believe.

It may be taken care of, Madam Speaker. So if we can see if that has been addressed and if there is a way for us to ensure that somebody else could not have simply filled out an application form for somebody else and sent it in, it may be something that is easily explained. I will be happy to hear that.

Madam Speaker, the section on—

#### **Moment of interruption**

**The Speaker:** Honourable Fourth Elected Member for George Town, I see you are going into a clause to explain it. I am certain you are not going to be finished within one minute.

I will entertain a motion for the adjournment of this honourable House.

### **ADJOURNMENT**

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

I move the adjournment of this honourable House until Wednesday morning at 10 am.

**The Speaker:** The question is that this honourable House do adjourn until 10 am Wednesday. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 4.28 pm the House stood adjourned until 10 am Wednesday, 8 October 2008.**

**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**8 OCTOBER 2008**  
**10.31 AM**  
*Eighth Sitting*

**The Speaker:** I will ask the Honourable Leader of the Opposition to say Prayers.

**PRAYERS**

**Hon. W. McKeeva Bush:** Let us pray.

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

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

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

*Lord, you have said in your word that you know the plans you have for us. Even so, Lord, let it be.*

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

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

**Proceedings Resumed at 10.33 am**

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

**Apologies**

**The Speaker:** I have received apologies for late arrival from the Honourable Second Official Member responsible for the Portfolio of Legal Affairs.

**STATEMENTS BY HONOURABLE  
MEMBERS AND MINISTERS  
OF THE CABINET**

**The Speaker:** I have received no notice of Statements by Honourable Members and Ministers of the Cabinet.

**GOVERNMENT BUSINESS**

**BILLS**

**SECOND READINGS**

**Immigration (Amendment) Bill, 2008**

*(Continuation of debate thereon)*

**The Speaker:** I recognise the Fourth Elected Member for George Town, continuing his debate.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

When we had the hour of interruption on Monday evening, I was dealing with the topic of the language test and whether or not we ought to be considering a literacy aspect as well. I do not know where that fits, exactly, within the department and whether or not human rights issues will come into play at some point, but it is something that I believe we should get some answers on as to whether or not we are allowing people into our country who may not be able to read and write, putting them in positions as helpers.

For instance they may have difficulty reading medication of people they are caring for. So, I asked that somehow we have some reply on that during the wrap up.

Madam Speaker, one of the complaints we continue to hear from members of boards as to the reason they are backed up in processing and issuing work permits has been that when the application comes to the board, there is a checklist of documents and items that are supposed to accompany the application. This is one of the areas I have had a number of complaints about over time. Board members speak to the fact that these are some of the reasons why applications are delayed or put back to the next week's agenda. I am just wondering if the new administrative process will fix any of these same issues. If



they are now being dealt with internally by administrative staff, perhaps that same checklist comes into play.

Is there a system in place to make sure we are not experiencing the same problems? The absence of these applications going before the board may not allow members of the board to know whether or not those issues are still a problem. I said earlier that I have all the confidence in the world in the Chief Immigration Officer and in the system he sets up. But he is only one person and he cannot sit and watch everybody and process these applications in every board meeting.

This is a major concern for members of the board who are saying they are fearful that in taking the process out of the hands of the board, some of these inadequacies may be hidden and we may never know what the real reasons are for delays.

This new system is supposed to make things work better, issue work permits faster, or at least give answers to those who apply a lot quicker. I am asking the Leader of Government Business if, in his wrapping up, he could speak to that.

The Residency and Employment Rights Certificate has been one of the more important changes. This is not new to this set of amendments. But it is one of the more beneficial changes that has been made in recent times to the Immigration Law. It is part of the new system that I believe the department could benefit from if it did a little more PR. When someone applies for a work permit they are then advised there is a new system. But there is a lot of fear and uncertainty out there for people who are married to Caymanians who may not know of this. I believe that the department could benefit greatly from some form of PR in this area.

Madam Speaker, that concludes any contribution that I can make at this point. I want to say that I am in support of the amendments. I trust that my other colleagues will show their support for these very important amendments to the Immigration Law.

Thank you.

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

Third Elected Member for the district of George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

I rise to endorse the amendment and to make a few points about the Bill for a Law to amend the Immigration Law (2007 Revision).

Any aspect of immigration in the Cayman Islands is important to all of us. It is important, because as a well established country that provides a lot of employment for people, we should spend an inordinate amount of time looking at our immigration laws, policies, et cetera. Writing one law today is not going to be sufficient in four years' time. I will just quote from

the Leader's speech where he said that in 1994 we had 6,400 persons on work permits here. In 2004, we had 19,004. Madam Speaker, it has quadrupled in 2008 to 25,772.

It shows that every so often the legislators and persons in the Immigration Department have to look analytically at what is happening and adjust the policies and laws as we go on. This is not because we are a frivolous government or do not know what we are doing. But when we look at those statistics and see how those work permits have quadrupled, it is right for us, because it is a dynamic process, to look at what is happening every so often.

As the Leader said, we have to look at protecting our borders and Caymanians. Therefore, we have to be able to manage migration. In all of this are people in their thousands called Caymanians, who do not need a work permit, who can work anywhere; but because of the demands of the private sector in terms of employment, it is this House of legislators that has to ensure that Caymanians benefit from the very thing that the employers (i.e., the private sector and others) are seeking. And that is, a better return on their dollar, their business improves, that is, they make money. And the Caymanian must also wish to be part of the Caymanian dream.

Madam Speaker, it is important that every so often we adjust things, particularly for those thousands of Caymanians who we call indigenous. And I say "who we call indigenous" to ensure that they benefit from the fat of the land. If the legislators of this country cannot come to this honourable House in a bipartisan way to work out things so that the Caymanians can benefit, then something is wrong.

It is not about being anti-foreigner, as we often hear that we are against this nationality and that nationality. But any country, whether independent or otherwise, seeks first to look after the benefit of its people. The Cayman Islands is no different. The Cayman Islands is no different, particularly at this time, in ensuring that the people it is educating—its young people—whether here or a foreign [country] to see that when they come back they are placed in the positions to match what they read at the university.

So, Madam Speaker, it behoves this Legislative Assembly to look carefully to see that there is no disenfranchisement where our Caymanians are concerned. I know that certain nay-sayers may say that this Government does not like certain nationalities and they make certain aspersions. But, Madam Speaker, like yourself and the Honourable Leader, I went to Jamaica to get my education. I have lived in that country. I just want to tell you something, Madam Speaker.

When I finished my teacher's training, I volunteered to work in Jamaica for a year, much to the consternation of the college and my people here in the Cayman Islands. But because I said I wanted to do it, they gave me an agreement.

We went to a place and opened a school called Baxter's Mountain, way in the woods of St. Mary in Jamaica, four of us. Incidentally, Madam Speaker, of the four of us, three of us became politicians. So it must have done some good for us.

At that time the Minister of Education came there and he was proud of what we had done. He wrote to the Ministry of Education and said these four ladies shall be awarded with a scholarship to go to the University of the West Indies. So, before I decided to come home, I went to the Ministry of Education to find out about the scholarship. They thanked me and were very cordial and diplomatic and said, "We thank you very much for volunteering from the Cayman Islands, but our scholarships are for Jamaicans. You are not a Jamaican."

I say that, Madam Speaker, just to make a reference that our policies and our legislation and the things that improve the Caymanian must always be first in our minds. Notwithstanding we need workers here.

The Cayman Islands is flourishing. It must be flourishing to have 25,000 work permits. People are not coming here just to sit on our shores and put on bathing suits and walk about and *ya, ya, ya, ya*. They are not doing that. They come here for a purpose. They come here to drink milk. And there's nothing wrong with that, once they do not touch our cows!

Madam Speaker, I see you smiling. Perhaps I should not have said that.

The legislation that is before us, as the mover of this Bill said, is to protect Caymanians. Every day of my life as a legislator, someone, whether old or young, tells me that we are not looking after our Caymanians. That is hard, Madam Speaker, when your people come up to you and say that you are looking after the foreigners. *All I can see are foreigners getting the best jobs. All I can see is that you are making them get employment. They are enjoying the Cayman Islands. Not us.*

That hurts, Madam Speaker. That really hurts.

I know all of my colleagues in here, at least the elected colleagues, tell me that it happens to them. So it is not that the legislators are trying to be anti-foreigner. What we are trying to do is ensure that people who get work permits, it is necessary. We are also trying to ensure that this work permit does not debar a Caymanian from getting a sensible job, getting a job that can get them good money so that they can be part of the Caymanian dream.

The mover of the Bill also spoke about the amendment improving the efficiency and effectiveness. That is important for us, Madam Speaker. We are a business. We are part of this global dispensation that everybody comes [to]. So we must be international. We must be on task. When our work permits come in we must do them properly. We must do them expeditiously, but we must do them correctly.

I just want to make a point about the last part of the Bill, to extend the powers of the Chief Immigra-

tion Officer. I think this is a wonderful thing. I have always said and my colleagues have always said that we needed an administrative arm in the Immigration Department to process our work permits like they do in other parts of the world.

Madam Speaker, what is so important here today is that in a growing and progressive Cayman, we must continually bestow upon our people decision making abilities. Give them responsibilities of authority and accountability. I have every confidence in the Chief Immigration Officer. I have watched him grow from a little boy. Somewhere he is kindred to me. That's not to say he would do anything for me, Madam Speaker, but I have watched him grow and I know his heart.

As a matter of fact, if you read what he said on the Cayman Islands Government website he talks about 'Caymanians must benefit too.' So that is important. But Caymanians must benefit too because we have empowered him, Madam Speaker, to make decisions that most times would have been made by a board.

Now, I am not sure (I did not do the research) that this is done in other parts of the world, where you use boards to do this kind of work. With the volume of work that we have, there is no way that we can use boards only. But the mover of the Bill said the boards would be overarching and in charge. But bestowing this empowerment on the Chief Immigration Officer is not a beginning, but an important step in trying to progress Cayman forward. It has been said that we are not capable of handling our own affairs; we do not have the ability, we do not have the educational ability nor the other ability to handle our own affairs. This is the beginning, when you bestow upon the Chief Immigration Officer this kind of empowerment, this is important. This is a very, very important aspect that we have done here. It will teach and train our Caymanians so that they can be in charge.

This empowerment is also in other aspects of the Civil Service, functions of taking on accountability and responsibility. Human people work in the Immigration Department. If they default on anything I am sure there are measures in place to deal with them. I am sure that the Chief Immigration Officer has brought this up already.

What happens if somebody overlooks one aspect of the checklist, and deliberately so?

I am sure, knowing the person that I know, he has already sat down and said, *Look. What would be the consequences, if we see this getting out of hand? They have entrusted this to me.* And he has delegated it downwards to some of his staff to ensure that the work permits are looked after so they can be expeditiously done and the business of the country will not come to a standstill.

I want to spend a little time on this because it irks me at the age I am . . . and Madam Speaker I am way above south. I am not a kid anymore. But it irks me, Madam Speaker, when people who are supposed

to know better get up and say, *Boy, we can't give that to him you know. He is either too young, too fool or too whatever.* That's a Caymanian we are talking about.

Madam Speaker, I am a Caymanian. I know that I am not a Euclid, like the Honourable Minister of Education. I am not a Euclid like him, but I know I am smart. And I know that in my lifetime I have met some of the smartest young people we call Caymanian. As a matter of fact, they boggle my mind sometimes with what they know for the short time they have been on this earth.

It behoves us as legislators not to fall into the same trap as people did with us. Not to fall in that same trap where we did not trust "us" to be in charge. We should not, as legislators on both sides, fall into the trap of saying in this life we are in that we do not have Caymanians who can run this country, whether it is the economic aspect of it or the political aspect of it.

I believe that I could go to sleep tonight and go on to wherever I have to go and know in my heart that there are educated people of, not so much of my generation, but the generation after me and below that would take this country on the right course. They would steer it well. They have good hindsight, they are smart, they are intelligent, they are analytical and they know all sorts of things. Therefore, Madam Speaker, this aspect of this Bill, where we are giving the extent of powers of the Chief Immigration Officer, enralls me.

I am a proponent of ensuring that Caymanians are in charge of the destiny of Cayman. I congratulate the mover of the Bill. I also congratulate the Chief Immigration Officer. I know he understands the economics of this. We depend on this, but we have to depend on it not at the expense of our own Caymanians. We depend on it on terms of fairness to ensure that there is no work permit, regardless of what it is—particularly if it is in a high scale and accrues a lot of money—that there are Caymanians . . . that the Immigration Department is not going to let a work permit slide once they know there is a Caymanian that can fit.

Thank you.

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

Third Elected Member for Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker. I rise to offer my support to a Bill for a Law to amend the Immigration Law (2007 Revision).

It is important that we as legislators continue to streamline and improve legislation that we have in existence. Often times we have been criticised in this country for leaving legislation until it is way too outdated, way too ineffective to be of any use to anyone, and then we have to make wide sweeping, large scale changes that have dramatic impact on the country.

What we have here is a recently approved piece of legislation, in the Immigration Law (2007), but as we work with a law such as the Immigration Law, because of the dynamic nature of Immigration itself, it is not a piece of legislation that we can leave alone for long periods of time. We will certainly run into difficulty.

There are many things that change in a country such as ours, which is very dependent on migration and immigration policies. Economics and other factors dictate that we keep up to date, keep on the cutting edge, as it were, of our times to ensure that we have the best law on the books that will allow our own people to survive in their country, as well as facilitate those that come here to work in an orderly and clear manner.

Madam Speaker, I heard the Leader of the Opposition on the radio a couple of days ago saying that we are messing with a good piece of legislation until we make it, I guess, not good. Until we destroy it. But, Madam Speaker, I think the Leader of the Opposition knows better than that. He knows that this is a strengthening of the legislative process, a strengthening of that Law that is very much needed and is being proposed by the Chief Immigration Officer and his staff along with being tabled here by the Leader of Government Business. Amendments that have been well thought out will hopefully alleviate some of the concerns and some of the issues that plague us.

I would like for the Leader of the Opposition to reconsider that statement and to show his support for such a worthy effort on so many people's parts.

Madam Speaker, I would like to touch on a few—

**Hon. W. McKeever Bush:** On a point of order, Madam Speaker.

**The Speaker:** Can I hear your point of order, Honourable Leader of the Opposition?

#### Point of Order

**Hon. W. McKeever Bush:** If the Member heard me talking it was in connection with some other matters in regard to other legislation in connection with the Immigration Law. But he never heard me talking about this piece of legislation.

**The Speaker:** Third Elected Member for Bodden Town.

**Mr. Osbourne V. Bodden:** I heard what the Leader of the Opposition said. I guess it was not clear when he said what he said, and I can only assume that he spoke about any amendment that we were making to the Immigration Law.

Moving on, I would like to look a little bit closer at some of the amendments. I will start off with

amendment 4 which goes on to designate the post of a Director of Boards and Work Permits.

This is an important step for us to designate someone, although we may have had someone acting in this position previously. But it is important that the public understands that we do. This person will have a very important role. This amendment is seeking to make this quite clear.

I quote from amendment 4(c), which says that **“(2) The duties of the Director of Boards and Work Permits shall include (a) the planning and coordination of the activities of (i) the Boards; and (ii) the Work Permit Administration section. . .”** That in itself is, to my mind, a large role because he is planning and coordinating the activities of the Board. This is a very important function because we need to ensure that our boards are not working at cross purposes. We need to ensure that our boards are working under proper terms of reference, under proper scheduling and such, and there are a number of boards—the Work Permit Board, the Business Staffing Board and others—that will be impacted significantly by the work of this individual. So that is very crucial.

It also says “the Work Permit Administration section.” Again, the Work Permit Administration Section is going to be enhanced with the amendment that we are going to talk about a bit later. But as we move to a more administrative system of granting work permits, in some cases this person has a large role to play in making sure this is a smooth process. And you have someone you can go to who will assist the public in terms of questions and directions.

The other role that person will play will be to develop and implement strategies and systems to promote efficiency. I guess this is an elaboration of what I was basically saying (I probably jumped the gun!) in the processing of applications by the Boards and by Work Permit Administration Section and also to meet with the public at their discretion and to tend to administrative matters assigned to them by the Chief Immigration Officer. That is a big job and a very important one. I think that formalising that into legislation is certainly a good move.

Another very important area is marriage and persons married to Caymanians, and the granting of Resident and Employment Rights Certificates. This is referred to under amendment 6, where someone married to a Caymanian no longer has the handicap of struggling and trying to get a work permit and finding employment. Once you are married you are granted an RERC, as it is commonly known [Residency Employment Rights Certificate], which allows that individual to work for seven years. At that time then, all being well, that individual will go on to receive Caymanian status.

There are a couple of other important areas in that. Often times working within the Law, the department has found difficulty where marriages no longer function as marriages, where one individual got mar-

ried, whether for convenience or it just did not work out, and then you have the difficult scenario of what do you do with this person.

Now the proposed amendment will allow the Chief Immigration Officer or his designate to grant a final three-year permit under amendment 9(6) . . . not necessarily a final, but it will be a three-year permit that will be granted that will allow the whole scenario to be cleaned up, whether there is a divorce or there is reconciliation, it will allow things to settle, dust to clear. If the divorce is processed at that time, that individual will then have the ability to seek a further work permit on his or her own. At least there will be this steady period, as it were, to allow some surety during this period of turmoil.

So that gives people some clarity and some sense of surety to know that everything is not going haywire once the marriage is on the rocks as it were.

Another important area is under amendment 7. [If] the Chief Immigration Officer or the board has granted status to an individual, [and] that individual is found guilty of an offence and sentenced to a period of twelve months or more, that individual can have that status revoked. Also, where it is found that an offence was facilitated by or connected to the granting of that status, again, that status may be revoked by the grantor of it.

Madam Speaker, this is a very important provision to have in the Law because often times we grant status to individuals and I guess they do not turn out to be what they seemed to be in the original case. We need to be able to deal with those individuals and not have them as a part of our permanent society. So, again, there is another very important strengthening provision for the boards and the Chief Immigration Officer and, indeed, the Cabinet of the Cayman Islands.

Madam Speaker, just going back to what I was speaking to earlier in relation to the administrative role that the department will now play under these new proposals. This will allow for non-contentious work permit applications to be dealt with by a small group of administrative staff, rather than by a volunteer board as we have. However, our contentious applications will still be dealt with by the board where more time is needed to fully research what is going on in the application.

It is very important to note at this stage too that we are not talking about removing the power of the board; we are talking about freeing them up from some of the workload that they currently have. They will still be able to consider routine applications if the need arises. That power is not being taken away from the board. But, certainly, we would hope that the majority of this would be handled in-house under the auspices of the Chief Immigration Officer and his staff.

There are a number of items under amendment 14 (6). They are listed (a) through (f). These are all very important areas that the boards will spend the majority of their time dealing with. I would like to just

go down through them because it is important to understand that the board will still have a lot of work on its plate. In fact, as I said, the powers of the board are still there.

Amendment 14(6) says “. . . **the Boards to process applications of the types referred to in subsection (5) [which are the routine ones I spoke to earlier] and those in respect of-**

**(a) the grant or renewal of work permits where-**

- (i) a Caymanian had applied and was rejected for the post;**
- (ii) there is a signed complaint against a prospective employee on file; or**
- (iii) the data base of the Department of Employment Relations identifies a Caymanian as being capable and available for the position;”**

Madam Speaker, we know the amount of work involved in that area. Too often we hear and know of these situations where Caymanians apply for a job and are turned down and a foreign worker is hired. Or there is a foreign worker in that post and there may be complaints against that individual and for some reason that individual continues on and on while the Caymanian, quite capable of doing the work, is subject to the abuse or otherwise of this individual.

These areas take a lot of time to research and, certainly, the board will find its time best served looking into these to ensure that we cut out some of the violations that are going on in this area.

Of course, we are working hand-in-hand with the Department of Employment Relations and they, as the process stands, recommend and identify Caymanians for posts while a permit application is being processed. Often times, the employer will find a reason why the people that are sent cannot be hired—sometimes with just reason, but certainly there are times when we know that there are shenanigans at work and the board will have the ability and the time to better spend in looking carefully at these applications.

Amendment 14(6)(b) speaks to the whole area of key employees. Again, this is an area that needs thorough research [because once an employer has fallen in love with an employee's work he wishes to keep him] in his employ and does not want to see that worker leave. In some cases it may be a helper, in some cases a senior office worker. But there are cases where you have genuine requirements for key employees. That is why this provision was put in the Law. But each one has to be dealt with on its merit.

That is why you have an application process, and an area where the board can spend a lot of its time ensuring that we have proper applications and not just willy-nilly key employees designations where at the end of the day everyone gets through and beats the system, as it were. Then they are here until permanent residence, status and the like.

Also under amendment 14(6), (c) refers to promotions and re-designations, that is, in the work

place; (d) the revocation of work permits; (e) the grant, renewal or amendment of a Business Staffing Plan; and (f) the waiver of the requirement to advertise a position. These are all areas that are subject to abuse and areas that have often been loopholes for those smart enough to jump through.

Under this proposal we are tightening up these areas to ensure that when we have designations, they are proper; where we have Caymanians able and willing, they get the job; and where we have proper business plans, the adherence to those plans. So, Madam Speaker, I see that as a very crucial strengthening of the Immigration Law (2007 Revision).

Madam Speaker, amendment 8 refers to the point system, as we know it under the granting of permanent residence, bringing into legislation the 100 point system which has been devised and proven to be quite useful in designating when someone has gained the right to become a permanent resident.

In order for the term limit provisions of the Immigration Law to work, some persons must be granted permanent residence after being judged against the point system set out in the regulations. As I said, the point system states that a person needs 100 points or more in order to be granted permanent residence. What this amendment is seeking to do is ensure that all persons who attain the 100 points after any deduction will be granted permanent residence.

It takes away a lot of subjective discretion, Madam Speaker, a lot of claims that a person did not get [residency] because someone did not like that person. When you have a system that makes it quite clear how you attain the points, and I think it goes up to a maximum of 200 points but you can pass the grade once you hit 100, then the applicants for permanent residence are under no illusion what they need to get. As if it were an exam, they need to hit the passing mark—100 points. Once they get that, no one can say they cannot get PR. They will be granted permanent residence. This gives confidence in the system, Madam Speaker.

All that I have been talking about thus far are provisions that give confidence in the Immigration Law to business persons and employees, and serves to strengthen everyone's understanding of where they are, who they need to go to, who has the power to do this, who has the power to do that. It is very important. It is a tidying up exercise, as it were, of the Law.

I referred earlier to the Resident and Employment Rights Certificate. Just to mention something that I omitted. Often times not just the person in the marriage may be out of that relationship. For any number of reasons that relationship might go south and we often find that [for those] persons who are victims of domestic abuse there are children involved. Therefore, speaking to that three-year permit that can be granted to those individuals, just to say that this is another aspect where the new amendment seeks to give those individuals who are the victims in such cases—the foreign spouse in many cases—the ability

to have at least this part of their life steady to allow them to get through all of the other tough issues they are dealing with and to either reconcile or finalise a divorce. But it certainly works both ways in allowing the parties to know where they stand when such situations occur.

It stops abuse in terms of marriages of convenience because they can no longer go on and on pretending to be married when in truth and in fact they are not. They will know that this is going to come to an end sooner or later and they are going to have to justify why they should be given any more permits in this country. So there is protection on both sides—protection for us as a country and protection for the persons in a bad marriage who needs to be looked after until he or she can look after their own self again.

Madam Speaker, to my mind another important amendment that is being proposed, and I know the Chief Immigration Officer knows that I have been a proponent of this one for some time, is amendment 14 which is going to allow us to fingerprint work permit holders.

Before I go any further into that, there was a letter this week (either yesterday or the day before) in the *Caymanian Compass*. I am sorry that I do not have a copy with me. It was a letter written by a foreign national who is obviously on a work permit here and who had heard about this provision. It was speaking to what a nonsense it was and who are we, a small little country like us, to ask for people to fingerprint and it's a violation of this right and that right and I never heard more. Madam Speaker, why is it that every time we in the Cayman Islands try to do something to help ourselves, we have people from the outside telling us to do something else, and it's wrong and we don't have any sense, because it does not suit their purposes?

I am tired of it Madam Speaker.

The gentleman went on at the end of the letter to say that if he has to do this then he will not be renewing his permit. Well, I say, bon voyage! It must be something in his dark, distant past that he's worried about that he cannot have his fingerprints taken. Since when has the Cayman Islands been so reckless and stupid to take people's fingerprints and use them against them? He spoke in his letter about some of what it would be used for, as if it would be abused. This country was built on good firm commonsense with good people, Madam Speaker, long before I was here. I take great umbrage and great insult . . . I wish I could remember his name so I could call it. But it was a letter, I don't remember if it was in the *Caymanian Compass* or the *Cayman Net News*, but this gentleman obviously, whoever he is . . . I say to him, when it comes time for fingerprinting and he does not want it, then I will see him at the airport.

Madam Speaker, this is very necessary. All over the world we see the need for this. It is necessary to combat immigration and identity crime. We are in the process now as well of bringing in a national

identification system, hopefully soon. That will involve fingerprinting. So I say, get used to it! It is the one thing that will help us to solve a lot of previously unsolved crime and to deter a lot of activity going forward in our community.

Work permit holders will be required to give an undertaking to provide their fingerprints at the time of the grant or renewal of their work permit. This allows for a phased in approach, not everyone having to get their fingerprints done all at once. That would be chaotic. We have 26,000 work permits in this country. Certainly, on renewal or upon the grant, and eventually as time goes by we will have persons on record. Those records will be very useful to the Chief Immigration Officer, his staff and the government as a whole, to control and understand who we have here to ensure that when something is done, if someone's name is called, then a fingerprint is on record.

Right now, we do not have any real . . . nothing, as it were. The two main things that we use in this day and age are DNA and fingerprints to serve as deterrents and to assist in solving crimes. There is nothing at all wrong with us bringing this in at this time. It will serve to also stop those who might otherwise have decided to come here who know that they have a dodgy past or may be traced because they will have to have a fingerprint record. They may say, *Not going there*. And we will be better off for that too.

Work permit holders have nothing to fear from this implementation. As I said, this is becoming the norm around the world. In fact, earlier this year, the UK introduced identity cards for foreign nationals which contains their photograph and fingerprints. I think that this is a move in the right direction and one that I wholeheartedly support. I am happy to see it being implemented at this time. I know this Bill will receive widespread support in this honourable House.

Madam Speaker, one final area I would like to speak to is amendment 22, which creates two categories of work permit: one being seasonal workers and the other being entertainers.

Presently, we have persons coming in for the high season. And for the upcoming high season I am sure this will be timely. They will have to apply for a six-month work permit. As we know, the tourist industry has complained that they need persons for eight months, because the season starts around October and does not finish until April or May, just before the summer months. So we need this period of eight months.

They now have to apply under the current system for a year application knowing they will only need two to four months (it varies) of that work permit because eight months would do the job. If they apply for a year, it would be a four month waste, as it were. This creates both an unnecessary expense on the industry and work for the Immigration Department. Madam Speaker, here we are showing that we are cognisant of the cost of doing business in this country. We are cognisant of the hardship that legislation can

often impose, although necessary. Therefore, we are looking to reducing some of the expenses for businesses and provide a tailor-made permit that will suit their requirements at the time.

Madam Speaker, I applaud this change because it shows that we are not operating in a vacuum. We are listening to people's requirements in the workplace and working along with them as we have often done in this country under proper private/public partnership to ensure that their businesses do well and, as a result, our economy does well.

I am sure this will be welcomed news by the tourism industry and all those who will make good use of such a permit being offered.

The other one I mentioned was work permits for entertainers. Over the years this has been an interesting area, to say the least. I know from my days as fundraising chairman in the Lions Club of Grand Cayman that when we had to bring in artists it was an area that often caused us much grief. It was an area that we always felt needed some clarity, some tightening up. But we have seen also much abuse in this area by non-profit organisations falsely representing that they are the employers to assist the true hidden promoters to avoid paying work permit fees.

Now, that is sad. Certainly I know my Lions Club does not do it, but, obviously, there are clubs or organisations out there willing to assist entrepreneurs or promoters, as they call themselves, to make a few bucks by using their name and their good reputation. I think that is sad. It is certainly not wise. It does not help the organisation and I hope that they will desist from such activities. Any organisation or individual that will make a profit (in some cases they make losses, but . . .) is entitled to pay a work permit fee. That is the way the law reads.

Madam Speaker, we have also heard complaints over the years from the musicians talking about missed opportunities when they are not able to perform, if not individually, at least along with some of these foreign artists that come to the country. The new permit will require the Chief Immigration Officer to, among other things, take into account the views of the Cayman Islands Music Association and whether a local artist or act has been engaged to participate in the event.

Local artists will find that, because of this change, they are now offered better protection under the Law. I am sure they will be pleased to know that these cases are now being better scrutinised for them to be given an opportunity to show off their talents when we have foreign artists. I am fully in support of when we have foreign artists brought into this country that our local musicians are given a chance to play along with them, whether . . . well it would usually be as the starting act.

We have very good musicians in this country. Often times they have played on the stage of some of the biggest acts that have been brought to this country

and at the end of the day they have made us all proud.

I know many of our local country shows with the big artists that we have brought as the Lions Club of Grand Cayman. I can think of some of the contemporary artists that come to our Islands regularly—Morgan Heritage, or someone of that calibre. You will see local artists opening for them and performing admirably. And that is how it should be. Our local artists should have a chance to display and share the big stage, for them to be given an opportunity later on to have successful careers either here or elsewhere. These acts that come in bring their own promoters, managers, and often times it is good exposure for our local acts.

We see them perform as well at Jazz Fest. The Minister, in his wisdom, has ensured that when Jazz Fest takes place we have a number of local artists on stage. We often rave about the performances of groups such as High Tide, Jah Mitch and his group, and K-K and all of the other local acts that often times . . . Rex Watler and his band (I know he'll kill me because I can't remember the name—and these are my local boys too!) These guys are extremely talented.

The Minister of Communication is saying that he performs as well. I haven't been there to catch him as yet!

It is good to see our local talent on display and given an opportunity. Yes, some of the older musicians as well. Often times Edlin Myles and that era of musician gets out there and performs. I think they are in the process of redoing *Regeneration*—one of our old bands that was very successful. I am sure they will be performing in the future around the place. It is good that these local musicians with great talent who have never hit the big stage, small island bands, are given opportunities to perform and showcase their talent.

If we do what we have to do in legislation, then so be it. We want them to be given equal opportunity. Their responsibility is to be professional, to show up on time, to ensure they are ready when they are given the opportunity.

Madam Speaker, I have not gone through all the amendments, but I did what I considered the most important ones, highlighting the many areas we are addressing and showing that we are a progressive Government.

The People's Progressive Movement is not one that is going to sit and wait until fees are left alone and have to be increased by 500 per cent or 1,000 per cent, or when you have to upgrade legislation from back in the 1970s to the 21<sup>st</sup> century. Madam Speaker, when you operate like that, you operate in a crisis mode.

This Government, is one that thinks carefully about what it does and about the impact of the decisions and policies we make on our population.

Madam Speaker, the rollover policy is something that we had to implement. It was put in place by

the last administration. But when we got elected in 2005, we had to implement that policy. I am sure that all of the nay-sayers, although we still have some hardcore ones, are realising the wisdom in the rollover policy and what it has done for our own people. We are here to ensure that we protect our people, and give those coming here fair opportunity, but that we create an environment that is healthy and good for all to live.

We are living in serious times. I do not need to remind anyone of that. We have a recession in the United States, worldwide financial crisis. Let us hope that it does not go into a depression in the United States because I think if that happens we will need a lot more than fixes to our immigration policies and laws. It is often said that if the US sneezes, Cayman catches a cold.

We have to do what is right now, and we have to be forward thinking in this country. I dare say that we may get to the point where we will have to look at immigration quotas not just on nationalities but on numbers, period. Madam Speaker, I have said this before. There comes a time when, if it is all too easy to get a permit and you just do not want to go through that extra hurdle to try and work with one of your local people . . . yes, we have our local people who give us a tough time in the workplace. But we have those who are very, very good too. We have those who work 16 hour days, those who work 3 jobs. So, I do not like when people use a wide-brush approach and talk about Caymanians this and that. Caymanians are good, hardworking, and have always been passive and respectful people.

We have our bad eggs. Every place does. But we have to protect and we have to minimise, reduce the number of bad eggs. This is what we are doing through our education plan. The Minister of Education is working hard to ensure that we produce the highest standard of students that we can, and that we create opportunities for all levels, not just those who are academically gifted, but those who are good with their hands and other things.

A country does not operate one ministry or one department at a time, Madam Speaker. It is the whole that we are looking at. Therefore, when we put plans like this in place through the Immigration Law, it all ties in with labour, with education, to ensure that we are creating an environment for all to prosper. There is no use in our prospering and we have people coming into this country who are not going to be given a fair opportunity and are not going to be treated well socially and they themselves cause a problem.

On the other hand, there is no use in us taking care of all the expatriates that come here while we forget our own people because *dog eat our supper*. I think everyone understands that. We have to have social harmony for any country to progress in this world. As I said, we are living right now in tough times. Therefore, we may have to do many things going forward to change spending habits, to prioritise what we

are doing. Some of the plans we had we may have to curtail. Who knows? We have to flex with the times, Madam Speaker.

But we have a sensible Government. The People's Progressive Movement is an adaptable Government. We know what is right. We have the pulse. We consult regularly and we are not a reckless Government.

Madam Speaker, I want to pay kudos to the drafters of this proposed Bill. I want to pay kudos to the Chief Immigration Officer, my good friend, and his staff. This gentleman, Madam Speaker, is one of the civil servants who has my highest respect. I know what he has tried to do since he has been Chief Immigration Officer. He takes his licks, like all of us; but he keeps on ticking. I can tell you he has improved that department big time. Therefore, anything we can do as an elected Government to assist him in what he is trying to do over there, I say Aye to that.

Madam Speaker, I also commend the Leader of Government Business for bringing this Bill to the House. It definitely has my full support and I expect that we will see more amendments in the future. I am here to support what is good for this country and shoot down what is bad. That's my job.

Madam Speaker, I thank you. And with that I pledge my support to this Bill.

**The Speaker:** We will take the luncheon break at this time. Proceedings will be suspended until 1.30.

#### Proceedings suspended at 11.54 am

#### Proceedings resumed at 1.43 pm

**The Speaker:** Please be seated.

Proceedings are resumed. Does any other Member wish to speak? [pause]

Honourable Minister for Education.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker. I rise to offer my contribution to this important piece of amending legislation that has been brought to the House by the Honourable Leader of Government Business.

It is the fulfillment of a promise the Government made from months ago to do what we can to further improve the immigration regime and in particular to deal with the whole question of how efficiently we are able to process work permit applications.

As the Leader of Government Business said in his opening, the huge rise in the number of applications that come before the various immigration boards since the inception of the legislation almost 40 years ago is absolutely mind boggling.

One second Madam Speaker. [pause]

Madam Speaker, I was looking for the actual numbers so we could have some indication as to the huge increase. I do not need to go back to the inception of this legislation dealing with immigration control



and work permits and so forth, which was first passed back in the late 1960s. If you go back merely to 1994, the number of work permits in force was only 6,400. By 2004 that had risen to just over 19,000, and at the end of last month, the number is almost 26,000 work permits.

Notwithstanding the innovative measures that have been taken legislatively over the course of the last few years with the establishment of the Business Staffing Plan Board, the Work Permit Board and splitting away Permanent Residence and Caymanian status, these volunteer boards are still under immense pressure to process all the huge number of work permit applications that come before them.

So, as one would expect, despite the beefing up of the administrative staff and range of other measures taken to improve efficiency, it is still proving to be a huge challenge to turn around work permit applications in the kind of time the business community expects and, quite frankly, the competitiveness of this jurisdiction demands.

These measures set out in the Immigration (Amendment) Bill, which will hive off a significant percentage of the actual applications to be dealt with administratively, is one that the business community has looked forward to with great anticipation. The challenge will be for the Chief Immigration Officer and his staff to be able to fulfill what I know are very high expectations in this regard.

But the passage of this legislation, Madam Speaker, fortuitously at the present time when the world is facing a global financial crisis and there is lots of uncertainty and fear and concern and all of those kinds of things hanging around, is an indication of the importance this Government attaches to these particular provisions.

Madam Speaker, we are in challenging times. And those challenging times are bound to continue for the foreseeable future. It is important that the Cayman Islands does everything it can. This Government is very conscious of the need to do everything we can to facilitate business, to facilitate employment, to continue to make these Islands increasingly competitive and more attractive to investors, to businesses, both those that may come and those who are here, to ensure that the ones that are here continue to stay around at a time when there is bound to be global retrenchment and cost-cutting measures just to survive in this environment that is projected for the foreseeable future.

Madam Speaker, the Bill goes further than that. It deals with a range of other issues which have been thrown up as the legislation has been implemented over the course of the past year plus. It seeks to make right some of these anomalies which have become apparent.

My colleagues have gone into some detail about the impact of various provisions and various proposed changes to the legislation, so I do not plan to dissect the law in that way. But I do wish to speak

to one aspect of the matters that are addressed in this Bill. These relate to the whole question of what has come to be known as the rollover policy and key employee status issues.

Madam Speaker, from the conception of the idea of a term limit policy there has been concerns. There has been criticism about the impact this would have on this jurisdiction and how it would affect the attractiveness of the Cayman Islands as a place to live, work and do business, and whether or not it would affect our competitiveness, affect the ability of businesses in the Cayman Islands to get the quality labour they need to be as productive as they would like to be. It is, always has been, a controversial subject. And no doubt it will continue to be so.

I was reading the Quarterly Review of the Chamber of Commerce, which just came out today, I believe. They have spent some time concentrating on what they call the "Immigration dilemma". They had a survey carried out and they have written a couple of articles about the whole rollover policy.

They have conceded . . . the article is actually written by Brent Fuller, who was here earlier. I just noticed it was actually written by him. It has conceded that . . . I am just quoting from this, with your permission, Madam Speaker. It was conceded that "the Chamber agreed on one point. The term limit policy made a change or devised but it seems unlikely the current government will agree to entirely remove some form of time limits on foreign workers' residency. Even groups that have asked government to consider exemption from the seven-year term limit, such as the Cayman Islands Tourism Association, have essentially agreed that not everyone can be granted key employee status or the right to stay on island for the rest of their lives."

One of the errors that I think is apparent to me from this survey, or one of the survey questions asked about whether or not the rollover policy was achieving its objective is this: These articles seem to have proceeded, and the questions seem to have proceeded on the premise that the principal objective of the rollover policy was to improve employment opportunities for Caymanians.

Madam Speaker, as one of the architects of the policy back in 2000 and 2001 when the team was set up, I can say that we all hoped that that would be one of its consequences, but that was never its objective, nor was the policy developed for that purpose. The policy was developed because of the huge concern which had existed up until the point when this legislation actually took effect back in 2004, that the sheer volume of expatriates living here long term was such that the local population felt it was being and would continue to be overwhelmed in numbers. And by 2004 the point had come when the number of persons not born here, not having any historical connection to these Islands had equaled those who were born here and/or had some historical connection to these Islands. And it was felt that this was a very un-

healthy state of affairs. It did not do well for continued social harmony, and its stresses, strains and tensions created by the insecurity of Caymanian people had reached a very dangerous point.

On the other side of that equation, we had very worthwhile expats who had been here for long periods of time, whose children were born here, who had invested here, had homes here, but who did not have any form of security of tenure. This was an unacceptable situation. The country had been under pressure from various quarters, including the UK, to do something about long term residents who were here.

Madam Speaker, we may never ever know this, but I believe and lots of people speculate that the controversial Cabinet status grants made by the last government—the 3,000 (or thereabout) of those—was at least in part a consequence of the pressures brought to bear as a result of the sheer number of people who had been here for long periods of time who had not had the issue of their security of tenure properly addressed.

So, Madam Speaker, when we devised a new Immigration regime, one of the objectives was to try to find a system that was fair, which would allay local Caymanian concerns about being overwhelmed in their country by reducing the number of people who got added to the permanent population base over time. And by doing away, by and large [with] the expectations of foreign workers that once they came here they would generally be allowed to stay indefinitely until they reached the point when the pressures started to build about their security of tenure.

We must also remember that this was at a time when previous governments (plural) had implemented and continued a moratorium on the grant of Caymanian status for years. I think we must have gone 16 years with no grants of Caymanian status on the basis of long-term residence.

So, the team had a mandate to devise a scheme, as I said, which allowed Cayman to remain competitive. We looked at what had been done in places like Bermuda, which shared similar concerns, and had implemented a five-year rollover policy. We had advice and we did a tremendous amount of research which essentially said to us that 10 years was about the most anyone could be allowed to remain in our country without granting them security of tenure.

So, using that 10-year benchmark, we had to work back to a point where persons who got through whatever the residency requirement was would have a chance to apply for permanent residence, have their application considered, have an opportunity to appeal if they did not like the results and all of those things. Taking into account all of those things and the practicalities of how the system actually works, the conclusion was that the most the rollover period could be was seven years. So people were dealt with before the 10-year bar was actually breached.

Madam Speaker, we devised the present scheme whereby after seven years, unless you have been declared a key employee, your work permit will not be renewed beyond that point. You have to leave the Island for what is now one year (initially that period was two) before you could actually apply for another work permit. The whole point of that was to break tenure.

Madam Speaker, the system was never designed to prevent all foreign workers from having the opportunity to apply for permanent residence. What it was designed to do, and is doing I think very effectively, is significantly reducing the number of people who get beyond seven years to eight. But what it has also done is create a whole new certainty on the part of long-term residents. Not like the old days when you could hang around here for, in some cases, as long as 25 years without any form of permanent residence with all the attendant problems and issues that arise from that, particularly in relation to children of those persons who grew up in Cayman, speak like Caymanians, are culturally Caymanian, but do not have Caymanian status, can't go to government schools, can't apply for government scholarships, can't play on the national side. All of those things which a lot of people do not think about when they are considering this whole issue.

Now, if you get through to year eight and you get permanent residence—and most people who get through the seven year bar will go on to get permanent residence (I think the records show that, and will increasingly show that)—and then on to British Overseas Territory citizenship and ultimately Caymanian status. So there is a graduated process which results from year eight with security of tenure and, ultimately, the closest thing to citizenship, Caymanian status.

Madam Speaker, as you move around you do not hear the same concerns from Caymanians that once was the case. I could not tell you the last time I heard Caymanians complaining about people being granted Caymanian status. *Why he got Caymanian status? Why she got Caymanian status?* As it used to be.

Yes, there are still the strains and tensions by the sheer volume of foreign workers that we have here. But I promise you, Madam Speaker, as one who has invested himself in this community, that if we had not and if we do not continue to have a system which gives that level of comfort to local people that not everybody who comes here is ultimately going to wind up staying here indefinitely with all of the attendant rights and privileges which we would expect a person of Caymanian status to have, this place will blow.

It is one thing to sit and talk about the ideal world from an employment standpoint and that all employers should have the ability to choose whoever they want and keep them for as long as they want. I understand that, Madam Speaker. I spent 20-plus years in the private sector, the last part of which as a partner in the firm. I was an employer too. I under-

stand the pressures and the needs of businesses to be able to have good, solid, productive people. And when you have a good person you do not want to lose him. So, I am not making light of that.

But I am saying that I want people who consider this matter to also appreciate that if the social harmony, which has been one of the huge selling points for this country, which makes it such a pleasant place to live, work and do business in . . . and anyone who has been around will start to understand what I am talking about. If you go to some places (and my Bermudan friends, forgive me) like Bermuda, where the tension between the local people and expats is palpable—you can feel it! If that were to ever truly get to that level in this country, this would not be the Cayman that most of us would want to live in.

So, the challenge for every government that has ever been, and the challenge for this one and any one to come, is going to be trying to get that balance right so that we continue to be attractive to business, but at the same time we have a Caymanian population that does not feel it is being completely overwhelmed and that they are going to lose complete control of their own destiny and the destiny of this little nation.

Madam Speaker, I am not trying to say that the rollover policy is a perfect thing. I am not even trying to say that it cannot be improved upon. What I can tell you is that as one who has been there before it was as a member of the team that developed the whole new immigration regime, I have not heard anything put to me yet which has suggested a better way to deal with it. We tweaked the key employee provisions and I am not saying that they cannot be improved upon. I certainly would welcome any suggestions which could make that system seem fairer, work better, all of those things. But of this I am absolutely certain . . . and I have spent nearly eight years thinking about this whole issue. I don't mean all day long, but the committee was appointed in early 2001 not quite eight years. Seven years plus.

But to go back to the "good old days," as some call them, which were really the bad old days when the system was open-ended, when people who came here lived from work permit to work permit not knowing whether it would be renewed; when, in many instances, the threat that your work permit might not be renewed was a real fear that many people had; when people could live here indefinitely but, because they offended some politician or some senior person in Cayman society (I am trying to be very careful) . . . those were not good days.

When people could stay here for long periods of time, have their children here and have them grow up here, they did not have any form of security of tenure and the children did not . . . is not what I regard as an honourable or reputable immigration regime.

The system that we have now, imperfect though it may be, at least it has the benefit of fairness and of certainty. People generally believe that their

applications are going to be considered fairly, objectively. And when you come you know what the regime is no one comes under the illusion that this is indefinite unless they are made a key employee from the start.

The system has sufficient flexibility built into it that key employee status can be applied for along the whole of the seven year period. So an employer does not necessarily have to buy unsighted goods. They have the luxury of employing the individual, seeing how good the individual is, determining in the course of time whether or not it is an employee they truly want and, more importantly, whether they are really key to the particular business that that employer has.

Madam Speaker, even the greatest detractors of the system have now had to concede that the rollover policy has not worked to the detriment of the country in the way that many of the nay-sayers said it would. The actual number of work permits has skyrocketed since the implementation of the policy in January 2004—I should say, by the last government. Even though when convenient, the last government—particularly the Leader of the Opposition—has been quick to criticise the policy, or to distance themselves from the policy. He actually introduced the Bill.

But that is a good thing, Madam Speaker. That is a good thing on that point. And this is a rarity for the two of us. He and I were in agreement. The whole House recognised the critical importance of this issue at the time. Of course, like the cow who gives a good full pail of milk, he quickly turned around and kicked it over by granting 3,000 people status in one fell swoop.

[Laughter and inaudible interjections]

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, you take these gifts as you get them.

Madam Speaker, as I was saying, the actual number of work permits has gone from just over 21,000 in 2004, to 26,000 at the moment. But in addition to that, there were concerns that this was going to impact the quality of employee that we got, particularly in the high end jobs of accountants and lawyers and the like, that this was going to create a huge difficulty in persuading people to come and work in the Cayman Islands if they felt that they would not necessarily become key employees, at least not right away.

What we have seen is the opposite. In a statement made in this honourable House by the Leader earlier this year, he pointed out that the number of work permits granted to accountants has actually increased by 94 per cent; permits for lawyers have gone up 54 per cent; and permits for professional managers have increased by 24 per cent in the period to which he was speaking.

So, Madam Speaker, as I said, no one—and certainly not me—is trying to suggest that the rollover policy is ideal. But what no one that I have spoken to—and I have spoken to many people—has been

able to suggest to me is how to reconcile these two issues in a way that does not involve some kind of time limit being placed on the majority of people who come here to work.

The dilemma is that if you let them stay indefinitely there are all sorts of reasons—good, moral reasons, human rights reasons, UK perspective reasons, international condemnation, whatever you want to call it—if you let people stay in your country indefinitely, grant them no security of tenure and not make any provision for their children . . . we just cannot do that. I think everybody will agree on that.

I do not know about everybody else, but most people who have been here for any length of time will also agree that to allow the situation where everyone who comes here will ultimately be able to claim some form of security of tenure is to create . . . well, not create, because we have had it . . . is to *invite* disaster because local people, Caymanians, people who have been here long periods of time will become overwhelmed by the sheer number of people who get added to the permanent population.

As I have said four or five times during this speech, the difficulty, the challenge is to get a balance which is workable, which on the one hand allows businesses to continue to grow, to succeed, to attract the right kind of people; but a system also which Caymanians can be relatively content with and not unduly alarmed by the sheer number of foreigners who are here.

And this is key, Madam Speaker. While many people rail about the sheer number of foreigners who are here, ask anybody who has a business whether or not they would be happy with immigration saying to them they cannot get any more work permits. You will get a response which is not very kind. This is a dilemma this country and all of us have been in ever since I can remember.

We all want the country to continue to grow. We all need the country to continue to grow. In fact, Cayman's success is premised on growth and development. It has always been so. And it does not matter how you look at this. The young Caymanian entrepreneur who is building apartments is depending on work permits growing to fill those apartments.

**Hon. W. McKeever Bush:** Oh?

**Hon. Alden M. McLaughlin, Jr.:** The businesses that are growing are depending upon a population growth to make their businesses viable.

**Hon. W. McKeever Bush:** Hear, hear.

**Hon. Alden M. McLaughlin, Jr.:** The challenge for us continues to be . . . and this is where the Leader of the Opposition and I disagree, because I think he'd like to make everybody Caymanian, give Caymanian status to everybody that comes and stays here a few years.

[laughter]

**Hon. Alden M. McLaughlin, Jr.:** And when he gets up, he can say that's not so. But that is certainly what most people perceive.

We can only allow that growth to happen in a way that does not really frighten Caymanians if we restrict the number of foreign workers who come here who do ultimately wind up with Caymanian status.

If we get back to the bad old days, pre-2004, where Caymanians were so fearful of all of these people getting status, you are going to see a very different environment from the one that presently obtains.

So, Madam Speaker, these measures which were taken by the government of the Leader of the Opposition back in 2004—which were actually policy initiatives developed or started by the government of the present Leader of Government Business when he was Leader of Government Business from 2000 to 2001—really demonstrate that despite the rhetoric which is a necessary part of the process, now that different people sit in different seats on different sides of the House, that essentially these initiatives have been supported by and large by both sides of this House.

Sensibly we all understand, as Caymanians, we all get the same representation made to us enough times to know that this is a matter that is near and dear to the hearts of everybody who lives and works in this country—not just Caymanians. Those who come on work permits need to know what the system is and want to believe it is fair and certain.

Madam Speaker, this is actually a continuum—starting back in 2001, the legislation in 2004, the amendments last year—these amendments are all part of an ongoing effort to improve the administrative regime and give legislative life to the policy and to improve upon what is presently there. The Leader alluded to a need for further amendments and spoke at some length about the fact that the Government is looking at other ways to improve the administration of work permits in these Islands and, particularly, to creating a system which provides more incentive to employers to be good corporate citizens and to continue to support, develop and advance the prospects of young Caymanians in the process.

I think, Madam Speaker, that long ago when we were developing this economy and building the system that we have, we conceded that (even if we did not want to accept it back then) to be able to staff, to run this very sophisticated system that we have, that well beyond my lifetime the country will still be required to import labour. I think that by and large we have now conceded that that is the case.

So, the ongoing challenge is to find ways . . . because things change, things have changed from time to time. The system is very dynamic. [The challenge is to find ways] to make sure that we are able

(as I keep coming back to) to create that balance which keeps our people relatively happy and content, that they will not lose everything that they hold dear, and that being Caymanian means something, really means something in their own country, but still allows businesses to grow and to develop, still permits the country to be attractive to people from elsewhere as a good place in which to live, work and do business.

So, Madam Speaker, I support this amending Bill that is before the House because this is another very important initiative on the part of this Government to improve our administrative regime and to help reach the objectives I tried to outline during my short speech in this honourable House today.

Thank you, Madam Speaker, for the opportunity.

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

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, I want to make a few remarks on the Bill before the House.

We in the Opposition took the time to talk to Mr. Manderson and a team from the Immigration Department in regard to the Bill. They explained to us just how this proposal will work. So we are thankful to Mr. Manderson. We did not have any cause to get up and even speak because he and his team had done such a good job explaining how this will work.

On behalf of the Opposition, I certainly want to say how much we are thankful to Mr. Manderson and his team for taking the time to do so.

I might as well say too that I also know Mr. Manderson. I have seen him move up the ladder of success to where he is today. I have seen him struggle and come close to losing his life in doing his job as a young immigration officer. So, I know where he comes from, and I believe he is doing his job.

They are not his policies, Madam Speaker. The policies are those of the Government.

I have had to explain this to people over and over again when they call me up and say, *Franz Manderson is doing this and he's doing that and he's doing the wrong thing, and his policy is wrong.* It is not Franz Manderson's policies. The Immigration policies are the Government's. The policies are only carried out by his department.

So, when this Bill says that he will do this or do that, the public must understand that it is not *him* that will actually be doing it. If there are too many work permits, it is not his fault. Government lays out a policy and his department carries it out. It would be no different in this Bill and new procedure, because it now gives them an open door to grant them as quickly as possible.

Madam Speaker, let me say that the discussion here by the Government today, I listened closely to what the Minister who just sat down had to say. The discussions here today are a far cry from the sabre-

rattling days which was the order of the day, in particular by the Minister who just sat down.

I know everyone remembers the chorus *Taking back Cayman. Immigration policy is wrong. Cayman for Caymanians. Too many people here. Too much development.* I remember those days, Madam Speaker. But I kept telling them since 2005, that all that they had to say during the run-up to the election and the election campaign was not going to work and it was going to work against the people of this country because they raised expectations, making people believe that you did not have to have anyone here. And all my policy was saying was let us try to straighten it out so at least people know where they are at.

I will get back to this thing about status because they will have their people come behind ringing the same old tune. But Caymanians know different today.

[inaudible comment]

**Hon. W. McKeeva Bush:** You had your say, just go to sleep.

Madam Speaker, let me tell him that when he made that statement that was on the front page of the *Caymanian Compass*, and I believe on the *[Cayman] Net News* (before they got in tow with the government somehow) that Caymanians and expatriates hate each other. When the Minister of Employment and Education said that, that started—

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker.

**The Speaker:** Minister of Education.

**Hon. Alden M. McLaughlin, Jr.:** I really do not want to get into a fight, but I certainly did not say that.

I know the article to which the Leader of the Opposition is referring, and if he wants to get it and cite exactly what I said, I do not have a problem with that.

And I do not want to get in a fight this evening, but I certainly did not say anything about Caymanians hating expats or vice versa.

But I know the article to which he is referring.

**The Speaker:** Honourable Leader of the Opposition, do you have the article with you that you are quoting from? Or should we suspend to see if research can find it.

**Hon. W. McKeeva Bush:** No.

Madam Speaker, let's not get into what he said. What he said was wrong and it was dangerous.

**The Speaker:** Okay.

**Hon. W. McKeeva Bush:** And if those are not the same words, it was words to that extent. Madam Speaker, if that is not what he said, then it was words

to that extent carried on the front page of the two newspapers.

But I can say this: What he did then started a fire that was hot and unnecessary. We do not need division. The Government today, when they were in Opposition their whole thing was nothing but creating division and hatred in this country.

Let him not forget the choruses they sang.

Throughout time, immigration has either caused good or bad. I think it should be used for good. I do not have to look back on what we did to try and settle things in the country. I will say this: Remember what I said, and I quote, "Embrace wealth or reap poverty."

Listen to what the Minister had to say just now, it is a far cry from what he said some other times when it was convenient. "Our Cayman Islands, this country, can only survive where there is social harmony and we had all better learn that. Anything done, Madam Speaker, in particular in these times of financial instability worldwide, where the only constant seems to be the noise of falling stocks and bank closures and financial institutions closing, we need to be on our best behaviour here. Let no Caymanian believe otherwise that we are not on the edge of big trouble. I said so in January when I tabled the Motion to ask Government to re-look at their policies and I was told not on the best of mornings would they accept it. We are not in a stable position that can really tell us that we have a safe future. And Immigration can make us or break us."

The Third Elected Member for George Town said, "The Cayman Islands is flourishing."

Oh yeah?

Flourishing, eh?

Don't be so naïve.

Not because there are 26,000 work permits should that be taken as a yardstick to say things are rosy. While there are industries, businesses, and commerce as such that cannot be carried on here, as the Minister rightly said just now, at this point in our history without work permits, we cannot. Too much depends on it. And it would have been good if we had been saying this all along.

On the other hand there are Caymanians out of work and I hope that all and sundry understand that predicament. Whether a fair balance is found is the question. How is it going to be found?

Immigration is the problem of the ages for developing countries, Madam Speaker.

Madam Speaker, perhaps somebody said this, I am sure it is not novel to say it now, but we need to look at how we can bring back Caymanians and those with connections who are living overseas to see if we can encourage them with benefits, other than just being connected to someone born here. Of course, this would be a two-way street. They must want to come back to this Island. But I believe this would be good for us.

We took that stance when there was a problem with so many permits in the casual labour sector back in the 1990s. Madam Speaker, you would remember when we were the government then. I fought for that policy in Cabinet to bring back the Cuban Caymanians. I want to take the opportunity here to draw attention to the need for Government to deal with the issues that I spoke about in the Motion for a solution to be found for those persons who are here really with an immigration position that is not resolved, such as Cuban Caymanians and others. And there is, as I said, a problem with even Caymanians that are born overseas, but to Caymanian parents.

One father called me this morning about it. I hope that for whatever trouble that they are having that that be worked out and that Cabinet would take that in hand and do something about it because it is annoying. When people hear you have 26,000 work permits and then they cannot get their child, they are born Caymanians, their child born outside over 18 years of age, having some sort of difficulty in getting the child regularised. We need to rectify that. All that does is just that. People say, *Oh see? You are not taking care of us. And you have these 26,000 work permits.*

So, Government needs to address these issues quickly.

Madam Speaker, as Opposition we are satisfied with what was said to us by the Immigration team. We now wait to see how it is going to work, what will happen there. I would imagine that separate and apart from the legislation there have to be policies promulgated by Cabinet. We wait to see how that pans out.

I was thinking when the Minister who sat down before I rose was talking about status grants . . . Perhaps one of these days, Madam Speaker, they will stop using it as a vote-getter and look at the real facts of the situation because when we got to that position, the present Leader of Government Business had said that there were 14,000 people whose immigration position needed to be rectified. He went on to explain the different nationalities, and I know it's in the *Hansard*. I have it amongst my papers.

Regardless of whether or not some say it is wrong, there are some that I would not give status to. But if they deserve it and they have been here that length of [time], then that's the way the system would work.

But if one or two persons had taken the Government to court for judicial review on the matter of the quota system that was stopped, it was going to be many more than 3,000. They would have been successful on judicial review. Couple that with the fact that the then Governor was granting permanent residency. Within one year people could get status. That was to a chosen few. I saw it happening. I said, not so. It must be an even policy. Within a year or two, people were getting status after they got permanent residency.

So, Madam Speaker, yes, we as a Government had a most difficult job, a job that we knew would be used against us. But something had to be done and maybe some people got through that were perhaps not as deserving as others.

[inaudible interjection]

**Hon. W. McKeeva Bush:** [responding to the interjection] You got elected by it, but you won't do it again.

[inaudible interjection]

**Hon. W. McKeeva Bush:** [responding to the interjection] You will?

No, no, no. This time I am more ready for you, and you have committed some sins yourself.

And so, those sins will haunt them as much as status grants haunt us. But let no one think that we just granted 3,000 or close to it (whatever the amount was) and that was the end of it. As I said, had it gone to judicial review many, many more than 3,000 would have gotten through the courts.

Madam Speaker, let them go ahead and keep using that. As I said—

[inaudible interjection]

**Hon. W. McKeeva Bush:** You hear what the Minister is saying?

Now it's a whole different cry. Your Minister is saying it—Cayman for Caymanians.

Mm-hmm.

That was the tune then. Today it is "We have to grant these permits and our people might as well get used to it." That's what he just said.

Well, that was the situation back then.

Madam Speaker, I have a Motion to move, but I am going to wait, in regard to business plans and staffing plans. I am going to wait to see what happens. But I have a Motion to move and it will be one of censure.

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

Maybe we could take a suspension for 15 minutes. Proceedings will be suspended for 15 minutes.

**Proceedings suspended at 2.45 pm**

**Proceedings resumed at 3.12pm**

**The Speaker:** Please be seated.

Does any other Member wish to speak? [pause]

Honourable Minister of Tourism.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker. I rise to make a few brief remarks in support of the Immigration (Amendment) Bill, 2008.

The amendments contained in this Bill will further enhance what we consider to have in this jurisdiction, which is a business-friendly environment . . . and I say that, Madam Speaker, because it is important when you have an economy based on tourism and financial services that you have an efficient immigration system and a business-friendly environment. And when I say business-friendly, I am referring to businesses generally.

I know when people hear that term they tend to think in terms of large corporations. But in Cayman, like some other jurisdictions, the majority of businesses in this country are in fact small businesses. And many of them are owned by Caymanians. And many of those small businesses that are owned by Caymanians also require work permits through the Immigration Department.

For many years we have spoken in this country about the number of expatriate workers. As a country we really need to come to grips with the fact that we simply do not have enough Caymanians in this country to supply the labour demand. I believe that we are coming to that, most of us understand that. But there are still some elements that do not quite understand that.

Madam Speaker, we simply cannot produce Caymanians fast enough to satisfy the demand. So for a very long time in this country we are going to have to rely on migrant workers. In order for businesses to operate efficiently and effectively there needs to be a system in place to allow that to happen.

Madam Speaker, over the years we have made changes to the system that we currently operate. We have tweaked it here and there. But we are at a point now where the demand is such on these boards that they find it extremely difficult to cope. Let us not forget that these boards are essentially manned and staffed by volunteers that we as a Government appoint to them. These are people who, like the rest of us, have other jobs. Yet the demand on those immigration boards is such that these individuals are expected to, and indeed do on several days of the week, spend the entire day at the Immigration Department processing these applications and making decisions on them.

Madam Speaker, that is not a sustainable model. That cannot continue into the future. We cannot expect in this very competitive business environment for people to volunteer that level of time to this type of service.

For many years we have spoken about taking a lot of those functions away from the Immigration boards and dealing with as many of them as we possibly can at the administrative level within a very clear legislative framework. We have talked about this (and when I use the term "we" I am talking of successive administrations) for many years. I am very pleased that we have reached a point where this Government can bring this type of amending legislation to the House. I wish to take the opportunity to commend the

Honourable Leader of Government Business for his presentation of the Bill.

Madam Speaker, I too am aware of the sacrifices and the important work that the Chief Immigration Officer, and even those who came before him . . . The current Cabinet Secretary is an example. They have all done tremendous work at the Immigration Department. I have known Mr. Manderson as well for many years. I have worked with him when I was a police officer. I know the calibre of individual that we are talking about.

I want to take this opportunity to thank the Chief Immigration Officer and all of his staff for the very hard work that they do every day on behalf of the country.

And not dissimilar to other civil servants and, indeed, politicians, they are often criticised for some of the things that they do. But when you deal with the large number of clients that they have to deal with on a daily basis and within a system that is very much antiquated, notwithstanding the recent improvements, and improvements that will be brought as a result of this Bill which will take us significantly further ahead . . . but a lot of the issues and a lot of the frustrations that have existed up until this point were essentially manifestations of a system that is and that was for a large part obsolete.

I am grateful that we can be as innovative as we have been with this legislation and to bring it to this point where we can pass it into Law.

Madam Speaker, in talking about businesses and the operation of businesses and making sure that we create an efficient environment for them to operate in, I wish to say a little bit more about small businesses and the contribution that they make to the overall economy.

Madam Speaker, that is precisely why we have given the Cayman Islands Investment Bureau a mandate to focus on small businesses. And they have been doing that. They have gone from district to district. They have made their services available to Caymanians who wish to develop businesses. They simply have to go with a concept or an idea and the Investment Bureau will help them with that process. They will look at numbers, projections in terms of cost, revenue, they have business plan templates available and they can make adjustments along the way to make sure that before they actually embark on a business that it is, in fact, a viable business. We have offered that level of support to small businesses and, as I said, small businesses are so important to the overall operation of our economy.

In talking about the economy, we understand the challenges that the global economy is having. Cayman is by no means going to be immune to that. We understand that there are challenging times ahead. And we will say more about that in due course.

At this point in time the Cayman Islands economy is performing exceptionally well, relatively speaking, because these are difficult times. The types

of challenges that we have seen in the US market and now also in the European markets are challenges that we expect will eventually reach us. Just how soon? We have some idea and we've had various opinions on that. But I think we need to be clear about it.

There are going to be significant challenges ahead. In order for this destination to remain competitive there is going to be a need for not just this type of legislation, making sure that we pass these types of amendments to streamline the immigration process and make it more efficient in terms of processing applications, but there is likely going to be a need for additional types of legislation in other areas to ensure that we remain on the cutting edge and that we remain innovative and creative about the types of systems and opportunities that we make available in this jurisdiction during these very challenging times.

Madam Speaker, I think there were comments from various sectors before about how the system was slow and essentially stifling business. I believe that these amendments are going to address those concerns and that the time it takes to process a permit will be significantly reduced under this legislation.

There is also provided for in this legislation the ability and power for the Chief Immigration Officer to consider and grant seasonal work permits for up to eight months. I know that this amendment will be welcomed by the industry and, in particular, the tourism industry. There are times during the winter season when demands often require additional staff to be brought on board within a relatively short period of time. And because these applications were submitted through the normal process, and fell into the queue, it took a significant amount of time for them to be processed. In many instances, by the time they were processed there was no longer any need for the worker. So that particular establishment may have gone with a level of service that was below the standard that we would have wanted them to go with simply because the resources were not available because the system was essentially somewhat choking the processing of the applications.

Let no one be misled. This is a very, very important piece of legislation for the future of these Islands. It is an indication of the type of policies this Government intends to embark on to ensure that we maintain and enhance our business environment.

Madam Speaker, much has been said about other immigration issues and the 2003 Caymanian status grants, et cetera. I do not know that it necessarily serves us much of a purpose to extend that debate. But I cannot help but comment on a comment made by the Leader of the Opposition in response to another Member of this House when he said, when talking about the status grants, and I quote, "you have committed some sins yourself."

Implied in that, Madam Speaker, is an admission by the Leader of the Opposition that he did in fact commit a sin when he did what he did in 2003. And I will say that for what it is worth. But, as I said, I do not



know if it is necessarily in the interest of this debate, this amendment or, indeed the country, for us to extend a debate on that issue.

I think we need to look to the future. We have, as all countries do in this current environment, significant challenges ahead. The time for divisive politics . . . and I know that the elections are some seven months away and you are going to get that. And we have heard some of that from the other side of the Floor already during this debate. But, during these challenging times it is incumbent on the Government and the Opposition to get together to put our resources together, to put all of our creative voices together and to work together for the betterment of the country.

Madam Speaker, I am one who believes that any economy built on the type of industries our economy is built on requires a level of sophistication not just within the business environment itself, but within the systems that process and regulate that industry and the applications that come from it. Anyone who comes to Cayman to do business, because we have branded ourselves the way that we have, expects that they are coming to a jurisdiction that is going to be offering sophisticated services. As we move forward it is incumbent on us as a Government to continue to make sure that we improve our systems, procedures and services so that we continue to enhance our business environment.

Madam Speaker, with those few words, I wish to commend the Leader of Government Business for his piloting this Bill through the Legislative Assembly. I certainly look forward to giving it my support.

Thank you.

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

If not, does the honourable Leader of Government Business wish to exercise his right of reply?

Honourable Leader of Government Business.

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

In listening to the various contributions it seems that while there may be individual and specific circumstances that Members wish to address, by and large, all those who have spoken spoke in support of the Bill, including the Members of the Opposition who spoke.

Madam Speaker, there were some specific issues brought out in Members' contributions. I would like to take this opportunity to address as many, if not all of them, as I possibly can.

First of all, before I go to the specifics, let me say that in discussions with the Chief Immigration Officer it has been recognised, and already moves are afoot to create the necessary links with Government Information Services in order to engage in the right public relations informing the public of not only these new measures which are to be put in place but also what obtains presently in the Law in various sections.

The truth of the matter is that I myself have heard conflicting stories coming from members of the department, meaning one member of staff saying that it goes a certain way, and another one saying it goes another way. That would happen every so often, but the Chief Immigration Officer also recognises that. There has been some specific training by way of bringing all the staff up to date with the Law. There has been some specific training through the University College of the Cayman Islands. This training is ongoing for staff.

What the Chief Immigration Officer has also done is to link up with the PRIDE programme. That is dealing with customer service. In recognising that many of the Immigration officers are frontline officers, and because in past years there have been complaints, the Chief Immigration Officer is ensuring that all of his staff, including the new staff, are very well trained in customer service.

So, those two programmes are ongoing. I think that both of them will go a long way in assisting the staff of the department in dealing with the public and the many requests they get.

Madam Speaker, an issue the Leader of the Opposition brought up was the result of a Private Member's Motion brought during this Meeting. The Government accepted the Motion and we said we were going to be looking at it and the Leader of the Opposition took the opportunity when he was making his contribution to this debate to ask about that situation.

I would just like to inform everyone that these people being referred to are people who by and large arrived here during the 1990s. At that time, the Executive Council gave them permission to not only land in the Cayman Islands, but also to work in the Cayman Islands without having to go through the process of acquiring a work permit.

As I understand it, what they were told at that time was that as soon as they met the residency requirement they were to apply for permanent residence and then eventually move on to perhaps getting the grant of Caymanian status.

Now, a lot of them did just that. And they are fine. But there are some who, for one reason or the other, because they did not have to work with a work permit simply continued on and did not make the application. What we now find is these people who, with the 2006 Law in force, do not need a work permit but have no travel documents and their situation with regard to immigration is not regularised. They can continue to work in the country, but there is great difficulty with children and with themselves and they cannot enjoy freedom of movement.

The fact is that they can apply for permanent residence because they have been here quite long enough. As a matter of fact, Madam Speaker, some of them may well have been here 15 years before 1 January 2004, but maybe not many. The plan is that there will be a window, an amnesty period (if I may

call it). It is going to be done through the regulations where an amnesty period is going to be announced and these people will be encouraged to apply for their permanent residence. The fact that they are who they are will automatically give them X number of points towards their 100 points, which will give them almost automatically more than 100 points so they can pass the test and be granted permanent residence.

This will be for a finite period so that they can get sorted out. The Chief Immigration Officer is preparing the necessary amendment which will be done through the regulations so we do not need to wait for Legislative Assembly to do it. The announcement will be made and everyone will be made aware and then they will be guided through that process and that should take care of that. It is not something that we can have open forever because it is not meant to satisfy every circumstance but, rather, these specific circumstances.

Moving on, the Second Elected Member for Cayman Brac and Little Cayman brought up the issue of reduced fees for a grant of a residency certificate for persons of independent means.

Madam Speaker, the arguments put forth can be accepted. These arguments are that, as it stands, precedent has been set and Cayman Brac has fees for work permits, et cetera, immigration fees, at 50 per cent less than those required in Grand Cayman. In Grand Cayman, the fee payable on the grant of a residency certificate for a person of independent means is \$15,000. At present in Cayman Brac it is the same \$15,000. But all of the other fees in Cayman Brac are half of those in Grand Cayman. So, the argument can sensibly follow that for those individuals who wish to apply for a residency certificate being a person of independent means the fee should be half of what it is in Grand Cayman.

If we look at the Law itself, the requirements for a person to satisfy that residency requirement are less for those for those in Cayman Brac than in Grand Cayman in any case. So in truth and in fact, that really should have been dealt with from much earlier on.

Madam Speaker, we believe that that might be an incentive for persons to be encouraged to retire and invest in the Sister Islands. But the amendment that will have to be done to allow this will not be done through this piece of legislation as this is dealt with in the Immigration Regulations (2007 Revision). So, that will be done as swiftly as possible.

Madam Speaker, there was also a proposal brought out in the debate which speaks to persons born outside the Cayman Islands but who are of Caymanian descent that they should be afforded preferential treatment under the Immigration Law. The Law at present says [section 22] **“(2) Any person who- (a) has attained the age of eighteen years; (b) satisfies the Board that he is the child or grandchild of a Caymanian born in the Islands; (c) is legally and ordinarily resident in the Islands; and (d) is not otherwise entitled to the right to be**

**Caymanian, may apply to the Board for the grant of the right to be Caymanian.”**

I think where the little hitch is, is that in the Law as it reads now, it speaks to “any person who is legally and ordinarily resident in the Islands.” The Second Elected Member for West Bay in speaking to this issue asked that the Government consider removing the requirement that such a person be legally and ordinarily resident in the Islands before being able to apply for the right to be Caymanian. And more generally, that persons with Caymanian ancestry other than a parent or grandparent should be given preferential treatment under the work permit system.

Madam Speaker, while the Second Elected Member for West Bay sees the answer to that as simply lifting the requirement for them to be ordinarily resident, I do not see it as simple as that. I totally appreciate what he is saying, and I would very much like for us to find a solution. And I give the undertaking . . . and in discussions with the Chief Immigration Officer, he is already putting his mind, along with his team, to find ways and means to achieve that.

But if we take the requirement of being ordinarily resident out . . . Madam Speaker, I just have not thought it through enough to ensure that in doing that we are not going to open up a gate that we do not want to. So we will look at that very carefully and whatever is the best answer, certainly we will do that.

Madam Speaker, the Fourth Elected Member for George Town spoke. One of the points he wanted to bring out was that it was not very clear in my introducing the Bill whether only those people who were applying for their first work permit would have to give fingerprints, or whether those who already had work permits and seeking renewals would also be required.

The answer to that is that the importance of maintaining an up to date database of fingerprints is very clear. I think it is all accepted by the vast majority of people. The proposed amendment in clause 14 of the Bill will allow for fingerprints to be taken both following a new work permit grant or a work permit renewal. So it takes care of the situations brought to light by the Member. It means that everyone who has a work permit will be required to be fingerprinted.

I believe that covers most if not all of the relevant points raised during the debate. Again, I wish to thank all Members for their contributions to the debate and I look forward as we continue this Meeting to getting to committee stage, making the two small amendments and seeing the Bill have safe passage.

Madam Speaker, with your indulgence, as I have concluded my wind up, I would just like to inform the House that we will go into Finance Committee at 11.30 am tomorrow, to deal with the final SAPE [Supplementary Annual Plan and Estimates] for the 2007/08 fiscal year (ending 30 June 2008).

As soon as we have completed Finance Committee the Chairman will report back to the House at which time we will conclude the business on the Order Paper, which is to do committee stage and third

readings for the Justice Bill and the Immigration (Amendment) Bill, and also for the Minister of Health, second and third readings of the Tobacco Bill.

So, Madam Speaker, if you would ask me, I would be happy to move the adjournment.

**The Speaker:** Honourable Leader of Government Business, if it is the wish of the Government to adjourn at this time, I will entertain a motion for the adjournment.

[inaudible interjection]

**Hon. D. Kurt Tibbetts:** Thank you, very much, Madam Speaker. Perhaps we could vote for the second reading, and then we will take the adjournment.

Thank you.

**The Speaker:** Thank you Honourable Leader of the Opposition, I was totally out of it.

The question is that a Bill shortly entitled the Immigration (Amendment) Bill, 2008, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Immigration (Amendment) Bill 2008 given a second reading.**

**The Speaker:** Honourable Leader of Government Business.

## ADJOURNMENT

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. I move the adjournment of this honourable House until such time as Finance Committee for the final Supplementary Annual Plan and Estimates is completed, and that will commence tomorrow at 11.30 am.

**The Speaker:** Before the question is put, I recognise the Honourable Leader of the Opposition under Standing Order 11(6).

### Raising of public matter for which the Government has responsibility

#### Recent case of Child Abuse

**Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

I have been made aware, and I am sure that other Members of this honourable House were as well, that there has been a recent case of child abuse in this country that has a lot of our people in the community very unhappy.

Over and above the outrage shown by the public, this House and we as Members must be fair and balanced in whatever we do. Today there are parents that are hurting on both sides. It is important for us to consider these issues, not only with respect to the individual incident, but with respect to the wider ramifications for legislation in the Cayman Islands for the protection of our children.

As legislators, our role is to ensure that the values and morals of this country are reflected in its legislative framework. In this case it is clear that the value placed on protection of our children, especially with respect to certain unspeakable acts, is not at the right level. The types of incidents that have been occurring in this country over the past years, including a recent aggression among mere six year-olds at one of our schools, are a clear sign that we have increasing social issues in our country and that we are developing among us a certain tolerance for a type of behaviour that is detrimental to a stable society and the country generally.

Madam Speaker, I would like for the Minister with responsibility for children to consider examining the level of protection provided to our children in our local laws and to also use this opportunity to look at the wider legislative framework dealing with issues affecting families and social services generally.

We have enough problems in this country at this stage, and we must not allow the protection of our most valuable resource—our children—to be subjected to acts of this nature.

Our community is right when they call on us on this issue and we must listen to them and deal expeditiously with this problem regarding the protection of our children.

I only raised this because I have had so many calls as Leader of the Opposition as to what I am doing in regard to this. So I raised this to get an answer from the Minister responsible for children at this time or at some other time in regard to it.

Thank you.

**The Speaker:** Honourable Minister for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

We are in the process, and have just about finalised the amendments to the Children Law. We are working along with the legal drafting. There are about two or three more that need to be done that we have identified recently. Once that is finished, it will be sent to the Legislative Assembly.

**The Speaker:** The question is that this honourable House do now adjourn until Finance Committee completes its business on the Supplementary Annual Estimates. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 3.50 pm the House stood adjourned until the conclusion of Finance Committee.**



**OFFICIAL HANSARD REPORT**  
**MONDAY**  
**13 OCTOBER 2008**  
**10.37 AM**  
*Ninth Sitting*

**The Speaker:** I will ask the Honourable Minister for Health and Human Services to say Prayers.

**PRAYERS**

**Hon. Anthony S. Eden:** Let us pray.

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

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

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

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

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

**Proceedings Resumed at 10.39 am**

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

**The Speaker:** I have no messages or announcements.

**PRESENTATION OF PAPERS  
 AND OF REPORTS**

**Annual Report of the Ministry of Community Services, Youth, Sports and Gender Affairs for the year ended 30 June 2005**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Communications, Works and Infrastructure.

**Hon. V. Arden McLean:** Thank you, Madam Speaker.  
 Madam Speaker, I beg to lay on the Table of this honourable House the Annual Report for the year ended 30 June 2005 under the Ministry of Community Services, Youth, Sports and Gender Affairs.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. V. Arden McLean:** Thank you, Madam Speaker.  
 Just briefly to say that, as the title indicates, this Ministry was not mine. I only spent about five weeks in the Ministry when I took over responsibility as Minister. As can be seen, the Ministry then changed to the Ministry of Communications, Works and Infrastructure from the Ministry of Community Services, Youth, Sports and Gender Affairs.

Thank you, Madam Speaker.

**Report of the Standing Business Committee –  
 Fourth Meeting of the 2007/08 Session of the  
 Legislative Assembly**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, I beg to lay on the Table of this honourable House the Report of the Standing Business Committee for the Fourth Meeting of the 2007/08 Session of the Legislative Assembly.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

**Hon. D. Kurt Tibbetts:** No, Madam Speaker.

**Report of the Standing Business Committee –  
State Opening and Budget Meeting of the 2008/09  
Session of the Legislative Assembly**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, I beg to lay on the Table of this honourable House the Report of the Standing Business Committee for the State Opening and Budget Meeting of the 2008/09 Session of the Legislative Assembly.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

**Hon. D. Kurt Tibbetts:** No, Madam Speaker.

**Cayman Islands Compendium of Statistics 2007**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the Cayman Islands Compendium of Statistics 2007.

**The Speaker:** So ordered.

Serjeant would you lay the Report for the Third Official Member please?

Honourable Third Official Member do you wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Yes, thank you, Madam Speaker, just briefly.

This publication presents the annual social, economic and environmental data on the Cayman Islands for the 2007 calendar year. The data in the Compendium was compiled from various public and private sector entities. It represents the status of the data as at 30<sup>th</sup> June 2008, but it is in respect of the position at the end of the 2007 calendar year.

The Cayman Islands' Compendium of Statistics 2007 contains sixteen (16) chapters as outlined in the Table of Contents. It also features on page one (1) "The Cayman Islands at a Glance" which highlights key socio-economic indicators.

The data presented in this Compendium provides a comprehensive set of measurements on social and economic activities within the Islands. When these are compared with corresponding past periods they provide valuable indicators in specific sectors as well as the economy as a whole. They are therefore useful in identifying and analysing possible issues to aid business planning and policymaking.

Madam Speaker, I would like to clarify that while these statistics are compiled by the Economics and Statistics Office, the offices that provide these statistics remain responsible for the analysis and explanation of the trends shown by the statistics.

The Cayman Islands' Compendium of Statistics 2007 includes economic indicators that were previously reported in the Annual Economic Report 2007, which was tabled in this honourable House in August. I will therefore not dwell on economic data in this Compendium, but will highlight some of the very important social and environmental indicators on education, health, other social services and traffic accidents.

Education, which is considered one of the key areas in the Compendium, is covered in Chapter 2 and includes all areas that give vital support to this sector. I can report that the total enrolment for 2007 for students of both government and private schools (that is, reception to secondary school levels) increased by 6.4 per cent over the previous year.

Matters such as health and other social services are seen as areas of paramount importance as they speak to the wellbeing of the people of the Cayman Islands. In 2007 the school clinic visits in Grand Cayman experienced an expansion by 52 per cent to reach to 10,997, from 7,201 in the previous year. The social assistance program also benefited more individuals. At the end of 2007, there were 1,911 beneficiaries, an increase of 3.7 per cent over 2006.

Road traffic accidents increased in 2007 to 1,310 as compared to 1,186 in 2006. Of note, however, is that while the number of accidents increased in 2007, the rate of increase was significantly less than the 144 per cent increase experienced in 2006. George Town continued to be the location for the largest number of road accidents accounting for 66 per cent of all traffic accidents.

Madam Speaker, I would like to conclude by mentioning that new sets of statistics are included in this year's Compendium, such as the educational attainment and status of the population aged 15 and above in 2007 (as shown by Table 2.09b in the Compendium). It also indicates the profile of households by reference to information technology facilities (as provided by Table 10.02b in the Compendium) and ownership of dwellings (which is shown in Table 10.03b).

This publication remains a current, reliable and relevant document for the enhancement of policy advice, planning and research for government, the private sector, students and researchers.

The Economics and Statistics Office is committed to the mandate of providing quality and timely information to the Government and people of the Cayman Islands. To this end, we aim to keep the contents of the Compendium of Statistics in step with the ever changing nature of our society. For this reason, we welcome comments from the community on the adequacy of the contents therein. Comments can be directed via email to [info.stats@gov.ky](mailto:info.stats@gov.ky).

The Cayman Islands' Compendium of Statistics 2007 will be circulated to the general public through the website of the Economics and Statistics Office at [www.eso.ky](http://www.eso.ky).

I cannot do justice to the vast amount of information contained in the Compendium without taking an inordinate amount of time. Although it is statistics that are presented in the Compendium, it is done in a readily understood format.

I implore members of the public to obtain the 2007 Compendium because it contains information, which should be the basis for informed and reasoned debate and discussion. Although it is captioned "The Cayman Islands Compendium of Statistics 2007", it does not restrict the information contained therein to the 2007 calendar year, but, rather, 2007 is simply the most recent year for which information is presented. It contains data for many years before 2007, making the establishment of trends in the data, where they exist, easy to establish.

Thank you, Madam Speaker.

**Annual Report of the Ministry of Tourism, Environment, Development and Commerce for the 2004/05 Financial Year**  
*(Deferred)*

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, with your permission I beg that this report be deferred until a later sitting of this Meeting.

**The Speaker:** The question is that the Annual Report of the Ministry of Tourism, Environment, Development and Commerce for the 2004/05 Financial Year be deferred to a later Meeting. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

Honourable Leader do you want it to a later Meeting, or a later sitting?

*[inaudible answer from the Leader of Government Business]*

**The Speaker:** Excuse me.

The question is that the Annual Report of the Ministry of Tourism, Environment, Development and Commerce for the 2004/05 Financial Year be deferred to a later sitting of this Meeting. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Annual Report of the Ministry of Tourism, Environment, Development and Commerce for the 2004/05 Financial Year deferred to a later sitting of this Meeting.**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Report and Recommendation of the Minister Responsible for Lands – on the Vesting of Crown Land Block 37A Parcel 87 (Part) to the National Roads Authority**

**Hon. D. Kurt Tibbetts:** Madam Speaker, I beg to lay on the Table of this honourable House the Report and Recommendation of the Minister Responsible for Lands – on the Vesting of Crown Land Block 37A Parcel 87 (Part) to the National Roads Authority.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. Just to briefly outline to Members of this House and, indeed, the public, the recommendation.

This parcel is part of the property owned by the Crown, which is the property in and around where Northward Prison is. The East/West Arterial Road that is gazetted dissects this parcel and the 9.2 acres, approximately, will be on the northern section of the gazetted road. The road is not built, but the gazetting is done.

Where the National Roads Authority (NRA) is now located, they need more land space and certainly they do not need to house all of their equipment in the heart of town or in the industrial area. That Crown land was deemed to be convenient and in checking with the Honourable Chief Secretary and all of his agencies, that portion of the property is not envisaged to be needed for the foreseeable future.

Madam Speaker, the Governor in Cabinet recognised the need that the NRA had and, after various consultations and the necessary procedures according to the Governor Vesting of Lands Law, the recommendation was made by the Cabinet through the Ministry and now down to the Legislative Assembly for the vesting.

Thank you.

**Legislative Framework for Educational Entitlement in the Cayman Islands**

**The Speaker:** I recognise the Honourable Minister responsible for Education, Training, Employment, Youth, Sports and Culture.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I beg to lay on the Table of this honourable House a



document entitled A Legislative Framework for Educational Entitlement in the Cayman Islands.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

Honourable Minister for Education.

**Hon. Alden M. McLaughlin, Jr.:** Yes, Madam Speaker.

Madam Speaker, the premise of the Education Law (1999 Revision) is now a quarter of a century old. This legislation was designed in another time for another era. Since that time, and in particular during the last three years, much has happened to render this legislation inadequate to deal with the regulation of education in the Cayman Islands and the challenges and opportunities that this presents in the 21<sup>st</sup> Century. A new legislative framework that provides for educational entitlement in the Cayman Islands that empowers and liberates education professionals and that fully reflects the degree to which education is central to the future of these Islands is, therefore, required.

These legislative deficiencies that have become evident in the Education Law (1999 Revision) include the fact that the Education Law (1999 Revision) is, as the Education Law Review concluded in 2007, more a set of general rules on matters which have from time to time received attention rather than a fully coherent structured enactment.

Another deficiency is the absence of any reference to the Minister who has responsibility for Education and his or her responsibilities for this fundamentally important subject area. The dependency on an education council to perform a large number of supervisory and administrative functions, which potentially inhibits the efficient management and development of education, is also another identified deficiency.

The absence of any statutory underpinning for a system of independent evaluation of school performance across the jurisdiction, along with provisions which facilitate this process and ensure that the findings of such evaluations are formally recognised and acted upon so as to improve school performance is also a deficiency.

Further, Madam Speaker, the unsuitability of the manner in which it is anticipated that tertiary institutions are recognised and established in the Cayman Islands and the dearth of provisions which speak to the regulation of tertiary education in the jurisdiction and the importance of quality assurance in this sector, is also a weakness in the present legislation.

Moreover, the currency of the Education Law (1999 Revision) has been further undermined by the significant advances in education that occurred since the inception of the National Consensus on the Future of Education in the Cayman Islands, and the unanimous endorsement of this landmark document by the

Legislative Assembly in October 2005. This blueprint for change has resulted in numerous initiatives in pursuance of the ten strategies identified therein, including the following, which, in particular, would at least in part benefit from legislative reinforcement.

These are:

- The identification of education at the forefront of the national agenda and the vision that the Cayman Islands become as well known for our commitment to and best practice in education as we are for financial services and tourism.
- The prioritization of teaching and learning of an education system that places students at the centre of all its activities.
- The commitment to the creation of an inclusive world class education system where all students have the greatest possible opportunity to realise their individual potential, as evidenced by the reforms collectively, but also specifically by increased provision for students who have additional education needs.
- To service orientated approach of the new department of education services headed by a Director of Education Services instead of a Chief Education Officer.
- The recognition that early childhood education requires specific attention, which is now being delivered by Early Childhood Services in the restructured Department of Education Services.
- The role and function of the new Education Standards and Assessment Unit, which has replaced the old Schools Inspectorate, and the alignment of the work of this unit with that of the restructured Department of Education Services so as to mobilize and focus the full efforts and energy of the entire education system on improving performance.
- The introduction of Cayman's first ever National Curriculum.
- The increased funding provided to private schools and the belief that these funds should make a tangible difference to the student experience of these schools through improvements in teaching and learning.
- The commitment to lifelong learning through which all Caymanians will have the opportunity to develop, improve and refresh their skills, thereby better preparing our people for the reality of the workplace and ensuring that they are best placed to benefit from economic opportunities as these evolve over time.
- The announcement of the Brighter Pathways—Brighter Futures initiative, which will ease the transition from secondary educa-

tion into the workplace, or an expanding range of tertiary options.

- The desire to increase the compulsory school from 16 to 17 in order to ensure that all Caymanian students have a better opportunity to embark upon one of the pathways identified in the Better Pathways—Brighter Futures initiative.
- The need for post-16 programmes of secondary education to continue beyond age 17, which, for example, would facilitate the introduction of the two-year international Baccalaureate Diploma Programme as a key component of the Better Pathways—Brighter Futures initiative.
- A greater appreciation of the value of technical and vocational education, which is also central to the Better Pathways—Brighter Futures initiative.

Madam Speaker, as these points evidence, the education reforms underway in the Cayman Islands have, as promised, placed the student at the very centre of the system and it is now high time that education legislation in these Islands similarly embodied this fundamental principle.

In November of last year I announced to the Legislative Assembly that work was indeed underway to modernise our education legislation which would also ensure that all advances are, nevertheless, rooted in the traditions and culture of these Islands. As I explained then, our education system and the law that underpins it must be both globally competitive and locally relevant.

In order to advance this process the expertise of the highly recommended legal team from the National Union of Teachers in England and Wales was enlisted. Following extensive consultation with a range of stakeholders, including students, parents and the general public, teachers and other education professions from both the public and private education sectors, along with Members of the Legislative Assembly, a Report was produced and this Report was also presented to this honourable House by me on 21 November last year.

This Report contained an outlined of the proposed new education legislation, which provided, as I noted at the time, an excellent basis for a new law which will secure systemic change, increase accountability and, at the same time, liberate the teaching profession.

Since that time, work has continued and this draft has been further refined. A more advanced draft of an Education Modernisation Bill has now been produced by the Ministry of Education, Training, Employment, Youth, Sports and Culture in conjunction with the legal team from the National Union of Teachers in England and Wales. This has now been forwarded along with drafting instructions to provide for a specific early childhood legislation to the Legislative

Drafting Department for review and, if necessary, adaptation to comply with local drafting conventions.

However, in light of the far reaching importance of the proposed education modernisation legislation, it is only right that the Legislative Assembly and the general public be further apprised of the developments with the draft legislation and afforded the opportunity to comment on the draft before a bill is produced and brought to the Legislative Assembly for passage.

Accordingly, Madam Speaker, this paper details each part of the proposed legislation and provides a commentary which seeks to explain the underlying policy aims and objectives. Together with the accompanying early childhood legislation it is anticipated that these legislative advances will establish an overarching framework for educational entitlement in the Cayman Islands.

Madam Speaker, with your leave I am going to spend a few more minutes going through the various chapters of the draft legislation.

The Bill is to be called The Education Modernisation Bill, 2008. The Education Modernisation Bill, 2008, will commence with a preamble. This is an explanatory statement which outlines the major objectives of the legislation, including the commitment to lifelong learning.

Part 1 of the Bill, Chapter 1, commences with identifying the education functions of the various entities that it is anticipated will contribute to the future governance of education in the Cayman Islands. It is essentially the statutory outcome of Strategy 1 of the National Consensus on the Future of Education in the Cayman Islands, which called for the development of an administrative framework for a new education services.

Notably, the primary responsibilities have been assigned to the Minister with oversight for this important subject. This makes practical sense and will facilitate the further advancement of the education reforms in these Islands. The Minister will then implement policy through the Permanent Secretary in the Ministry of Education, who, in line with the Public Service Management Law 2005, will also exercise oversight of the administration of the education services.

The governance of education will additionally be augmented by an Education Advisory Council, so named to reflect its new function. As the Education Law review of 2007 suggests, the Education Advisory Council may provide advice on strategic policy across the education continuum. In the discharge of all its functions the Council should be defined as making recommendations to the Minister for which the Minister will be accountable in the usual way to Cabinet and the Legislative Assembly.

The relative functions of the various entities and their interrelationship with one another are therefore clearly identified with a view to providing a decisive mechanism for decision making and implementation. Along side these powers, the proposed legisla-

tion also provides for complementary accountability in the form of the range of duties which ensure that the Legislative Assembly and the general public are fully informed on the position of education in the Cayman Islands, primarily through the production of an Annual Education Report.

Part 1, Chapter II of the Bill defines the various terms contained throughout the legislation, including definitions of the various types of education, which together comprise the education continuum along with the appropriate age range for each stage.

The definition of school has been divided into several categories so as to reflect the fact that many non-governmental schools in the Cayman Islands receive public funding and are, therefore, properly defined as assisted schools. All schools should be licensed and it is anticipated that further detail on licensing requirements will be contained in regulations.

Part 1, Chapter III of the Bill provides for a "compulsory school age". It is proposed that this commences at 5 years of age, although in practice there remains the option to facilitate earlier entry if deemed appropriate.

Reflecting a widely held belief that many of our young people require further education before they enter the workplace, it is also proposed that the compulsory school age be extended to 17. In order to ensure that the compulsory school age is respected, the proposed legislation places a duty on parents and legal guardians to secure attendance at school, albeit with a mechanism to provide for a waiver so as to properly allow for home schooling under certain conditions.

In respect of government schools, the proposed legislation specifies that no charge may be made for admission or in general for the basic education provided.

Part II of the Bill enshrines the exceptional work of the Curriculum Overview Taskforce in creating the first ever Cayman Islands' National Curriculum, which was itself created to fulfill strategy 2 of the National Consensus on the Future of Education in the Cayman Islands. With extensive public input a national curriculum which embodies the full "Profile of the Educated Caymanian", also contained in the National Consensus, has been created and is now being implemented in government schools. It is, however, only right and proper that this landmark achievement, along with its structural outline, is contained in primary legislation thereby registering its major importance.

Part III of the Bill regularises the role of our old School's Inspectorate, which is now known as the Education Standards and Assessment Unit, and emphasises the important contribution that the officers in this unit can make to the cycle of improvement in our schools. As such, the proposed legislation seeks to secure outcomes from the evaluations undertaken by the Unit.

In order to perform this role it is necessary that the Education Standards and Assessment Unit

and its Director have a measure of independence, although at the same time it is also important that they work, particularly as it relates to government schools, aligned with the restructured Department of Education Services, as it is the Department that is ultimately accountable for acting upon the issues identified in their valuations.

It is intended that this cycle of improvement will culminate with a further evaluation by the Education Standards and Assessment Unit in order to assess and measure improvement. Where the anticipated improvement is not forthcoming, the proposed legislation also provides for some remedial measures designed to safeguard the educational entitlement of all students.

Part IV of the proposed education legislation seeks to additionally support the quality of teaching and learning through the registration of teachers, thereby ensuring that all teachers possess the requisite qualifications.

The Department of Education Services, in conjunction with the Ministry of Education, has already undertaken significant policy development in this area in order to inform the recruitment process in accordance with the directive to improve human resources, policies and practices, as outlined in strategy 4 of the National Consensus on the Future of Education in the Cayman Islands. This policy will therefore form the basis of the regulations that are anticipated under this part of the proposed legislation.

Part IV of the proposed legislation also envisages a significant role for the redefined and reconstituted Education Advisory Council, which will, importantly, provide some independent procedural guarantees for teachers who are the subject of disciplinary action.

Part V of the proposed education legislation specifically provides the Minister of Education with the power to provide funding to assisted schools and rightly anticipates that conditions may be attached to any such grants. This reflects the long established practice of providing financial assistance to non-governmental schools and also the policy developments in this area that have accompanied the increases in such funding in recent years.

Part VI of the proposed education legislation addresses the value and importance of technical and vocational education and training. This was mandated by Strategy 8 of the National Consensus on the Future of Education and, while significant advances have already been made at the tertiary level, provision should also be made in secondary schools, particularly at the post 16 stage, in line with the Better Pathways—Brighter Futures initiative.

Part VII of the proposed education legislation provides for the power to make tertiary education provision. In addition to a power to cause tertiary institutions to be established, it is also anticipated that the Minister may enter into agreements with third parties for the provision of tertiary education in the Cayman

Islands, which would then be regulated by the terms of that agreement. In addition, however, where necessary, the proposed education legislation also provides for the creation of secondary legislation to supplement the regulation of the conduct and management of institutions providing tertiary education, which may also make the continued operation of a tertiary institution in the Cayman Islands subject to conditions relating to the conduct and management of the institution, as well as the quality of the courses of study provided.

Part VIII of the proposed education legislation fulfils in part the goals identified in Strategy 3 of the National Consensus on the Future of Education document. However, in order to realise all of the targets contained in Strategy 3, it has also been necessary to draft separate legislation that deals specifically with additional ancillary early childhood needs. It is anticipated that the two pieces of legislation will nevertheless work in concert with one another and that they will be presented to the Legislative Assembly in their final form at the same time.

An Early Childhood Unit has already been established, the work of which falls under the remit of the Department of Education Services. The proposed legislation therefore recognises the role of the Director of Education Services particularly as it relates to the quality of teaching and learning where applicable in early childhood settings.

Part IX of the proposed education legislation expressly prohibits corporal punishment in all schools in the Cayman Islands, and in so doing reflects the long establish policy prohibiting such punishment in government schools. Recognising the importance of good behaviour in the establishment of a positive and productive learning environment, which has indeed been reflected in the schools concept that has already improved discipline and performance at George Hicks, and which has been a guiding principle in the design of our new secondary campuses, the proposed education legislation will mandate that every government school possess a written pupil behaviour and discipline policy. Moreover, it will also be a condition of funding that all assisted schools similarly possess a written pupil behaviour and discipline policy.

Part IX of the proposed education legislation, finally provides for the disciplinary authority of teachers so that it is clearly defined in law and understood by all parties.

Part X of the proposed legislation makes provision for additional education needs. This terminology has been specifically adopted in lieu of "special education needs", which is often used, because one key-stone of the education reforms underway in the Cayman Islands is that all students are in some way special. Additional education needs are therefore more inclusive and reflect the current endeavours, where possible, to make exceptional provision for students in need so that all students have an opportunity to realise their individual potential.

In addition to defining the term, the proposed legislation details the policies and procedures as these relate to the identification of additional educational needs, and the duties of schools in the assessment of and provision for additional needs which are subject to the periodic evaluations by the Education Standards and Assessment Unit.

Part XI of the proposed education legislation addresses the use of school facilities, which is particularly important given the anticipated multiple community usage of the new government education facilities currently under construction. In addition, the proposed also specifically identifies that it may be useful to seek agreements with assisted and independent school proprietors to promote community use of the school premises and its facilities.

Part XII of the proposed legislation rightly recognises that special provision may have to be made for Cayman Brac and Little Cayman, although this should not be viewed as an indication that any lesser provision is intended. Indeed, over the last three years, education in Cayman Brac and Little Cayman has benefited significantly from a firm commitment to equity in education across all three Islands, not least in the provision for additional educational needs.

Part XIII of the proposed legislation simply provides scope for other miscellaneous provisions. At this point, the only inclusion anticipated here is that a nuisance or disturbance on school premises which disrupts the education provided will constitute a criminal offence. This is a response to a significant challenge that educators in our schools have articulated for some time.

Madam Speaker, I do hope and believe that this update on these important developments will be useful to all Members of this House and indeed the broader community. This has been an immense effort over the course of the past three years to get us to this point. I am confident that by the end of the year we will be in a position to present, with the help of God and the continued assistance of my good friend, the learned Attorney General, the Second Official Member in this House, we will be in a position to present a bill to this House.

I look forward, Madam Speaker, to hearing what Members of this House and, indeed, the broader community have to say about the draft, which I have laid on the Table of this honourable House today.

I thank you, Madam Speaker, and the House, for your indulgence.

## **STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET**

**Sympathy and Condolences to the family and  
friends of Estella Scott-Roberts**

**The Speaker:** I recognise the Honourable Minister responsible for Women Affairs.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I rise with sadness and a heavy heart to make these comments.

As the Minister responsible for Gender Affairs, I would like to extend my deepest sympathy and condolences to the family and friends of Estella Scott-Roberts. Madam Speaker, I do this also on your behalf, [on behalf of] the Leader of Government Business and this entire Parliament, my Ministry and, I would say, a shocked and somber nation.

She was an unwavering advocate for women and she fought diligently to protect those most vulnerable and victimized. Estella Scott-Roberts was taken from her loved ones too soon and in a manner so cruel and calculated that it is hard to fathom at this time. Madam Speaker, I will add to this sentence, although not in my comments—a prime case for capital punishment, better known to all of us as the death penalty, which we know has been done away with. I have no apologies for saying that.

Our community has been robbed of a caring and strong woman whose purpose in life was to be of service to others. This unimaginable crime is an assault on every man, woman and child in these Islands. I condemn this senseless act, and I say to the individual or the individuals responsible that we will not be silenced; we will not be afraid, and justice will prevail.

And, to the family of Estella, I promise that we will continue her work and carry her in our hearts forever. The entire nation, Madam Speaker, is saddened.

Madam Speaker, I and my colleagues are distraught and to express our true feelings is an impossible chore right now. What we do know is that whatever assistance is needed to solve this brutal and senseless crime must be had immediately. We will be calling on His Excellency the Governor to act immediately.

Madam Speaker, with your permission I would like to pause for a moment of silence in memory [inaudible] [of] Estella.

**The Speaker:** May we be upstanding, please.

[The House paused for a moment of silence in honour of Estella Scott-Roberts]

**The Speaker:** Thank you. Please be seated.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

And with your kind permission I would like to take this opportunity to read an invitation that was sent to me some time ago from the Business and Professional Women's Club in regard to a silent march they had planned for this Saturday.

I had another commitment but, Madam Speaker, I have cancelled that to make sure, and I

would invite all of my colleagues here to take one hour to come as many people throughout the Islands come together. I will just read the invite: "The Business and Professional Women's Club of Grand Cayman would like to invite you, your family, colleagues and loved ones to this year's Silent Witness March, which is scheduled to take place on Saturday, 18<sup>th</sup> October, 2008.

"Each year the Business and Professional Women's club holds the Silent Witness March starting at 12.30 and ending at 1.30 pm. The March begins at the Government Admin Building passing by the Immigration Building, the Central Police Station and the Courts Office, and ending on the steps of the Legislative Assembly for a brief ceremony."

For those who are not familiar with this, the Silent Witness March originated in the United States in 1990 as a reaction by women artists and writers to the growing number of victims of domestic violence in their small town in Minnesota. The solution was to speak out by creating 26 freestanding life-size red wooden figures bearing the name of a woman who once lived among them whose life had been violently ended at the hands of an ex-husband, partner or acquaintance. A 27<sup>th</sup> figure was added to represent those countless women whose murders went unsolved or were erroneously ruled accidental.

The organisers called the figures "The Silent Witnesses", which were escorted along with 500 other women who showed up for that first silent procession on 18 October.

Finally, in closing this area Madam Speaker, I must say to our people that we must stand up as a community, as a society, and condemn the savagery. And only we, within ourselves, can put a stop to this. Some of us know these perpetrators. They must be exposed and [we must] get help for them.

Madam Speaker, in times like these the entire nation is upset; a call for this and that. Madam Speaker, as in many things, we can bring in the police, the entire Scotland Yard, Metropolitan Police, the FBI, whatever, but it all starts within ourselves. Let's use our internal police, our conscience. Let's get back to the days when these Cayman Islands were all about the family. And no matter what we spend on police, judges, whatever, it makes no difference if we don't deal with this ourselves.

Thank you, Madam Speaker.

## GOVERNMENT BUSINESS

### BILLS

#### SECOND READING

##### Tobacco Bill 2008

**The Speaker:** I recognise the Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker. Madam Speaker, I beg to lay on the Table of this honourable House and speak to the Tobacco Bill 2008, and to recommend it for passage into law.

**The Speaker:** Honourable Minister, I need you to move the Motion for the Second Reading.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker. I beg to move a motion for the Second Reading of the Tobacco Bill, 2008.

**The Speaker:** The Motion has been duly moved and is opened for debate. Does the Honourable Minister wish to speak thereto?

**Hon. Anthony S. Eden:** Thank you, Madam Speaker. The Bill is shortly entitled, A Bill for a Law to regulate the labelling promotion, sale and distribution of tobacco products to prohibit their use in certain public place; and for incidental and connected purposes.

Madam Speaker, the Cayman Islands will join many other countries across the globe when we vote to have this legislation in place. To pass this legislation will show that we recognise that tobacco use is one of the single greatest public health threats in the world today.

It may be helpful for me to provide a reminder of the global position and the origin of this legislation, and I will read from the World Health Organization when this was first established under what they termed as the FCTC (Framework Convention on Tobacco Control).

The World Health Organization (WHO) is a proponent of a global public health treaty aimed at reducing the burden of disease and death caused by tobacco consumption. It was adopted in June 2003. Surprisingly, the Convention quickly became one of the most widely embraced treaties in the history of the United Nations. Within two and a half years it boasted more than one hundred contracting parties. It officially entered into force in February 2005, and by the end of 2006 the total number of parties had reached the 142 covering more than three quarters of the world's population.

The Convention addresses tobacco control from both the supply and demand sides by requiring price and tax increases on tobacco products, complete bans on tobacco advertising, promotion and sponsorship and visible pictorial health warnings on all tobacco packages.

Article 8—Protection from Exposure, Tobacco Smoke (better known as secondhand smoke) identifies proven measures for reducing the health harm cause by secondhand smoke. Case studies show that countries where legislation is enacted to ban smoking in public places witness decreased consumption of tobacco products, partly because it encourages people to quit. Furthermore, Madam Speaker, there is no

vigorous evidence that these bans have a negative economic impact on the hospitality sector.

Just to speak on smoke-free environments, the scientific evidence leaves no doubt, 100 per cent smoke-free environments (SFEs) are the only proven way to adequately protect the health of all people from the devastating effects of secondhand smoke (SHS). Several countries and hundreds of sub-national and local jurisdictions have reached this conclusion and successfully implemented laws that require almost all indoor work and public places to be 100 per cent smoke free. These jurisdictions report large and immediate health benefits showing that smoke-free environments are feasible and realistic in a variety of contexts.

Madam Speaker, in March 2004, Ireland became the first nation in the world to create and enjoy smoke-free indoor workplaces, and public places, including restaurants, bars and pubs. Within three months Norway's smoke-free legislation entered into force. Since then, their example has been followed by more countries, such as New Zealand, Italy and Uruguay territories, and many more cities and communities across the globe.

Large parts of Canada and the United States of America have been made smoke free through provincial or state legislation. Now, 80 per cent of Canadians, and 50 per cent of USA residents, live in a jurisdiction with all public and workplaces smoke free, including bars and restaurants. Similar situations exists in Australia where almost all Australians would enjoy completely smoke free indoor public places by October last year.

Other countries, such as Spain, Guinea and Mauritius, also took important steps with legislation banning smoke in work places to protect the health of all workers.

Niger and Uganda are now strengthening implementation of existing legislation to protect health and help make the population more aware of the dangers of exposure to secondhand smoking.

Other countries, such as England, will bring in or extend legislation in 2007 to make all indoor public places and work places, including bars, cafes, pubs and restaurants, 100 per cent smoke free.

Singapore's already progressive smoke free policies will be extended to include air-conditioned karaoke lounges and nightclubs.

On the city level, the citizens of Hong Kong now enjoy smoke-free indoor workplaces and public places, including childcare centres (thank goodness), schools, hospitals, places of detention, refuge and reformatory schools, and all indoor areas of restaurants; karaoke establishments, residential care homes and treatment centres.

Evaluation reports continue to flow in from Ireland, New Zealand, Norway and other places, showing that comprehensive smoke free laws improve health, reduce tobacco consumption, are popular with

both non-smokers and smokers, and have no negative economic impact on the hospitality sector.

Madam Speaker, the benefits of smoke free places are undeniable and the movement to smoke-free environments is growing with unstoppable momentum. Public health actors, non-governmental organisations and other civil society representatives, policy makers, governments and the general public, are raising their voices together to ensure workers and the public are protected from exposure to secondhand smoke by creating and enjoying 100 per cent smoke-free environment.

By making workplaces and public places 100 per cent smoke free inside, we keep the bodies in those places smoke free inside also.

Just to continue, Madam Speaker, to share with you facts about secondhand tobacco smoke.

What is secondhand tobacco smoke? Secondhand tobacco smoke refers to the smoke from burning tobacco products generated by people smoking them. The tobacco industry has also called it environmental tobacco smoke (ETS). When tobacco smoke contaminates the air, especially in enclosed spaces, it is breathed by everyone exposing both smokers and non-smokers to its harmful side effects. And because it is inhaled by people that are not actively smoking, it is also commonly referred to as involuntary smoking or passive smoking.

Secondhand tobacco smoke causes cancer. There is no doubt, Madam Speaker, breathing secondhand smoke is very dangerous to your health. There are over 4,000 known chemicals in tobacco smoke. More than 50 of them are known to cause cancer in humans.

Secondhand tobacco smoke also causes heart disease and many serious respiratory and cardiovascular diseases in children and adults which could lead to death.

Madam Speaker, there is no safe level of exposure to secondhand tobacco smoke. Almost half of the world's children breathe air polluted by tobacco smoke. This was staggering to me. Exposure occurs anywhere smoking is permitted, whether it is in homes, workplaces, or public places. The World Health Organization estimates that around 700 million children—or almost half of the world's children—breathe air polluted by tobacco smoke, particularly at home.

Findings from the Global Youth Tobacco Survey (GYTS) developed by the World Health Organization and the United States Centres for Disease Control and Prevention, better known as CDC, amongst students 13 to 15 years old in 132 countries between 1999 and 2005, show that 43.9 per cent of the students are exposed to secondhand tobacco smoke at home; 55.8 per cent of the students are exposed to secondhand tobacco smoke in public places. Seventy-six point one and three quarters, almost, of the students surveyed expressed support for smoking bans

in public places. These are the students saying this, Madam Speaker.

Secondhand tobacco smoke contributes heavily to the global burden of disease.

Worker deaths: The International Labour Organisation (ILO) estimates that at least 200,000 workers die every year due to exposure to secondhand smoke at work.

Interestingly, a recent report estimated that around 80,000 people died in the 25 European Union countries in 2002 due to secondhand smoke related conditions.

The United States Environmental Protection Agency (EPA) estimates that secondhand smoke is responsible for approximately 3,000 lung cancer deaths annually among non-smokers in the USA, and that up to 1 million children with asthma have their condition worsened due to the smoke.

Madam Speaker, secondhand smoking is also an economic burden. The cost of this is not limited to the burden of disease. Its exposure also imposes economic cost on individuals, businesses and society as a whole. These include primarily direct medical costs, but also productivity losses. In addition, workplaces where smoking is permitted incur higher renovation and cleaning costs, increased risk of fire and they experience higher insurance premiums. Quite interesting.

A recent study by the United States Society of Actuaries estimated that secondhand smoke exposure results in more than US\$5 billion in direct medical costs, and more than US\$5 billion in indirect medical costs, such as disability, lost wages and related benefits, annually in the USA.

In Hong Kong the annual value of direct medical costs long term and productivity loss due to secondhand smoke exposure is estimated to be US\$156 million.

The United States Occupational Safety and Health Administration estimated that clean air would increase productivity in the USA by 3.5 per cent, saving US employers \$15 billion annually.

Evidence on the damaging health effects of exposure to secondhand smoke has been accumulating for more than 40 years, Madam Speaker. So this is not evidence that sprung up over night. Today there is clear scientific consensus based on hundreds of studies in adults and children. Smoke causes serious and fatal diseases such as heart disease, lung cancer, asthma and others.

Madam Speaker, **“The debate is over. The science is clear. Secondhand smoke is not a mere annoyance, but a serious health hazard.”** And this comes as a quote from former US Surgeon General, Richard Carmona.

To protect the health of all people against secondhand smoke, it is recommended that a 100 per cent smoke-free environment is the only effective strategy to reduce exposure to tobacco smoke indoors to safe levels, and to provide an acceptable level of

protection from the dangers of secondhand smoke exposure. Ventilation in smoking areas, whether or not separately ventilated from non-smoking areas, does not reduce exposure to a safe level of risk and is not recommended. Recommended WHO legislation requires all indoor workplaces and public places to be 100 per cent smoke-free environments.

Laws should ensure universal and equal protection for all. Voluntary policies are not an acceptable response. Implementing and enforcing the law passing smoke-free legislation is not enough. Its proper implementation and adequate enforcement requires relatively small but critical efforts and means.

Implement educational strategies to reduce secondhand smoke exposure, especially in the home. Smoke-free workplace legislation increases the likelihood that people, both smokers and non-smokers, will voluntarily make their homes smoke free.

How to counter tobacco industry myths. Madam Speaker, as expected, most of the opposition comes from the tobacco industry.

Even though effective smoke free laws are popular, policymakers and the public must be prepared to respond to the many and oft used arguments aimed at stopping their passage and implementation. The main opposition, as I said earlier, comes from the tobacco industry often using a third party, such as hotel and restaurant associations to promote its argument, while the industry itself does its best to stay out of the public debate, which is natural.

One of the [inaudible-recording skips] it is not a nuisance, it is a health hazard. To support their claims the tobacco industry and its supporters will probably point that outdated or non-peer reviewed studies—many of them financed (quite interesting) by the tobacco industry itself or affiliated organisations—conclude that there is not enough evidence to affirm that tobacco smoke is dangerous. The fact is, Madam Speaker, it causes at least 200,000 deaths a year in the workplace alone, 14 per cent of all work related deaths caused by disease and 2.8 per cent of all lung cancers.

Another myth: The courtesy of choice concept (where smokers and non-smokers live in harmony) ignores the serious health consequences of secondhand smoke. However, the tobacco industry has used it as one of their strongest marketing campaigns, claiming that this approach promotes tolerance and requires the accommodation of smokers and non-smokers in the same enclosed spaces.

Madam Speaker, evidence and experience do not support the tobacco industry's claim. Voluntary agreements that urge tolerance from non-smokers are not effective in protecting the public from the harms of secondhand smoke and might become a barrier to the establishment of real effective protective measures. For example Madam Speaker, in Finland, Ireland, New Zealand, Uruguay, California and elsewhere, policymakers concluded that voluntary measures did not adequately protect public and workers' health, and

have therefore chosen to enact and enforce a 100 per cent smoke-free environment.

Madam Speaker, even though the tobacco industry—another myth—will try to convince business owners and policymakers, supporting their allegations with biased studies that lack rigour in their analysis, not a single independent and rigorous peer review study has proved that smoking bans result in negative results. Independent studies in Canada, Ireland, Italy and other cities, like El Paso and New York, show that on average business remains at the same level or even increases after the smoking bans.

Studies around the world of sales and employment data before and after the implementation of smoke free policies have found either no impact or a positive impact within the hospitality sector.

Another myth: Smoke free laws do not infringe anyone's rights; they are about protecting people's health by regulating where to smoke and where not to smoke. On the other hand, it is worth remembering that most do not smoke and most who smoke want to quit. Many smokers do not use tobacco by choice, but due to an addiction caused by the nicotine in all tobacco products.

The right of a person to breathe air free of poisons takes precedence over the right of smokers to smoke in public places and endanger the health of others.

Madam Speaker, this is not about accommodation or the freedom to use a legal product; it is about where to smoke to avoid endangering the health of others.

It is interesting to note, Madam Speaker, that the tobacco industry has known for decades that smoke free policies represent a serious threat to its business. They commented at one time, the most dangerous development to the viability of the tobacco industry that has yet occurred was this legislation. If smokers can't smoke on the way to work, at work, in stores, banks, restaurants, malls and other public places, they are going to smoke less.

There are a lot of other facts in here, Madam Speaker, on how this legislation was fought against by the tobacco industry. I just want to leave a few comments with the House and the listening public, the importance of going smoke free inside:

- Secondhand tobacco smoke kills and causes serious illnesses.
- One hundred per cent smoke-free environments fully protect workers and the public from the serious harmful effects of tobacco smoke.
- Everyone has the right to breathe clean air, free from tobacco smoke.
- Most people in the world are non-smokers and have a right not to be exposed to other people's smoke.
- Smoking bans are widely supported by both smokers and non-smokers, which I alluded to earlier.



- One hundred per cent smoke-free environments help prevent people, especially the young, from starting to smoke.
- One hundred per cent safe smoke-free environments provide the many smokers who want to quit with a strong incentive to cut down or stop smoking altogether.
- One hundred per cent smoke-free environments are good for business, as families with children, most non-smokers, and even smokers often prefer to go to smoke free places.
- Lastly, 100 per cent smoke-free environments cost little and they work.

Madam Speaker, I may duplicate some of the things that I read from there but I think it is good for reinforcement.

It has been noted that tobacco use enjoyed at one time—and I remember growing up [it was] a glamorous image for quite some time—its use has spread across the world over the past couple hundred years. It has been quite a shock to many to come to know the reality of tobacco consumption as a literally deadly practice.

I suspect, Madam Speaker, that some persons, young smokers especially, probably still find it hard to believe that while they are coolly drawing on their smoke they are also literally poisoning themselves.

Madam Speaker, tobacco is the single greatest cause of preventable death in the world. I will repeat that: tobacco is the single greatest cause of preventable death in the world. If current trends continue, 500 million people alive today will eventually die prematurely from tobacco related diseases.

As the Minister of Health, I will not condone the easy access by our people to tobacco in the name of profit for a business. And I would like to pause here, and I will probably do it again, to congratulate Hurley's for taking a decision to stop selling tobacco products. And there are other businesses that have taken that initiative without having to wait.

This tobacco epidemic is a major threat to global health and poses more daunting challenges than traditional health problems because, Madam Speaker, it involves a powerful addiction, deeply established social customs and beliefs, as well as a history of undermining the efforts of public health.

Globally, the number of persons dying annually from tobacco smoke is 5 million, and this number is expected to increase significantly by the year 2030.

What has the local position been? How should we read the public's view expressed vigorously since the prospect of tighter controls in tobacco use was promised by the government? Madam Speaker, this is one case where it could not be said that the public have not been involved.

Madam Speaker, the advocates of tobacco control may say, and some have already said, that it has taken far too long. I will go further and accept that I have been wrongly criticised for delaying action on

this, and I agree and apologise for the at times unavoidable delay. What can seem like a fault sometimes conceals a greater strength. Not every disappointment is a misfortune, as we say.

The elapse of time since the tabling of the discussion draft of this Bill has been marked by receipt of input from the public and private interest. Up until Friday, a week ago, public input was received. And there has been much effort put into weighing up these considerations and crafting appropriate amendments.

Madam Speaker, I have submitted to you a number of amendments which we will do at committee stage. And, with your permission, I could just comment on the effect.

In clause 2 (the definition section), "advertisement" is amended to be compatible with amendments in section 11 of the substantive Bill. Section 11 has been changed in two places, such as the first wording in 11 (1), which is amended in order to avoid circularity. It was noted that in the original draft subsections (1) and (2) referred to each other in such a way as to create redundant statement.

Secondly, the blanket prohibition against use of the brand elements of tobacco products by retailers has been changed to allow for this to be controlled by regulations to be made. This would create the possibility that retailers could be allowed to display signage on a controlled basis at point of sale, not a proliferation of them all over the place.

Section 8 has also been amended in response to a problem just brought to our notice by persons potentially affected by the rigorous control on use of tobacco brand elements.

The intent of the Bill is to come to grips with the many and varied ways used to promote the use of tobacco. Once we were made aware of a problem among retailers of certain goods, which share a brand element with tobacco products . . . and I will just give an example of Cartier. The original legislation would not allow duty free stores to sell some of their memorabilia and stuff like that. We hastened to prepare the amendment which allows for suitable regulations to be made, and we will continue to consult with the relevant parties in so doing.

Section 25 (2) is amended to confirm the powers of the Governor in Cabinet to make the regulations referred to in section 8, as amended.

Section 9 as originally drafted, would prohibit a person giving a cigarette, say, to a friend. It will now be amended to be more clearly directed at the original target, that is, businesses giving tobacco products amongst other kinds of promotion efforts in order to promote use of their tobacco products.

Section 14, the amendment here simply adds the words "or premises" for completeness to avoid any doubt that an authorized officer may, acting on reasonable grounds enter any part of the environments of a public place in order to carry out inspections as required.

Section 21 is amended to allow the Director of prisons to designate smoking areas on the grounds of the prison in response to representations made in that regard.

Madam Speaker, overall I do believe we have a better Bill now, one that certainly reflects the public's view. Even so, Madam Speaker, as we know this version is not perfect, legislation, especially the kind that has immediate practical impact, is very difficult to get right. I trust at the committee stage between us we can make the Bill as close as possible to what it needs to be.

There has been from the outset strong support for this Bill, as I alluded to earlier. The purpose of which—I must say emphatically—is to protect the health of every man, woman and child of the Cayman Islands. This is not just an empty phrase. Tobacco smoke affects the quality of the very air we breathe. Whether we wish to or not, we become consumers of the lethal combination of carcinogenic chemicals contained in tobacco smoke as long as smoking in public places is permitted. Control of smoking in public places is one broad area covered by the Bill.

Madam Speaker, I should add that it has been most encouraging to see a number of businesses either stop selling tobacco products, such as Hurleys (as I alluded to earlier), or actually, establishments going smoke free, like some of the bars and restaurants. It is very pleasing to hear them say their businesses have not suffered as a result, which is one of the predictions made by those who had opposed the Bill.

Madam Speaker, the other broad areas of the Bill are interrelated. Hence, still on the supply side, tighter controls over the merchandising of tobacco products are necessary otherwise we would be allowing unregulated supply and effectively promoting demand.

On the demand side another broad consideration of the Bill is to staunch the proliferation of marketing appeals, especially to the younger more impressionable segment of the population.

Madam Speaker, I think it would be helpful, especially to the listening public if I give a bit more specific detail about the content of the Bill.

Honourable Members will have noted that the Tobacco Bill seeks a multifaceted approach to achieve its purposes. In the interest of clarity I will speak to the major aspects of the Bill as follows: The Tobacco Bill is geared toward protecting minors, our youth, that is, persons under the age of 18, from the use of tobacco and related products.

Some may not be aware, but the younger you are when you begin to smoke the more likely it is that you will remain an adult smoker. It is noted that nearly all first use of tobacco takes place during high school, and, for the most part, persons who do not start using tobacco in their teens never use it. It has also been found that persons who start smoking at younger ages

are more likely to develop long term nicotine addiction than persons starting later in life.

The National Drug Council has found that the percentage of seventh graders having their first cigarette has increased from 6 per cent in 2000 to 9.8 per cent in 2006.

There is reason for concern, Madam Speaker. And one of the proposals in this Bill is that the sale of tobacco products to minors should attract fines of up to \$5,000 for a first offense and, for a subsequent offense, may include imprisonment too. As usual, with this kind of legislation the actual prohibition of smoking is one of the more contentious aspects. This is so, even though it is well known, as I extensively spoke of earlier, that secondhand smoke is a serious public health hazard, which leads to premature death in children and nonsmoking adults.

Therefore, Madam Speaker, I make no apology for moving to prohibit the use of tobacco products in certain public places. My Ministry's responsibility is to protect the health of the general public. In the case of tobacco use what this requires is that we move as much as possible towards a smoke-free environment.

I will interject here, Madam Speaker, that as I go to PAHO (Pan American Health Organization) and WHO meetings, I would not be surprised because of the continued discoveries of the seriousness of tobacco smoke that it will be put in the category of taking arsenic. It may take longer, but I know that this is how it looks. So, this is probably just a bridge in here and many of us may have concerns about the banning for whatever reason. But, Madam Speaker, I would just say that this is the feeling I get as the world health care providers look at this and discover beyond the shadow of a doubt the dangers.

There are concerns from some members of the public with regard to the definition of a cigar bar. But I wish to offer an assurance, that the definition is most appropriate and would not encourage a proliferation of cigar bars as feared due to the effort and cost involved. Cigar bars will be required prior to registration to have installed a smoke ventilation system approved by the Planning Department. Such a system will not be cheap to install or operate, which should prove a significant deterrent.

The use of environmental health officers in the Royal Cayman Islands Police will assist in compliance with the law. The officers will conduct routine inspection of registered business premises. They will be looking, for instance, to confirm whether if, as required, the management of all places where smoking is prohibited has posted 'No Smoking' signs bearing the international No Smoking symbol indicating that the establishment is smoke free.

Madam Speaker, entities dealing in tobacco products will require registration, as such, in order to have their Trade and Business License application considered. Their registration certificates must also be publicly displayed. The authorised officers will be empowered within certain limits to exercise search and

seize procedures, where warranted, by apparent contraventions of certain statutory provisions.

Madam Speaker, the legislation is at the heart of effective tobacco control, and tobacco control is a critical component in the drive toward improvement of public health. In view of this, and with the new Public Health Department to be established soon, we consider the Bill an immediate priority to fast forward progress toward arresting the epidemic of chronic non-communicable diseases which has taken its toll right across these Islands. This legislation represents a strong action to benefit the health and wellbeing of the Cayman Islands.

Madam Speaker, I just noted in the *Royal Gazette* from Bermuda, where the Government there launched a Smoking Cessation Programme. I will briefly read:

**“A Smoking Cessation Programme for Bermuda is being set up by the Ministry of Health.**

**“Eight percent of the Island's residents smoke, according to the 2006 Health Survey — a reduction from 17 percent in 2001.**

**“It is hoped that figure could be further cut since the Bermuda Tobacco Control Action Plan increased tax so that a pack of 20 cigarettes now costs \$8.**

**“Smoking is a major cause of death and disease from coronary heart disease, cerebrovascular disease, lung and other cancers and chronic obstructive pulmonary disease.**

**“Further, smoking during pregnancy is associated with adverse outcomes such as low birth weight babies, premature deliveries, spontaneous abortions, stillbirths and neonatal deaths.**

**“Studies show the most effective smoking cessation programmes combine regulatory efforts, economic approaches, education strategies, clinical intervention and management programmes.”**

Finally before closing this presentation, Madam Speaker, I would like to take this opportunity to thank the Tobacco Legislation Steering Committee, which was chaired by Dr. Kumar, and all of its members. I want to thank Mr. Stephen Miller, who must have gotten frustrated at me at times, and his people in Legal Drafting; my Cabinet colleague, the Honourable Attorney General, for guidance and consultation on some of these touchy issues; former member of staff, Mrs. Jeannie DaCosta, who was the senior administration officer in the Ministry in the early days that worked closely with the committee; and in the final days, my Deputy Chief Officer, Mr. Leonard Dilbert (who took over from Mrs. DaCosta) and brought the legislation to fruition. And for those whom I have missed out I want to thank all of them.

I wish, Madam Speaker, to commend and thank all parties involved, as I said earlier, in bringing this Bill which will help us to realise a healthier tobacco free Cayman Islands. I recommend the Tobacco Bill, 2008 for favourable consideration.

Thank you.

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

If no other Member wishes to speak, does the Honourable mover wish to exercise his right of reply?

The Third Elected Member for the district of Bodden Town.

*[inaudible interjections]*

**The Speaker:** The suspension will be at a quarter to one. We came in here at quarter to 11.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker. Just bear with me please.

Madam Speaker, I rise to offer my support to a Bill for a Law to regulate the labelling, promotion, sale and distribution of tobacco products, to prohibit their use in certain public places; and for incidental and connected purposes.

My colleague, the Minister of Health, has just given a very good introduction to this very important Bill. This piece of legislation has been on the cards for some time, and it is one of the things that this Government has taken some stick for and the fact that it has not come before this House before. But, as mentioned by the Honourable Minister, there are a number of reasons for this and there were many times late objections and late suggestions which had to be incorporated. I am sure the draft persons had their hands full, as well as the Minister and his staff, and his task force.

Madam Speaker, this is legislation that changes forever the landscape of these Islands. This is important legislation and, as we all know, it is human nature to resist change. No one likes being told what they can do from what they cannot do, something that has been around from creation, I guess. I don't have any proof of that but I am sure people were smoking from way back in cavemen days, I guess, and we are now in this world trying to rid society of this, dare I say, evil.

Many of us became victims of smoking. As we know, the Minister outlined a lot of statistics and reasons why cigarette smoking is bad for one's health. I know you, Madam Speaker, used to indulge. But you have, thankfully, put it behind you. I am sure the Minister who is looking up at me now, my colleague, [laughter] will be forced to one of these days, because it will become more and more difficult for all of my dear friends and others who like the odd cigarette.

It will become difficult. We see it and cannot fool ourselves as we go around the world traveling as parliamentarians. There are very few places now that one can enjoy smoking without some harassment or restriction. The airlines instituted it many, many years ago and in the States wherever you go now, public buildings, hospitals or wherever, there is no smoking.

Madam Speaker, I am certainly 100 per cent in favour of the banning of cigarette smoking indoors. I have no apologies to make in that regard. I guess I bring a certain bias to that position because I have been asthmatic all my life and anyone with my condition certainly cannot tolerate or deal with cigarette smoke too close to them.

I was just telling the Minister that I was away last weekend off Island, and the hotel I was staying in was a smoke free hotel. But just outside the hotel there was an area where patrons were allowed to smoke. There was another entrance (thankfully it was not the main entrance) and I made the mistake one day of walking through that area. It was outdoors but it was an area where people smoked, the butts were there in the cigarette trays, and there were a lot of them. I walked through that area and it was not very wise of me in my condition, but I did, and I can tell you just walking through that area—about 25 feet, no more—to get inside the hotel, I felt my chest and lungs suffering from that.

So, no one needs to tell me about the dangers of cigarette smoking and how it affects the individual, especially those in my unfortunate case who suffer from asthma.

So, Madam Speaker, I would like to make it absolutely clear that I fully support a 100 per cent ban on indoor smoking, as I said before. And even with my condition—and I guess I could be forgiven for saying there should be absolutely no smoking on this earth—I am not so fool hearty. I do understand where we are coming from and where we are trying to get.

Again, in some of my discussions with the Minister I have said to him, and I know he understands that it is difficult to go from A to Z in one fell swoop and we have to take it as it were, in baby steps. I think the banning of cigarette smoking indoors would be a major step, a major accomplishment.

I too am happy to see a lot of businesses taking the initiative on their own without the legislation being in place. I want to commend those businesses. I would also like to commend, as the Minister did, the very bold step taken by a supermarket chain, the Hurler Group, who stopped the sale of cigarettes. Cigarettes for a long time have been an important source of income to many businesses. And small retailers, such as the one that I own, in many cases certainly look forward to the revenue derived there from. But, Madam Speaker, dollars and cents in this world are not everything and I too recognise that very important fact.

So, Madam Speaker, my support for this Bill is with certain caveats, and I know great efforts have been made to take on board the many representations made by many groups and businesses in relation to what is proposed and where the exemptions are inserted.

Madam Speaker, there are certain areas that I would like to bring attention to, to ensure we have a Bill that is smooth in its operation and a Law, once

passed, that is smooth in its operation and will give the best result. I know that eventually we would like to rid these Islands of cigarette smoking. That has to be the goal. But I believe that for the time being there is a real need for sensible exemptions at this time until we get society tuned to the point where eventually society itself will be very comfortable moving to a full non-smoking environment.

I believe that day will come because when you have to go and inconvenience yourself every time you want to smoke a cigarette, eventually you're going to say, *Enough is enough! This is just not worth it.* And you will find another option. It will be a good day for many smokers when they find those other options.

Under Product Regulation and Licensing, Part II of the Bill, 4 (1) speaks to the registration of tobacco products, of the selling or importing of tobacco products. That is very important, Madam Speaker, because there are prescribed fees that will be levied and there will be restrictions on who can become importers and dealers in tobacco products.

Now, Madam Speaker, I am not sure exactly what process will be carried out to make this happen, but one of the things that I would like to see in this area is that when someone who is in business has to register to be a tobacco dealer, that they are allowed to do this in conjunction with their existing Trade and Business License. In other words, it will not be another burden placed on them.

I can tell you that small businesses have a lot of burdens on them at the moment, a lot of laws to comply with and restrictions. Therefore we want to make this process as easy as possible for people to deal with. I don't know what the fee will be (it will be prescribed in the regulations), but I am sure it will be something that is manageable by these businesses, at least for the time being.

Madam Speaker, [Part II] 4 (2) says, "**Upon receiving the application for registration, the Chief Officer shall, if satisfied that the applicant is a suitable person for registration under this Law . . .**" I looked into the definitions and I don't see a description of a "suitable person", and I am wondering if maybe we could make such a definition or to further clarify what a suitable person is. That is important, Madam Speaker.

As I said earlier, the restrictions in relation to smoking by minors, people under the age of 18, is absolutely crucial. We have to protect our young people and ensure that penalties are in place for violation of these provisions. Too often these days young people are able to walk into establishments and procure a pack of cigarettes or go to a vending machine or some other outlet and get themselves cigarettes.

I can't think of many people that I personally know who took up smoking at a late age unless they had some serious problems befall them all of a sudden and found that a cigarette was the answer. I think smoking is something that is cultivated as a habit, in most cases at a young age. Therefore, if we can deter

that activity in minors, then we are well on our way to stamping out and reducing the smokers in our society.

So, I am fully in favour of protecting our youth by this legislation by whatever means possible. Certainly, businesses will have to ensure that anyone purchasing tobacco products has proper identification, and it will be incumbent upon that business to ensure that they are not being taken advantage of and put at risk, because at the end of the day the establishment will be liable.

Madam Speaker, I know that there were concerns voiced in relation to how tobacco products could be displayed and there are certain restrictions that have been put into this Bill in relation to advertising and display of tobacco products. Again, in relation to display of tobacco products, as long as a business is licensed to sell tobacco products then that business should carry out the necessary protection to ensure that customers can't readily walk in and pick up a pack of cigarettes. The dangers of smoking, I would assume, would be on display. I am sure the Bill provides for this.

And also, a habit that has become quite common now is the selling of individual cigarettes from the pack, which never use to really happen before but it has become quite a common thing now. People come in and buy a cigarette or two, or three cigarettes for 25 cents each usually, or whatever the individual sells them for. But it has become quite commonplace. In fact, I was shocked to find out that my staff was doing it without even my consent. So, I am man enough to say that I know of these things.

I am glad to know that that will be prohibited because, again, you do not then have a package that has a label on it warning you of the danger of cigarette smoking, and this is what it is all about, to try and reduce the danger to our society from something that has been proven a lethal killer in our society.

Madam Speaker, we have all seen people suffer with cancer—lung cancer in particular. We have had friends, family and loved ones die from it. It is not an easy thing when you consider that someone suffering from a disease that in all likelihood could have been avoided if they were not subjected to, either direct use of tobacco products or secondhand tobacco smoke. So, Madam Speaker, I certainly, fully support the effort that is being made on this very, very important area.

Madam Speaker, one of the last things I would like to speak about before I close my contribution is the exemption that has been granted to cigar bars. This is something that I am in favour of. I know that there are those out there who are not.

As I started off my debate, I spoke about the fact that we cannot go from A to Z in one fell swoop. We have the fairly new concept in our Islands of cigar bars and I believe that a lot of these people have invested significant sums of money over the years in making these places what they should rightly be and the way they should function, and the exhaust sys-

tems, et cetera. But I think it would be unfair at this time to say to someone who has put a lot of effort into one of these establishments that on such and such a date when this Tobacco Bill come into effect you have to close your business, which is in all likelihood their only source of income or livelihood. And they have to change gears and completely move away from it. I think that is hard and would be harsh.

I believe there are those in our community who enjoy cigar smoking and would need somewhere like this to go and have a cigar. Anyone who goes into a cigar bar to have a cigar, or anyone who works there or owns such a place knows the dangers that are inherent in such a business. I know sometimes you have to protect people from themselves, but I believe for the time being it is good that we have exempted cigar bars under the proposed Bill.

What I would like to say in addition to that is that there should be a moratorium placed on cigar bars. I may be wrong, but I think we have somewhere between three and four, maybe as many as five on the Island. Now I do not think that every minute you should have someone starting up another cigar bar to get around and be able to have people smoking indoors. I believe it is very important for us to consider putting a moratorium in place in that area.

You do not want people beating the system by classifying everything that they open as a cigar bar either. There have to be strict guidelines. I know that the Bill will provide for a number of those. We have to have proper ventilation; we have to have all of the signs posted and all of the other restrictions that go along with smoking. So, my recommendation to the Minister and to the task force involved in this is to be bold enough to nip it in the bud and say 'those who have cigar bars now (and I don't own one) but those who have one, Madam Speaker, that's it. We are not allowing anymore cigar bars, because you will find that people will find a way to come up with every reason to get themselves a cigar bar. That will be where they feel that they will be able to take advantage of this legislation.

So, Madam Speaker, I started by saying that I support this legislation and I do, but there are areas of exemption that are necessary. Persons at this time I believe should be able to smoke outside in open areas because the smoke does dissipate quite rapidly. And unless you happen to be unfortunate enough to be downwind of someone smoking outdoors, it is very unlikely, or if you pass through somewhere as I did a week ago off Island, in an area where there are many smokers and it is really, really thick smoke almost on the outside where there is not enough breeze to move it away or whatever. So, if someone is outside having a cigarette I don't see where they pose that much risk to anyone else. They certainly will pose a risk to themselves. That is a risk that they know about.

So, Madam Speaker, I think for the time being it is wise for us to have indoor non-smoking and an area on the outside, a patio or whatever, being careful

where it is located, that it is not blowing inside the building when the door opens. Or if there is a smoking designated area on the compound, that it is downside of the prevailing wind, otherwise you could defeat the purpose and fill the establishment with secondhand smoke in the same manner.

Madam Speaker, I think great care and attention has gone into the many representations and comments received from the public. As I said, I know many, many persons out there are in support of a 100 per cent smoke free Cayman Islands, but I do not think that we can go from a smoking society where smoking was not prohibited in any way, except for the establishments that chose to do so, to one of a non-smoking society where you stamp out cigarettes, cigarettes stop coming to the Islands, everyone stops smoking and that's it. I don't think you can get from point A to point Z that easy. I think you have to go through b,c,d,e, and so on. And you will get to the point where I believe smoking will become so uncomfortable, so unnecessary, that you will find eventually we are on the right track.

Madam Speaker, I think it is an important piece of legislation for these Islands. I think it is something that certainly is historical in its own way and will prove, like many other pieces of legislation in the past, that it was the right thing to do at the right time. Some will say a bit late but my saying to that, Madam Speaker, is "better late than never". Therefore I offer my support to the Bill and I commend my colleague and Minister of Health on this very, very important piece of legislation.

I trust that the critics will now realise why it took so long for this to come before the House, because, Madam Speaker, it is not an easy piece of legislation. There are a lot of considerations; a lot of issues concerning smoking and non-smoking. There are strong views on both sides. But I dare say that I believe those who are supporting their argument with facts and figures on a daily basis against cigarette smoking, smoking in general, are coming out on the winning end of the argument.

So, Madam Speaker, with that I close my contribution and I thank you for your patience.

**The Speaker:** Proceedings will be suspended until 2 o'clock.

**Proceedings suspended at 12.45 pm**

**Proceedings resumed at 2.04 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

Debate continuing on the second reading of the Tobacco Bill, 2008. Does any other Member wish to speak?

Fourth Elected Member for George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I rise in support of this Bill entitled a Bill for a Law to regulate the labelling, promotion, sale and distribution of tobacco products, to prohibit their use in certain public places; and for incidental and connected purposes.

As the two previous speakers have said, this Bill is long, long overdue. I would like to pass on some information to make my point as to the negative effects tobacco has on humans, whether we smoke it or are simply exposed to tobacco smoke.

I want to go through a story about a gentleman who spent a good bit of his life conducting anti-smoking campaigns throughout the United States. I want to share this because as the story unfolds it makes the point that regardless of how addicted you may think you are to tobacco use, you can make a change if you develop the will.

Some portions I will simply read from the report. It says, "Patrick Reynolds was the first tobacco industry figure to turn his back on cigarette makers. He is grandson to the tobacco company founder RJ Reynolds, but the family's cigarette brands, Camel and Winston, killed his father and eldest brother. Since first speaking out in Congress in 1986, Patrick has been a well respected champion of a tobacco-free society. In hundreds of live talks before universities, middle schools and high schools, and with over 6,000 copies of his educational video purchased by schools and health departments, Mr. Reynolds has reached well over a million youths in schools with his powerful talk about the dangers of tobacco.

"In a little over an hour Reynolds went from being another anti-smoking speaker to something special', commented one local paper. Recent news articles about his appearances illustrate how his appearances can bring the tobacco-free message to the whole community and build good will for sponsors."

Madam Speaker, this is a short synopsis of who Patrick Reynolds is. This is his story. He said:

**"I want to begin today with a little story. My parents were divorced when I was three, and for six long years, I didn't see my Dad. Now a boy needs his Dad to come to the football game and say, 'You played well, son. I'm proud of you — you're my boy!' He needs his Dad's hugs, encouragement, guidance and love. I didn't have that, and it was hard for me. A girl needs her Dad, too.**

**"Some of you in the audience do not have your biological father living at home with you, and you share the situation I remember. How do you feel about that? Are you angry, or sad, or maybe a little afraid, not having him around as much as you would like? Or a combination of feelings?**

**"Today we're going to spend some of our time talking about our feelings. How did I feel? At times, I felt angry, sad and afraid without my Dad around.**

**"For six years, I really missed him. When I was nine, I got the idea to write him a letter. It said, 'Dear Dad—I want to meet you. Where are you?'**

He was travelling at the time, and amazingly, my little letter was forwarded seven times from city to city. By a miracle, it got into his hands and he sent for me. I remember the day I first got word that he wanted to meet me, and I was jumping up and down with joy.

“When the big day came at last, and they showed me into the room where he was, I was saddened to find my Dad lying down, on his back, gasping for breath. He was dying from emphysema, caused by smoking the cigarettes that made our family wealthy.

“I only got to see him on five visits after that, and every time, he was increasingly sick and frail, and counting the time he had left to live.

“My Dad died from smoking [when] I was 15, and that was hard. Later, my aunt and oldest brother would die because they smoked. That's why I chose to totally turn my back on my family's former tobacco business and walk away—and to do everything in my power to connect with young people, and persuade them to stay tobacco-free.

“I also did it because doing this work, I have been able to make a difference. It feels wonderful to contribute to the lives of others—to be of service.

“So those are two reasons I chose to devote my life to the tobacco-free cause. In 1989 I founded The Foundation for a Smokefree America, and I'll dedicate myself to this work for the rest of my life.”

Madam Speaker, he goes on to say: “If I could give you just one message today, it would be this: smoking is extremely addicting. Once you start, you may not be able to stop — ever. And the same is true for drugs and alcohol.

“I can't emphasize this enough — some of you may not ever be able to stop, if you start smoking or chewing tobacco.

“How long does it take to get hooked? A September 2000 study showed that one quarter of 11 to 13 year olds who smoke as few as two or three cigarettes a day become addicted in just two weeks. And many of the rest got addicted shortly after that.

“Once hooked, the average smoker is unable to stop for seventeen years! And every year, they will spend \$1200 or more on tobacco products [I think in the Cayman Islands, those figures would be a whole lot more] to maintain their addiction.

“What could you buy with the money you would save in two years?” In over ten years it could well be in excess of \$15,000 to \$20,000.

“The Addiction: Let's look at someone trying to quit smoking. For most addicted smokers, the addiction is about half-mental, half-physical. This varies with each individual.

“The physical portion of the addiction is to nicotine. The psychological part of the addiction is

to the relaxing, familiar sensation of handling the cigarette, watching its curling smoke, the deep and relaxing breathing associated with inhaling and exhaling, the taste, and so on.

When quitting [or trying to quit, Madam Smoker]—

*[interjections and laughter]*

Mr. W. Alfonso Wright: What did I say?

*[interjections]*

Mr. W. Alfonso Wright: My apologies, Madam Speaker.

“When quitting, a smoker's conscious mind says, ‘I will stop smoking—no problem.’ But the unconscious mind has been conditioned that cigarettes give pleasure, and that's all it can focus on.

“The addicted, unconscious mind says, ‘Give me a cigarette — now!’ It only recognizes what feels good, or what doesn't feel good. It demands a cigarette without regard to right or wrong, and rebels against the conscious mind's decision to not smoke.

“During the process of quitting, however, a new habit of being a nonsmoker forms. The unconscious mind gradually gets used to not smoking, and the urges to smoke die away.

“Once they get addicted, nearly all smokers try to stop a number of times. But most fail repeatedly at quitting, and many are never able to stop smoking.

“Reality check: there is no product which works well. [Eighty-five] out of every 100 quitters using the nicotine patch or gum go back to smoking within a year. Once you are hooked, there's just no easy way out.

“For smokers who quit without being in a program, it's worse—95 out of 100 of them fail, and return to the habit within a year.

“The lesson is clear. With no program, statistically smokers have only a 5% chance of success. With a program, the average quitter's chances increase to 15%. So getting into a program increases your chances of quitting by three times.

“Not trying at all, of course, means that nothing will change.

“If you are smoking now or using chew tobacco, [Madam Speaker, the] . . . first admit to yourself that maybe you are smoking less out of choice, and more because you are addicted. Later, when you make a clear and firm decision to stop, getting support from a good program will ease your way and lighten your burden. In short, [it is always advisable to] get help.”

“Real men ask directions: People who are the most successful at living life typically get

**plenty of help. For example, in business, a successful businesswoman or businessman gets a lawyer to write the contracts, an advertising agency to create the ads, a marketing executive to do the marketing, an accountant to do the accounting, a doctor when they're sick—people who succeed best get help, and lots of it."**

Madam Speaker, it goes without saying that if you really want to stop smoking you should get some sort of professional help.

There are many things that I could say today about smoking that people listening to this debate later on will be able to acknowledge. But from my point of view, cigarette smoking is one of the most dangerous and destructive habits that any human being can engage in.

I speak from experience. I grew up with asthma. I am sure anyone who has ever had asthma, or lived around someone who had it, understands how difficult that is. I spent a lot of time with my maternal grandmother who also suffered from asthma. Whenever I had an asthma attack, especially in the summertime, it was usually once a week and I would be unable to go to school for a full week whenever it rained a lot. I just could not complete a week because somewhere down the line I would develop asthma, if it rained and I got my feet wet, that kind of thing.

Nobody could take care of me like my grandmother. So we lived in a yard with four homes, my grandmother, and three of her daughters had homes there, my mother being one of them. So, whenever I got sick, I would go to my grandmother's house and stay with her. But there were times when she had asthma as well and had to care for me, even while she was sick. But there were no hands like my grandmother's hands.

Madam Speaker, I grew out of it in my late teens, early 20s. Maybe six or seven years ago I started having the occasional breathing problem and I eventually went to the doctor. He said that my asthma was coming back. It is not as severe as it used to be, but it is back, and it is not something that I will get rid of.

I will say that I have always been around cigarette smoke and while I was asthma free it did not really bother me. I never liked the scent of it on my clothes. But now whenever I inhale secondhand smoke, it affects my breathing.

I know that this is the case with many individuals. So, when I am around someone and they are smoking, or when I go into a smoking environment, I have to make a choice because I am actually hurting myself. I have the ability to make my choice as to whether or not to leave, but there are so many people in this country who do not always have that choice and are forced to inhale secondhand smoke. Kids, for one, who may be in a home where parents smoke; or people in a vehicle with people who are smoking; or you sit down for a meal, or go to a meeting, or you are working in an environment where people are smoking.

Although you have decided not to smoke yourself, you are exposed to this secondhand smoke and you do not have a choice.

I have always said that those who smoke need to be more conscious, more mindful that although they have made a decision to take on that habit, others have not. If you must smoke you should take yourself away from people who have made the decision not to smoke.

I know that's easier said than done. Unless people continually complain about your smoking habit when you are around them, you eventually become comfortable and it becomes the norm. I believe that every person who lights a cigarette in the presence of people who do not smoke, it crosses their mind that they might not appreciate it—but if they do not complain they will continue. I believe that every single time a smoker lights a cigarette in the presence of other people, for a fleeting moment it does cross their mind that they should not do it. But it becomes a habit, and smokers begin to take people for granted.

Madam Speaker, more statistics. According to the new US Surgeon General's report issued in May 2004 (not so long ago), smoking is even worse than previously thought. It damages virtually every organ in the body. In the US smoking causes one in every five deaths. Cigarettes kill 1200 Americans every day—the tragic death toll of 420,000 each year.

Around the world, smoking kills 5 million people every year. In the US, 22.5 per cent of adults or a bit more than 1 in 5 are addicted to smoking. Smoking rates in Europe and Asia are so much higher. On average 1 in 3 adults worldwide smoke. Smoking kills 4 out of every 10 smokers.

If you do the math, this means that in coming decades, cigarettes will actually kill 500 million people and all of them have already been born. That's 9 per cent of the present world population. It means that almost 1 in every 10 people now alive on Earth will die because of tobacco use.

Madam Speaker, these statistics come from the UN World Health Organization headquartered in Geneva, Switzerland.

Every day in the US, 2,000 teens become newly addicted to smoking. Most will not be able to quit for 17 years and over 800 of those teens will later die—800 of that 2,000 will later die from cigarettes. These are people who have not started smoking yet. How do we as legislators and citizens feel about that?

It is time that we came to grips, that we stood up and took note and were mindful of what we are doing to ourselves, our country and, by extension, the world at large.

Teenagers have been targeted ever since cigarettes have been in production. Let's take a closer look at cigarette advertising. Would we [consent] to being manipulated mentally? The quick answer to that is no.

Well, tobacco ads are designed to play with our minds. In January 1998, Democratic Congress-



man, Henry Waxman revealed some very secret memos of the RJ Reynolds Tobacco Company. In 1975 one executive wrote: **“The Camel brand must increase its share penetration among the 14 to 24 age group which represents tomorrow’s cigarette business.”**

Now, these are memos that are in executive papers of a legitimate company that is licensed to do business. **“The Camel brand must increase its share penetration among the 14 to 24 age group which represents tomorrow’s cigarette business.”** How do we feel about that?

If these same individuals would make that information available, and we could see that at the same time they are trying to sell us their cigarettes, would it make a difference? It would make a difference to many. But they understand that that is information they must keep secret. They understand exactly what is happening and what that would do to their business.

In 1986 a memo noted how the cartoon Camel campaign would utilise peer acceptance and influence to motivate the target audience to take up cigarettes. So many teens believe that tobacco ads have absolutely no influence over them. We can agree that tobacco ads will not change one’s conscious mind; but they are getting through to our subconscious mind a lot more than we may realise.

What is our unconscious mind? While our conscious minds are analytical and make mostly sensible, rational decisions, it is our unconscious mind that often throws commonsense out the window. It is the creative part of our mind, and cares little for right or wrong. It just knows what feels good or bad regardless of the consequences.

For example, an overweight person may have made a reasonable and conscious decision to diet. But their unconscious mind still remembers the sweet taste of ice cream. The conscious mind’s will to diet can be overcome by the power of the unconscious mind and the memory of delicious ice cream. Will power is literally the conscious will to repeatedly resist the strong desires of the unconscious mind.

Madam Speaker, my father is 68 years old. In 1991 it was discovered that he had a tumour on his pituitary gland. Thank God it was benign, but it had to be removed. He no longer produces hormones and will be on hormone medication for the rest of his life.

What has gradually happened to my father is that his brain function continually decreases and his short-term memory is just about gone. I can sit and talk with my father about things that are 30 or 40 years old and that’s fine with him. But the only function that my father wants to do right now is smoke a cigarette. The idea of food or medication or children or any of those things that make up a good part of life in your older years are no longer important to him. The one thing he remembers is that he smoked a cigarette.

If I go and look for my father right now, and my father has never seen me smoke. As a matter of fact, he’s never seen any of his children smoke. Thank God none of his children took up the habit. But if I go to see him right now, he will say “Oh Lord, look at my big son come look for daddy.” Then we sit down and talk. The next thing he says, “Give me a cigarette.” I’ll say, “Daddy, you know I don’t smoke.” We’ll talk a little bit more and in another two minutes, he’ll ask “You got a cigarette?”

I am saying to you that that is the one thing that has apparently been imbedded in his mind. All of the other qualities of my father are still there. He still loves his children. He still recognises everybody and will tell you how much he loves everybody. That part of him still functions very well. But my father will ask you for a cigarette when he will not ask you for food.

I am just telling you this very private part of my life, Madam Speaker, so that people will understand what the addiction to cigarettes does to a human being and how dangerous it is. It is probably something my father will take to his grave. That’s the one thing he remembers. It is imbedded in his memory.

I dare say, Madam Speaker, that there are lots of people like that. I do not think my father is the only one. But we have to understand and be able to accept that when we make the decision to start smoking there are consequences. And while you may not understand or want to believe it at the time, there is enough information and enough history, enough stories around for those who have not started yet, to not start. And, Madam Speaker, for those who are smoking, to understand what their lot in life is going to be if they do not stop.

I am happy, somewhat elated that we have finally gotten to the stage where we can bring this Bill to the Floor of the House. I must commend the Honourable Minister for his perseverance because there have been many roadblocks thrown in his path with this piece of legislation. But those of us that know him understand full well that we’d have to kill him to get him to stop.

I want to also take this opportunity to express my gratitude to his staff who worked with him, who toiled long hard hours to make sure that we got to this stage where we now have it on the Floor of this House. I want to personally thank all who have contributed to bringing it thus far.

Madam Speaker, I do not have anything much to say about the Bill itself. I simply wanted to speak to the ill-effect of tobacco use. I believe we have gone through as many changes and amendments as we could possibly have up to this point in the Tobacco Bill. I will venture to say there will be more to come because legislation like this is difficult to get perfect the very first time. I am mindful and hope that as we go along we will find ways to tighten this up. Like the Third Elected Member for Bodden Town, I would love to see a smoke-free Cayman and a smoke-free world.

I am also not so naïve to believe that that will ever happen, but it is our responsibility as legislators, as leaders of this country, to do what we can to reduce its use.

Madam Speaker, I also am very mindful about the effect that cigarette smoking has on our cost of living, as to what it does to a mother or father that may have worked hard all their lives, raised their children, and may be fortunate enough to have saved a couple of dollars for their retirement only to see it spent on hospital bills brought on by cigarette smoking. And the government is called upon when those funds are depleted. In many cases, some of these individuals who require extensive medical help in the hundreds of thousands of dollars because of smoking cannot afford it and it becomes a government expense.

Any money spent by government has to be gotten back from somewhere so it only continues to make life more difficult when fees have to be increased for the ordinary person who does not even smoke to pay hospital bills for those who do. It affects all of us and it behoves each of us, whether we smoke or not, to do our best to encourage people to give up the habit or to not even start smoking because it has a very negative effect on our personal finances and also on the coffers of the country.

We cannot just leave people to die. We have to do our best to make them as comfortable as possible. And in many cases it has been brought on by smoking.

I have a few more statistics that I would like to read into the records. I believe that it takes these types of things to bring the message home to people. I will just read this portion, which says, **“An estimated 46.5 million adults in the United States smoke cigarettes even though this single behaviour will result in death or disability for half of all regular users. Cigarette smoking is responsible for more than 400,000 deaths each year, or one in five deaths. Additionally, if current patters of smoking persist, over 5 million people currently younger than 18 will die prematurely from tobacco-related disease. Paralleling this enormous health toll of the economic burden of tobacco: more than \$75 billion in medical expenditures and another \$80 billion in indirect costs.”**

We keep referring to the US and other places, but these are the people who have the statistics. I do not know that our statistics here would be so direct. But I am sure if they were it would be more startling. Because we are a small country does not mean it has not had serious financial effects from cigarette smoking.

Nicotine is one of more than 4,000 chemicals found in tobacco smoke and is a primary component that acts on the brain. Smokeless tobacco products, such as snuff and chewing tobacco, also contain high levels of nicotine as well as other toxins. Gratefully, we do not have too many people in our community who chew. I can remember as a boy there were a lot

more who used to chew. But I cannot remember when last I saw anybody chewing tobacco. I think the last person I saw was somebody off of one of the cruise ships. But I do not think that is a big habit here in the Cayman Islands nowadays. So we should be grateful.

Even the baseball players have been making efforts to go to sunflower seeds and chewing bubble gum nowadays. So they too have made an effort to give up the chewing habit.

Nicotine is absorbed through the skin and mucosal lining of the mouth and nose, or by inhalation into the lungs. Depending on how tobacco is taken, nicotine can reach peak levels in the bloodstream and brain rapidly. Cigarette smoking results in rapid distribution of nicotine throughout the body, reaching the brain within 10 seconds of inhalation.

Cigar and pipe smokers, on the other hand, typically do not inhale the smoke, so nicotine is absorbed more slowly through the mucosal membranes of the mouth. The same for smokeless tobacco.

A typical smoker will take 10 puffs on a cigarette over a period of 5 minutes that the cigarette is lit. Thus a person who smokes about 30 cigarettes daily (1 ½ packs) will get 300 hits of nicotine to the brain each day. These factors contribute considerably to nicotine's highly addictive nature.

Chronic cough, Madam Speaker, is also a by-product of cigarette smoking.

Health effects: Smoking tobacco is the chief avoidable cause of death in our society. I will say that again, Madam Speaker. Smoking tobacco is the chief avoidable cause of death in our society. Smokers are more likely than non-smokers to contract heart disease. Some 170,000 die each year from smoking related coronary heart disease, lung, larynx, oesophageal, bladder, pancreatic, and kidney cancers also strike smokers at increased rates. Some 30 per cent of cancer deaths, 130,000 per year, are linked to smoking.

Chronic obstructive lung disease, such as emphysema and chronic bronchitis are ten times more likely to occur among smokers than among non-smokers.

Smoking during pregnancy also poses serious risks, spontaneous abortion, pre-term birth, low birth weights. And foetal and infant deaths are all more likely to occur when the pregnant woman is a smoker.

Exposure to secondhand smoke is thought to cause heart disease. In addition, each year an estimated 3,000 non-smoking Americans die of lung cancer. Exposure to secondhand smoke also causes respiratory tract infections in up to 300,000 children annually. These are innocent victims who have not made the decision to smoke, but who are nonetheless exposed by adults who should be looking out for their welfare.

That is how we need to bring this thing into context, where we, as adults who are responsible for the birth of children, are their primary protectors. We are supposed to make sure they are well taken care

of, that they have shelter, that they have the ability to go to school to learn, make sure they have proper nutrition and a well-rounded upbringing. This is our job as adults, to look after children. But we will do all of this and we will actually give our own lives to protect them from harm. Did you ever hear of a father or mother saying, 'You touch my child, I'll kill you'? That's how serious we take on the responsibility of parenthood.

But we will say those same things to somebody who may want to harm our child while holding a cigarette in between our fingers. How hypocritical is that?

Madam Speaker, I am only asking that we step back, put down that pack of cigarettes, look at it; put it next to a picture of our kids (or, if we do not have any, somebody else's kids) and make a choice. When you choose the pack of cigarettes, you are sentencing those kids to a life of health issues.

Madam Speaker, really, what is it that we truly get? What is the urge? I do understand the way it makes us feel as young adults—you know that you finally reach the age where you can now smoke. You are your own man or woman. That is the threshold, the step that many young people think they have to take to move from adolescence into adulthood. The fact that they can now smoke is a signal that they are of age.

There are so many other things we can go with our lives.

As adults, we have to be better examples. We have to make sure that we teach our children and bring them up in the right way. It is not good enough to tell our children that they should not smoke. We must not show them how to smoke.

Madam Speaker, I have already seen in this country where many of the establishments that allowed smoking many years ago have taken the step, even before the passing of this Bill. I commend each of them for that. It has not had any negative effect on their business. As a matter of fact, many are doing better business than they did before because there are many individuals who will not go to places where smoking is allowed. These are all types of individuals. All shapes and sizes.

Madam Speaker, I commend those individuals who have begun the transition and who have begun to prepare their businesses to accommodate people who do not smoke. They have also made the transition to accommodate those who believe that they still want to smoke. But non-smoking environments must be encouraged because we talk about the control that nicotine has on the brain. When individuals who quit smoking on their own get in the company of someone who is smoking, or smell the smoke again, it encourages them to start back. Not everybody, but for the majority of people who try to smoke, that is a problem.

They will tell you they are okay by themselves, but the minute they are in the company of someone who smokes, they want to have a cigarette.

So, when an individual goes to a place he enjoys going to and is not exposed to cigarette smoke, it helps the individual with his resolve to not start back. He will not have to change his lifestyle by not going where his friends are because if he does he will be encouraged to smoke.

We must do whatever we can to ensure that we have controlled environments where people cannot smoke.

The same thing for advertising. Many times an individual . . . what is the saying we have? Out of sight, out of mind. Many times individuals do not remember that they want to indulge in a bad habit until they are encouraged by sight, unless they see something. That's the reason why we need to stop the advertising. We need to put a lid on the advertising so people are not encouraged by seeing a cigarette sign somewhere or the name of a cigarette posted somewhere, for instance in a supermarket where the sign says "cigarettes are over in the far corner." That encourages the individual to go in that direction.

But if they walked into that store and did not see a sign that said anything about cigarettes, they might well have gone in, gotten what they needed, and came back out without cigarettes. These are the things we need to do to encourage our people, to help them along.

Cigarette smoking causes more damage than cancer. As leaders, as legislators, we have to do our part to make sure that we help our people to kick the habit or not to start in the first place.

I can only hope that the country on a whole will embrace this new piece of legislation. The individuals who are in the business will need to make their changes. The Bill is going to allow them some time because we understand that some people will need some time to get their ship in order. I agree with that. But I do look forward in my lifetime to when we can have a total ban on smoking in this country, at least a complete ban on smoking indoors if nothing else. This is but a first step in this country moving towards a healthier lifestyle for our people today and tomorrow.

The Bill has my support.

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

Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

The Bill before the House is one that has been anxiously awaited by many in our community. Indeed, it has been advocated for quite a number of years. However, as we know, change is always resisted. In this instance it has been resisted on many grounds and on many fronts by different people in our community.

However, we have heard the claims from business organisations, businesses and business people about the so-called negative impact that anti-

smoking or smoke-free legislation causes. Indeed, from the time the Minister made a move in this direction, we saw many come out of the woodwork with claims that are, from my research and opinion, based principally on flawed reports. Indeed, we can find many reports out there which lend credence to the argument that anti-smoking legislation causes a drop off in business and causes businesses to lose revenue.

They also use as part of their arsenal the whole issue of government and the loss of revenue to government through the taxing of tobacco products.

Madam Speaker, there will be those who still listen to those reports. Indeed, there may be many who still believe those reports. However, I think if one takes a balanced view, and a balanced perspective of the whole situation, one would have to come to the undeniable and unavoidable conclusion that tobacco and tobacco related products take a tremendous toll on human health, cause a lot of revenue to be extended, not only from private citizens but from government in the health care for those impaired by tobacco related illnesses.

They would also have to agree after looking at the entire scenario that there is no provable negative impact of anti-smoking legislation on business. Indeed, the opposite may actually be found true once businesses make a real concerted effort to showcase themselves as being clean establishments.

Madam Speaker, I want to offer a few comments on what's happening globally in this move. Certainly, as the last speaker alluded to, some of the statistics will be from the United States of America, who has done a lot of work in putting together credible information not only on the human health cost and financial cost, but, indeed, a lot of unbiased research on the true economic impact of anti-smoking legislation.

The World Health Organization has a Framework Convention on Tobacco Control (FCTC). It was entered into and came into force on 27 February 2005. What it required was for countries to implement scientifically proven measures to reduce tobacco use and its terrible toll on health, on lives, and indeed on money.

If effectively implemented, any form of tobacco treaties or laws will be a fundamental turning point in reducing tobacco use and its devastating consequences around the world. So far, 168 nations have signed up, of which 157 have ratified the treaty.

Its objective is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by those signing up at a national, regional and international level.

The treaty commits countries to ban or restrict tobacco advertising, promotion and sponsorship; to place large, graphic health warnings on cigarette

packs and to prohibit the use of false and misleading terms, such as "light" and "low tar"; implement measures to protect non-smokers from secondhand smoke; increase the price of tobacco products, particularly through taxation, to discourage tobacco use; eliminate the illicit trade of tobacco products; to regulate the content of tobacco products; require public disclosure of ingredients; to provide cessation assistance and treatment for tobacco dependence; and to prevent sales of tobacco products to minors.

Madam Speaker, as I looked at that it certainly is a very comprehensive framework around which any country can build its anti-smoking campaign. What caught my eye as I read it was the whole issue of eliminating the illicit trade of tobacco products.

When we all think of illegal substances and the trade of illegal substances, we think more along the line of illicit drugs; we do not particularly think of products like tobacco and alcohol. We think generally that would be freely available in most societies for those who wish to pay the price.

But, Madam Speaker, I found a very interesting Reuters article. It is entitled "Smuggled Tobacco Kills More than Illegal Drugs." This is a UK based report. It says:

**"A fifth of all tobacco smoked in Britain is smuggled in and at least 4,000 people die as a result, researchers said Friday.**

**"They urged the government to follow other European Union countries and sign agreements with Philip Morris International and Japan Tobacco to fight smuggling and counterfeiting.**

**"Britain's revenue losses are greater than in many EU member states due to higher duties on cigarettes, the researchers said in the British Medical Journal. The government was not immediately available [and did not necessarily comment on this report, I must note].**

**"The researchers also called on the government to set clear targets for border authorities to control illegal tobacco and to support negotiations currently underway for a strong international treaty to combat smuggling."**

Madam Speaker, a little further on (I won't go into all of the report) it said: **"They said about 21 percent of all tobacco smoked in Britain is smuggled into the country to beat cigarette taxes that are some of the highest in the European Union."**

I end off at that point because obviously we would know, and history has proven that whenever governments seek to control human behaviour, particularly as it relates to substances that are known to be addictive, black markets always develop. There will always be those who want to beat the system to make a quick buck.

I certainly do not know whether or not we have any such problems in Cayman. However, it is something to take note of. As government and society launch into this campaign which deals with the whole

issue of a negative human behaviour—that of smoking—we ought to be very conscious of what some of the reactions could possibly be (if they are not already happening) and try to ensure that we prepare ourselves to deal with some of those negative consequences, such as the illegal smuggling of tobacco and tobacco related products before it becomes a real problem.

Madam Speaker, as you look at this issue it is impossible to do so without looking at some of the raw statistics. I will share a few that I found rather compelling.

Tobacco use has killed 100 million people in the 20<sup>th</sup> century. Almost 1 billion men and 250 million women smoke cigarettes. If the current trends continue, 650 million people alive today will eventually die from tobacco related diseases. Tobacco kills almost 14,000 people every day.

Madam Speaker, as we deal with the whole issue of anti-smoking legislation and we delve into the whole issue of smoking in public places, we naturally have to deal with the whole issue of secondhand smoke. I can remember not too long ago there were still many in society, but principally due to reports that were slanted and based on and paid for by the tobacco industry, many disputed whether or not secondhand smoke even harmed anyone. It was not long ago when there were very glowing reports that carried a lot of weight that basically said there was a proven link between secondhand smoke and someone eventually developing some cancer or health problem due to being exposed to secondhand smoke.

Madam Speaker, a few facts and a few definitions are relevant as we look at this whole issue. What is secondhand smoke? According to a very detailed report conducted by the office of the Surgeon General of the United States, secondhand smoke is composed of side stream smoke, the smoke released from the burning end of a cigarette and exhaled mainstream smoke, the smoke exhaled by the smoker.

In this 2006 report, the Surgeon General used the term “involuntary exposure” to secondhand smoke. That is because most non-smokers do not desire to breathe in smoke. Cigarette smoke contains more than 4,000 chemical compounds. Secondhand smoke contains many of the same chemicals present in the smoke inhaled by smokers. Because side stream smoke is generated at lower temperatures and under different conditions than mainstream smoke, it contains higher concentrations of many of the toxins found in cigarette smoke.

I think I should repeat that, Madam Speaker. Because side stream smoke (that is, the smoke coming straight off the tip of the cigarette) is generated at lower temperatures and under different conditions than mainstream smoke (that is, the smoke exhaled by the smoker), it (that is, the side stream smoke) contains higher concentrations of many of the toxins found in cigarette smoke.

The National Toxicology Programme estimates that at least 250 chemicals in secondhand smoke are known to be toxic or carcinogenic. Secondhand smoke has been designated as a known human carcinogen, that is, cancer causing agent, by the United States Environmental Protection Agency, the National Toxicology Programme and the International Agency for Research on Cancer, and an occupational carcinogen by the National Institute for Occupational Safety and Health.

Secondhand smoke contains more than 50 cancer-causing chemicals. When non-smokers are exposed to secondhand smoke, they inhale many of the same cancer causing chemicals that smokers inhale. The Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke. Even small amounts of secondhand smoke exposure can be harmful to people’s health.

Many millions of Americans continue to be exposed to secondhand smoke. A smoke-free environment is the only way to fully protect non-smokers from the dangers of secondhand smoke. Separating smokers from non-smokers, cleaning the air, and ventilating buildings cannot eliminate exposure of non-smokers to secondhand smoke.

Madam Speaker, if that report, which I believe any reasonable, rational human being would believe to be scientifically and factually based, is not frightening, then nothing is.

Even before now, we have had some restaurants and bars that tried to do this splitting—having a smoke-free area, and then an area for smoking all within the same establishment. For that sort of strategy to be disproved, or to eliminate non-smokers from the dangers of secondhand smoke, is one that has to cause all of us great concern.

Madam Speaker, the report goes on to deal with another critical issue in even more depth, whether there is any risk-free level of exposure to secondhand smoke.

**“The U.S. Surgeon General has concluded that breathing even a little secondhand smoke poses a risk to your health. Scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke. Breathing even a little secondhand smoke can be harmful to your health.**

**“Secondhand smoke causes lung cancer.**

**“Secondhand smoke is a known human carcinogen and contains more than 50 chemicals that can cause cancer.**

**“Concentrations of many cancer-causing and toxic chemicals are potentially higher in secondhand smoke than in the smoke inhaled by smokers.”** So time and time again we see the very dangers.

**“Secondhand smoke causes heart disease.**

**“Breathing secondhand smoke for even a short time can have immediate adverse effects on the cardiovascular system, interfering with the**

normal functioning of the heart, blood, and vascular systems in ways that increase the risk of heart attack.

**“Even a short time in a smoky room can cause your blood platelets to become stickier, damage the lining of blood vessels, decrease coronary flow velocity reserves, and reduce heart rate variability.**

**“Persons who already have heart disease are at especially high risk of suffering adverse affects from breathing secondhand smoke, and should take special precautions to avoid even brief exposure.”**

Again, Madam Speaker, all of us have fooled ourselves into thinking that if you go into a smoke-filled environment for a short period of time the damage should not be too bad. I think when it really hits home for all of us is when we go into an establishment where a significant number of people are smoking and we smell our clothes when we get home. That scent stays there in your clothes. If you smelled your skin you would see how the scent actually stays on your body. That’s not scientific, but that tells us how any exposure to secondhand smoke has to have an impact.

I think we all agree that smoke does have a negative impact.

**“Secondhand smoke causes acute respiratory effects.**

**“Secondhand smoke can cause sudden infant death syndrome and other health consequences in infants and children.”**

As I said a little earlier, **“Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate secondhand smoke exposure.**

**“The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), the pre-eminent U.S. standard-setting body on ventilation issues, has concluded that ventilation technology cannot be relied on to completely control health risks from secondhand smoke exposure.**

**“Conventional air cleaning systems can remove large particles, but not the smaller particles or the gases found in secondhand smoke.**

**“Operation of a heating, ventilating, and air conditioning system can distribute secondhand smoke throughout a building.”**

That is yet another frightening piece of evidence.

Madam Speaker the US Surgeon General’s report also deals with the whole issue of secondhand exposure in the workplace

**The Speaker:** Honourable Member, if you are moving on to another report, would you mind if we take a suspension for 15 minutes at this point?

**Mr. Rolston M. Anglin:** Not at all, Madam Speaker.

**The Speaker:** Proceedings will be suspended for 15 minutes.

**Proceedings suspended at 3.26 pm**

**Proceedings resumed at 3.47 pm**

**The Speaker:** Please be seated.

Debate continuing on the second reading of the Tobacco Bill. The Second Elected Member for West Bay, continuing his debate.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

Before taking the afternoon break, I had reached a point where I was about to take a brief look at another component of the very comprehensive report carried out by the office of the US Surgeon General that dealt with secondhand smoke exposure in the workplace.

It is good that for many years now most, I would venture to say practically all . . . I don’t know of any indoor office environments in Cayman that continues to allow employees to smoke, other than in restaurants and bars. I mean commercial office buildings. That is something that I believe makes the trek that the Government is going down so much easier because you are principally dealing with commercial enterprises like restaurants and bars.

Naturally, the findings of the US that **“Blue collar and service employees are less likely than white collar indoor workers to be covered by smoke-free policies”** holds true in Cayman as well.

What is of interest is that we ought to ensure that we do not, in terms of this whole debate and where we ultimately want to get to, leave out persons who are in an open environment, like construction, believing somehow that because it is an open environment that co-workers are safe.

I think we all have had the experience, especially those of us who have never been smokers, where you are driving in your car with the windows down, and you have to slow down or stop for a light, and someone either rides or walks by you and they are smoking. You automatically smell the smoke. The penetration power of cigarette smoke is so incredible!

In our efforts, we ought to have as an ultimate goal the capacity to deal not only with those inside, working indoors, but also those who are outside working externally. Just because you are on a construction site does not mean that other workers on that site who are within several feet of a smoking co-worker are somehow safe. That smoke does not just dissipate into the air straight up above the smoker and get sucked up and away from everyone else. It travels wide. So that impact is there.

Madam Speaker, we need to ensure that all workers are offered the same protection as those in an indoor environment.

Madam Speaker, this report is . . . I should have said this from the beginning of my use of this report. This report is very detailed. I have only cherry picked some of the areas that I found of interest as it relates to the whole debate that we are going through here in Cayman.

A few other revealing statistics and findings contained within the conclusion of this report notes that millions of Americans are still exposed to secondhand smoke in their homes and workplaces despite the substantial progress in tobacco control. How did they come to that conclusion?

**“Almost 60 percent of U.S. children aged 3-11 years—or almost 22 million children—are exposed to secondhand smoke.**

**“About 30 percent of indoor workers in the United States were not covered by smoke-free workplace policies . . .”**

A second finding was that **“Secondhand smoke exposure causes disease and premature death in children and adults who do not smoke.”** I think I have covered that point in terms of secondhand smoke so I won't go into the details.

Another major conclusion is: **“Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma. Smoking by parents causes respiratory symptoms and slows lung growth in their children.”**

Fourthly, **“Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.”**

I will repeat that one because as I was looking at this, this was the one that really caught me. **“Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.”**

I will repeat what I said earlier: We cannot be led into a false sense of security—I know I was. When I went to establishments where smoking was allowed, a lot of times I said *I'll go in there, but I am just going to go in and out and be very quick*. But the research shows that that exposure causes immediate adverse effects to your health.

The fifth conclusion was, **“The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.”**

So this whole business of believing that if you are in open air environment and a smoker is near by, this report is saying there is no risk-free level of exposure to secondhand smoke.

Sixth, **“Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.”**

Madam Speaker, I would like to turn my attention to this whole issue of the economics of smoke-free laws.

Many people tout differing reports that offer what they believe is conclusive evidence that once you have smoke-free legislation and, in particular, if you are a restaurant or bar, that it is immediately going to have devastating effects on the level of business that would inhibit an owner from making a living or still enjoy the same level of profitability.

In my research, I believe that the evidence that has been gathered through deep analysis of cities within the United States that went down this road, analysis of the businesses impacted by the legislation has proven beyond a shadow of a doubt that this is not a conclusion that is supported. Anti-smoking legislation [does not] cause these negative impacts on businesses and their capacity to make money. It [does not] cut down on their revenue.

Madam Speaker, it is interesting because some of the cities covered are in states that have cold weather, states like Illinois, Iowa, Main, Minnesota, Massachusetts, Maryland, and Colorado. You could almost start to envision how smokers may very well stop going out to their favourite sports bar or restaurant if they knew that during the winter season they would have to go outside to smoke. Yet, the research from the businesses in those very cold states has proven the contrary—that the anti-smoking legislation they passed and instituted did not cause the type of economic downturn or negative economic impact the business owners claimed.

What is interesting is that a lot of the research they used was slanted conducted either by groups of businesses that perceived themselves to be negatively impacted (that is, the restaurant and bar sector), or the research was conducted by the tobacco companies themselves. They too pushed a lot of this fear and then used the businesses and the business owners to lobby to their patrons, to then lobby on to lawmakers to not pass anti-smoking legislation. Got them to go to their representatives, either the US House of Representatives or the US Senate, trying to block these moves by saying, *Look, if I have to go outside, I am not going back*.

So, Madam Speaker, we have come a long way. I think that if we look at the moves that were made in the United States and see that they are not having the type of impact that some around Cayman still claim would be the case, I think that speaks testament to the fact that we ourselves ought not to be distracted by those types of detractors.

What was very telling in the report I relied upon has been the impact on tourism and conventions. This report goes on to make some very revealing insights. It says, **“A comprehensive study of the impact of New York's smoke-free state Clean Indoor Air law in five communities, including New York City, found that smoke-free regulations were associated with increases in taxable sales for eat-**

ing and drinking establishments and hotels (controlling for other economic factors). Employment rose in hotels, while no change was observed for employment in restaurants. The New York State study relied on both sales and employment data and compared those statistics for the year before implementation with the same statistics for the first year following implementation.

**“A study in California, including San Francisco and Los Angeles, found that restaurants, bars, hotels, and tourism were not impacted economically following implementation of the state’s smoke-free workplace and restaurant law. Another study comparing hotel revenues and tourism rates before and after passage of 100 percent smoke-free restaurant laws in three states (California, Utah, and Vermont) and six cities (Boulder, Flagstaff, Los Angeles, Mesa, New York, and San Francisco) found that such laws do not adversely affect, and may increase, tourism.**

**“The three Colorado towns of Aspen, Snowmass Village, and Telluride rely heavily on tourism and passed early smoke-free ordinances. None of these cities experienced a drop in sales following adoption of their ordinances. In 1993, a study found that 48 percent of visitors to San Luis Obispo (a popular tourist destination) knew, prior to their current visit, about a city law making all restaurants and bars smoke-free, and that smokers and nonsmokers were equally aware of the law. None of the smoking visitors, almost half of whom were aware of the law before visiting, reported avoiding San Luis Obispo because of the law.”**

Madam Speaker, as you look through the evidence, and there are arguments on both sides of the fence . . . But as you look through the evidence out there, in my humble submission, it would only be blind Bartemeus that could not see that anti-smoking legislation is not something to be feared, but to be embraced. And once embraced all involved will be better off.

Madam Speaker, just to round off the whole impact that it can have on restaurants and bars, in 2006, *Zagat* (which is one of the very popular books that rates businesses, but in particular restaurants and bars) the *Zagat* America top restaurants, in their survey of 115,000 Americans, found that 58 per cent of the respondents said that they would dine out the same amount if restaurants were smoke free.

Normally when you see these samples that other polls have done, they use a much smaller sample size, typically about 1,000. This was of 115,000 people. So, 58 per cent said that they would dine out the same amount if restaurants were smoke free.

Thirty-nine per cent said that they would dine out more. Only 3 per cent said they would dine out less often.

Regarding New York’s smoke free laws, *Zagat* concluded, “The City’s recent smoking ban, far from curbing restaurant traffic, has been a major lift.”

Madam Speaker, I could go on and on with the citations as to why smoke free laws have actually been good for business. I know here locally the bars and restaurants that have decided to go smoke free . . . I can tell you from my personal experience and from what friends and family have said—even those who smoke—not one has said that they would not frequent a smoke free bar or restaurant. I have not found one person yet who says that. That’s just my personal experience, and nothing I can submit for scientific analysis. But I think that if we all spoke to our friends and family, we would find similar findings as *Zagat* found with its 115,000 respondents.

This move that Cayman is making is but a small drop in the global move to smoke-free environments. The reality is that the opponents will always . . . well, let me not say *always*. Some may be wise enough to change their minds. But there will always be detractors to anything you try to do. That’s just life. But I have not seen anything in the slightest possible way to convince me that this is not the right move.

As we push and educate our people more and more to try and either stop or avoid smoking altogether, we know there is going to be a negative impact on government revenue. Like most other countries in this region, we have the typical sin taxes. We tax alcohol and cigarettes. However, what we do know is that we have many cases of persons in our community who have suffered from the negative impacts of smoking on their health. A lot of those people are on the government dole, that is, government has to provide free medical for them. And for those who are privately insured, that still has a negative impact in that they continue to drive up the health insurance rates.

Madam Speaker, if you look at the ledger we will know from one case of a person having to go to Miami to undergo a major operation (like that for lung cancer, chemo therapy, radiation) that the savings will more than offset any losses of revenue.

It is not surprising that the US Government has found exactly the same thing. In 2006, US Federal Smoking Cause Health Expenditures, costs through Medicare, Medicaid and other Federal programmes were more than seven times the total amount of Federal Tobacco Tax revenues. In other words, the Federal Smoking Cause Health Expenditures were estimated at US\$54.5 billion while the total Federal Tobacco Tax revenues were a paltry \$7.3 billion. For those who might want to latch onto that flimsy string, that one is quickly whisked away.

The daily toll of tobacco use in the United States, the number of children who try their first cigarette each day is at 4,000. The number of other kids who become regular daily smokers each day, 1,000-plus. Kids who start each day who will ultimately die from smoking, 350. Number of adults who die from



smoking each day, over 1,100. Number of people ill with smoking-caused disease on any given day, 8.6 million.

Madam Speaker, the mounting evidence and growing volume of research and statistics as it relates to smoking just cannot be ignored. I am happy that today we are taking the first important step to really put in place the legislative framework that will greatly assist these Islands.

In his contribution, I heard the Fourth Elected Member for George Town mention the fact that this is indeed a first step, and that as we move forward perhaps we will see other areas that we need to cover. And I agree with him wholeheartedly. We just need to set a very strict public policy standard as to what we will and will not tolerate in Cayman, in particular when we speak to public places.

Naturally we have all seen the ill effects of smoking up close. My paternal grandfather died from emphysema. He smoked for over 50-something years. Every time we ever spoke to him about it, he'd always say that he never inhaled, he only puffed. In fact, I will never forget how he used to say that in his 50-something years of smoking he may have inhaled two or three times. He said he always puffed in and puffed out.

We could not convince him. We could not show him any evidence or report that would change his mind about the effects of even just puffing or sucking a cigarette into his mouth and blowing it straight out.

It was quite sad to see how his life ended. Losing a grandparent for any of us is sad. But to see how he suffered; to see what emphysema does to an otherwise healthy man—every other part of his body was healthy for 76 years. Up until three months before he died, he was still going over to my aunt's house scraping the paint off the fascia board and painting the fascia board and eaves of her house. That was what he enjoyed doing in his latter years, going around to each of his children's homes, helping in any way that he could. He liked doing stuff like that because that kept him going, kept him healthy, kept him strong. I still see him out there, being able to pick up that ladder and move about.

In three short months, he was gone. His voice was gone; we could barely hear anything he was saying. We saw him hooked up to that bag in the hospital and them having to continually pump that fluid out of his body.

I just looked at him, and all I could hear ringing back in my ears was "I don't inhale. I only puff."

The one good thing was that throughout the years he smoked outside. Wherever he was, he would go outside to smoke. So that helped a lot. But the truth of the matter is, as you see the mounting new evidence about the impact of secondhand smoke . . . I clearly remember the times we'd be at my aunt's back porch playing dominoes. Again, when you do not

know, you say to yourself, *I smell the smoke, but at least we are outside in an open air environment.*

The reality is that it is incumbent on all of us, even with our own families and loved ones, to take a firm stand. If they do not do what it takes to quit, my suggest is to do as the old people say, you race them out of the house and make sure they go far! Because the truth is, if they are downwind or within the general vicinity, the evidence and research now proves that there is no safe level of secondhand smoke. No safe level.

So, Madam Speaker, it is incumbent upon all of us to take that stand for ourselves, our children, our loved ones, our friends. We ought to encourage, we ought to be firm, but loving, and try to assist in any way we can to get them to [not] smoke. And do not give up.

For a long time we, like many other communities, have taken the other "hard" drugs a lot more seriously—crack, marijuana. We have really seen those as the things that we push our loved ones not to start. In fact, a lot of us have said, *Well, at least if they are not doing the hard drugs, if all they are doing is smoking, if all they are doing is having a few beers . . .* But the thing is, a lot of smokers will also say that a lot of times the consumption of alcohol adds to the fervour to smoke.

In fact, I have a few friends who are social smokers. The only time they smoke is when they are out drinking. They do not smoke otherwise. But even that we have to discourage our friends and loved ones from doing because the evidence proves that despite the fact that they make these claims and fool themselves and make themselves feel good, at the end of the day, depending on their body's capacity to deal with that smoke and to fight cancer-causing cells, they could very well be just like the pack-a-day, or two-packs-a-day heavy smoker. We need to really embrace, not shun, our friends and family who smoke and try to assist them and get them to do what it takes to quit. Work with them. It is of utmost importance to them and their health, and to their children's health.

Madam Speaker, with those few and brief comments, I hope I have added somewhat to the debate. Certainly, the Opposition is happy—thrilled, in fact—to vote with the Government on this critically important piece of legislation.

As my colleague said a bit earlier, we encourage the Minister to see this as a first step and to know that on this issue any sort of stance he wants to take on some of the other matters that may not have gotten the type of coverage he wants or would have desired to see, to let him know we have his back on this one. We will not be deterred in trying to ensure that Cayman goes further than anywhere else on the face of this earth, because at the end of the day, when we are really honest with ourselves and we look at the cost that is having on this little Island, it is frightening.

Thank you, Madam Speaker.

**The Speaker:** It is approximately five minutes to the hour of interruption. I will entertain a motion for the adjournment.

Honourable Minister of Health.

## **ADJOURNMENT**

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I move the adjournment of this honourable House until Wednesday at 10 am.

**The Speaker:** The question is that this honourable House do now stand adjourned until Wednesday at 10 am. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 4.24 pm the House stood adjourned until 10 am Wednesday, 15 October 2008.**



**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**15 OCTOBER 2008**  
**10.35 AM**  
*Tenth Sitting*

**The Speaker:** I will ask the Fourth Elected Member for West Bay to say Prayers.

**PRAYERS**

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

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

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

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

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

**Proceedings resumed at 10.38 am**

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

*Oath of Allegiance (administered by the Clerk)  
By Mrs Cheryl Richards to be the Honourable Temporary Second Official Member responsible for the Portfolio of Legal Affairs*

**The Speaker:** Mrs. Richards, would you come to the Clerk's table please?  
May we stand?

**Oath of Allegiance**

**Mrs. Cheryl Richards:** I, Cheryl Richards, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law so help me God.

**The Speaker:** Mrs. Richards, I welcome you once again to these Chambers, and it does give me great pleasure when I swear in another woman. You may take your seat.

Please be seated.

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

**Members of Cayman Islands Youth Assembly and  
their leaders welcomed to Legislative Assembly**

**The Speaker:** I have received no messages or announcements, but at this moment, if the House will allow me, I would like to welcome to this Legislative Assembly this morning members of the Cayman Islands Youth Assembly and their leaders, and to say what a handsome bunch of young people we have in the Cayman Islands.

Welcome.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**Annual Report of the Ministry of Tourism, Environment, Development and Commerce for the  
2004/5 Financial Year**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Tourism, Environment, Investment and Commerce.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Annual Report of the Ministry of Tourism, Environment, Development and Commerce for the 2004/5 Financial Year.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Charles E. Clifford:** No, thank you, Madam Speaker.

**Voice of Young Caymanians - Action Papers from the Cayman Islands Youth Assembly 2007-2008 Delegation**

**The Speaker:** I recognise the Honourable Minister responsible for Education, Training, Youth, Sports and Culture.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the document entitled, The Voice of Young Caymanians, which contains two Action Papers, being the work of the Cayman Islands Youth Assembly.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Alden M. McLaughlin, Jr.:** Yes, thank you, Madam Speaker.

I beg to second your greeting to the members of the Cayman Islands Youth Assembly and their leaders, and to acknowledge among them Ms. Katherine Whitaker, director of the Youth Services Unit; Mr. James Myles, the Youth Services Coordinator; Mr. Ewert Atkinson, Project Officer; Mrs. Lisa Charlton, Youth Empowerment Officer.

The two papers just laid on the Table of this honourable House were presented to me on Friday, October 3, at the National Youth Forum. As I committed then, I have laid them on the Table of this honourable House today.

Before I actually speak to the papers, I think it would be useful to the House and to the broader community if I spent a little time setting out the background to these papers and to the Cayman Islands Youth Assembly.

Madam Speaker, you were the Minister responsible for actually bringing the National Youth Policy to this honourable House, which was accepted. The Cayman Islands Youth Assembly is an implementation mechanism called for by the Cayman Islands National Youth Policy, 2000, which was tabled in this House and accepted by Government as its guiding policy for youth development back in 2001.

According to the National Youth Policy, the Youth Assembly, "Should be an umbrella body of young people who represent various categories of youth and who advocate on behalf of young men and young women. The role of the Assembly is to be the voice of young people regarding the national agenda. This mechanism would ensure ongoing consultation and participation by young men and women." That, Madam Speaker, is from the Cayman Islands National Youth Policy itself.

The Cayman Islands National Youth Policy defines youth as "persons aged 10 to 25 who are becoming independent of adults with the ability to make moral judgments and willing to take responsibility for their actions." Again, that definition comes from the Cayman Islands National Youth Policy.

Because of the wide age range defined as youth, it was decided to split the age range and have two cohorts of youth—Group A aged 1-17; and Group B aged 18-25. In this way it is expected that it will more effectively capture the concerns, dreams, challenges, recommendations and aspirations of young people in these Islands.

Madam Speaker, the Cayman Islands Youth Assembly presently consists of 28 young men and women in Group A, that is youth aged 11 to 17, from all middle and high schools on Grand Cayman and Cayman Brac, with the exception of First Baptist Christian School as they were unable to participate last year. Their place is available when they are able to participate. Group B, youth aged 18 to 25, will be brought on line this budget year. Representation in this group will include college youth and those in the work force.

I wish to say a little about the selection process for the members of the Youth Assembly. Members are selected to represent their schools through school wide general elections. It is my understanding that the campaign processes were very vigorous and robust, and many a lesson about politics was learnt.

Each school is allowed two representatives. Interested students launch their own campaigns and fellow students vote by secret ballot for the two candidates they think best represent their school and youth their age.

Madam Speaker, I wish to set out the schools involved and to name the representatives, most of whom are here today:

Leading Edge High School	Miss Danielle Borden Miss Jodessa Hamilton
PACE High School	Miss Tianee Levy Mr. Rajay Reid
New Horizon High School	Miss Taylor Reid Mr. Moses Ebanks
Heritage High School	Miss Akime Palmer Miss Allison Antonio
John Gray High School	Miss Kaycha Reid Miss Rashane Frater Miss Martina Jackson Mr. Kadane Hall
Cayman Preparatory and High School	Mr. Ashvin Murugesu Miss Amber Martinez
St. Ignatius High & Middle Schools	Miss Ashley Osborne Mr. Alex Cowan

Triple C School	Miss Farah Miller
Cayman International School	Miss Taylor Ribbins Mr. Tristan von Kirchenheim
Cayman Academy	Mr. Robert Rivers Miss Megan Gould- bourne
Grace Christian Academy	Miss Jhnae Brown Miss Ashley Christian
Wesleyan Christian School	Miss Kendra Ebanks Miss Ashley Smith- Phipps
Cayman Brac High	Miss Karthika Velusamy Mr. Kodie Scott
Lighthouse School	Mr. Harris Egbert Mr. Jonathan McField

Madam Speaker, establishing this Youth Assembly is essentially the significant youth empowerment tool which gives a formal structured and recognised platform from which youth can participate in decision making of the country in which they live and will ultimately inherit. This is their voice on national issues that affect and are of interest to them.

There are two action papers. The first is entitled, “[Overview of] Education and Over-employment.” I wish to give an overview of that particular paper.

The Youth Assembly has submitted that many young people in the Cayman Islands are leaving high schools with little academic proficiency. This has resulted in an influx of expatriates in our job market thereby making it difficult for our youth and native Caymanians to secure worthwhile employment.

The Youth Assembly identified six primary factors that impede youth development, including “Lack of Parental Involvement.” The youth consider it a must for parents to **“see the relevance of their involvement and the important role that they play in the lives of their children,”** stating further that without parental support the **“nation’s children are more likely to fall prey to either peer pressure or lose interest in their education.”**

They also identify “Low Academic Expectations” as a factor which impedes youth development. They point out that currently some students are allowed to graduate even if they fail to achieve minimum requirements. **“. . . many students merely attend classes just for the sake of acquiring the necessary percentage to graduate,”** that is, in terms of attendance and not for the primary role of schools, that is, learning.

Another factor they have identified is what they term “Inadequate Pre-employment Experience.” The youth consider that, **“Most of the job opportunities that are being advertised usually ask for work**

**experiences that many of our high school or tertiary graduates may not have. Therefore, without sufficient pre-employment training, our young people will either continue to be screened for not having the requisite knowledge or enter into the workforce at a [distinct] disadvantage.”**

The fourth factor they identified was “Lack of Vocational Training Facilities.” The position papers note that, **“Not all students are academically inclined and these are usually the ones who graduate without the basic educational proficiencies.”** It is the firmly held view of the Youth Assembly **“that such students should be filtered into vocational training programmes to acquire skills that can be used to gain future employment.”**

The fifth factor they identified was a “Breakdown in the Social Fabric of the Community.” Here the traditional Christian way of life is seen as being threatened by negative subcultures leading to moral decay which influences many of the behavioural patterns now exhibited by our young people.

The sixth factor, primary factor, Madam Speaker, is “Lack of Motivation.” For many youth schools are but social gathering places. Without more innovative programming to motivate the students, the prime objective of education will become secondary.

And so they say, Madam Speaker, that the impeding factors are therefore seen as precursors to increasing juvenile crime, dependence on foreign labour, poverty and unemployment.

On vocational training they say, **“The belief shared is that vocational courses will further strengthen the linkages between educational fulfilment and job attainment. It does so by becoming safety nets for students who lack the aptitude for subjects deemed too advanced.”** The youth have recommended three steps to enhance the image and relevance of technical and vocational training.

First is **“the creation of a vocational training job fair or career day for all students with a slogan ‘Your salary affects your life.’ This could be used to stimulate interest in this field while bringing more awareness to vocational study as a viable alternative for future employment.”**

Second, we should **“develop a proficiency evaluation for students to determine whether current academic levels warrant extra assistance”** or vocational intervention.

And, finally, we should initiate **“an apprenticeship programme whereby the schools work in tandem with private entities to give young people the hands-on experience needed to make [these programmes] educational yet exciting.”**

Madam Speaker, the overall recommendation of the Youth Assembly on this particular issue has been broken down by them into five points: Funding, Motivation, Family support, Solving mediocre standards, and Providing increased internships.

They say, in relation to Funding, that **“Although there may be countless scholarships and**

**funding opportunities available to Caymanians and status holders, [they believe that] more needs to be done to promote where and how these resources are accessed.**" One suggestion is to have more **"Career Fairs, showcasing the different services catering to young people and the resources [such as scholarships or student loan opportunities] that are available."**

On "Motivation" they say this **"is a challenge that can be resolved by creating programmes that highlight the importance of staying in school. These programmes could then be coupled with scholarships where students are awarded for staying in school or qualifying for higher education."**

On "Family Support" they note that **"the importance of family support can never be over emphasised. Therefore by creating mechanisms that identify and ensure that this support remains in the home, this will allow students to develop their abilities in a wholesome domestic environment."** Parents must also teach their kids positive civic qualities like respect for authority and country.

**"Solving mediocre standards,"** they note that **"frequent monitoring and evaluations are the primary ways of alleviating this problem. A special team of inspectors should be dispatched at regular intervals to evaluate whether students are performing at their current grade levels or if the current teaching practices need adjustment. In fact, they believe that stricter more mandatory academic requirements should be expected of students in order to graduate, not just attendance."**

On increased internships, they note that often young people are overlooked for entry level jobs because they may lack qualifications and experience. They state that even if our citizens are not qualified for certain jobs they should be given the appropriate training to ensure that they attain skills necessary for current or future job placement.

Madam Speaker, I seek to respond on behalf of the Government to some of these points. I wholeheartedly support much of the recommendations made by the Youth Assembly with regard to education. On the funding point, the Ministry of Education is committed to supporting and encouraging young people to fulfil their fullest potential and it offers a comprehensive scholarship programme to assist Caymanian students wanting to further their education.

Scholarships are available for studies undertaken at accredited institutions both locally and overseas and cover Associate's, Bachelor's, and Master's Degree level courses, as well as PhD programmes.

Overseas scholarships are designed to provide assistance with the cost of tuition, books, housing and reasonable living expenses, and return air travel to the Cayman Islands.

Just in terms of statistics, Madam Speaker, in 2007, Government granted a total of 551 scholarships—102 for study overseas, and 449 for local study. This year we have funded a total of 738 schol-

arships—311 for overseas study and 427 for study at local institutions.

I should say that any Caymanian interested in finding out more about scholarships can visit the Ministry of Education website, which is, [www.brighterfutures.gov.ky](http://www.brighterfutures.gov.ky) for application forms and for further information. They can also email Danielle Japal who is the Education Council secretary, at [danielle.japal@gov.ky](mailto:danielle.japal@gov.ky).

Madam Speaker, I should also mention that the Chamber of Commerce also produces an education and training scholarship booklet containing information on all of the scholarships which are available from private institutions both locally and overseas. And for further information on this, contact the Chamber of Commerce.

On the motivation point, I can say as Minister with responsibility for Education and Youth that I am striving to ensure that every child in Cayman has the opportunity to attend a world class school and receive a world class education. The Better Pathways, Brighter Future initiative, which will start next year, will address the particular issue of providing opportunities and to encourage the aspirations of young people and to support the attainment of goals whether they are academically inclined or gifted in another way.

The Better Pathways Brighter Future programme offers a number of customised paths which provide students with meaningful choices based on individual skills, interests, aptitudes and talents. In Years 10 and 11, every secondary level student will be guided and supported along these pathways and assisted in making the choices that are relevant to the realisation of their particular career goals and aspirations.

These options will include a strong academic programme based around the international baccalaureate diploma programme, or advanced placement examinations which will provide an internationally recognised set of qualifications. Technical and vocational programmes aligned with the offerings of the University College to prepare students for entry into the workforce, and will also form the basis for more advanced professional studies.

Should they need to, students will have the opportunity to repeat or re-sit examination courses they took in Year 11 in order to give them a critical second chance to improve their overall performance. They will be able to benefit from supervised and guided work placement or apprenticeship programmes leading to competency based skills assessment and achievement of work based qualifications.

And finally, they will continue to be able to pursue the course of "A Level" programmes offered by local private schools with the assistance from the Government.

Madam Speaker, the aim of this initiative is to provide students with the opportunity to build a useful portfolio of qualifications in their chosen areas. Fur-

ther, the options have been designed to give lots and lots of choices so that every young person will be able to leave the education system well prepared for life beyond school and well armed with the qualifications they will need for entry into the work force.

Another significant aspect of the Better Pathways Brighter Futures initiative is that once it is implemented in 2009, all students will be required to continue their education for a minimum of one year after high school. The Better Pathways Brighter Futures initiative is the result of Government's determination, a no excuses attitude when it comes to building brighter futures for all young people in the Cayman Islands.

On family support, I should say that I continually urge and encourage parents and guardians to become more involved with their children's education. But I can only urge and encourage, I cannot force or legislate parental involvement. What I can do is ensure that programmes are implemented and facilities are available to support parents and make it easier for them to remain involved in how their children are performing at school.

As an example of this, the new schools management software, known as SIMS, has been introduced which allows the tracking of every student in the Government education system from Kindergarten to Year 12 and on to tertiary. The data this system provides, such as results, reports, attendance records, and information on individual performance, will help parents and teachers to understand how each child is doing in each of the subjects he is taking. The system highlights the child's strengths as well as weaknesses and allows parents to make more informed decisions.

Madam Speaker, this is just one of the ways my Ministry is assisting parents to become more involved in their children's education.

Solving mediocre standards. Madam Speaker, much effort has gone into ensuring that the work of every educational institution is realigned to focus on serving students and providing necessary support for their learning. The Education Standards and Assessment Unit (ESAU), formerly known as the Schools Inspectorate, was established in 1996 and has been providing inspection services to our schools for over a decade now.

The rigorous external evaluations carried out by officers from ESAU, provide the Ministry of Education system, parents, and members of our community with a clear and impartial view of the quality of education as it is being offered within our public school system, including the strengths and opportunities for improvement.

Then there is the new National Curriculum which was adopted by all Government schools last month. This has been designed to place much greater emphasis on actual skills and abilities. And to ensure that standards are being met and maintained, ESAU will be looking at the extent to which schools are achieving their objectives in each study area and will

be gauging what young people are learning against a pre-established set of criteria.

On increased internships, I agree that it is vitally important that young people are as prepared as possible when they are about to enter the job market. When the George Hicks Campus was split into four smaller schools, each school was encouraged to think outside of the box and come up with his own programme and initiative.

Madam Speaker, an example from the Leading Edge High School in relation to internship, is their Learning Through Internship Programme, which is in its second year and is the brainchild of Lyneth Montith, the school leader. This year, 72 students and 25 companies participated. The programme operates on the premise that 13- and 14-year old students are not too young to begin to prepare for the world of work which awaits them when they leave school.

Between the 14<sup>th</sup> of January and March 10<sup>th</sup> (seven weeks total), students from Leading Edge attended work each Monday between 8:30 and noon.

Madam Speaker, 25 companies in these Islands participated in this programme. I am not going to name all of them now, because it would take too long, but I wish to thank all of them for their important contribution to the development of our young people.

There is also the Department of Employment Relations which is also part of my Ministry. It has developed a job placement unit which provides advice and training to people who need to develop workplace skills including training and interview skills, resume writing and work ethic.

Since 2002, the Department of Employment Relations has also run a summer employment programme targeting students aged 14 to 22. In 2007, a total of 55 students registered for job placement through this programme, and in 2008 the number of applicants was 48.

Madam Speaker, UCCI, through its Partners in Education Programme, develops relationships with human resource departments of various private sector partners to place students in work experience. Students are evaluated on a monthly basis by the employers and UCCI and are graded at the end of the semester.

In the area of hospitality industry related studies, at UCCI there is an Associate's programme offered in hospitality management. There is also a course in electro-technology which provides the foundation for ultimate certification as an electrician in the Cayman Islands.

Madam Speaker, this list is by no means exhaustive. But it gives some idea of the pre-employment training apprenticeship opportunities which already exist in Cayman for young people.

Now I want to speak to the second paper produced by the Youth Assembly. This paper was produced by the Committee on Overdevelopment and the Environment.



Madam Speaker, the Youth Assembly Committee on the Environment started with a preamble based on the following excerpt from the policy brief Population Scenarios, Past Trends, and Future Possibilities. I am quoting from that.

**“Prior to the 1960s, the Cayman Islands were primarily agrarian with emphasis placed on seafaring activities and farming for subsistence. During this period the population grew fairly slowly at an overall rate of 18%. Then came modern development which, despite affecting population growth in the 1960s, didn’t affect the growth rate significantly until the 1970s and 1980s where the population increased by 76%.**

**“Subsequent to this period, the population ballooned to numbers that can almost be deemed as an oddity for our country’s size. In fact, between the years 1970 and 2006, our Islands witnessed a massive 428% increase in population.**

**“Cayman’s propensity to achieve this exponential growth in such a relatively short time span is one of the main influences pushing the drive towards overdevelopment now affecting our Islands.”**

Madam Speaker, the Youth Assembly sought to highlight the rate at which our Islands population has grown and the potential consequences of this exponential increase. They identified four implications of population increase and overdevelopment.

The first is Carbon Emissions. The action paper states that **“overdevelopment and population growth are two intertwining dilemmas that [combine] to impact different aspects of Cayman’s society. The first aspect that both actions influence is the demand for social amenities, such as cars and houses. [What then] results is an increase in carbon emissions induced by the rise in car and home ownership.”**

To minimise pollution the Youth Assembly recommends implementing carpool policies, promoting conservation practices, limiting the amount of vegetation destroyed, implementing laws that provide guidelines on how cars are imported and by whom, and mandating citizens to keep their cars for a specific period before purchasing new vehicles.

They said this would effectively regulate the amount of waste that enters the landfill, thus stemming its growth. They recommend that more eco-friendly transportation should be promoted. One solution they say is **“to provide incentives for scooter ownership thereby stimulating interest for this mode of transportation instead of cars.”**

Smelting: They suggest that **“car parts . . . could be recycled and used to make new cars, [and they recommend] developing an efficient and effective public transportation system which would also decrease demand for cars in the country. They suggest that environmentally-friendly disposal methods should also be practiced [and] guidelines [should be developed] to ensure that**

**cars and other machines are stripped of all hazardous material before disposal.”**

Secondly, they point to the loss of endangered species and erosion of culture. And they speak to economic implications. They said that due to the increase in development and with the population increasing to man this growth, our landfill will continue to rise because of higher consumption and waste input. This will impact the tourism industry, and if we lose the beauty of our Islands, we may have to compete with our regional competitors through means that deviate from our culture. They give as examples, prostitution and gambling.

They talk about the George Town Landfill and describe it as a monumental threat. They note that if we fail to stem the growth of the George Town Landfill our Islands will face dire consequences including health, social and economic issues.

In addition, they say that other methods were proposed but were unpractical, such as moving the dumpsite, burning the waste, or investing in a StarTech Waste Converter System.

Some of their other recommendations [include] the promotion of solar power, recycling, increased monitoring to reduce littering or improper garbage disposal, an increased role for the National Trust, public education. They note that it is clear that Caymanians are beginning to equate loss of environmental resources with loss of culture and our Caymanian identity.

Madam Speaker, if I may speak to some of these issues, very insightful observations and some very sound recommendations have been made by the Youth Assembly. There are some realities. The continued development of these Islands will bring about more usage of equipment in housing and hotels. However, the use of diesel to supply electricity will continue to increase until an alternative fuel supply is found.

The Department of Environmental Health and the Ministry for Communications, Works and Infrastructure, are planning to develop a waste-to-energy plant that will incinerate the garbage to generate electricity. This will be an alternative and greener energy source which will help to reduce the carbon emissions for the Island.

To further reduce emissions, the Government has a robust vehicle inspection programme that prevents polluting vehicles from being licensed and any vehicle causing very visible pollution can be stopped and ticketed.

The Ministry, through the Department of Environmental Health is currently recycling lead acid batteries, aluminium and used motor oil, which is sent off island. The Department of Environmental Health is also completing a new recycling centre which will be expanded to include a wide range of other recyclable products. A waste-to-energy system will also generate electricity and be sold to the local power company. There will be increased public education and promo-

tion regarding recycling and we trust that young people will play their part in this regard.

The Government will also consider duty discounts for recyclable products and energy systems imported into the Islands and discourage extensive packaging on products that are not environmentally friendly. There are plans to reduce the existing landfill and recycle relevant products and to incinerate the garbage. This will reduce the greenhouse gases over time and improve recycling efforts.

Although there will be a landfill in the future, it will only store inert and non-biodegradable waste which will not contribute to any form of pollution or environmental degradation. Madam Speaker, disposal of vehicles is now being done by shipment overseas. No more vehicles are being disposed of in the landfills, although the public continues to abandon vehicles all over the Island. Fuel, batteries, oils, all are usually removed from the vehicles prior to disposal. Also, the current scrap metals market allows for the entire car—with seats, engine, glass and other components—to be baled and exported off Island.

White goods such as appliances, stoves, fridges, air conditioners, washers and dryers, are also stored and shipped off Island as part of the recycling programme.

The adoption of more eco-friendly transportation and alternative fuel vehicles is being encouraged within the revised traffic law which is currently being reviewed for amendment to facilitate such vehicles. New roads are being constructed with these objectives in mind, as well as bike lanes to encourage cycling.

One of the suggestions of the Assembly was smelting of vehicles. I should say this about that. On average it takes 500 to 600 Kw hours of electricity to melt one ton of metal. To produce this amount of energy, approximately one barrel of diesel would need to be consumed. According to data released by British Petroleum, the combustion of one barrel of diesel produced approximately 550 kilograms or 1,212 pounds of carbon dioxide.

Therefore, when analysing these numbers, it becomes quite apparent that it is best to leave the smelting of scrap metals to those jurisdictions that are able to produce energy with less carbon emissions, that is, using green energy such as hydropower and other alternatives. Hence the removal of derelict vehicles and scrap metals entirely from the Islands is the preferred approach for these Islands.

Madam Speaker, to speak a bit more about the waste energy project, the Department of Environmental Health and the Ministry of Communication, Works and Infrastructure, through the Solid Waste Strategic Management Committee, have created a detailed development plan for a waste energy facility for these Islands. Once this plan is put into effect the George Town landfill will be reduced to a small five acre engineered sanitary landfill, but this will take 15 to 20 years to get to that point, depending on the vol-

ume of incoming waste. The reduction of the landfill would happen through mining and recovering recyclables while all burnable material would be processed in the waste energy facility. In doing so, the energy produced could be equal to 8 to 10 per cent of the Island's power requirements. Furthermore, the minimal emissions created would have an overall effect of greatly reducing the CO<sub>2</sub> (carbon dioxide fire extinguisher) gases, which could thereby be sold in the lucrative carbon credit trading market.

The Government has further demonstrated its commitment to dealing with environmental issues by participating in the project known as "Enhancing Capacity for Adaptation to Climate Change," funded by the UK (United Kingdom) Government, and being run through the Belize CARICOM (Caribbean Community) Centre for climate change. This three year project will firstly enhance national capacity to undertake environmental monitoring and vulnerability and risk assessments in key environment and social economic sectors. Secondly, it will develop and integrate climate change adaptation strategies into all national planning programmes, and thirdly, it will develop and implement national public education and outreach programmes that feed into larger public education and outreach strategies. It obligates the Government to development policies and measures to reduce greenhouse gases and facilitate adaptation.

The Cayman Islands hosted the first workshop related to the CARICOM UK project where it was agreed that mitigating action plans and climate adaptation strategies will be produced by the end of this year. A follow up workshop will be held this week, October 21 and 22 [2008].

Madam Speaker, the Government believes that adaptation and mitigation are both necessary and, as such, ratified the United Nations Framework Convention on Climate Change (UNFCCC), and its Kyoto Protocol in March of 2007.

With regard to the removal of the forest and wetlands in their role in reducing greenhouse gases, as I noted earlier, no formal plan yet exists for the management of forest and other biological resources under a climate change mitigation framework. However, the passage of the National Conservation Bill scheduled for debate in this House later this year will create a legislative base for a system of protected areas and associated management plans.

Madam Speaker, just before I close I should say that it is worthy to note that a number of private sector entities have begun to offer options to the expanding local market in Thermal and Solar Electric, and there exists a promising biodiesel production and supply operation, which has recently been started by one private individual.

And on a final note to address the issue of erosion of culture: The Government shares this concern and it is against this background that the Government has recently committed significant sums to purchase the home of Ms. Gladwyn Lassie Bush, to

be preserved as a cultural reference point of our heritage for generations to come.

Madam Speaker, I make these comments in response to the various action papers, not to rebut the suggestions and recommendations which have been put forward, but to note publicly that it is clear that the Cayman Islands Youth Assembly has done a significant amount of work on these papers. And, in many instances, their observations are spot on. I also seek to assure them that the Government is as concerned as they are about the issues they have raised, and that work is already underway to significantly address many of them. Where there have been suggestions outside of the initiatives that are already ongoing, I commit to the Cayman Islands Youth Assembly that they will be fully considered.

Madam Speaker, I wish to commend these papers for the consideration of all Members of this honourable House and would like to take this opportunity to congratulate the Youth Services Department and its staff, and the members of the historic Cayman Islands Youth Assembly for taking their sworn responsibilities seriously and for their dedication to the task at hand in balancing the requirements of their school activities with this significant undertaking.

Madam Speaker, I close by saying that in these days, when so much negativity surrounds the activities of young people, it does the heart and soul good to note the interest of this outstanding group of young people and this tremendous achievement in producing these papers. It also points to the huge potential which all of them have and that can only bode well for the interest of these beloved Cayman Islands.

Madam Speaker, I would invite you at a convenient and appropriate time to suspend the proceedings of this honourable House so that we may have an opportunity to meet with this outstanding group of young people and provide whatever photo opportunities we feel are necessary and appropriate today.

**The Speaker:** Proceedings will be suspended at this time, not only to mingle with the members of the Cayman Islands Youth Assembly, but to also complete the report of the Finance Committee. Due to the fact that we had these young people coming here this morning, we were unable to complete the report of the Finance Committee.

So, proceedings will be suspended at this time and we will return when the finance committee has completed its report; the signing and otherwise.

**Proceedings suspended at 11.35 am**

**Proceedings resumed at 3.07 pm**

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

## PRESENTATION OF PAPERS AND OF REPORTS

### Cayman Islands Monetary Authority Annual Report – 1 July 2006 to 30 June 2007

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Cayman Islands Monetary Authority Annual Report – 1 July 2006 to 30 June 2007.

Thank you.

**The Speaker:** so ordered.

Does the Honourable Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker, just to make a brief contribution in respect of the Annual Report of the Monetary Authority just tabled.

Madam Speaker, when we look at the balance sheet of the Monetary Authority, as at the 30 June 2007 we see that the total assets of the Authority were approximately \$110 million, and of that \$110 million in assets, approximately \$104 million is held in currency reserve assets. The currency reserve assets back the Cayman Islands currency in circulation. And since the total currency in circulation at 30 June 2007 was approximately \$76 million, the Cayman Islands dollar is therefore well backed and the currency reserve assets which provide that backing are 136 per cent of the demand liabilities (as it's referred to on the balance sheet), "demand liabilities" or "currency in circulation."

The liability of the Authority at the 30 June 2007 totaled approximately \$84 million. The single largest item of those liabilities is the value of demand liabilities or currency in circulation (which I have just said is \$76 million), and that total of \$76 million is broken down into currency notes in circulation of approximately \$68 million, and coins in circulation of approximately \$8 million.

The net assets of the Authority at 30 June 2007 were therefore \$25.6 million approximately.

Madam Speaker, if we were to turn quickly to the income statement for the year ended 30 June, we would see that the total income earned by the Monetary Authority in that year was approximately \$19 million. The vast majority of that \$19 million came from Government for outputs or services performed by the Authority on behalf of the Government in respect of its regulation of the financial services industry.

Madam Speaker, total operating expenses were approximately \$13 million, and salaries and other benefits are the single largest category or component of operating expenses. Net income, therefore, being the difference between total income of \$19 mil-

lion and total operating expenses of \$13 million is \$6 million for the year to 30 June 2007.

I would also like to note for the record that the Auditor General has issued an unqualified or a clean audit opinion in respect of the financial statements to June 2007. His concluding opinion is that the financial statements present fairly in all material respects the financial position of the Cayman Islands Monetary Authority at 30 June 2007 and of its results and cash flows for the year then ended.

Madam Speaker, the Annual Report itself is a comprehensive report and gives a number of statistics as at 30 June 2007, and I would just like to briefly detail some of those statistics.

The Authority has a number of divisions or sections within it. I would just like to give some information on the banking stats at 30 June 2007.

There were 20 Category A Banks and Trusts licences in existence at June 2007. There were 262 Category B Bank and Trust licences at that date. There was one Category B Bank and Trust Restricted Licence at 30 June 2007.

If we were to look to the Trust and Company Management Licensing activities we would find that the number of Active Licences at 30 June 2007 were as follows: 86 Trust Company Restricted Licences; 51 Trust Company Unrestricted Licences; 20 Nominee Trusts; 72 Company Managers; and 7 Corporate Service Providers.

Madam Speaker, if you turn to insurance, the number of Class A insurance licences issued at 30 June 2007 were 28. Class B insurance licences at that date were 752; 25 Insurance Managers; 29 Brokers and 89 Insurance Agents.

Madam Speaker, in terms of funds, at 30 June 2007 there were 8,300 Registered Funds; 560 Administered Funds; 112 Licensed Funds; 93 Mutual Fund Full Administration Licence; 55 Restricted licences and 5 Exempted licences.

The Monetary Authority, back on the 29 March 2007, officially launched an electronic reporting mechanism for funds accepting electronic submission of funds' audited accounts along with the Funds Annual Return (FAR). The Authority expects and has proof that the switch to E-reporting will facilitate efficient collection and processing of returns from the funds it now oversees. As of 30 June 2007, the Authority had successfully received 3,745 electronic transmissions.

Madam Speaker, in terms of staff at the Authority as at 30 June 2007, there were 116 total. There were 20 in the banking division, 8 in the compliance division, 5 in currency operations, 8 in fiduciary services, 12 in insurance, 23 in investments and securities, 6 in the legal division, 6 in the managing director's office, 21 in operations (the area of Accounts, Information Systems and Human Resources) and 7 staff members in the policy and development division.

In terms of the total amount of revenue collected by the Monetary Authority on behalf of the

Government, that amount to 30 June 2007 was \$60.3 million, which would obviously be passed on to the Cayman Islands Government.

Madam Speaker the Annual Report for 2006/07 in respect of the Monetary Authority is quite a detailed and comprehensive report. I would recommend it to all honourable Members and the listening public.

Thank you, Madam Speaker.

**Mr. Rolston M. Anglin:** Madam Speaker.

**The Speaker:** Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Under the relevant Standing Order, I have permission to—

**The Speaker:** You do not. There is no Standing Order on a report. If a Minister or a Member makes a statement, you can ask questions to get clarification. Nothing on a report.

Madam Clerk.

### **Report of the Standing Finance Committee on the 3<sup>rd</sup> Supplementary Annual Plan and Estimates of the Government of the Cayman Islands for the Financial Year ending 30 June 2008**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Report of the Standing Finance Committee on the 3<sup>rd</sup> Supplementary Annual Plan and Estimates of the Government of the Cayman Islands for the Financial Year ending 30 June 2008.

**The Speaker:** So ordered.

Does the Honourable Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Yes, thank you, Madam Speaker. Once again, just a brief contribution.

The Standing Finance Committee met on Thursday and Friday, 9 and 10 October [2008], to consider the 3<sup>rd</sup> Supplementary Annual Plan and Estimates for the Government's financial year that ended 30 June 2008. More specifically, it met to consider the Supplementary Appropriations. Some were positive and some were negative that were set out in section 10 of those Supplementary Annual Plan and Estimates.

Madam Speaker, the Supplementary Annual Plan and Estimates document was referred to the Finance Committee by virtue of Standing Order 67 (1). The Committee also considered a motion that I moved in the Legislative Assembly on behalf of the Govern-

ment; a motion to the effect that the Committee approve the supplementary appropriations set out in section 10 of the Annual Plan and Estimates documents.

The results of the committee's deliberations were as follows: All of the supplementary appropriation requests were approved. Some of the initial appropriations were amended, and the motion that I raised in the Legislative Assembly was approved by the Committee inclusive of the amendments to the supplementary appropriations in Schedule 10 of the Annual Plan and Estimates document.

Madam Speaker, the Committee granted its approval that I report the results of the deliberations to the Legislative Assembly, and these are provided in the report that has just been tabled. The Committee also agreed that the report just tabled be the report of the Committee. And, Madam Speaker, the Committee met earlier today to consider the review and to consider and approve the report that has just been tabled.

Thank you, Madam Speaker.

## STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

**The Speaker:** I have received no notice of statements by Honourable Members or Ministers of Cabinet.

## GOVERNMENT BUSINESS

### BILLS

#### FIRST READING

**Supplementary Appropriation (July 2007 to June 2008) (No. 2) Bill, 2008**

**The Deputy Clerk:** The Supplementary Appropriation (July 2007 to June 2008) (No.2) Bill, 2008.

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

#### SECOND READING

**Tobacco Bill 2008**

*(Continuation of debate thereon)*

**The Speaker:** Does any other Member wish to speak? If no other Member wishes to speak, does the Honourable . . .

Honourable Minister responsible for Tourism, Environment, investment and Commerce.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

Madam Speaker, I rise to make my contribution to the Tobacco Bill, 2008, and to start by commending the Minister of Health and Human Services for piloting this Bill through the legislative process.

Madam Speaker, the bottom line is that smoking is rapidly becoming socially unacceptable. And we have seen this in many countries. We have even seen it in some European countries where we know that smoking is certainly prevalent.

I know that all of us will remember the days when we boarded an aircraft and even after the doors were closed smoking was allowed. I know that those of us who are non-smokers certainly did not appreciate having to operate in that environment. Madam speaker, I mentioned that because I think the aviation industry was perhaps the first industry to recognise that this was an issue that needed to be addressed. Today the majority of airlines, save for a few of those such as in Russia, prohibit smoking on board their aircraft. And for good reasons, Madam Speaker.

The whole issue of the cost to a country is certainly not insignificant. We know of the significant health costs associated with various forms of illnesses directly related to the habit of smoking. And more often than not, these costs are borne by the state, and Cayman is no different in that regard.

I believe that the most important clauses (although they are all important in this Bill) are clauses 7 and 12. Clause 7 deals with the whole issue of prohibiting the public promotion of tobacco products. I just wanted to take a minute to read that clause because in my view it is so important. It says, "**No person shall promote or cause to be promoted a brand element of a tobacco product-**

**(a) through direct or indirect means, including through sponsorship of an organization, event, service, physical establishment or vehicle of any kind; or**

**(b) in a manner that allows a consumer or purchaser of such product to be deceived or misled concerning its character, properties, toxicity, composition, merit or safety."**

Madam Speaker, it is an important clause because we have all seen the various forms of tobacco promoting products and how easy it is, particularly for the younger age groups, to become attracted to that, and for it to appear to be a product that can put them in a much better light as far as their peers are concerned.

Madam Speaker, I think that clause is critically important, and while I know that our colleague Minister who is promoting this Bill has had his share of criticism from various quarters with respect to this Bill, we expected no different. This is the type of push back, I suppose you could call it, that you get when you introduce this type of change in a society. Most developed and developing countries are moving in this direction and I am very pleased that our country has decided to make this move at this time.

Madam Speaker, there are some who will say that perhaps we should have done this a long time ago, and maybe that is true. It is certainly better late than never, and I think it is certainly time because this habit is becoming so unacceptable socially.

Madam Speaker, the other important clause in the Bill is clause 12, which deals with smoking in public places, within buildings, et cetera. That clause certainly sets out the detailed provisions. This can only be right because those of us who are non-smokers should not be subjected to an environment in which there is smoke. In many cases before this point in time, and certain policies were introduced voluntarily by businesses, individuals who worked in certain establishments were actually forced to operate in that type of environment because there was nothing prohibiting it. Madam Speaker, that cannot be right.

We have all seen and we all know . . . and perhaps we have relatives who have suffered as a result of cigarette smoking. I know that one or two Members have spoken about this before. I too have had that experience because my father smoked for a very long time. He actually got the disease of emphysema, with which I know we are all familiar. That has to be if not the most terrible disease one of the most terrible diseases. He stopped smoking 12 years before he died, but, of course, he had already contracted the disease and it is a slow killer.

I watched him essentially gradually suffocate over a 12-year period until he simply could not breathe anymore. The unfortunate part about that was that in his case the disease and the consequences from smoking essentially attacked his lungs. The rest of his organs were in relatively good shape for his age. Having died at 84 years of age, it seems clear to me that, had he not contracted that disease as a result of smoking, he would have lived even longer.

Madam Speaker, I mentioned already the cost to society and the cost to the state, but it is not something that we should gloss over because these cases can easily run into the millions of dollars and this has to be borne by the taxpayers. A healthy society is one of the objectives of this Government. One of the outcomes that we have put in our Policy Statement from the time we took office. We must do everything that we possibly can to promote that. And I know that we have and will continue to do so.

Madam Speaker, the Members who have spoken before me have done extensive research on various countries and various cases, and even to the point where certain correspondence from some of these tobacco companies was discovered and the subject of a hearing before the US Congress. And what was revealed there was really, really troubling when you see an industry deliberately targeting people as young as 14 years old. They were very clear in their objectives on the marketing side. They understood that if they could capture that audience at that age they would essentially have clients for life because of how difficult the habit is to kick.

Madam Speaker, I do not propose to go on for too much longer because I think that the Minister for Health and Human Services has done an excellent job presenting the Bill. Only to say that I know that some of the push back in this area (at least the initial push back) was from the hospitality industry. But we have seen what is happening in that industry and more and more you go into establishments, whether it is restaurants, hotel lobbies or wherever it is, and you see that those companies have voluntarily instituted no smoking policies.

In fact, one hotel chain, the Westin hotels, took this decision internationally and have declared that their hotels are now smoke free. So, while there was some initial push back, clearly, the industry is going to be moving in this direction and I do not have any concerns about any loss of business, as was indicated initially. In fact, I think quite the opposite is going to happen. And I think that many restaurants have proven that by the introduction of voluntary no smoking policies.

In conclusion, Madam Speaker, I am very proud to be a part of a Government that has brought such a Bill before this honourable House. I look forward to watching as the Minister and his Ministry and the various enforcement agencies move from the point of the legislative process to the enforcement of this Bill so that we can realise the tangible benefits of such a Bill.

Again, Madam Speaker, I thank you and the Minister for bringing this Bill to the House.

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

If no other Member wishes to speak, does the Honourable Minister wish to exercise his right of reply?

Honourable Minister for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I listened very keenly and attentively. There was quite good research [done by] those who spoke on this very, very important piece of legislation.

First, I would like to begin with a comment on the spirit of the Bill. It has been noted that it would be desirable to have the Islands entirely smoke free. This is true, but the approach in drafting this Bill was to keep this aspiration in view while not mounting an all-out attack on smokers. It must be recognised that not everyone can just put the habit aside and quit. People with a nicotine addiction may need more time and support, meanwhile we did not seek to criminalise the behaviour altogether; instead we encourage smokers to seek the benefit of programmes run by the Cancer Society to help people quit.

As I said earlier, I am very impressed by the research done by both my colleagues, the Third Elected Member for Bodden Town, the Fourth Elected Member for George Town, and the Second Elected

Member for West Bay who spoke on behalf of the Opposition. All of them have spoken volumes about the awful effects of tobacco use, including involuntary use such as passive or secondhand smoke.

I also want to thank my colleague Minister, the Minister for Tourism, for his comments on the Bill.

Not to beat it to death, but there is a little brochure, Madam Speaker, put out by the Cayman Islands Cancer Society. I will just read a few comments and tips that they have in here describing a bit more about the danger of tobacco smoke. You see, Madam Speaker, some people think that it is only me putting forward these ideas in trying to say how serious this problem is. It was even said, *Why don't I do something about the alcohol situation*. But, Madam Speaker, the research that has been done on tobacco in comparison with alcohol, the dangers and the chemicals, I don't think exist there. And it does not affect the other person who may be in the room with [the drinker] unless, God forbid, [there is] a driving accident.

Back to the brochure by the Cancer Society: It says, "There is no such thing as safe tobacco. Any amount of tobacco can hurt the body. Some facts: Smokers of low tar or low nicotine cigarettes have more cancer, heart attacks, strokes and lung damage than people who don't smoke."

This is interesting: "Cigars can have up to seventy times more nicotine than cigarettes [I did not realise that]. Even if you just hold an unlit cigar in your mouth, the chemicals get into your body. Pipe and cigar smokers have more lip and mouth cancer than people who don't smoke. Chew and snuff contain nicotine and chemicals that cause cancer and damage the mouth and teeth."

"A pregnant woman who smokes may hurt her unborn baby. The baby may be small or born too early. The baby may have a bad heart, lungs or other damage. Interestingly infants exposed to smoke are more likely to die of SIDS, that is, Sudden Infant Death Syndrome, or get lung disease."

"Each year in the United States over 4,000 people are killed or badly injured in fires started by smoking."

"Cigar smoke produces 30 times more carbon monoxide than cigarette smoking."

"Tobacco is a drug. It changes the way the body works just like other drugs. All forms of tobacco contain dangerous chemicals that harm the body. Nicotine is a poison."

This one I had to smile at because when we were growing up my father use to have some tobacco plants around the house and I always wondered why the bugs would not trouble them—"Nicotine is a poison. It kills bugs that try to eat the tobacco plant. It is even sold as an insect killer. One of two drops of liquid nicotine will kill a person."

Wow!

"Tars are sticky, dark brown chemicals. When a person smokes, inhaled tars stay in the lungs. When

a person chews tobacco, tars stick to the mouth and teeth."

"Carbon monoxide is a poison gas found in tobacco smoke. It has no colour or smell. In large amounts it can make people sick or even kill them."

And I don't have to tell you about that when people want to take their life.

"Most people keep using tobacco because they are addicted. Their bodies must have nicotine. When they stop using tobacco they feel sick, then it is very hard to quit."

Another interesting one, Madam Speaker: "Nicotine is more addictive than cocaine or heroine."

As my colleague, the Minister of Tourism mentioned about emphysema, it indicates, "Coughing, and tar buildup can make a tobacco user's lungs break down. This is called emphysema. It makes breathing painful and hard. It can cause death."

Heart attacks and strokes: "Tobacco use makes blood vessels hard and narrow. It also makes blood thicken or clot and then the blood can't carry oxygen to the heart or to the brain. This can cause a heart attack or stroke."

"Some people don't believe tobacco is harmful because they don't feel sick for years. But, like a time bomb inside the body, many effects of tobacco can't be felt until it is too late."

Some more reasons, Madam Speaker why tobacco is so dangerous.

As I listened to my colleagues speak, the younger ones, I noted that there is good potential there, Madam Speaker, on the research that they have done on this subject for some future health ministers. And I appreciate the time that they took to go into detail on this subject because it all boils down to the health of the nation and providing an environment in which people are not exposed to things that can cause major problems later on in life.

Madam Speaker, I endorse the view that there is no risk-free level of exposure to tobacco smoke. I associate myself with a powerful description of the choice that a smoker with children makes. As long as you smoke with children around, you are totally and really choosing the cigarette over them. You are actually putting your craving before their welfare, that alone should motivate you to put it down.

Madam Speaker, when it comes to people's behaviour, as recognised by various speakers not all smokers are addicted, at least not in the form of chemical dependency. Both, the Third Elected Member for Bodden Town and the Fourth Elected Member for George Town, for example, made reference to the ritual coming-of-age aspect. How young men, in particular, mark the right to smoke as a sort of rite of passage into manhood.

It is a sad reflection on how little we pay attention to the ways we raise our boys, our children. But this has been allowed to take on such significance. It says much to us about the need to give young people a new and more positive measure of the passage into

adulthood. On the other hand, this is an illustration of the reality that tobacco use is a public health problem. It is a social behaviour problem.

Madam Speaker, my colleague, the Third Elected Member for Bodden Town, also spoke about possibly placing a moratorium on cigar bars. I too have heard the fears that persons will flock to cigar bars to take advantage of the exemption. However, the requirement there is that such places must be properly vented, and we know this is not easy to accomplish at an acceptable standard. It is not a soft option at all.

Persons are likely to be put off by the level of investment required. Furthermore, if one or two investors are willing and able to put that much into it, would it be fair to protect the current ones from competition? Our greatest concern here is with persons who work in such facilities and, therefore, exposed day after day. It may be that we will have to work with Employment Relations to treat this as a hazardous occupation with whatever safeguards may apply.

Also touched on by the Third Elected Member for Bodden was the difficulty in identifying minors. This kind of issue comes up in such legislation, and there is really only one answer to all the tricks people try to get around this. The onus is on the seller—if in doubt, don't sell. It is better you lose that piece of business than lose your reputation or be subject to prosecution, especially in the light of selling to minors.

Madam Speaker, I would just like to comment that even upon commencement of the law certain provisions would not come into effect until a stated period of commencement, which is listed in the Bill. For example, certain requirements relating to displays at point of sale and so on.

Therefore, it just leaves for me to once again, thank the entire Legislative Assembly for considering, debating and eventual passing this piece of legislation into law.

Thank you very much.

**The Speaker:** The question is that a Bill shortly entitled, The Tobacco Bill, 2008, be given a second reading. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

The Tobacco Bill, 2008, has been given a second reading.

**Agreed: The Tobacco Bill, 2008, given a second reading.**

#### **Supplementary Appropriation (July 2007 to June 2008) (No. 2) Bill. 2008**

**The Deputy Clerk:** Supplementary Appropriation (July 2007 to June 2008) (No. 2) Bill, 2008.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, in accordance with Standing Order 48 I beg to move on behalf of the Government the Second Reading of a Bill that is shortly entitled, The Supplementary Appropriation (July 2007 to June 2008) (No. 2) Bill 2008.

Thank you.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the Honourable Member wish to speak thereto?

Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker. I would just like to give a very brief contribution in respect of the Bill.

The Bill, as honourable Members will know and see, is an exceedingly simple Bill. Clause 1 of the Bill would give its title of the intended law, and clause 2 provides the summary of the types of transactions incurred by the Government.

Madam Speaker, the Schedule to the Bill sets out the 199 individual supplementaries that are requested, and these are both positive and negative.

The overall net total of the 199 supplementaries is approximately \$1.9 million, as a reduction to our existing budget for the year to June 2008. As all honourable Members will know, the 199 supplementaries requested in the Schedule to the Bill have already been considered and approved by Finance Committee.

Therefore, given that the supplementary appropriation requests in the Bill have already been approved by Finance Committee, I do not need to say anything further except to commend the Supplementary Appropriation (July 2007 to June 2008) (No.2) Bill, 2008, to honourable Members and seek their support for the Bill.

Thank you, Madam Speaker.

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

If no other Member wishes to speak, does the Honourable mover wish to exercise his right of reply?  
Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Only to say thanks to all honourable Members for their silent support. Thank you.

**The Speaker:** The question is that a Bill shortly entitled, The Supplementary Appropriation (July 2007 to June 2008) (No. 2) Bill, 2008, be given a second reading. All those in favour, please say Aye. Those against, No.



**Ayes.**

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

The Supplementary Appropriation (July 2007 to June 2008) (No. 2) Bill, 2008, has been given a second reading.

**Agreed: The Supplementary Appropriation (July 2007 to June 2008 (No. 2) Bill, 2008, given a second reading.**

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

House in Committee at 3.50 pm

## COMMITTEE ON BILLS

**The Chairman:** Please be seated. The House is now in Committee.

With the leave of the House, may I assume that, as usual, we should authorise the Honourable Second Official Member to correct minor errors and suchlike in these Bills?

Madam Clerk would you read the clauses of the Bill, please?

### Justice Protection Bill, 2008

**The Deputy Clerk:**

- Clause 1 Short title and commencement.
- Clause 2 Interpretation.
- Clause 3 Establishment of Justice Protection Programme.
- Clause 4 Constitution, functions and powers of Justice Protection Administrative Centre.
- Clause 5 Crown Prosecutor to submit application.
- Clause 6 Cases to be considered for protection.
- Clause 7 Disclosure of certain information to Centre.
- Clause 8 Inclusion of prospective participant in Programme.

**The Chairman:** The question is that clauses 1 through 8 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 through 8 passed.**

**The Chairman:** I am thinking that there are some amendments somewhere in this Bill, but I have no copies of them. Are there none? [pause]

Madam Clerk.

**The Deputy Clerk:**

- Clause 9 Constitution, functions and Powers of Justice Protection Investigative Agency.
- Clause 10 Constitution, functions and Powers of Justice Protection Protective Agency.
- Clause 11 Memorandum of Understanding.
- Clause 12 Memorandum of Agreement.
- Clause 13 Register of participants.
- Clause 14 Access to register.
- Clause 15 Rights and obligations.
- Clause 16 Non-disclosure of former identity.
- Clause 17 Cessation of protection and assistance.
- Clause 18 Restoration of former identity.
- Clause 19 Provision of information to an approved authority.

**The Chairman:** The question is that clauses 9 through 19 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 9 through 19 passed.**

**The Deputy Clerk:**

- Clause 20 External enforcement of Programme.
- Clause 21 Officers protected from suit in respect of decision made under this Law.
- Clause 22 Offences.
- Clause 23 Officers not required to disclose information.
- Clause 24 Requirement where participant becomes a witness in criminal proceedings.
- Clause 25 Identity of participant not to be disclosed.
- Clause 26 Annual reports.
- Clause 27 Regulations.
- Clause 28 Designation of approved authorities.
- Clause 29 Amendment of Schedules.
- Clause 30 Savings.

**The Chairman:** The question is that clauses 20 through 30 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 20 through 30 passed.**

**The Deputy Clerk:**

- Schedule 1 Prospective Participants in the Justice Protection Programme.
- Schedule 2 Offences which may give rise to protection under the Justice Protection programme.
- Schedule 3 Contents of Memorandum of Understanding.

- Schedule 4 Memorandum of Agreement establishing a Justice Protection Programme.
- Schedule 5 Territories that may participate in the Justice Protection Programme.
- Schedule 6 Justice Protection Programme Certificate.

Certificate for Persons of Independent Means.

**The Chairman:** The question is that Schedules 1 through 6 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

The Chairman: The Ayes have it.

**Agreed: Schedules 1 through 6 passed.**

**The Deputy Clerk:** A Bill for a Law to Establish a Programme to give Protection to Witnesses and Certain Other Persons; and for Incidental and Connected Purposes.

**The Chairman:** The question is that the Title do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

### **Immigration (Amendment) Bill 2008**

**The Deputy Clerk:**

- Clause 1 Short title.
- Clause 2 Amendment of section 2 of the Immigration Law (2007 Revision) – definitions.
- Clause 3 Amendment of section 4 – Immigration Boards.
- Clause 4 Amendment of section 7 – appointment of Immigration Boards, Administrator and functions of Boards.
- Clause 5 Amendment of section 15 – appeals from decisions of Boards.
- Clause 6 Amendment of section 22 – acquisition of the right to be a Caymanian by grant of the Board.
- Clause 7 Repeal and substitution of section 28 – revocation on conviction.
- Clause 8 Amendment of section 30 – persons legally and ordinarily resident in the Islands for at least eight years.
- Clause 9 Amendment of section 31 – Residency and Employment Rights Certificate for spouse of a Caymanian.
- Clause 10 Amendment of section 33 – loss of Residency and Employment Rights Certificate.
- Clause 11 Amendment of section 35 – spouse and dependants of the holder of a Residency

**The Chairman:** The question is that clauses 1 through 11 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 through 11 passed.**

**The Deputy Clerk:** Clause 12 Amendment of section 36 – dependent child of the holder of a Residency Certificate for Persons of Independent Means.

**The Chairman:** The question is that clause 12 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 12 passed.**

**The Deputy Clerk:** Clause 13 Amendment of section 38 – general provisions relating to loss of permanent residency.

**The Chairman:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Chair.

Under the relevant Standing Order, I move that the Immigration (Amendment) Bill 2008 be amended in clause 13, subsection (b) by substituting for paragraph (i) the following: "(i) he fails to maintain the level of financial investment stated in his application for permission to remain permanently in the Islands."

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto? [pause]

If no Member wishes to speak thereto, the question is that the amendment do stand part of clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it. The Amendment stands part of the clause.

**Agreed: Amendment to clause 13 passed.**

**The Chairman:** The question now is that clause 13 as amended stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 13 as amended passed.**

**The Deputy Clerk:**

Clause 14 Repeal and substitution of section 42 – application for work permit.

Clause 15 Amendment of section 44 – consideration of application for work permit by Board.

Clause 16 Amendment of section 45 – Business Staffing Plan.

Clause 17 Amendment of section 46 – responsibility of the Board in processing applications for professional employees.

Clause 18 Amendment of section 47 – employers in need of domestic helpers.

**The Chairman:** The question is that clauses 14 through 18 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 14 through 18 passed.**

**The Deputy Clerk:** Clause 19 Amendment of section 48 – grant or refusal of work permit.

**The Chairman:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Chair, I move that the Immigration (Amendment) Bill, 2008, be amended in clause 19 as follows: By deleting the word “and” at the end of paragraph (g); and by deleting the full stop at the end of paragraph (h) and substituting “; and”.

And by adding after paragraph (h) the following: “(i) by adding after paragraph 9 (j) the following: ‘(k) that the applicant failed to give the written undertaking referred to in section 42 (4) (b).’”

**The Chairman:** The amendment has been duly moved and is opened for debate. Does any Member wish to speak thereto? [pause]

If no Member wishes to speak thereto, the question is that the amendment stand part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 19 passed.**

**The Chairman:** The question now is that clause 19 as amended stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 19 as amended passed.**

**The Deputy Clerk:**

Clause 20 Amendment of section 50 – change of employer.

Clause 21 Amendment of section 52 – term limits.

Clause 22 Amendment of section 53 – temporary work permit.

Clause 23 Amendment of section 56 – offence to engage in gainful occupation or to employ persons in contravention of this Part.

Clause 24 Repeal and substitution of section 64 – duty to produce passport, etc.

Clause 25 Validation of certain acts and things.

**The Chairman:** The question is that clauses 20 through 25 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 20 through 25 passed.**

**The Deputy Clerk:** A Bill for a Law to amend the Immigration Law (2007 Revision) to make further provision in respect of permanent residence; to establish criteria relating to the identity of prospective work permit holders; to extend the powers of the Chief Immigration Officer; and for incidental and connected purposes.

**The Chairman:** The question is that the Title do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

### **Tobacco Bill 2008**

**The Deputy Clerk:** Clause 1 Short title and commencement.

**The Chairman:** The question is that clause 1 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 1 passed.**

**The Deputy Clerk:** Clause 2 Definitions.

**The Chairman:** I recognise the Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Chair.

I beg to move the following amendment to clause 2 in the definition of "advertisement" by adding after the words "commercial communication" the words "other than as prescribed in section 11".

**The Chairman:** The Amendment has been duly moved and is open for debate. Does any Member wish to speak? [pause].

If no Member wishes to speak the question is that the amendment form part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** the Ayes have it.

**Agreed: Amendment to clause 2 passed.**

**The Chairman:** The question now is that clause 2 as amended, stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 2 as amended passed.**

**The Deputy Clerk:**

- Clause 3 Restrictions on dealing with tobacco products.
- Clause 4 Registration as a prerequisite for obtaining a licence to trade in tobacco products.
- Clause 5 Chief Officer to be provided with information on emissions.
- Clause 6 Display of messages regarding health.
- Clause 7 Prohibition against promotion of tobacco products.

**The Chairman:** The question is that clauses 3 through 7 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 3 through 7 passed.**

**The Deputy Clerk:** Clause 8 Prohibition against promotion of product identical or similar to tobacco product.

**The Chairman:** I recognise the Honourable Minister for responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Chair.

I beg to move the following amendment to clause 8 by deleting the words "No person" and substituting the words "Unless otherwise prescribed, no person".

**The Chairman:** The amendment has been duly moved, does any Member wish to speak? [pause]

If no Member wishes to speak, the question is that the amendment stand part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 8 passed.**

**The Chairman:** The amendment stands part of the clause.

The question now is that clause 8 as amended stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 8 as amended passed.**

**The Deputy Clerk:** Clause 9 Consideration as an inducement to purchase.

**The Chairman:** I recognise the Honourable Minister responsible for Health.

**Hon. Anthony S. Eden:** Thank you, Madam Chair.

I beg to move the following amendment to clause 9 by adding after the words "No person shall" the words "in the course of business".

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak? [pause]

If no Member wishes to speak, the question is that the amendment stand part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it. The amendment stands part of the clause.

**Agreed: Amendment to clause 9 passed.**

**The Chairman:** The question now is that clause 9 as amended form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**The Deputy Clerk:** Clause 10 Sale of tobacco products.

**The Chairman:** The question is that clause 10 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**Agreed: Clause 10 passed.**

**The Deputy Clerk:** Clause 11 Display of tobacco products.

**The Chairman:** I recognise the Honourable Minister for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Chair.

I beg to move the following amendment to clause 11: In subclause (1) by deleting the words "Subject to subsection (2), no retailer" and substituting the words "No retailer".

In subclause (2), by deleting the words "except that the brand elements shall not be visibly displayed" and substituting the words "and the brand element may be visibly displayed, but only as prescribed".

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto? [pause]

If no Member wishes to speak thereto, the question is that the amendment stand part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it. The amendment stands part of the clause.

**Agreed: Amendment to clause 11 passed.**

**The Chairman:** The question now is that clause 11 as amended form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 11 as amended passed.**

**The Deputy Clerk:**

Clause 12 Use of tobacco products.

Clause 13 Inspection of registered business premises.

**The Chairman:** The question is that clause 12 and 13 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 12 and 13 passed.**

**The Deputy Clerk:** Clause 14 Premises that Authorised Officers may enter.

**The Chairman:** I recognise the Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Chair.

I beg to move the following amendment to clause 14, by adding after the words "public place" the words "or premises".

**The Chairman:** The amendment has been duly moved, does any Member wish to speak? [pause]

If no Member wishes to speak, the question is that the amendment stand part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it. The amendment stands part of the clause.

**Agreed: Amendment to clause 14 passed.**

**The Chairman:** The question now is that clause 14 as amended stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 14 as amended passed.**

**The Deputy Clerk:**

Clause 15 Powers of Authorised Officers.

Clause 16 Use of computers and copying equipment.

Clause 17 Entry in a dwelling place.

Clause 18 Authorised Officers to be assisted and not obstructed.

Clause 19 Seizure.

Clause 20 Application for restoration.

Clause 21 Forfeiture.

**The Chairman:** The question is that clauses 15 through 21 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 15 through 21 passed.**

**The Deputy Clerk:** Clause 22 Offences and penalties.

**The Chairman:** I recognise the Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Chair.

I beg to move the following amendment to clause 22 (5): by deleting the words "Part VI" and substituting the words "Part V".

**The Chairman:** The amendment has been duly moved, does any Member wish to speak thereto? [pause]

If no Member wishes to speak, the question is that the amendment stand part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The amendment stands part of the clause.

**Agreed: Amendment to clause 22 passed.**

**The Chairman:** The question now is that clause 22 as amended stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 22 as amended passed.**

**The Deputy Clerk:**

Clause 23 Vicarious liability of registrant.

Clause 24 Appeals.

**The Chairman:** The question is that clause 23 and 24 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 23 and 24 passed.**

**The Deputy Clerk:** Clause 25 Power to make regulations.

**The Chairman:** I recognise the Honourable Minister responsible for Health.

**Hon. Anthony S. Eden:** Thank you, Madam Chair.

I beg to move the following amendment to clause 25 (2): by deleting the word "and" at the end of paragraph (j).

By deleting the full stop at the end of paragraph (k) and substituting "; and".

By adding after paragraph (k) the following: '(l) prescribing the conditions under which exemptions from section 8 may be granted'.

**The Chairman:** The amendment has been duly moved, does any Member wish to speak thereto? [pause]

If no Member wishes to speak thereto, the question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it. The amendment stands part of the clause.

**Agreed: Amendment to clause 25 passed.**

**The Chairman:** The question now is that clause 25 as amended stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 25 as amended passed.**

**The Deputy Clerk:**

Clause 26 Repeal.

Clause 27 Power to amend the Schedule.

Clause 28 Binding of the Crown.

**The Chairman:** The question is that clauses 26 through 28 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 26 through 28 passed.**

**The Deputy Clerk:** Schedule—Public Places

**The Chairman:** I recognise the Honourable Minister responsible for Health.

**Hon. Anthony S. Eden:** Thank you, Madam Chair.

I beg to move the following amendment to item 21 of the Schedule by adding after the words “correctional facilities” the words “except such areas of the grounds as the Director of Prisons may determine”.

**The Chairman:** The amendment has been duly moved, does any Member wish to speak thereto? [pause]

If no Member wishes to speak thereto, the question is that the amendment stands part of the Schedule. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to the Schedule passed.**

**The Chairman:** The question now is that the Schedule as amended stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: The Schedule as amended passed.**

**The Deputy Clerk:** A Bill for a Law to regulate the labelling, promotion, sale and distribution of tobacco products; to prohibit their use in certain public places; and for incidental and connected purposes.

**The Chairman:** The question is that the Title stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

**The Chairman:** The question is that the Bills be reported to the House. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Bills to be reported to the House.**

**The Chairman:** The Bills will accordingly be reported to the House.

The House will now resume.

**House resumed at 4.14 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

## **REPORT ON BILLS**

### **Justice Protection Bill, 2008**

**The Deputy Clerk:** The Justice Protection Bill, 2008.

**The Speaker:** I recognise the Honourable Temporary Second Official Member.

**Hon. Cheryl Richards:** Thank you, Madam Speaker.

I beg to report that the Bill entitled The Justice Protection Bill, 2008, has been examined by a committee of the whole House and passed without amendment.

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

### **Immigration (Amendment) Bill, 2008**

**The Deputy Clerk:** The Immigration (Amendment) Bill, 2008.

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, I have to report that a Bill entitled, The Immigration (Amendment) Bill, 2008, was examined by a committee of the whole House and passed with two amendments.

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

### **Tobacco Bill, 2008**

**The Deputy Clerk:** The Tobacco Bill, 2008.

**The Speaker:** I recognise the Honourable Minister for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I beg to report that a Bill entitled, A Bill for a Law to regulate the labelling, promotion, sale and distribution of tobacco products; to prohibit their use in certain public places; and for incidental and connected purposes, was considered by the whole House and passed with amendments.

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

### THIRD READINGS

#### Justice Protection Bill, 2008

**The Deputy Clerk:** The Justice Protection Bill, 2008.

**The Speaker:** I recognise the Honourable Temporary Second Official Member.

**Hon. Cheryll Richards:** Thank you, Madam Speaker. I beg to move that a Bill entitled The Justice Protection Bill, 2008, be given a Third Reading and passed.

**The Speaker:** The question is that a Bill entitled, The Justice Protection Bill, 2008, be given a Third Reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Justice Protection Bill, 2008, has been read a third time and passed.

**Agreed: The Justice Protection Bill, 2008, given a Third Reading and passed.**

#### Immigration (Amendment) Bill, 2008

**The Deputy Clerk:** The Immigration (Amendment) Bill, 2008.

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you. Madam Speaker, I move that The Immigration (Amendment) Bill, 2008, be given a Third Reading and passed.

**The Speaker:** The question is that a Bill entitled, The Immigration (Amendment) Bill, 2008, be given a Third Reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Immigration (Amendment) Bill, 2008, has read a third time and passed.

**Agreed: The Immigration (Amendment) Bill, 2008, given a Third Reading and passed.**

#### Tobacco Bill 2008

**The Deputy Clerk:** The Tobacco Bill, 2008.

**The Speaker:** I recognise the Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker. I beg to move that a Bill entitled A Bill for a Law to regulate the labelling, promotion, sale and distribution of tobacco products; to prohibit their use in certain public places; and for incidental and connected purposes, be given a Third Reading and passed.

**The Speaker:** The question is that the Bill entitled The Tobacco Bill, 2008, be given a Third Reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Tobacco Bill, 2008, has been given a Third Reading and passed.

**Agreed: The Tobacco Bill, 2008, given a third reading and passed.**

#### Suspension of Standing Order 47

**The Speaker:** Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, on behalf of the Government I beg to move the suspension of Standing Order 47 so that the Bill on the Order Paper can be given a third reading in the single sitting, taking place now, in respect of the Supplementary Appropriation (July 2007 to June 2008) (No. 2) Bill, 2008.

**The Speaker:** The question is that Standing Order 47 be suspended. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 47 suspended.**

#### Supplementary Appropriation (July 2007 to June 2008) (No. 2) Bill, 2008

**The Deputy Clerk:** The Supplementary Appropriation (July 2007 to June 2008) (No. 2) Bill, 2008.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, I beg to move pursuant to Standing Order 54, that a Bill shortly entitled, The



Supplementary Appropriation (July 2007 to June 2008) (No. 2) Bill, 2008, be given a Third Reading and passed.

**The Speaker:** The question is that, The Supplementary Appropriation (July 2007 to June 2008) (No. 2) Bill, 2008, be given a Third Reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** the Ayes have it. The Supplementary Appropriation (July 2007 to June 2008) (No. 2) Bill, 2008, has been read a third time and is passed.

**Agreed: The Supplementary Appropriation (July 2007 to June 2008) (No. 2) Bill, 2008, given a Third Reading and passed.**

**The Speaker:** That concludes the orders of the day. I will entertain a motion for the adjournment of this honourable House.

Honourable Leader of Government Business.

## **ADJOURNMENT**

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

Just to inform Members that while we do have a legislative calendar, the exact date for the next Meeting has not been fixed by the Speaker.

Accordingly, I move the adjournment of this honourable Legislative Assembly sine die.

**The Speaker:** The question is that this honourable House do now adjourn sine die. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. This honourable House now stands adjourn.

**At 4.23 pm the House stood adjourned sine die.**

**OFFICIAL HANSARD REPORT**  
**FRIDAY**  
**5 DECEMBER 2008**  
**10.15 AM**  
*First Sitting*

**The Speaker:** I call on the Third Official Member to say Prayers.

**PRAYERS**

**Hon. G. Kenneth Jefferson:** Let us pray.

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

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

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

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

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

**Proceedings Resumed at 10.18 am**

**ADMINISTRATION OF OATHS  
 OR AFFIRMATIONS**

**Oath of Allegiance**  
*(administered by the Clerk)*

**The Speaker:** Madam Clerk, Mr. Donovan Ebanks is absent. I guess we will swear him in if he arrives at a

later time during the sitting. We have had no written confirmation that he would not be here or otherwise.

Can we move to the next item please?

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

**Apologies**

**The Speaker:** I have received apologies for late arrival from the Second Elected Member for West Bay.

**PRESENTATION OF PAPERS  
 AND OF REPORTS**

**Draft Consultation Bill: The Children (Amendment)  
 Bill 2008**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Health and Human Services.

**Hon. Anthony S. Eden:** Thank you.

I beg to lay on the Table of this honourable House the Children (Amendment) Bill, 2008, as a draft consultation Bill for public input.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Anthony S. Eden:** Yes, Madam Speaker, thank you.

The United Nations Convention on the Rights of the Child was extended to the Cayman Islands on 7 September 1994, by virtue of the Islands being a British Overseas Territory of the United Kingdom. In order to comply with the provisions and principles of the convention, the Government of the Cayman Islands then took the initial step of drafting the Children Law 1995. However, due to technical difficulties in implementing the Law, it was repealed and redrafted.

In November 2003, the CI Legislature passed the new Children Law, 2003. Some essential and critical elements were not sufficiently addressed in the Children Law, 2003, which this Government is now seeking to address in the draft Children (Amendment) Bill, 2008.

The drafting of this Bill was a collaborative effort between government agencies that have primary responsibility for the welfare of children. It is an-

anticipated that the provisions of this Law will provide the relevant regulating authorities with the appropriate statutory powers to ensure that the principle of the best interest of the child is paramount.

The Children (Amendment) Bill, 2008, is a far-reaching comprehensive legal instrument whose primary aim is to embody at a domestic level the articles and provisions of the United Nations Convention on the Rights of the Child.

Honourable Ministers and Members of Cabinet and the Legislative Assembly are asked to take note that the development of a comprehensive legal framework that modernizes provisions regarding children's welfare and focuses on the best interest of the child is part of the Ministry's strategic plan.

During this public consultation process we must remain mindful that this legislation is about protecting our most valuable asset—our children. The task of protecting children in our society is a challenging one for all of the community. Every society needs a variety of ways—social, economic, moral, legal, and environmental—in which to do this.

Certainly, we have our share of challenges in the face of the rate and the extent of social changes experienced here in Cayman in the past decades. There is, for example, the complex issue of mandatory reporting of child abuse. This has implications for children, families and many professionals, including those in the social, health, education, ecclesiastic, and law enforcement fields, as well as government policymakers.

Legislating against child abuse recognises that children have the right to be protected from abuse; but it does not protect children from prevailing social attitudes and beliefs about child abuse, especially abuse within the family unit, and especially if those attitudes condone denial or [an] exaggerated sense of what should be considered private.

I would like to encourage all people to give close attention to the legislation, including some key components. The details of the proposed amendments are as follows:

- New definitions, including a definition of abuse, have been inserted;
- section 4 has been amended to give a father who is not married to the mother of a child at the time of its birth, parental responsibility where he, along with the mother, registers the birth of a child;
- new provisions on acquisition of parental responsibility by a step-parent are also introduced in this bill;
- duty is placed on the Department of Children Services ("the Department") to promote the educational achievements of children it looks after;
- new provisions on mandatory reporting of possible abuse and neglect of children are introduced. It sets out who is required to report and specifies the obligations of the Department following a report. It also provides appropriate safeguards regarding the

information and identity of the person making the report;

- the Governor in Cabinet is permitted to issue a certificate to a foster parent providing refuge to a child;

- additional duties are imposed on the Department;

- Part X of the existing Law is repealed; and

- a new section 88A places a duty on the parents of a child appearing before a court to also attend court for the duration of the proceedings. And this, Madam Speaker, is something that we have been asking for, for a long time. Too many times we see the children by themselves, or with a social worker, attending these hearings and it is high time that the parents take some responsibility for this. I know the Minister of Education has talked about this for a long time.

While this Bill is simply a discussion draft for your input, I would like to remind everyone of the importance of placing high priority on the well-being of every boy and girl in these islands. I want to encourage everyone to become familiar with this draft document. The proposed amendments have far-reaching implications for all persons working and caring for children.

There is a thirty-day period to look at this. The future of this legislation will be dependent on your input and participation. Read it and send us your comments. We will not know how you, the public, feel unless you let us know.

I hope that you will give your wholehearted support to this legislation. This is an opportunity for us to make the Cayman Islands a safer place for ourselves and, most importantly, our children—our future.

Madam Speaker, I would like to take this opportunity to let the public know that this document can be found on the Legislative Assembly website. I want to thank your staff for arranging for this in short order.

Thank you very much.

**Cayman Turtle Farm (1983) Limited – Financial Statements 30 June 2005; and  
Cayman Airways Limited – Consolidated Financial Statements 30 June 2004  
(Deferred)**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Tourism, Environment, Investment and Commerce.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker. I seek your permission to move [these two papers (Cayman Turtle Farm (1983) Limited – Financial Statements 30 June 2005; and Cayman Airways Limited – Consolidated Financial Statements 30 June 2004)] to the end of [Presentation of Papers and Reports] on the Order Paper.

**The Speaker:** The question is that [these two papers (Cayman Turtle Farm (1983) Limited – Financial

Statements 30 June 2005; and Cayman Airways Limited – Consolidated Financial Statements 30 June 2004)] be placed at the end of [Presentation of Papers and Reports] on the Order Paper.

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

**Ayes:**

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

**Agreed: [Cayman Turtle Farm (1983) Limited – Financial Statements 30 June 2005; and Cayman Airways Limited – Consolidated Financial Statements 30 June 2004)] to be moved to the end of [Presentation of Papers and of Reports] on the Order Paper.**

**Report and Recommendation of the Minister Responsible for Lands – on the Vesting of Crown Land Block 15E Parcel 196 to the Cayman National Cultural Foundation**

**The Speaker:** I recognise the Honourable Leader of Government Business, Minister responsible for the District Administration, Planning, Agriculture and Housing.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, I beg to lay on the Table of this honourable House the Report and Recommendation of the Minister Responsible for Lands and the Vesting of Crown Land Block 15E Parcel 196 to the Cayman National Cultural Foundation.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

**Hon. D. Kurt Tibbetts:** Yes, Madam Speaker, thank you.

Madam Speaker, I have laid this Report on the Table, and I wish to confirm that as required by Law the details of this land matter have been published in the *Cayman Islands Gazette*, [Issue] No. 20/2008 dated 29 September, 2008, and a local newspaper—namely, the *Caymanian Compass*, on 26 September 2008.

Also as required by Law, three (3) valuations have been carried out on the subject property. Each valuation report forms part of the overall Report and provides a general indication of the value of the property that Government now proposes to vest.

Madam Speaker, this Report deals with the vesting of Block 15D Parcel 196, which is commonly known to all of us as “Miss Lassie’s House”, and it is to be vested to the Cayman National Cultural Foundation (CNCF).

The property is located on South Sound Drive, near the intersection with Walkers Road in South

Sound. The area of the parcel is 0.49 Acres and includes two residential structures, namely, Miss Lassie’s house and a duplex to the rear of the house. Both buildings are currently vacant and some work has already been undertaken by the CNCF to minimize deterioration of the structures, particularly Miss Lassie’s house.

Madam Speaker, by way of background I will provide the following information for Members of this honourable House and, indeed, for the public. Members will all be familiar with Miss Gladwyn “Lassie” Bush, perhaps one of Cayman’s best known native artists. Though she starting painting fairly late in life, she was quite prolific and did not restrict her work to canvas. She also painted on her home and the other structures around her yard. Miss Lassie’s house, therefore, is quite literally a work of art, and many of us will remember seeing her around her yard working on her latest creations. Her work, with its strong Christian themes, has been described as “visionary”, and you do not have to look too far on her property to see examples of it—indeed, it is everywhere.

Her home has another important cultural significance as it was constructed using the “old time” wattle and daub construction method, and its design embodies many of the traditional Caymanian architectural features.

After her passing at the age of 89 in November 2003, her property passed to her son, and, upon his death, to his wife. When the property came up for sale, the Cayman National Cultural Foundation and Vision Real Estate (the company which had the property listed) approached the Government with a proposed partnership to preserve this culturally significant site and to develop it into a cultural resource centre.

In July of this year, the Government acquired the site with the intention of vesting it to the Cayman National Cultural Foundation. As many of you may be aware, the CNCF has already launched a fundraising campaign for this project, and this vesting is part of Government’s contribution.

The Report I am tabling here today will allow this property to be vested in the Cayman National Cultural Foundation, and I am confident that they will not only preserve it, but they will also develop it into a wonderful cultural landmark that residents and visitors alike will enjoy for many years to come.

Thank you, Madam Speaker.

**Report and Recommendation of the Minister Responsible for Lands – on the Vesting of Crown Land Block 104A Parcel 9 (Part) to the Water Authority – Cayman**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, I beg to lay on the Table of this honourable House Report and Recommendation

of the Minister Responsible for Lands on the Vesting of Crown Land Block 104A Parcel 9 (Part) to the Water Authority, Cayman.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

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

Having laid this report on the Table, I want to confirm that as required by Law the details of this land matter have been published in the *Cayman Islands Gazette*, Issue No. 22/2008, dated 27 October 2008, and a local newspaper, namely, the *Caymanian Compass*, on 20 October 2008.

And, again as required by Law, three valuations have been carried out on the subject property. Each valuation report forms part of the overall Report and provides a general indication of the value of the property that Government now proposes to vest.

Madam Speaker, the Report deals with vesting of Block 104A Parcel 9 (part) to the Water Authority - Cayman. This property is located on Ashton Reid Drive on the Bluff in Cayman Brac, near the Aston Rutty Centre. The parcel will be subdivided to create a 12.58 acre parcel, and it is proposed that this newly created parcel be vested to the Water Authority.

By way of background, the Water Authority's ten-year development plan includes the extension of the Cayman Brac Water Distribution System. While this expansion will initially cover the north coast of Cayman Brac (which is the most densely populated area) from the West End Crossroads up to Spot Bay, future phases will include pipeline installation in the roads on the Bluff, and then on to the south coast.

The recent impact of Hurricane Paloma and the damage that it caused in Cayman Brac is an all-too-clear reminder that we need to plan for hurricane resilience when it comes to our infrastructure. Currently, the Water Authority's Cayman Brac water production, storage, and pumping facility are all located on a low-lying site which makes this important infrastructure susceptible to flooding. An added difficulty of their current site is that it does not allow sufficient space for future expansion of their water production capacity.

Vesting this parcel on the Bluff to the Water Authority will allow them to relocate their facilities to a higher, more suitable location on the Bluff. Not only will this give the Water Authority's physical plant increased protection from storm events, ensuring that potable water will still be available to the general population after a storm event, [but] it will also allow them sufficient space for the future expansion of their facility.

Madam Speaker, I am pleased to lay this Report on the Table for the vesting to proceed. Thank you.

### **Report and Recommendation of the Minister Responsible for Lands – on the Vesting of Crown Land Block 32E Parcel 50 to the Tourism Attraction Board**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, I beg to lay on the Table of this honourable House, the Report and Recommendation of the Minister Responsible for Lands—on the Vesting of Crown Land Block 32E Parcel 50 to the name of the Tourism Attraction Board.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

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

I have to confirm that as required by Law the details of this land matter have been published in the *Cayman Islands Gazette*, Issue No. 11/2008, dated 26 May 2008, and a local newspaper, namely, the *Cayman Net News*, on 15 May 2008.

Also as required by Law, three valuations have been carried out on the subject property. Each valuation report forms part of the overall Report and provides a general indication of the value of the property that Government now proposes to vest.

Madam Speaker, the Report deals with vesting of Block 32E Parcel 50, the property known as "Pedro St. James", or, more commonly, "Pedro Castle". This property is located on Pedro Castle Road in Lower Valley. By way of background information, section 12 of the Tourism Attraction Board Law, 1996, states that "there is vested in the Board without further assurance or transfer . . . Pedro Castle." It recently came to the Government's attention that this transfer had never been executed, and this parcel is still registered Crown ownership. So, some 12 years later, this vesting is simply an exercise to regularise this situation as called for by that Law by vesting the property to the Tourism Attraction Board. By doing this, we will be bringing the situation into compliance with the relevant legislation.

Thank you, Madam Speaker.

### **Report and Recommendation of the Minister Responsible for Lands – on the Vesting of Crown Land Block 43A Parcel 56 to the National Housing Development Trust**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, I seek permission to lay on the Table of this honourable House, the Report and Recommendation of the Minister Responsible for Lands on the Vesting of Crown Land

Block 43A Parcel 56 to the National Housing Development Trust.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

**Hon. D. Kurt Tibbetts:** Madam Speaker, I wish to also confirm that as required by Law the details of this land matter have been published in the *Cayman Islands Gazette*, Issue No. 24/2008, dated 24 November 2008, and a local newspaper, namely, the *Caymanian Compass*, on 13 October 2008.

The three valuations required by Law have been carried out on this property. Each valuation report forms part of the Report and provides the usual general indication of the value of the property that Government now proposes to vest.

The Report that deals with the vesting of Block 43A Parcel 56 to the National Housing Development Trust indicates that the property is located on Lake Destiny Drive north of Bodden Town Road in Bodden Town, Grand Cayman.

Madam Speaker, the National Housing Development Trust (or NHDT) has several programs with the goal of making the dream of home ownership a reality for as many Caymanians as possible.

Their programmes include the Government Guaranteed Home Assisted Mortgage (or GGHAM) scheme, in which the Government provides a mortgage guarantee for qualified Caymanians who have what we would call a decent income but have not been able to save the lump sum that is required with a traditional mortgage. I am pleased to be able to advise Members that since the launch of this programme late last year, the GGHAM programme has helped over 126 first-time home buyers to purchase their own homes. That means that, end of year, there are 126 Caymanian families who, for the first time, will be celebrating the holidays in their own homes.

The NHDT also has a programme that assists those who already own land to build an affordable home on their property. This "Build on Your Own Property" programme was launched earlier this year. So far, two homes have been completed, one fairly recently. This program assists the client by providing bridge financing and allowing the client to use the NHDT's ready-made plans, which saves the client considerable money in design fees. Two more homes should be started under this program in the next few weeks.

Another very important programme of the NHDT is the development and sale of affordable homes. Members will be aware that the NHDT currently has affordable housing developments in George Town and West Bay. While these sites have met some of the need for affordable housing, there is still a very large unmet demand, which I am sure will only increase with the difficult financial times that, all indications are, lie ahead of us.

In order to address the need for more affordable homes throughout the Island, the NHDT has been working to identify sites for development in each of the districts of Grand Cayman. To date, property has been identified in each district. This vesting Report which I am in the process of doing today is for the proposed Bodden Town Affordable Housing development site.

This site is located close to the Bodden Town Civic Centre, Health Clinic, and playing field. This site will provide house lots for the development of 45 affordable homes. This will mean that, once developed (and that is underway), 45 Caymanian families will be able to have pride in owning their own home in the Bodden Town district.

I know that the passing of Paloma and its devastating effects on our Sister Islands has reminded us of the need to build strong buildings which will, as much as possible, withstand the impacts of natural disasters such as hurricanes. I would like to take this opportunity to confirm to all Members of this honourable House that the new NHDT homes will be solidly constructed in compliance with the Building Code. They will have concrete block walls throughout—internal and external—and I am confident they will stand the test of time.

By vesting this property in the NHDT, we are making a very important contribution to this much-needed programme. I would like to thank the honourable Members for their support of this proposed vesting as I know it will mean the world to those families who move into these affordable homes once they are developed.

Thank you, Madam Speaker.

**Report and Recommendation of the Minister Responsible for Lands – on the Vesting of Crown Land Block 4B Parcels 181, 190, 195, 196 and 380 to the National Housing Development Trust**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, I beg to lay on the Table of this honourable House the Report and Recommendation of the Minister Responsible for Lands on the Vesting of Crown Land Block 4B Parcels 181, 190, 195, 196 and 380 to the National Housing Development Trust.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

**Hon. D. Kurt Tibbetts:** Madam Speaker, this is a continuation of the programme that I spoke to with the previous document I just tabled.

I now have to confirm that as required by the Law, the details of this land matter have been published in the *Cayman Islands Gazette*, Issue No.

23/2008, dated 11 November 2008, and a local newspaper, namely, the *Caymanian Compass*, on 29 October 2008.

Also as required by Law, three valuations have been carried out on the parcels. These valuation reports do form part of the overall Report and provide the general indication that is required of the value of the property that Government now proposes to vest in the NHDT.

The parcels are all adjacent to each other, and together they represent approximately 10 acres of undeveloped land. This property is located off Boatswain Bay Road near the lighthouse in West Bay, North West, Grand Cayman.

Madam Speaker, as I outlined in my previous statement regarding the proposed vesting of Block 43A Parcel 56 to the NHDT, they do have several programs with the goal of making the dream of home ownership a reality for as many Caymanians as possible. I will not go into those details again.

The Report deals with the proposed vesting of Crown land in West Bay to the NHDT for the purposes of developing an affordable housing subdivision on this site. The West Bay area has one site already and this will be the second site. Once this site is developed, 50 Caymanian families will be able to have pride in owning their own homes in the West Bay district.

Thank you.

#### **Cayman Islands National Insurance Company (CINICO) - Annual Report June 30, 2005**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Health and Human Services.

**Hon. Anthony S. Eden:** I beg to lay on the Table of this honourable House the Annual Report for the Cayman Islands National Insurance Company (June 30, 2005).

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

*[inaudible]*

#### **Cayman Islands National Insurance Company (CINICO) - Annual Report June 30, 2006**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Health and Human Services.

**Hon. Anthony S. Eden:** I beg to lay on the Table of this honourable House the Annual Report for the Cayman Islands National Insurance Company (June 30, 2006).

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Anthony S. Eden:** No, Madam Speaker.

#### **Cayman Islands National Insurance Company (CINICO) - Annual Report 2006 – 2007**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Health and Human Services.

**Hon. Anthony S. Eden:** I beg to lay on the Table of this honourable House the Annual Report for the Cayman Islands National Insurance Company (June 30 2006-7).

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Anthony S. Eden:** Just to say, Madam Speaker, that I am pleased this Government has just about gotten this department brought up to date with its annual reports.

#### **Financial Statements of the National Housing and Community Development Trust – 30 June 2004**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** I beg to lay on the Table of this honourable House the Financial Statements of the National Housing and Community Development Trust, 30 June 2004.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

**Hon. D. Kurt Tibbetts:** With your permission, Madam Speaker, I will lay the other report on the Table and speak to both at the same time.

#### **Financial Statements of the National Housing and Community Development Trust – 30 June 2005**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** I beg to lay on the Table of this honourable House the Financial Statements of the National Housing and Community Development Trust, 30 June 2005.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

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

Madam Speaker, I will not speak at length regarding these audited financial statements for the National Housing and Community Development Trust 2003/04 and 2004/05 financial years, as I believe their titles and content will speak for themselves. However I would like to make a few remarks and ask that Members bear these in mind when reviewing these Reports.

You will note, Madam Speaker, that these Reports refer to the National Housing and Community Development Trust, and that they are for the 2003/04 and 2004/05 financial years. Since that time period the role of this agency has changed somewhat and they are now known as the National Housing Development Trust. The Community Development role has been assigned to another agency, and the Trust is under new management and a new Board.

Members will note that the Auditor's statement in the 2003/04 Report makes reference to this fact, when he says, and I quote: "Due to the changes in the management of the Trust, and the composition of the Board of Directors, management was unwilling to sign off on the financial statements acknowledging its responsibility for the fair presentation of the financial statements in accordance with International Financial Reporting Standards. Since Management will not confirm that the financial statements are free of material misstatements and omissions, I am forced to conclude that I cannot attest that the financial statements are free from material misstatement."

The Auditor General goes on to state that due to the significance of this matter, he does not express an opinion on the financial statements of the National Housing and Community Development Trust for the year ending 30 June 2004.

While I am confident that honourable Members will agree with me when I say that this is not really a desirable situation, I believe Members will understand the issues that led to this result. There were a number of areas that the Auditor General questioned in his review of these financials, and the current Management of the NHDT was not in a position to respond to these due to several factors.

In some instances there were incomplete or missing files, in other cases there were no records at all. So it really should come as no surprise that the current management indicated that they were unable to confirm that the financials were "free of material misstatements and omissions."

It is better news, though, for the financial statements for the year ending 30 June 2005, as in this report the Auditor General states, and I quote: ". . . the financial statements present fairly, in all material respects, the financial position of the National Housing and Community Development Trust as of 30 June 2005, and of its financial performance and cash flows for the year then ended in accordance with International Public Sector Account Standards."

So, Madam Speaker, I would like to take this opportunity to applaud the Chairman and the General Manager of the National Housing Development Trust for their efforts to bring the NHDT's audited financials up to date.

Thank you, Madam Speaker.

### **Financial Reporting Authority (CAYFIN) Annual Report 2007/2008**

**The Speaker:** I recognise the Honourable Second Official Member responsible for the Portfolio of Legal Affairs.

**Hon. Samuel W. Bulgin:** Thank you, Madam Speaker.

I seek leave of this House to lay on the Table a Financial Reporting Authority (CAYFIN) Annual Report 2007/2008.

**The Speaker:** So ordered.

Does the Honourable Second Official Member wish to speak thereto?

**Hon. Samuel W. Bulgin:** No, Madam Speaker. I think the Report itself is quite self explanatory.

### **Freedom of Information (General) Regulations, 2008**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Seeing as the Freedom of Information (General) Regulations, which I want to Table . . . I am also moving a motion directly after that. I would ask if you could pause and allow the Minister for Tourism to lay his two reports and then I will proceed.

Thank you.

### **Cayman Turtle Farm (1983) Limited – Financial Statements 30 June 2005**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Tourism, Environment, Investment and Commerce.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House, the audited financial statements for the Cayman Turtle Farm (1983) Limited, for the year ended 30 June 2005.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?



**Hon. Charles E. Clifford:** Yes, thank you, Madam Speaker.

During the year ended 30 June 2004, Cayman Turtle Farm (1983) Limited, commenced a major re-development project, now called Boatswain's Beach. The project, consisting of a marine park and related development, was completed and opened in two phases—the soft opening in September 2006, and the full opening in November 2006.

During the year ended 30 June 2005, the company's operations were adversely affected by Hurricane Ivan. This and other factors resulted in a net operating loss, before insurance proceeds were received, of CI\$756,267. However, after factoring in the value of the insurance proceeds received in total, CI\$1,592,890, the company reported an overall net profit of CI\$840,623 for the year ended 30 June 2005. This is compared to a loss of CI\$1,213,482 for the year ending 30 June 2004.

During the financial year of 2005, the Turtle Farm invested CI\$16.8 million in property, plants and equipment, and some CI\$16.4 million out of this was for construction in progress which pertains to costs directly attributable to the Boatswain's Beach project.

Madam Speaker, total liabilities of the company include outstanding guaranteed senior notes of CI\$36.2 million. These were issued primarily for the purpose of funding the Boatswain's Beach project to pay capitalised interest and to meet the cost of the issuance of the notes. Approximately CI\$32 million out of the proceeds were held as bank fixed deposits as of 30 June 2004, and utilised in subsequent years on the above-mentioned projects.

The company has prepared and presented draft financial statements up to 30 June 2008 to the Auditor General, with the last audited financial statements being for the year ended 30 June 2005, the audits for the years ending 30 June 2006, 2007 and 2008 remain pending.

On behalf of the Auditor General, a local accounting firm has completed the field work on the audits for the year ended 30 June 2006, thus the audit is in its final review phase. The company has requested the immediate commencement of the 2007 audit upon completion of the 2006 audit.

In an effort to bring the financial statements up to date, the company obtained accounting services from a local accounting firm to fast-track the preparation and presentation of the financial statements for the years ended June 2006 and June 2007. Upon filling vacancies in the finance division, including the appointment of the chief financial officer in December 2007, and an accounts manager in June 2008, high priority has been given to finalising the outstanding audits.

Thank you.

#### **Cayman Airways Limited – Consolidated Financial Statements 30 June 2004**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Tourism, Environment, Investment and Commerce.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the audited financial statements for Cayman Airways Limited for the year ended 30 June 2004.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

The year ended 30 June 2004 was a busy one for Cayman Airways Limited. During the fiscal year a new subsidiary devoted to inter-island air service, Cayman Airways Express, was created and began service.

Continuing the effort of improving service, in November 2003 the company received its first leased 737-300 aircraft to complement the existing fleet of 737-200s. Building on the successful introduction of the 300 aircraft into the fleet, in June 2004 a lease agreement was signed for a second 737-300 aircraft for delivery slated for November 2004.

For the financial year ended 30 June 2004, the total revenue was CI\$31.3 million. That consisted of passenger revenue of \$26.8 million and cargo revenue of \$2.3 million. Handling and other miscellaneous revenue accounted for the remaining \$2.2 million in revenue.

The operating cost for the same period was CI\$41.8 million. I should point out here that while I am expressing these amounts in Cayman Islands Dollars, the audited financial statements are actually expressed in US currency.

The Government contribution for the year was \$4 million, resulting in an overall net loss of \$6.95 million. And just to highlight again, Madam Speaker, for the period ended 30 June 2004, the operating revenue was \$31.3 million; operating expenses \$41.7 million, resulting in an operating loss of \$10.4 million.

Madam Speaker, there was a further non-operating expense of \$545,000, and this related primarily to interest expenses.

The loss before Government subsidy and investment was \$10.95 million. The Government subsidy, as I mentioned earlier, was \$4 million, and the overall net loss for the year was \$6.95 million.

The accumulated deficit at 1 July 2003 was \$66.49 million. The accumulated deficit at 30 June 2004 was \$73.44 million.

At 30 June 2004, the total assets were \$15.48 million, and the current liabilities for that period amounted to \$20.41 million.

In addition to the output payments, the investments that I mentioned earlier, the company re-

ceived an equity injection of \$9.11 million from the shareholder through the write-off of debts owing to other government agencies as at September 2003.

Madam Speaker, the audited financial statements for Cayman Airways are in the process of being brought up to date. The 2004 and 2005 audit is complete and CAL is working through the last remaining issues in order to have the report issued. The audits for the years 2005/6 and 2006/7 are being conducted currently and despite a few delays we are optimistic that these will be completed very shortly.

The Government and the Board of Cayman Airways embarked on a turnaround plan two years ago. Through a variety of efforts the airline has been able to make real improvements. Through increased emphasis on the Cayman Airways product, sales have increased drastically and are projected to increase again this year, despite the global financial crisis.

Purchasing has been centralised to reduce cost and ensure that all purchases have a thorough review to ensure the best value for money.

Madam Speaker, I am pleased to report that Cayman Airways now has a fleet of four 737-300 aircrafts which has improved the products being offered both in terms of customer comfort and reliability. All aspects of the airline continue to be reviewed to see where efficiencies can be achieved. Many of the procedures, systems and people needed to continue this performance improvement are in place and the airline is poised to continue towards its goal of improved efficiency.

With many airlines worldwide being shut down due to financial and other pressures, Cayman Airways continues to improve its operation as it links the Cayman Islands to the world.

Thank you.

### **Freedom of Information (General) Regulations, 2008**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** I beg to lay on the Table of this honourable House the Freedom of Information Law, 2007, Law 10 of 2007; the Freedom of Information (General) Regulations, 2008.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

**Hon. D. Kurt Tibbetts:** Madam Speaker, there is a Government Motion that I will move and I intend to speak to it when I move that Government Motion.

## **STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET**

**The Speaker:** I have received no notice of statements by Honourable Ministers or Members of the Cabinet.

## **GOVERNMENT BUSINESS**

### **MOTIONS**

#### **Government Motion No. 7/08-09—The Freedom of Information Law, 2007; The Freedom of Information (General) Regulations, 2008**

**The Speaker:** I recognise the Honourable Leader of Government Business, Minister responsible for the Ministry of District Administration, Planning, Agriculture and Housing.

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

I beg to move Government Motion No. 7/08-09, entitled the Freedom of Information Law, 2007; the Freedom of Information (General) Regulations, 2008.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the Honourable—

**Hon. D. Kurt Tibbetts:** Madam Speaker, perhaps I paused too long. I was seeking permission to read the Motion, if you would just allow me, then we can move the Motion.

**The Speaker:** Honourable Leader of Government Business, you are entitled to read the Motion when you move it. So, you can read the Motion and then I will allow you to debate.

**Hon. D. Kurt Tibbetts:** Just to be absolutely certain, Madam Speaker, may I now read the Motion?

**The Speaker:** Honourable Leader of Government Business, it will be my pleasure to listen to your reading this morning.

**Hon. D. Kurt Tibbetts:** Thank you very much.

Madam Speaker, [Government] Motion No. 7/08-9 reads as follows:

**WHEREAS section 57 of The Freedom of Information Law 2007 provides that "The Governor in Cabinet may, subject to an affirmative resolution, make regulations—**

- (a) generally for giving effect to the provisions and purposes of this Law;**
- (b) prescribing the period of time for the doing of any act under this Law;**
- (c) for anything that is required or permitted to be prescribed under this Law.";**

**AND WHEREAS The Freedom of Information (General) Regulations 2008 has been laid on the Table of this Honourable House;**

**BE IT NOW THEREFORE RESOLVED THAT the Freedom of Information (General) Regulations 2008 be affirmed by the Legislative Assembly pursuant to section 57 of the Law.**

**The Speaker:** The Motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Yes, Madam Speaker, thank you.

Some 18 months ago I stood before this honourable Legislative Assembly and presented the Freedom of Information Bill, 2007. That Bill found safe passage and became Law, and today I am proud to present the Regulations which are a companion to that Law, known as the Freedom of Information Law.

As you will recall, in March of this year we published a consultation paper on the proposals for the Freedom of Information Regulations, 2008, to obtain comments from members of the public. Comments on the consultation paper were due at the end of April this year.

I am especially proud to advise that we received comments on the paper from members of the public, government departments and agencies here in Cayman, comments from overseas FOI experts, and comments from respected international organisations such as the Commonwealth Human Rights Initiative with their comments actually being fairly extensive. All of the comments were reviewed by the FOI legal sub-committee and the proposed Regulations were amended accordingly.

Being one of the few countries in the world to continually seek public participation during all stages of the creation of the FOI Law and the FOI Regulations, we have proven our commitment to an open and transparent process of the Government in accordance with the current global FOI trends.

To quote the CHRI (Commonwealth Human Rights Initiative) when they responded to our consultation paper, they said "CHRI commends the Cayman Islands Government for pioneering public consultation at all stages of the Law making the processes and also we commend on its implementation. Experience has shown that for any right to information legislation to be effective, the policymakers must proactively encourage the involvement of civil society groups and the general public so that they may consider and provide recommendations on the development of legislation."

They go on to say, "By inviting submissions on the strength and weaknesses of the FOI Regulations 2008, the Cayman Islands Government has helped to strengthen the democratic participation of its citizens. Overall, CHRI's assessment is that the pro-

posed Regulations contain progressive provisions that appropriately draw from international best practice."

Madam Speaker, as I present to this honourable House the Freedom of Information (General) Regulations 2008 today, I dare say these Regulations have been long anticipated and they are welcomed both nationally and internationally.

As shown upon implementation in other jurisdictions worldwide, FOI legislation improves the relationship and trust between the government and the public. It ensures greater efficiency in public sector management processes and allows for greater participation by the people in national decision making.

Freedom of Information legislation plays a vital role in the system of Constitutional democracy and, as such, I am certain the entire Cayman Islands will reap the positive benefits of FOI.

Madam Speaker, permit me to move on to highlight the current FOI Regulations that are a result of the hard work of many, and also much lauded public participation. I want to begin by reminding Members of this honourable House that the objects of the Freedom of Information Law are to ". . . **reinforce and to give further effect to certain fundamental principles underlying the system of constitutional democracy, namely:**

- a) **Governmental accountability;**
- b) **Transparency;**
- c) **Public participation in national decision making.**

**By granting to the public a general right of access to official documents held by public authorities subject to exemptions which balance the right against the public interest in exempting from disclosure governmental, commercial, or personal information of a sensitive nature."**

As a result of the public input, we now have established the Freedom of Information (General) Regulations, 2008, which further the general principles of maximum disclosure and releasing of information in the public interest. These principles set the standard to be used by Government to bring about this new culture of openness.

The FOI Regulations provide the criteria for making an FOI request, set out the timelines for responses by public authorities, and they define the key terms of the Freedom of Information Law. These key terms include "personal information" and the "public interest". The timeline in the Regulations for transferring the request to another authority more closely related to the subject matter of the request is 14 calendar days, which is also the timeline for notifying a third party that their personal information has been requested.

Finally, and very importantly, the staff members in an authority are given two working days to hand the FOI request to their information manager. The Regulations also provide support for public authorities and include considerations for how a public

authority is to treat a voluminous request (that is, where a request will unreasonably divert the resources of an authority) to prevent abuse of the FOI Law.

The Regulations contain a provision for expedited service in defined circumstances where information has to be provided within 10 calendar days as it is needed to preserve the life or liberty of an applicant.

In addition to this, the Freedom of Information Regulations provide the fees to be charged when information is released pursuant to an FOI request. There are no fees for making an FOI request searching for records or making a decision on the records. Instead, the Regulations only provide fees for reproduction of records and change of format of records.

I would also like to make special reference here to the fact that there is no fee for the grant of access to information in electronic form, which was included in the Regulations as a direct result of public input.

The Regulations also outline the circumstance in which these fees can be waived, for example, where an applicant has a financial hardship in paying for information. All of the fees set out in the Regulations have been specifically set so as not to exceed actual costs incurred by government entities in the reproduction of records.

The Freedom of Information Regulations set out the functions of the information managers who are appointed in each public authority to promote the best practices of FOI.

The Regulations also outline the requirements for public authorities to hear appeals from the public, otherwise noted as internal review, and the right of third parties to make an appeal to the Information Commissioner where their personal information has been requested by an applicant as defined under the Freedom of Information Law.

Madam Speaker, these Regulations, which I have laid before this honourable House, have been prepared to coincide with international best practice standards and, I must admit, will probably be closely mimicked in other jurisdictions considering implementing FOI legislation.

We are also happy to announce that the Cayman Islands Freedom of Information Law will be brought into effect on 5 January 2009. Madam Speaker, I am also happy that Mrs. Jennifer Dilbert has been appointed to the post of Freedom of Information Commissioner. She takes up office very shortly and will be surrounded by all of the technical resources that she will need to ensure that the office is up and running efficiently as soon as the Regulations and the Law itself come into force.

In closing, let me thank the many public and private entities for their input into these Regulations. Special mention must be made of the work of all of the members of the FOI legal subcommittee who consolidated and summarised all of the recommendations that were received.

As I table the Freedom of Information (General) Regulations, 2008, I would just like to impart this quote of wisdom by Aristotle—which goes to the root of FOI—in which he says, and I quote: **“If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in government to the utmost.”**

Thank you.

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

Honourable Leader of the Opposition.

**Hon. W. McKeever Bush:** Madam Speaker, I will be brief.

The Opposition is happy that we are getting close to the point of having full freedom of information in the country. Certainly, I want to thank all those persons who have been involved.

The Leader of Government Business said that it will be brought into effect on 5 January, and maybe he will explain in his closure what that means, whether that means that people will be able to get information at that time, or whether there is work left to be done—because we had been told another date. I am still not clear on that. Perhaps he can intimate that to the House.

Madam Speaker, the closing quote by the Leader of Government Business is a good point for me to say that we have had a constitution draft, working though it be, brought back to the country and there have been many calls on Government, calls on the Opposition to release the document, and I see no reason why we cannot do that.

So, Madam Speaker, I know that they say the draft is not for publication, but I see no reason why anyone in the country that wants to have that information should not have it. If liberty is found in democracy, I am going to ask the Serjeant-at-Arms to lay this on the Table, make copies, and see that the public gets it.

Thank you, Madam Speaker.

[An hon. Member's inaudible comment.]

**Hon. W. McKeever Bush:** I can't do it? I just did it.

#### Point of Order

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, on a point of order. The document, which the Leader of the Opposition has just purported to lay on the Table of the House, is a document sent to him under the hand of the Leader of Government Business which contained as part of its . . . or as a condition of its disclosure, a request of the Foreign and Commonwealth Office that it be treated in confidence and not as a public document.

The Leader of the Opposition full well knows of that condition, which was indicated during the constitutional talks back in November, and he has been given it in writing by the Leader of Government Business. Madam Speaker, that is not a condition imposed by the Government of the Cayman Islands; that is a condition imposed by the Foreign and Commonwealth Office. I do not believe that it would be appropriate for this House and yourself as Speaker to countenance a breach of that condition—a deliberate breach by the Leader of the Opposition—by allowing him to lay it on the Table of this House and thereby make it a public document.

If it is to become a public document, leave must be sought from and obtained by the Foreign and Commonwealth Office whose work, whose product that document is. That document is not a document belonging to the Government of the Cayman Islands, or to the Leader of the Opposition; it is a work product of the Foreign and Commonwealth Office.

Madam Speaker, we cannot expect the Foreign and Commonwealth Office, or anybody else for that matter, to treat us seriously when we deliberately disregard conditions which have been set in the context of the negotiations.

Now I know, Madam Speaker, full well, that the Leader of the Opposition is continuing to do everything he can to ensure that these constitutional talks fail. But, Madam Speaker—

**Hon. W. McKeeva Bush:** Madam Speaker, on a point of order.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, there is no point of order.

**The Speaker:** May I hear your point of order?

**Hon. W. McKeeva Bush:** Madam Speaker, I have to intervene at this point because the Minister rose on a point of order, but he has gone on to make a long speech.

**The Speaker:** Honourable Leader of the Opposition, if I may . . .

I think I needed to know whether this document (which I was going to ask) was distributed to Members in confidence and, if so, I cannot allow it to be laid on the Table of this honourable House. That is why I was listening to the Minister of Education. It is a document in confidence; therefore it cannot be laid on the Table of this honourable House.

**Hon. W. McKeeva Bush:** Madam Speaker—

**The Speaker:** I have made my ruling. The document will not be laid on the Table of the House if it is a document that has been sent out in confidence.

**Hon. W. McKeeva Bush:** Madam Speaker, I would like to say to you that at that meeting I said I was not

bound by anything said about not releasing any document. I just want to let you and the public know that. Therefore, I see no reason why—it holds no great state secrets—this cannot be distributed.

But as you may, Madam Speaker . . . if you do not allow me to lay it on the Table, certainly I will give it to the newspapers.

**The Speaker:** Does any other Member wish to speak to the Motion? I have made my ruling; the document will not be made public through the Legislative Assembly by being laid on the Table of this honourable House.

Debate continues on the Freedom of Information (General) Regulations, 2008. Does any other Member wish to speak?

Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I just want to join voice with the Leader of Government Business on observing the importance of this occasion, this moment, when the Regulations, which is the last aspect of this Freedom of Information project to be completed to enable the Freedom of Information Law to come into effect on 5 January [2009]. This has been a long time coming. A number of governments have come and gone that have all expounded the virtue of freedom of information and its importance to the continued success of a modern and progressive democracy, which the Cayman Islands is and aspires to be even more so.

Madam Speaker, it has been a difficult, time consuming exercise to get here. When we passed the Freedom of Information Law (which I should say was one of the planks of our election campaign and is contained in our manifesto) some 18 months ago it was met with a mixed response. There were those (and still are those) who said it ought to have come into effect earlier. But as those who work within the system who have worked on the Education campaign, who have worked to develop the rules, procedures, regulations, who have worked to change the culture in government from one which is based on withholding information unless we have every possible basis to disclose it, to a culture of disclosing information unless there is a proper basis to not do so . . . all of them can attest to how difficult this task has been.

Madam Speaker, it is critically important to any country that in the interest of good governance the general public has as much access to the goings on in government and the decisions of government as is practically possible. That is what keeps any government honest—the knowledge that what they do or say will ultimately be subject to public scrutiny.

Madam Speaker, I am incredibly proud that it has been this Government that had the political will and the determination to finally give effect to what has been said, what has been promoted, what has been discussed by many governments before it.

I take this opportunity to say that there is a distinction between allowing government documents and information generally to be available to the public and the breach, or attempted breach, of agreement conditions that have been made during the course of important negotiations.

Madam Speaker, the situation in relation to the working document sent to all of us by the FCO in relation to the constitutional discussions is just such a matter. We are at a critical stage in these negotiations. If either side breaches the basic trust that has to be an implicit part of any negotiations and acts in bad faith in relation to those negotiations, the outcome of the negotiations is bound to be in question.

I wish that we could get to a point in this country where we could develop the sense of maturity to understand that the creation and settlement of a constitutional document must be of paramount importance, that it must override the political agenda of all of us; that in this jockeying for position in this mad desire to win the next elections we ought not to compromise what we are trying to achieve in terms of a new constitutional framework for this country. Blind Bartemaeus could see now that the present constitutional framework under which we are operating is inadequate (to use a mild term, a euphemism) to deal with the circumstances with which we are almost daily presented.

The critical focus of what we are trying to do must be to redefine the relationship with the United Kingdom Government, to get them to accede to our need for shared responsibility in critical decision making. And if, because we think it will make the headlines that it will somehow give us some more political capital, we are prepared to throw these negotiations out of the window because we see 20 May and the outcome of that as the most important thing in life . . . Madam Speaker I am saddened at what the Opposition is prepared to do to this country and to its prospects just because they believe it somehow helps their political position.

Madam Speaker, nothing any of the Members on either side of this House want for themselves is more important than the overriding national interest. We should all be working trying to create a document which secures the future of these Islands and this country for generations to come.

There may be some who want to die in this office. I do not want to be one of those. I have no control over that. None of us do. But I want to be able to look back at my time here and say I contributed to making this place one that generations of Caymanians can be proud to live in. Madam Speaker, if, when 20 May [2009] rolls around, the result is that I am not here, so be it. But I would be far, far more disappointed if we let this opportunity to truly get this country the Constitution it needs and deserves, go by.

They can send me home; that's fine. But unless this country gets the kind of constitutional framework it needs to be able to protect the interests

of these Islands, to involve those who are accountable to the people in the critical decision-making, I shudder to think what is going to happen here in the next few years. If we think that the "Bridger" fiasco is something to worry about, I am afraid that unless we change the constitutional arrangement the worst is yet to come.

The "Bridger" situation was foreshadowed by the "Ballantyne" one a few years before that. It is only going to get worse unless we redefine the arrangement. And if anyone ought to understand this, it ought to be the Leader of the Opposition! But, Madam Speaker, he has now left the Chamber. I hope that somehow my words and their import get to him because it is not about him and us—this is about the future of this country.

Would that all of us who sit in the hallowed halls of this Legislative Assembly bear that foremost in mind when we come to taking decisions in relation to matters such as this. And would that we could just put aside political posturing and put at the top of our consideration what is best for these beloved Cayman Islands.

**The Speaker:** Proceedings will be suspended until 1.30 pm.

**Proceedings suspended at 11.53 am**

**Proceedings resumed at 1.34 pm**

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

**Hon. W. McKeever Bush:** Madam Speaker.

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

**Hon. W. McKeever Bush:** I rise under Standing Order 86, and I rise to suspend Standing Order 24(5), with your permission Madam Speaker, to move a motion.

**The Speaker:** Twenty four (5).

**Hon. W. McKeever Bush:** And I . . . with your guidance, I believe I would have to suspend a further Standing Order to do with the Order paper.

**The Speaker:** Honourable Leader of the Opposition, Standing Order 24(5) is suspended in order for the Clerk to receive a motion after the five days' notice. And once that is approved by the House, the motion is put on an Order Paper for the next sitting or the next meeting.

**Hon. W. McKeever Bush:** Madam Speaker, as I said, if you look at your Standing Orders, because we are on a piece of business and Standing Orders dealing with the Order Paper would have to be suspended in order for me to move a motion if I get that permission.

The motion, Madam Speaker . . . I would read the motion and—

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

**Hon. W. McKeever Bush:** —and circulate the motion—

**The Speaker:** —the question is that the Standing Order be suspended in order for the Clerk to receive the motion. Then it is set down on an Order Paper by the Business Committee. We have another item of a similar nature on today's Order Paper, which is to suspend Standing Order 25 to allow the Minister of Education to bring a motion, which would go through the same process.

So, under Standing Order 25 we can suspend the motion to allow these two motions to be received by the Clerk. And then the Business Committee will set down the date that it will appear on the Order Paper.

**Hon. W. McKeever Bush:** Madam Speaker, that is if we choose to go that route. If you want to get to a piece of business before we enter any other business, then the Standing Order for the Order Paper—

**The Speaker:** But it is the Government that can set the Order Paper business as they see fit under these Standing Orders.

**Hon. W. McKeever Bush:** You are correct, Madam Speaker. But any Member, as Standing Order 86 says, can ask that Standing Orders be suspended. So that is what I am doing, Madam Speaker.

**Hon. Aiden M. McLaughlin, Jr.:** But Madam Speaker, there is . . . if I might say this, there is another fundamental problem. There is currently a motion being debated on the Floor of this House. We cannot have two motions going at the same time.

If the Leader of the Opposition wishes to bring a motion, he should give Members of the House notice of what that motion is so that Members can consider whether or not to deal with it, and suspend whatever the relevant Standing Order is. But he cannot, with respect, bring it in the middle of debate on a motion that is before the House. You just cannot do it.

**Hon. W. McKeever Bush:** Madam Speaker, before you address the Minister's remarks, Standing Order 14 deals with the arrangement of business. That is where I am asking that we suspend so that we can bring this motion in.

Once we agree, or do not agree . . . well, if they do not agree I cannot move forward. But I have every right to ask that Standing Orders be suspended.

**The Speaker:** Honourable Leader of the Opposition, you have every right to ask for any Standing Order to be suspended. But we are in the middle of debate, as the Honourable Minister has pointed out, on another motion. That is why I suggested that when we

reached to suspension of Standing Order 24(5), at the end of this, that you could ask for the suspension of 24(5) for the Clerk to receive the motion and circulate it to Members and the Business Committee will then set it down at one of its meetings.

**Hon. W. McKeever Bush:** Madam Speaker, that is absolutely for that part, for that Standing Order. If I think that my business is more important than what is presently being debated, then at any point, as Standing Order 86 says, "**Any of these Standing Orders may be suspended at any time for a specific purpose by the consent of a majority of Members present.**"

So, Madam Speaker, that is all I am asking. I believe when I read this motion Members will say that it is more important than finishing up this motion we are [debating]. I do not want to bring it in between motions, I would like to suspend Standing Order 14, and so I put that as a motion to this House.

**The Speaker:** Honourable Leader of the Opposition, although that Standing Order says that any Standing Order may be suspended, it certainly does not mean that in the middle of a debate on a particular item that we can suspend the Standing Orders to take another motion, another question, on the Floor of the House.

**Hon. W. McKeever Bush:** Oh yes, Ma'am. At any time means *at any time*, and the Standing Order is specific, and it has been done. There are precedents in this House where it has been done, before I came and after I came. But the Standing Order is very specific "at any time".

**The Speaker:** Honourable Leader of the Opposition I will allow the suspension of the Standing Order when we get to Government Business, Suspension of Standing Order 24(5), for you to bring a motion that the Clerk can receive it in the Legislative Assembly and then it can be circulated to Members and sent out to Members and put on an Order Paper.

**Hon. W. McKeever Bush:** Madam Speaker, are you refusing my motion for a suspension of Standing Orders?

**The Speaker:** I am saying that I will allow you to bring it when we are dealing with the other suspension at the end of the Government Motion.

**Hon. W. McKeever Bush:** I do not want it there, Madam Speaker. My motion is more important than that. If that is where I have to take it, well, I will because I do not have the votes; neither do I believe that the Honourable Speaker has any authority to stop me from moving that motion. The House has to give its consent, yes or no. The House has that authority, but the Honourable Speaker does not.

**The Speaker:** Honourable Leader of the Opposition, would you just get up and move a motion asking for the suspension of 24(5)(2) and nothing more and let me see if the House will agree to its suspension?

**Hon. W. McKeeva Bush:** No, Madam Speaker. It is not 24(5); it is 14, the business, because we are on a motion.

**The Speaker:** It cannot happen that way, Honourable Leader of the Opposition, because the suspension of the Standing Order to allow a motion to be received in this department after the five days' notice has to be suspended.

**Hon. W. McKeeva Bush:** We are on record, so, as I said.

**The Speaker:** Debate continues on Government Motion No. 7/08-09. Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause]

If no other Member wishes to speak, does the honourable mover wish to exercise his right of reply?

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

There are just a few issues that I need to deal with. The Honourable Leader of the Opposition had raised a few questions. He also made an attempt to lay a document on the Table of this honourable House.

His question about the timing of the Freedom of Information Law coming into effect . . . we had stated the date of January 1, 2009. The reason why it is January 5<sup>th</sup> is simply a matter of practicality—January 1 is New Year's Day, it's a public holiday. The following day is a Friday, and the beginning of the next week is 5 January, which is Monday. That is the only reason it is not the 1<sup>st</sup>. So, as a matter of course, we have not changed what we have said.

Madam Speaker, the reason why the coming into effect date when the Law was passed was stated to be January 2009, was because when the technical people looked at all of the work that had to be done to prepare the entire Civil Service and all of the other government agencies and public authorities to be able to receive requests and to be able to deal with them, it was set as a target date.

Now, we have been able to achieve that target date, Madam Speaker, and again I want to commend all of those who have been involved and also the hardworking subcommittees and the information managers who have been appointed to the various portfolios, ministries and government agencies.

Madam Speaker, the task has been a very . . . I do not want to say "difficult", but it has been a task that has taken some doing. I know that one of the big changes that had to be achieved, and that is going to be an ongoing process, is a change in the culture of the way the public service was used to operating for

many a year. So, this date that we have set, now that it has become an achievable date, Madam Speaker, is one that we are very happy that we are able to announce.

Madam Speaker, when the Leader of the Opposition spoke to this Motion, and he was speaking about freedom of information and he made an attempt to table a working document for the constitutional modernisation process that has been sent back from the negotiating team in London as a result of our first meeting, I need to just add a few more comments on to what the Minister of Education said as he very eloquently explained the circumstances.

Madam Speaker, this is not a draft constitution. So we do not want people to get the situation perverted. This is a *working* document.

We had our first set of meetings. The head of the team from London, Mr. Ian Hendry, during the course of the meetings . . . and, given his vast experience in such negotiations not only with us with a prior attempt, but with many other Overseas Territories in bringing them in line with a new constitution, what he explained to us was that in order to capture all of the thoughts and positions expressed during that first round of talks, he was going to put all that in a document. And at the same time, given the queries put forward by the stakeholders involved in the talks, he was going to proffer some very early positions which the United Kingdom Government may have on the various issues that we were dealing with.

Because he said it was a "working document" and he maintained this throughout the meetings—and I am sure he will maintain this throughout the continuation of our meetings—he said nothing is agreed until all is agreed. His thoughts were that to have this working document out in the public might well confuse many issues because the document itself will have in it different positions on the specific issue. And he speaks from experience.

So it was not a matter of anything in secret. And we ourselves, Madam Speaker, from the side of the Government, are not averse to the public having sight of the document; it is simply a matter of what was deemed to be the logical way forward.

Remember the process, Madam Speaker. Whenever we get to the point where a draft constitution is to be created by London and sent back to us, the public is going to have ample sight of it, ample time to make comments on it. So it is not that anything is trying to be done in secret. But that was the position of the London team. We simply respected that and understood the logic behind what was expressed to us.

Now, Madam Speaker, one of the problems we will now face going forward is that we do not know what level of trust will remain. We do not know if London may question the integrity of the process going forward. We do not know all of that. And the truth of the matter is that while the Opposition and the Leader of the Opposition may think that what he or they are in



agreement to do with that document is one that will win them some points immediately, so be it! But, Madam Speaker, there really is a question of being responsible in your actions.

We had requests—not from the Opposition, but from other stakeholders—in the same vein. Simply because we respected the process of the talks and going into further negotiations, we decided not to argue the point with London. We have asked London, for instance, for the talks to be held in the open. We have asked them pointedly. We told them we have had requests from all quarters. They have given some compromises, but, again, their position is that for the talks to give the best results and be the most productive, the actual talks themselves need to be conducted in private. Again, this is based on their experience.

Madam Speaker, if we are simply going to play a game with the whole process, and it seems like it is not very important to many of us to achieve a new constitutional framework and a new relationship with the United Kingdom, then I'll tell you what, I feel sorry for my country.

**Hon. W. McKeeva Bush:** [inaudible interjection]

**Hon. D. Kurt Tibbetts:** And I do not say that lightly, Madam Speaker.

**Hon. W. McKeeva Bush:** What a joker you are my son. You're the main one [inaudible]. A new relationship? Ha!

**Hon. D. Kurt Tibbetts:** Madam Speaker, I am not going to lose my train of thought.

Let me just say this regarding this specific issue before I close on the Government Motion in relation to the Freedom of Information Regulations, 2008.

When the legislation comes into effect along with its accompanying regulations, there will be specific instances where requests cannot be delivered on. Of course, the Law and the Regulations will specify the varying reasons as have been outlined on many occasions before. If the Law was in force today and a request was made for that working document, then, given the circumstances, I dare say the request would have been denied because of the nature of its creation and because of the talks that are ongoing.

I hear all kinds of *ya-ya* about who stopped what process, Madam Speaker. I have learned in my 54 years how people are, how they act, what they are consistent with, how well they learn certain things and to be certain ways, and the more they say certain things the more people believe them—even when they know different themselves. But I really cannot engage too much in that because I do not have a very high tolerance level even for myself with that.

**The Speaker:** We are debating the Freedom of Information.

**Hon. D. Kurt Tibbetts:** But, Madam Speaker, so be it.

I want to commend this Motion to the Legislative Assembly. I believe that there is unanimity with support for the Motion. I look forward to the Freedom of Information legislation coming into effect early in the New Year, and I look forward to the process itself being one that swiftly comes into the real workings whereby people get familiarised and the public is quite happy with the fact that they are able to utilise that process.

Once again, Madam Speaker, I commend the Motion and I thank you for your indulgence.

**The Speaker:** The question is: BE IT NOW THEREFORE RESOLVED THAT the Freedom of Information (General) Regulations, 2008, be affirmed by the Legislative Assembly pursuant to section 57 of the Law.

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

**Ayes.**

**The Speaker:** The Ayes have it. Government Motion No. 7/08/09 is duly passed.

**Agreed: Government Motion No. 7/08/09 passed.**

**Government Motion No. 8/08-09—Government Guarantee in Favour of the Cayman Islands Civil Service Association Co-operative Credit Union Limited**

**The Speaker:** I recognise the Honourable Third Official Member responsible for the Portfolio of Finance and Economics.

**Hon. G. Kenneth Jefferson:** Thank you.

Madam Speaker, on behalf of the Government I beg to move Government Motion No. 8/08-09—Government Guarantee in Favour of the Cayman Islands Civil Service Association Co-operative Credit Union Limited. And, the Motion reads:

**WHEREAS the Cabinet recently approved an agreement under which the Cayman Islands Civil Service Association Co-operative Credit Union Limited would provide hurricane recovery assistance loans to public servants who have personal and real property on Cayman Brac and/or Little Cayman which has been adversely affected by Hurricane Paloma for up to CI\$10,000 per [civil] servant repayable over a period of up to five years, with a total maximum limit for all loans being CI\$6 million;**

**AND WHEREAS the Government agrees that the interest expense will be borne by the Government and not by the public servants;**

**AND WHEREAS section 8 of the Public Management and Finance Law (2005 Revision) specifies that “no guarantee may be given by or on behalf of the Government unless it has been**

authorized by a resolution of the Legislative Assembly”;

**BE IT NOW RESOLVED** that in accordance with section 8 of the Public Management and Finance Law (2005 Revision) the Financial Secretary be authorized to issue a guarantee on behalf of the Cayman Islands Government to the Cayman Islands Civil Service Association Cooperative Credit Union Limited for an amount not exceeding CI\$6 million for the provision of hurricane recovery assistance loans to public servants who have personal and real property on Cayman Brac and/or Little Cayman which has been adversely affected by Hurricane Paloma.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Yes, thank you, Madam Speaker.

Madam Speaker, this Government Motion seeks to put in place a Guarantee to secure loans to those Public Servants (meaning employees of the core Government, the Civil Service, as well as employees of statutory authorities and government companies) who have personal and real property on Cayman Brac and Little Cayman that has been adversely affected by Hurricane Paloma.

The loan programme being implemented with the help of this Guarantee, if approved by the House, is very similar to the programme that was put in place in November 2004 to help civil servants with their personal recovery following Hurricane Ivan in September of that year.

Madam Speaker, I will now explain exactly how the loan programme works:

The Credit Union has agreed to provide public servants with a line of credit of up to CI\$6 million, repayable over a maximum of five years, which will be used to fund the loans. In order to secure this, the Government will need to provide the Credit Union with a guarantee, hence the need for this particular Motion by virtue of section 8 of the Public Management and Finance Law.

To be eligible to apply for a loan under this programme, a public servant must be an employee of one of the following organisations: the Cayman Islands Government; Port Authority; Water Authority; Cayman Islands Airports Authority or Cayman Airways. Madam Speaker, there are approximately 400 civil servants in Cayman Brac and Little Cayman, whilst there are approximately 200 individuals employed by statutory authorities and/or government owned companies in Cayman Brac and Little Cayman. Therefore, there are approximately 600 public servants in Cayman Brac and Little Cayman. In addition, the public servant must also be a member of the Credit Union.

The loans are for a maximum of CI\$10,000 per public servant or household and are repayable over a maximum period of five years, ensuring that the repayments are kept to a very affordable level. On a loan of the maximum \$10,000 over five years, the repayment of principal would just be \$166.67 per month. For those public servants on contracts, the maximum repayment period is the duration of their existing employment contract.

The loans are being provided on an interest-free basis to the individual public servant and that is because the Government will be responsible for paying the interest on the loans. The principal portion of the loans will be repaid via regular, monthly or bi-weekly deductions from the employees' salary or wages. That repayment process is due to start in February 2009.

Loan approvals are granted through the Portfolio of Finance and Economics with actual disbursements done directly by the Credit Union. The loan approval process requires an interview either in person or by telephone with each applicant to determine their eligibility, the amount of the loan and their ability to repay.

Madam Speaker, just by way of some statistics and data for the benefit of the House, to date 254 loans have been approved. The total value of those loans is approximately CI\$1.6 million. So, 254 loans have been approved out of an estimated possible maximum number of loans of 600 representing the number of public servants in Cayman Brac and Little Cayman. To repeat, the value of that is \$1.6 million to date.

Madam Speaker, we believe there is very little risk to the Government associated with this Guarantee primarily due to the direct salary and wage deductions which will be used to repay the principal loan amounts. These deductions mechanisms are in place in respect of each loan issued.

I therefore commend this Government Motion to all honourable Members and ask that they support it as it is an attempt to provide direct financial assistance to public servants directly impacted by Hurricane Paloma.

Thank You Madam Speaker.

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

The Second Elected Member for Cayman Brac and Little Cayman.

**Mr. Moses I. Kirkconnell:** Thank you, Madam Speaker.

I rise to make a short contribution on the Motion before us. I would like to take this opportunity to say that I certainly support what has just been read in this honourable House.

What I have learned from my constituents since the programme was introduced is that it was extremely well received and extremely needed. They

have gone to the Credit Union the way it was set up and made application. Based on the numbers that have just been given to us, \$6 million represents 600 employees, each getting \$10,000 (if my math is correct).

What I would like to ask the honourable Financial Secretary in his winding up is if he would give an undertaking to look at the parameters and guidelines, the debt ratios of how these loans are actually lent to the individuals, because—let us be very clear—the people that work for Government and statutory authorities on Cayman Brac need these loans. They need some of the requirements to qualify for these loans relaxed.

With the spiraling cost of living every day, they are at a point in their lives where it is taking every bit of their income to continue their way of life, as we call “business as usual”. With the advent of Hurricane Paloma, everything in their daily activity has been interrupted. All of the things in their homes have been moved around. The way their children go to school has been changed. The way that they think about their future has been changed. So, the standard banking ratios really do not work in the catastrophic situation that we have.

Madam Speaker, I would like to take a little bit of latitude here, if you will allow me, to talk about Paloma because I think it might be the only opportunity we get here today. I am sure other people want to speak a little bit about what we have been through as well.

Madam Speaker, at about 9.30 on the 10<sup>th</sup> when we came back down off the Bluff to find out what the ravaged island of Cayman Brac really looked like, we knew that we had a catastrophe on our hands. But we did not know that we were going to be so lucky at that point to have no loss of life. I believe that I speak for not only myself, but for my colleague and every Member of this House, that in the hours after that when we finally got the roads cleared and reached the outermost areas of Cayman Brac and found that everyone was accounted for, we breathed a sigh of relief. We said to ourselves no matter what we find, we have to be thankful that we have no loss of life here today.

Madam Speaker, we went about our business in a very disciplined way to see how we could establish a central service and how we could bring order and how we could bring help to Cayman Brac and Little Cayman as the catastrophic disaster unfolded in front of us.

I have to say that the way it was looked at was that the first order of business was to make sure that every person in Cayman Brac and Little Cayman knew that the food chain would not be interrupted, that they knew that they were not going to have to worry about their children and the elderly having a meal that evening and the days on. There was a sigh of relief after two or three days when people realised that the food chain itself was not going to be interrupted.

As we continued to look at the first order of business, to bring the central services back, such as the hospital, the way to get the food there; the Port Authority dock, the airport, and we thought about what had been accomplished in the interest of disaster planning for Cayman Brac and Little Cayman. They say hindsight is always 20/20, and none of us could have ever known that building a medical wing on the Aston Rutty Centre was going to be so necessary in the weeks ahead. None of us could ever have known that building the daycare to a Category 5 would actually be tested by Paloma with winds way over 150 MPH, with gusts I am sure reaching 170 or 180 MPH that pummelled the Islands. The buildings were safe havens for the people who were there.

But the next order of business was re-establishing ourselves as a whole. The mere fact that we as a country had Cayman Airways and did not have to look to leased airplanes as after Hurricane Ivan, the First Elected Member for Cayman Brac and I sat together to make sure that Cayman Airways’ planes got back to Grand Cayman as quickly as possible.

We were able to see the Minister responsible for Cayman Airways arrive. We were able to plan, not having to commandeer a plane; we just had to schedule the planes to come in as soon as the airport was cleared.

We saw the 737s fly two or three flights a day bringing in relief—that gave comfort—taking out the ones that had shelter and family in Grand Cayman that could receive them immediately. As we had opened our doors after Hurricane Ivan to the people of Grand Cayman, and watched people from Grand Cayman get off Cayman Airways at our airport in Cayman Brac with all they had left, the clothes on their back (sometimes that meant just a diaper on the child and a pair of gym shorts on the man), as we are all one country, the people of Grand Cayman opened their arms and said *‘We will do what we can for Cayman Brac and Little Cayman.’*

I stood on the beach and saw small vessels having to land as we did years ago in catboats from the ships, bring tenders from Grand Cayman, from the private sector, loaded with goods for the community of Cayman Brac. It made us understand that it was a long haul but we would be okay.

Madam Speaker, in the quick days after that, these are some of the things that unfolded. We called that Phase 1—food and shelter and the necessities of life.

Phase 2 in my mind rolled into shelter, health and cleanup. We quickly saw the Leader of Government Business and Members of this honourable House come to Cayman Brac to see what they could do to put the command centre, the task force in place to begin our rebuilding. I call it a rebuilding rather than a recovery.

We saw the hospital get up as quickly as power could be restored with their emergency genera-

tor and their staff to accomplish the needed task of providing that for the citizens of Cayman Brac and the workers who were coming over to help to restore our way of life. We saw a coordinated effort from every department of this Government and every member of the private sector and every member of this great country come together to see what we could do. I am sure other Members of this House had the same experience of not being able to answer all the calls left on their phones offering assistance—from churches abroad to churches here; from organisations such as Lions and Rotary; the churches that came and gave their time, the banks, the financial companies all to help clean Cayman Brac and to help restore some of the needed shelter.

The Minister responsible for Environment visited on Wednesday, committed to bring more equipment so we can get our streets back and our lands debris free—pull the metal away, get the nails up so children can roam again freely without fear of getting cut.

Madam Speaker, we have done much in a short period of time. But the task ahead of us is great. The daily realisation that we have a commitment to the people and an opportunity to make Cayman Brac and Little Cayman a place of envy to this whole region is what we face here today.

As we talk about what is on the ground in Cayman Brac, we must mention what the private sector has done. We must make mention what the Atlantic Star people have done as far as drying in homes. We must make mention of public works and the teams there drying in homes and helping individuals. We must make mention of the private contractors, the donations, the private funds that have all come together.

Madam Speaker, we take that into consideration, but stand here today to say that we need more.

We have an opportunity, and an obligation to the people of Cayman Brac and Little Cayman, to fund a proper rebuilding cycle for those people. That is what we were elected to do. That is what [the people are confident we will do]. We have met, we have talked, and my request here today is that we establish without any boundaries a fund, whether it comes from the reserve of the country, or whether it is funded out of an operational . . . comes from the budget by projects being slowed or postponed.

I hear talk of an insurance policy and if, in the wisdom and prudence of a proper business decision, it was decided to self insure Cayman Brac and Little Cayman, it was a business decision. It is also a very clear decision that no better money can be spent than on the people of your country.

Madam Speaker, that is what our request is here today, that we establish whatever it takes—if it is \$10 million, \$20 million, \$30 million—and we establish a fund that can be administered by the First Elected Member for Cayman Brac, myself, the District Commissioner, and whoever else the Government might see fit, so that we can action and partner with people

in how they rebuild their lives and their homes in a positive and proactive way.

I feel helpless sometimes when people come to my office. They break down with tears in their eyes and say that they do not want a handout; they want help. *'I can work. I can put my roof back on my house, but I don't have the money to buy my roof. I don't have the money to buy furniture.'* What better way can we spend our money than to partner with the people of this country and help them rebuild their lives?

Madam Speaker, I put it to you and I put it to everybody in this House here today, there is no better way to spend this country's money. And, Madam Speaker, if you look at what we can accomplish, what we can do as far as giving the psyche back to the people we meet every day who need the clear understanding that we are here and they are going to be helped and the island is going to be rebuilt to be a very, very special place in this region, we have the opportunity to empower that group to have a proper sustainable economic study done to diversify our tourism product and to attract the kind of investment for the taskforce. Madam Speaker, it is our opportunity and obligation to do this for the people of Cayman Brac and Little Cayman.

I ask that the Leader of Government Business consider that. I ask that the Government Ministers consider it and understand that it is something that needs to be done quickly. It needs to be actioned quickly. It needs to be empowered to where the people on Monday morning know that they are going to be able to have this kind of quick partnership and the rebuilding process will not be hindered where we are waiting for money from the European community to be sent to us.

Madam Speaker, there are many, many things in a very fluid situation that could be said and thought about as far as how we go forward. I wanted to touch on the need as it is today and talk about the opportunity in front of us that we must look at and action as quickly as possible. I am sure in the days to come in this Meeting we will have much more to say about Paloma. As I said, it is very fluid and a new need unfolds every day.

As we rounded up 400 or 500 generators, we never thought that we needed to be aware that gasoline would be a need after that. But it was addressed and dealt with and the people received it. I say that just to say how things change on a daily basis. But I reiterate that the opportunity is to build the houses back in a very positive way, to make it better than it was before, to keep the charm of the island. The traditions and culture we have must carry on. Let's take this opportunity so that years from now we do not look back and say Cayman Brac is a burden, Little Cayman is a burden, on the coffers of this great country. We have the opportunity to make it sustainable, to build a sustainable economy, to make it self-sufficient. Let us come together—everybody here—and do that, Madam Speaker.

With those short comments, I thank you for the latitude you have given me, your indulgence, and I speak in support of the Motion brought. I ask that consideration be given to opening it up a little bit wider to the needs of the civil servants in Cayman Brac.

Thank you.

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

First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you very much indeed, Madam Speaker.

I rise to render my full support to Government Motion No. 8/08-09, being the Government guarantee in favour of Cayman Islands Civil Service Association Cooperative Credit Union Limited.

Madam Speaker, with respect to the first "WHEREAS" I wish to say that I am happy that the Honourable Third Official Member responsible for Finance and Economics has piloted this most important and timely Motion, certainly with the coalition and direction of the Government of which he forms a part. The civil servants, the statutory authorities and members of the government companies who have already been recipients . . . I believe he said some 254 loans have already been approved on their behalf. I am extremely grateful for the positive and effective consideration that has been given in that regard.

I would, however, wish to make a plea to the Honourable Official Member and his colleagues that additional consideration be given in respect, firstly, of the proposed visits by the team from Grand Cayman. I believe I am correct in saying that they envision yet one more visit to the Brac. I did not hear about Little Cayman, but I hope they are also being included in the visitation and/or the opening up of access to this much needed economic capital.

Madam Speaker, moving on from that particular request, I would ask that as opposed to one office being set up, seeing that time is of the essence that, if two or three personnel are going over (perhaps three would be the preferable number), that a satellite shop be set up in Spot Bay, one in central Cayman Brac and one in West End. For obvious reasons, we are not in normal times; transportation is still a problem for persons. Persons are extremely stressed for many variable reasons and they would greatly appreciate this effort for open access to them.

Madam Speaker, in that vein I would also ask them to look at the various criteria that have been put in place by the officers falling under the Third Official Member to ensure that those persons who are not being approved for the two most popular reasons—firstly, because they are a couple—that either the "WHEREAS" which refers to \$10,000 per public servant be explained and/or expanded because it is my understanding, Madam Speaker, that those persons who are a non-married couple (of opposite sex for the

avoidance of doubt) have been refused on the basis that they are couples, while in some instances a husband and wife have been approved.

Because of the economic ceiling or cap of \$10,000, and with the high degree of damage to their property, if some consideration would be given to ensure that both couples would have access seeing that they are two separate salaries, they are both public servants, then we would be most appreciative.

The other area that seems to be in need of dire attention by the Government with respect to this particular financial assistance provision through the loan scheme interest free is in respect of those persons who are in either of the three categories, core government, statutory authorities and government companies, but they are contracted officers—not expatriate, but Caymanian contracted officers who have concluded their tenure but have been returned to their professional occupations. They are still in their prime and have more than five years, all circumstances being equal, to work. One that readily comes to my mind is a nurse at the hospital who has been there I believe in excess of 30-odd years but has been refused on the basis that she is now a contracted officer and whose property has been severely damaged.

So, I would ask the Government to reconsider perhaps that particular line as they would propose to go over next week and hopefully at least one or two more visits to ensure that those persons who are contracted . . . and, Madam Speaker, I am aware that as far as District Administration is concerned, those persons who were within that category of contracted officer, that some facility had been available. What I am not sure is whether it is through a mandate of the Honourable Leader and his Ministry or whether it emanated from the District Officer. But I am aware that at the District Officer's level arrangements have been made to facilitate, either by way of saying yes they are on contract but there is no intention unless, for example, a criminal activity was an overriding factor that they would not be in continued employment for a minimum of five years.

So, something after that order would suffice those persons who are being declined this loan provision merely for the fact that they are contracted officers. I can say, Madam Speaker, from representation made to me (and I am sure the Second Elected Member for Cayman Brac would have had similar representations) that this is also the order of the day at the statutory authority levels for those persons—security officers, for example, at Civil Aviation who are contracted officers merely because of their age—that some consideration would be given to them as well.

Madam Speaker, I wish to go on record to thank the Third Official Member and other Members of the Government for continuing the precedent as was stated in his deliberations prior to the representatives from the Brac making our presentations here today, that no interest would be paid. I believe that although in the mind of some, because the amount being nomi-

nal, the interest would not be extremely significant, because of the economic position of the Brac prior, during, and even after Paloma, this is a step in the right direction for the Government to pick up this tab for the interest expense.

Like the Second Elected Member for Cayman Brac and Little Cayman, I wish at this juncture to also go on record that more—much, much more—needs to be done to alleviate the situation at hand on the Brac even as we speak here in this honourable House. I hope to go on to that briefly, with your indulgence, before my conclusion.

Madam Speaker, obviously I fully concur with the Resolve which goes up, or not exceeding \$6 million. Of course, based on the fact of the numbers on the Brac I believe this would be sufficient, but I would like to leave a window open that in the event we find that this amount is not sufficient that the Government, again through the Third Official Member, would be minded to do whatever is necessary under the Public Management and Finance Law to ensure that there are adequate funds to allow these public servants to access this capital at this most needed stage.

Madam Speaker, I want to say, so that there is no confusion, that I agree with the efforts in this regard for more than one reason. But, in particular, in going with a loan at this stage it almost creates a tripartite relationship. Whereas the persons who have been affected (the residents of Cayman Brac and Little Cayman) were taking up their responsibility in having to pay back the principal, the Government was taking back their responsibility in this particular isolated instance of the interest, but also the overwhelming support—and that is perhaps an understatement (or an un-utilized adjective) in trying to articulate and explain, expound and expand, the most valuable contribution that has been made by the private sector, mainly in Grand Cayman, but, in addition, as far as I was responsible for, from South Florida.

Madam Speaker, I would even go so far as to say that, had it not been for the immediate, efficient and effective response from the private sector here in Grand Cayman, the situation would have been much worse. And that commenced from the arrival of my colleague being the first on Cayman Brac and shortly thereafter the arrival of the Honourable Leader and his honourable colleagues to not only assess the damage and needs within the constituency but also to lend moral support. Madam Speaker, I am sure you are more than acutely aware of the demoralisation that comes on board with the advent of a hurricane, having gone through Hurricane Ivan yourself here in Grand Cayman.

As I contemplated the way it changed, where it was predicted to hit, as opposed to us . . . God has a sense of humour and there is poetic justice in that it was not Grand Cayman that was hit with the magnitude with which the Brac was hit. I do not know what would have happened to the residents of Cayman Brac if Grand Cayman had been hit and not able to

respond so immediately and so overwhelmingly with all sorts of things.

I mean, it just amazed me. Again, speaking from personal experience, with the goods and supplies that came either through private Lear jets or other larger aeroplanes or boats that Capt. Eugene and my colleagues on this side organised, I wish to also thank our Honourable Leader, although incapacitated physically and off island, he was still able to use the telephone to get resources organised and sent over to the Brac. I am sure the Second Elected Member [for Cayman Brac] has already expressed his thanks to his colleagues.

This was a time where everybody saw the nationalism in it where it needed to get assistance. It is my most genuine and honest plea that we keep this at a national level where we can nation build Cayman Brac and to some extent Little Cayman who in this particular instance received less damage.

Madam Speaker, I fully realise that there are other needs in Grand Cayman and I must say, honestly, I was very taken aback by the wrong utilisation (in my respectful opinion) of the word “miniscule” in the press briefing yesterday in reference to the Brac, where it related to the Caribbean Insurance thing. Perhaps technically and literally it was the right word, because I know my honourable colleague has an excellent command of the English language. But taking into consideration what is happening on the ground in Cayman Brac, words that would have been normally used and not noticed have easily become magnified. I can say that because I was not in a position to listen to the press briefing yesterday morning because of ongoing deliveries and rebuilding, recovery process that my colleague and I are trying to assist the command centre [with], under the directorship of the Honourable Leader through Mrs. Leyda [Nicholson-Coe], Mr. Hydes and, of course, the District Commissioner, the Deputy Commissioner, and his auxiliary staff, who were trying to meet the needs and the fluid position with which we are now faced.

But let's remind ourselves that there is another world happening just 90 miles away. Although things may be busy across in Grand Cayman, let's make some time to not only come across, as most Ministers, if not all, have done at this time. I remember seeing the lady Member over in Cayman Brac. Madam Speaker, some people may say that is small, but the fact that she knew people in the Spot Bay area, for example, and they were able to see her on the ground and see her at the port . . . that goes a long way in saying, yes, we are sisters and we do feel, we've gone through the experience and we want to do everything possible to ensure that we get the assistance.

Madam Speaker, I wish to also say that those who do not fall within these categories is another area the Government . . . I am respectfully requesting the Government to step up to the plate to ensure that those persons who have been adversely affected by

Hurricane Paloma . . . and perhaps this is a piece of irony because in Spanish I understand it means white dove. From a spiritual context the visitation of the dove in the Bible has always been the endorsement or a blessing. Obviously, we can put the political spin and make various and diverse arguments from it, but I believe that in a twisted type of way Hurricane Paloma has presented to us an opportunity to re-start.

Like most communities in the Cayman Islands, we did it in an ad hoc way based purely on economic resources. A little room was added on here and there to make sure that the expanded family had sufficient space. Perhaps not up to the [standard]. And sometimes I wonder because as we have traversed, in particular Cayman Brac, we see those little eloquent wooden homes still standing, rusty though be the cement. Somehow our forefathers and mothers had the knowledge to construct it to even withstand the rages of Hurricane Paloma.

I would ask that in the rebuilding process, whether it is through this loan amount being made available in this Motion, that Planning would, insofar as it is possible, ensure that the Cayman Brac architecture will be preserved—sensibly. Not with an overload of unnecessary and undue regulations. Preserve it so that we will not end up with a concrete jungle or just flat tops because we are in a rush to dry-in or what have you.

I wish, Madam Speaker, to tie that in to the Motion in that, yes, we need to expedite the process to ensure that these monies are given to the recipients or beneficiaries as quickly as possible. But we also need to do it with an application of common sense. Let me explain that, Madam Speaker.

To just give somebody who walks in \$6,000 or \$10,000 without some accounting or transparency to the application, you end up with what I understand is occurring with, hopefully, a minority of recipients, where vehicles have been bought as opposed to fixing up homes, trips have been taken to Grand Cayman. And I say this removing all the political stuff from it because at the end of the day it is the public's money and it can affect other recipients. But it is going on and when that is spent, we as politicians both on this side and on the Government side will still be faced with those persons who still do not have a home or still have a home that is severely damaged and the money is gone.

I understand that the potential safeguard was the fact that they are public servants, so it can be deducted from their salaries. But we have to take it all the way across the spectrum in that some of those persons are still not monthly persons. They show up, especially under these abnormal and dire circumstances whenever they can, whether it is when they feel like it or whether they have obligations on a personal level themselves.

One of the personnel involved with the approval of the loans from the administrative perspective was in the command centre a few days ago. And,

again, he was expressing his grave dismay at what he was finding. I will just give it, it is not with his permission but it was not of a confidential nature. He was just sharing with me how he had been to one of the local pubs and one of the recipients whom he had just that day processed came in and, in the usual Caymanian way, offered him a drink. He said he'd have a cranberry. The person proceeded to buy a drink himself and used \$100 at one of the establishments there and told the Honduran bartender to keep a tip.

Madam Speaker, I raise that because he raised it. He obviously had concerns that somebody who was able to convince him that there was a dire need could be so liberal in his tips at a local pub.

That may be that person's way of relieving stress. But it is the public's money that we are giving. I take issue with that, Madam Speaker, and so did the person from the Credit Union administration. At the end of the day, these monies have to be paid back. When they are not paid back, then we are going to hear from the Auditor General. And the next time we have a disaster the Government is going to be *once bitten twice shy* with the distribution of needed funds.

What I am asking is that all efforts should be made. I know from seeing one of the forms that there is an expressed term where the onus is put on the individual. But seeing that the Brac is, to a large majority, dependent on the Government for salaries and financial assistance, dependent on the Government for their veteran's and seamen's assistance, when they default, in effect it is the Government itself in default. So we need in trying to help them . . . and I am all here, I will support the Motion wholeheartedly to help them. I am also prudent and reasonable.

I want to [nip] it in the bud while it is going on to make sure that it does not graduate from the minority that I understand have been misusing or abusing this privilege, and that those who are in need will actually receive the funds.

I wish to commend the two representatives I saw, Mr. Michael Nixon and Mrs. Sonia McLaughlin who came across, for their quick and professional way (I am sure there have been others since). For the avoidance of doubt, it was neither of those two who shared what I just shared about the pub. It was another gentleman. Nonetheless, it is still a true revelation of what is on the ground because I heard it before he shared it.

Madam Speaker, we need to ensure that in our attempt to disburse these funds that there is an education process that is going along with it. I believe we are well poised with the Cayman Islands Investment Bureau with Ms. Lolita Bodden, who is on the ground and going house to house dealing from the business perspective. Perhaps she can be empowered, guided or directed that some financial education, whether it is through leaflets or forums, that one is planned for the business sector next week. Perhaps one could be planned for the recipients of this fund, or maybe through the Credit Union Office itself, so that

we can have some type of check and balance to make sure this money is being used for the rebuilding of their homes.

Madam Speaker, I look forward to when the Honourable Official Member, or one of the Elected Ministers in their contribution if they so choose, would respond in particular to the widening of the categories so that the contracted officers, the Caymanian contracted officers, would have access to this capital and that when the words “public servant” are used, that it is not limited to couples who are not married but co-habiting because there are two separate salaries and the need is great enough to justify this minimum amount. I believe, respectfully, that the second one could get based on information received that husbands and wives have got. I am not quite sure of the logic behind and declining that. Perhaps someone in the know can explain that to this honourable House and the public.

Madam Speaker, like the Second Elected Member for Cayman Brac, we were happy with the way the Leader of Government Business dealt with Gustav with the colleagues of his Government and the support from the entire House, where financing and funds were made available through a committee established by ourselves, the District Commissioner, the Deputy Commissioner who was in attendance. Not only did it empower this small committee, but it gave us the finances to deal quickly.

Being on the ground knowing the needs up front and more quickly, we were able to meet those demands. We followed as far as I can say and see, and I am sure he can speak at another appropriate time, the paper trail was there to ensure the transparency and accountability. But work was done quite quickly.

I wish to thank the Honourable Leader for . . . I believe it was some \$300,000 that was given after Gustav to help with this. With the advent of Paloma the committee was only able to disburse I believe it was some \$200,000 roundabout. Since then, requests have been made to the Honourable Leader for the redirection of the \$100,000. That is where we have been able to assist with the gas vouchers on the Brac and hopefully the Power & Light will continue on working, subject to the inclement weather, so that the Spot Bay area will be in a position that by or before the 23<sup>rd</sup> of December they will have electricity to the majority if not all and that we can see less strain being put on this ever dwindling fund that is there.

Because of the gas voucher need being so colossal, it means that it greatly restricts, although support has been conveyed by the Honourable Leader that perhaps we could look at other things, pride and proper accountability was interjected there. Because of the gas need being so gigantic, that is not possible. It would mean, from what I understand come this week, we would almost be to the point where we would have to come back to Mr. Leader and say ‘Look, we need supplementary funding for that.’

What I am saying, Madam Speaker, is that I had hoped beyond all hopes that there would have been a motion before this honourable House today saying that, ‘Yes, we (that is, the Government) have looked at our capital projects and, in addition to bringing the motion that is now on the Floor, this takes care of a particular need. We recognise, we appreciate, and we want to continue embracing the Brac and Little Cayman.’

In so doing the Government would wish to bring a motion for Members to decide upon in this House (having gone through Cabinet) that X amount of money—and I am talking about millions of dollars, because those Ministers who have taken the time to come to the Brac will see the amount of damage, both from a private perspective and a business perspective, the need that is there.

I also understand the attempt that is being made to utilise whatever is there from the Government, whether it is through the human resources, the public works gentlemen who have gone over and worked diligently long hours to assist with the trailer homes that are still not occupied (but we hope that sometime in the near future they will be occupied), and other financial outlays from within the current budget. All those things are appreciated, Madam Speaker. All those things are necessary. Some of those things need to be expedited but nonetheless they have been committed. It demonstrates the good will towards moving along the rebuilding process.

I am also cognisant that individual Ministers have gone across to Cayman Brac, be it the Minister for Roads, the Minister for Education or Tourism or Social Services. The Leader has been across. Under their own existing budgets, from what I understand (I have been privy to some of those meetings), they have gone out on economic limbs to ensure that things are being done. But it is going to take more than that because we realise that, yes, Grand Cayman has needs. What has been done is from existing budgets, if my information is correct. I believe that we have always said that our general reserve was for a rainy day.

Well, may I either be presumptuous at this juncture, Madam Speaker, or bordering on the category of an imbecile or a nincompoop with this request? We have not only had a rainy day in Cayman Brac, we have had an absolute flood! So if there is ever justification for any Government—this or any other Government—for tapping into the reserve, whether for \$10 million, \$20 million or whatever it takes, to give them a chance to peruse more carefully the assessments . . . and Lord knows there have been forms upon forms. There have been assessments.

The Honourable Minister for Children and Family Affairs came across. And his staff has produced an excellent analysis from the social perspective of the needs. Those have been categorised from 1 through 4, I believe. So the statistics are there. We have met. The Second Elected Member and I have



met. The Leader has been inundated, both Leaders—our Leader and the Government's Leader—with telephone calls and representations from their own side as well as from our party. We are meeting to death. Simply put, Madam Speaker, we are meeting to death.

It is now time for decisions to be taken, here today if at all possible, as was the plea from the Second Elected Member for Cayman Brac, as is now the plea from me, the First Elected Member for Cayman Brac. It is so easy to forget, Madam Speaker. Even me, as I came across this morning on the mid-noon flight and walked into Scotiabank and saw CNN, I was immediately reminded that this is the first time you are seeing television, girl, since 8 October. And we are only separated by 90 miles! It's completely two different worlds we now exist in.

Cayman Brac, and to a lesser extent Little Cayman, needs a total re-visitation and a gathering of all minds. Madam Speaker, I know—I won't even say I believe, I know—that every single honourable Member in this House, elected Members included, yourself included, Madam Speaker, have that deep genuine desire to ensure that the needs and even some wants of the people of Cayman Brac and Little Cayman are met.

I do not have the power as a backbencher. I can only do what I am doing now, plus what I have done up to now—go and beg to my colleagues on this side, go and beg to the private sector. And they have been superb! I was reminded where in Micah it says that if you pray to God Almighty, which I do (and I make no apologies about speaking of it in this House though criticised from many different aspects), that He would open the windows of heaven, and that he would indeed pour out the blessings so much that your barn could not contain it. I stand here today as a testament of that because those who have the opportunity, certainly my colleagues have . . . I have spoken to the Honourable Minister for Roads and he is aware through a mutual friend of ours that my house has been transformed to a warehouse, the part that has not been destroyed.

We have been working day and night, and I am sure the Second Elected Member, from his business establishment is doing no less, to ensure there is food, drink, water. As recently as yesterday, having an open flea market atmosphere with the clothes that have been donated free of charge to make sure that our constituents and residents—voting and non-voting—are recipients of these things. We have now moved from that level. Yes, we are still in need for maybe an extra tarp as the wind and rain comes Madam Speaker, and there is still a need to revisit with some water and some of the basic things, but that initial need, thank God, has gone on.

We have gone on from the urgent [need for] generators. There is a spasmodic need here and there, but we are meeting that, both the Second Elected Member and I, and the command centre as

best as we can. But the great, great need right now is for funds—allocated, segregated, isolated, named, determined funds—in sufficient quantities to meet the needs of the residents, the people of Cayman Brac and Little Cayman.

Madam Speaker, that can come, as far as the Government is concerned, from two means that I am aware of: They either look at their capital projects and reprioritise (and if they are doing it I am not privy to it so that is the way I am speaking) whatever project they deem. They are the Government. I am not here to tell them to cut X, Y, or Z. I can make recommendations, but I do not want to raise that. They can make that decision to allocate this because they are going to slow down whichever project.

If they feel that their projects are so important and so necessary to do, then I can even forgive that because Grand Cayman has dire needs as well for various reasons. But the last time we were in Finance Committee we were told [we have] I believe in excess of 90 days' reserve. Can we not access our reserve in a time of need, Madam Speaker, taking into consideration that the insurance for the Caribbean Fund has not come through, for whatever reason which needs to be revisited? Although I did not hear all of the press briefing last night I did hear the Honourable Minister for Education saying, whether or not it is an undertaking I am not sure, that there are aspects of it that need to be looked at. I leave that to the Government to renegotiate.

While that is being done, residents on Cayman Brac are being wet night after night as it rains. They are being exposed to the *northers* that are coming in. And what is happening is that depression, an emotive area of our lives that we choose not to speak about publicly, is now starting to infiltrate the constituents on Cayman Brac.

As I was reading my devotions while coming down on the aircraft today, Madam Speaker—with your kind permission (it is very short) I would just wish to share it with the House and the wider public to give them what Obama referred to as the “Audacity of Hope”. It says, “He can lead you out of it. '[And] **after the earthquake a fire; but the Lord was not in the fire: [and] after the fire a still small voice.**' 1 Kings 19:12.

It says that “almost everyone will at some time in their lives be affected by depression, either their own or someone else's. Some common signs and symptoms of depression include feelings of hopelessness, pessimism, worthlessness and helplessness.”

All feelings that I have seen—and I am sure the Second Elected Member has too—not only personally from the damage that we [sustained] but as we go on a daily basis to meet with our constituents.

“Although we cannot say for certain that characters in the Bible experienced depression, we can say that some did exhibit a deep sense of despondency, discouragement and sadness that is linked to personal powerlessness and a loss of meaning and

enthusiasm for life. Elijah is one Biblical character who fits this description. After defeating the prophets of Baal, he received a death threat from Jezebel." Been there, done that too, Madam Speaker.

"His hope was shattered and despondency set in. He wanted to die. God helped Elijah deal with his despondency in several ways." And the same God will help the constituents of Cayman Brac and Little Cayman.

"The Lord did not rebuke him for his feelings but sent an angel to provide for his physical needs." And today, Madam Speaker, that angel that I am making this plea to is the Cayman Islands Government, those with the authority, those with the resources to access either through reprioritization or through our general reserve.

It says, "Then the Lord revealed himself and reminded Elijah that he was quietly working among his people." Perhaps that pronouncement will come to alleviate my fears before the conclusion of this Motion being debated, Madam Speaker.

"Next, He restored Elijah's mission by giving him new orders. Finally, God reminded Elijah that he was not alone. In our times of discouragement, let us remember that God loves us and desires to lead us to a place of a renewed vision of Himself. Be still my soul [and I conclude, Madam Speaker, with this aspect], the Lord is on thy side. Bear patiently the cross of grief or pain. Leave to thy God to order and provide in every change He is faithful to remain."

Madam Speaker, as I move up and down throughout the Island one thing that keeps me going through the long hours, through the stress, through the pain and tribulation is that, despite our circumstances, my God is faithful. And irrespective to whether the Government comes to the plate today and bats a homerun financially so that we can get immediate help on Cayman Brac, I know that my God has not seen the righteous forsaken, neither has his seed begged for bread.

We will rise, Madam Speaker, from the ashes. Time will be the determining factor, but we will rise on the Brac and Little Cayman again. What I am asking is for the Government to put that financial injection in so that it will be an economic catalyst for my people in Cayman Brac to assist to augment, to under girth that rising. As Caymanians, as Brackers, we are a resilient people. We have learned over the many decades that we can do much with little.

I do not want to send the wrong message, and I hope it is being read in the vein that I am bringing it. We are eternally grateful, Madam Speaker, for whatever efforts, whatever impetus the Government has put. But what I am saying, having been there on the ground day and night, feeling it personally, feeling it as I look into the eyes and the souls of my constituents, seeing that dire need, the time is now, Madam Speaker.

Help can no longer be on the way—help must come today. Help must come today through this Par-

liament, Madam Speaker, for our people, because another delayed decision is another protracted pain, physically, sociologically, financially, educationally, religiously. Every aspect, Madam Speaker, is crying out for help.

If we did not have a reserve, Madam Speaker, perhaps our hands would be tied. But unless there is some latent overriding factor that is within the hallowed halls of the Glass House that I am not cognizant of, I say today to the Honourable Leader through his leadership, through his empowerment, through whatever avenue he has, call a break of this parliament. Caucus with his party, his Cabinet, with the Governor, with whoever, with the Opposition and let us make a decision today so that when the history is written, Madam Speaker, we can say 'here is yet another issue, here is yet another challenge that faced our beloved Cayman Islands and we negated, we annulled, we dissolved, we washed, we neutralised any impediments—political or otherwise—so that the holistic approach was given. The finances were made accessible. The empowerment was distributed to the Brac Recovery Committee as the Leader endeavoured to set up I believe last weekend. Those conveyance instruments are there, Madam Speaker. The funds are sitting somewhere in our class A banks here in our jurisdiction.

We do not need a statutory instrument from the United Kingdom Government. Thank God for Sir Vassel and the rest who had the financial prudence, and for past governments, and for this one for continuing to ensure that there was a reserve for a rainy day.

Madam Speaker, the flood is here. The doors can only be continued in a closed status if we choose once again to walk out for whatever reason rather than taking a suspension here and now and doing what is right for these Cayman Islands.

Madam Speaker, no Auditor General can question when one makes an investment in our people, the best human capital the Cayman Islands has. We are already a dying breed, Madam Speaker. Whether one Minister wants to call us miniscule in the bigger picture or not, we are two of the three Cayman Islands. We always said we were the best kept secret, but the secret needs to be released today, Madam Speaker.

Yes, we are less than the 2,000 people he referred to in his press briefing. But for the most part we are 2,000 born and bred Caymanians. If we get elected on a national platform, as has been successful not only with this Government but other governments, let us rise today in this honourable parliament to a national level and do what we know in our heart of hearts is best for the people of Cayman Brac.

Madam Speaker, yes, directly we are the beneficiaries. But let us look at the long [term.] When we help our own children, we are in fact helping ourselves. When we help our own sisters, as we referred to the Brac and Little Cayman, we are helping Grand Cayman. The next time the Honourable Minister for

Children and Family Affairs comes with his budget he will not have to have an overly inflated budget to increase financial assistance or rental assistance or what have you. We would have given the fish that is necessary.

I say again, Madam Speaker, this Motion here has presented part of the picture—a part that I am grateful for and thankful for. But let us give the fish and the loaves today. Let us access our reserve funding. If the Government is at pains to reprioritise the capital projects because they are needed, because maybe contracts have been signed; because the constituents have a legitimate expectation to receive them, let us access our reserve today so that when the Second Elected Member and I catch the plane, hopefully this afternoon, and go across, we can go back and say yes, we can exercise that Audacity for Hope because the Government and the Opposition, the entire parliament understood—understood, Madam Speaker—our plight and they rose to the occasion and we are here as messengers on behalf of the Government and the House to say, yes, you may have to wait until Monday morning for whatever administrative things we put in place, but the committee can meet.

I am sure my colleague would have no problem to meet tonight, tomorrow, Sunday, to vet applications that are already there to different agencies to get the plywood out. We had a situation (and I will close after this, Madam Speaker) where somebody came in for six sheets of plywood. The Second Elected Member and I, and the District Administration felt completely hopeless, because short of taking it out of our pockets—which Paloma had already put a big hole in—we had no authority to do that. And, yes, we did speak to the Honourable Leader and he gave some indication in that regard. But he, too, unless a paper comes, or unless his colleagues rally around him . . . and I know his colleagues. Yes, politically we do not see eye to eye on certain things, but I know his colleagues, some better than none.

I know the Minister from East End, the Minister responsible for roads. I see how he operates. I know his heart is there, not only because he stands up in this House and says so, but he has been to the Brac more than once. And when he comes, Madam Speaker, if he says that two grab trucks are going to come, you can almost wait at the dock for them to come. And I appreciate that type of commitment.

The Minister for children and welfare, and families, has done the same thing. Other Ministers, I am sure, for whatever reason (the Minister of Education was there) did not include me. At this time I do not care, Madam Speaker. If he was there to ensure that the children were going to meet their educational needs, then that is fine in this crisis. We have time for politics, much time going up to May. What we need is every Caymanian on board this good ship Cayman to make sure that when we set sail in our economic future which can continue to be successful that Cayman

Brac and Little Cayman is a formidable part of the good ship Cayman.

Enough talking has been done on all two sides, Madam Speaker, from the public side. Enough forms have been completed. People do not want that any more. We want the finances, the empowerment to help our people. If the Ministers have to be in Grand Cayman, let us help them because in so helping them we are helping our people.

Madam Speaker, in closing I once again want to say thank you to my honourable colleagues on this side of the House from my personal perspective and on behalf of my constituents, who gave beyond my wildest imagination whether through private planes or private boats, or through containers—one yet to clear tomorrow morning—thank you, thank you, thank you. I know that your cupboards will never be empty because when we give the underprivileged, the handicapped, the elderly, the children, the widow and the stranger, our God—the same God that we proclaim far and near who has established our country—will see that prosperity continues to be the order of the day in Cayman.

Madam Speaker, I thank you for your indulgence. I thank you for your patience. I thank you for giving me this opportunity to not only express my own personal feelings but, as a representative, those feelings of my constituency. I look forward with eager anticipation to the Government to respond accordingly.

May it please you, Madam Speaker. Thank you.

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

Honourable Leader of the Opposition, the Honourable Minister of Communications and Works caught my eye first.

**Hon. W. McKeeva Bush:** Of course.

**The Speaker:** Don't say of course. I can only see what I see.

**Hon. W. McKeeva Bush:** [inaudible]

**The Speaker:** Honourable Minister of Communications and Works

**Hon. V. Arden McLean:** Thank you, Madam Speaker. I mean, if it . . . it's just after three. That's all right. I will deal with that.

Madam Speaker, thank you for allowing me the opportunity to speak on this Motion. I rise to support the Motion and to try to give, in particular the two Members for Cayman Brac, some sense of understanding that we have been there and, more importantly, that we are doing everything we can.

I will start by saying that I hear the desperation in the voices of the First and Second Elected Members for Cayman Brac. I hear it and if one were to

go back to the first meeting of parliament after Hurricane Ivan, and review the records, the *Hansards*, and look at my plea as well during that time when I spoke about the Phoenix and the people of East End and the people of this country in particular rising from the ashes. It was so timely, we had just celebrated 500 years of existence and Ivan had destroyed us. I likened it to the Phoenix, which is the mythical bird who after having lived for 500 years consumes himself in fire and rises anew from the ashes.

Grand Cayman did it then, and I have every confidence that Cayman Brac and Little Cayman will do it again. Not only because it is them, but the Caymanian, whether from Little Cayman, Cayman Brac or Grand Cayman, is resilient enough to do it on his own.

Madam Speaker, I have been listening to a song recently. And the First Elected Member for Cayman Brac will have probably listened to it also. Some of the words are that "I am drinking from my saucer because my cup has overflowed." I believe it is a religious song and it is about the blessings received from God.

Now, if we were to turn that around now, I would say to the people of Cayman Brac, I understand that they are drinking from their saucer because their cup is overfilled with the challenges that they are experiencing now. It feels like their cup . . . it is too overwhelming for them. But their time will come and it will work itself out. I have every confidence that it will. And one day they will be able to turn that around and I trust that in the near future they will be able to say that they are drinking from their saucer because their cup is over-filled with blessings.

Madam Speaker, when I went to Cayman Brac for the very first time in the aftermath of Paloma, I said to the two elected representatives (because I have been there a few times since then) that I would have a meeting with them every time I came there. It is not my constituency. I am merely a Minister, visiting the constituency of other elected Members. I have endeavoured to contact them and let them know that I am there and have meetings with them as well, at least one.

Madam Speaker, I told them at that time (they were trying to distribute generators, food, and the likes), I said to them that I had been through that too, in East End, but that was the easy part. If they thought it was hard then, wait until three to four weeks' time. And we are right at that time now. People are becoming desperate and they do not see any progress in certain things and they become depressed. Now is the time to get on the ground and deal with these people. We had it in Ivan. And they are now experiencing it.

Madam Speaker, this Government . . . and the Leader will go into the intricate details of what we have committed and what this Government's commitment, personal and otherwise, is. But I would certainly like to go into that which I am doing. I will just touch briefly on the bigger picture from Government.

Like the previous Government, when Ivan hit Grand Cayman, that Government earmarked certain sums to start out with for the rebuilding and recovery process. And then they kept adding monies to that as time went on and it got depleted through the process of expenditure. This Government has done the same thing. It started out with millions of dollars put into a particular account and that is where monies are coming from. How that is going to be dealt with on the ground in Cayman Brac, I do not have the knowledge because I am not in charge of the recovery process.

However, what I did was to look at my budget. I went to Cayman Brac. We were some of the first people on the ground. I think we left 18 people from the Department of Public Works and then environmental health. I met with the Permanent Secretary and Department heads on the Sunday following the storm. No, the Monday, pardon me.

I said to them two things: I wanted all the people that I had working in Cayman Brac under my ministry to go home. I did not want them working for Government until the time was right when we decided they had taken care of their families. So, I wanted people from Grand Cayman, and the services in Grand Cayman would be truncated, of course. I understood that. But Cayman Brac was the priority now. And that is what we did from then.

Currently, my Ministry has between 70 and 100 people being rotated in Cayman Brac and Little Cayman which equates to about 30 people on the ground every day. It is costing my Ministry tens of thousands of dollars per day to service Cayman Brac and Little Cayman. And, Madam Speaker, rightly so; it should cost my Ministry that money.

I went further and redirected just under a million dollars, after sitting down with my people, the purchasing of a piece of equipment. I was in Cayman Brac on Thursday, and by Monday that piece of equipment was coming from the factory in Ohio being driven to Miami. We had not even paid for it. But it is because of the contacts and people who trust me not only in the Cayman Islands but in America too.

They left Ohio on the Monday, last week Monday, with the understanding that I would be held responsible for \$600,000. That is what I have done thus far in that regard. That piece of equipment is on its way to Grand Cayman, as we speak, on the high seas.

Madam Speaker, we sent equipment from here to Cayman Brac. We sent an additional grab truck, an additional rear-end loader to make sure we had sufficient equipment there. And then last week we sent two additional grab trucks from the private sector. We have bought at least two trucks and one van, and a number of small tools. But our problem with it is that we are heavily dependent upon the barge to get to Cayman Brac and that depends heavily upon the water being as smooth as a pond between here and Cayman Brac.

Our equipment has been on the dock for one week. And we cannot get it to Cayman Brac. My understanding this morning (because I follow up on this every morning) is that it was loaded and is supposed to leave today. As soon as that equipment gets to Cayman Brac there are 30 more people that we need to have on the ground. So all in all I will have 60 people on the ground in Cayman Brac to do the cleanup.

We have sent the tub grinder and we did so much work over the last two weeks with it that the teeth on that wear out. The ones that were in it wore out; we sent some to Cayman Brac by freight and they are lost. Now, I would like to know how we lose two or three hundred pounds of metal between here and Cayman Brac, but, anyhow . . . We ordered another set yesterday and they are in Miami at Cayman Airways to be here Tuesday. So, we are having our own little challenges, but it is coming through.

The piece of equipment that is on its way by boat from Miami is a shredder. It is a piece of equipment that will separate metals, it will chew up all the metals and separate them from the vegetative matter and from the C&D [recycling equipment] and all the cement and the likes.

I take full responsibility for having ordered that piece of equipment. My colleagues agreed with me for the expenditure and I take full responsibility. We are engaging a lot of equipment from the people in Cayman Brac. We have a lot of equipment engaged up there now—excavators and bobcats and backhoes. Like I said, it is costing my Ministry tens of thousands of dollars per day.

Madam Speaker, I heard and I saw in the papers where the Leader of the Opposition called for Government to put, I think he said \$25 million or something, \$10 million to \$20 million, something, into Cayman Brac right now. There is no need, in my view at this time, to earmark that kind of money when we do not know what it is going to cost. We need to ensure that whatever we do, we do whatever is necessary to get Cayman Brac back up. We do not know what it is going to cost. It is going to cost money to bring Cayman Brac back up, like it costs everywhere else.

I was very fortunate in East End that I had a benefactor who spent whatever was necessary. And that is what Government has to do as well. But I do not think that we can put an actual price tag on it at this time. At the end of the day, as the need arises we have to put the monies in there. I figure my staff will be in there for at least . . . we have made arrangements for the end of February to get out. That is, having cleaned up the whole area. Certainly there will be need to leave other staff in there just to pick up the C&D debris, but right now I believe that we are adequately serving it if I can get all the equipment to Cayman Brac.

Therein lies our problem; Cayman Brac is so dependent upon one means of transportation—one or two barges are so restricted by the weather. Maybe

we need to start concentrating on that and finding alternative methods of delivery, alternative methods of getting stuff delivered to the Sister Islands.

Madam Speaker, I can assure the people of Cayman Brac that I will do no less for them than I did for the people of East End in particular, and the people of this country in general when Ivan hit Grand Cayman. Cayman Brac suffers the same fate that I do, which is they are too far removed from George Town. And everybody has this thing that East End is too far away! But we are one country and Cayman Brackers can be assured that this Minister and this Government is going to do everything possible to ensure that they rise from this, that they are as good—and better off than they were—prior to Paloma.

I ask for them to exercise a little patience. And I know that's difficult. It is easy for me to stand here on the Floor of the Legislative Assembly when I am going home this evening to a house with electricity, with air conditioning, with my children and my wife, and a refrigerator I can open at my pleasure, when these people in Cayman Brac are suffering under some difficult, difficult times. Madam Speaker, it is easy for me to say that. But there also needs to be a little patience exercised.

I heard the First Elected Member for Cayman Brac say that she saw television for the first time this morning. Well, after Ivan I didn't bathe for three weeks! Thank God Progressive [Distributors Ltd] had some baby wipes! And a cold Pepsi was so important to me that it is logged in my diary. It was eight weeks after Hurricane Ivan. I will never forget that. It was so overwhelming I almost got choked on it because it was cold! It was eight weeks after and I have it noted in my memoirs, when I write them, which will be entitled "Only in the Cayman Islands".

Madam Speaker, it is going to be tough for those people in Cayman Brac now. I know that. I have made a commitment that I will visit Cayman Brac every Wednesday. I was there last Wednesday. I stayed over-night and had dinner with the 30 people that I have there working, the guys from public works and environmental health, and the other agencies. I believe it was nice for them to be able to interact like that because they are still lying on bunks without electricity, without running water. And I really appreciate those people.

It was well enough to ask them to do it in the aftermath of Ivan because each night they could go home to their little families. But they travelled to Cayman Brac. Some of those guys have had one day off to come to Grand Cayman for a child's birthday or something. One in particular had his child's birthday party and he came down for one day and was back up the next morning. That is the kind of commitment these people have to this restoration. And they are doing a magnificent job at it.

They have their challenges. When I call to check on them they will tell me they need this or that material. It is material that cannot be sent by plane, it

needs to go up on the barge. Those are the major challenges we are having in Cayman Brac.

I personally have to meet with the Leader about finding some method of taking this material to Cayman Brac. It is ridiculous because there are ways of doing it, but we need to talk to the shipping company about sending a ship in there while it is passing through to go to Miami. Whether or not it is more costly, we need to get materials to Cayman Brac. The process is going to come to a grinding halt if we do not get the materials. And that is going to be worse for the people of Cayman Brac. It is going to be really bad for them at that stage.

I went to the supermarket on Wednesday, because we now have a few apartments and we were trying to stock up some food for the guys. And the shelves are empty. The shelves are basically empty because the ships are not coming, because of the weather. The weather is such that a barge and a tug cannot get the materials and the merchandise and the goods to Cayman Brac.

I was hoping that the brand new machine that we are bringing would stay right on the dock and we would transfer it straight onto the barge. I do not even know when the barge is going to leave. I cannot make arrangements for the people to come to train our people with this in Cayman Brac and I need it desperately. I needed that piece of equipment a week ago. The debris is filling up the dump and I am not going to allow it to happen in Cayman Brac as it happened in Grand Cayman after Ivan. I am not prepared to do that.

It needs to be processed. And it needs to be processed immediately. But because of the difficulties of getting the materials and equipment there it is really difficult. Hopefully this barge will reach there and by Monday we will have another 30 people on the ground. I am hoping that is the case. We cannot depend on the people in Cayman Brac to rent things like pickup trucks to carry tools. We have to be self-sufficient when we get there.

Much progress has been made, especially since we now have four grab trucks in Cayman Brac. But it is not as coordinated as I would like. We need to separate, geographically divide the island and concentrate on these areas. There is much, Madam Speaker, much to be done in Cayman Brac.

I hear the First and Second Elected Members for Cayman Brac talk about these loans and the likes. This is all well and good, and I applaud it and I trust that it will assist some of those civil servants who are as bad off now as anyone else. Government is taking care of its civil servants with \$6 million. I suspect that by the time my ministry finishes we will be \$3 million or \$4 million. But we have to find that money from someplace else. And we are constantly juggling that to ensure that we have the money. We have private people. We have private equipment there. They are providing drivers, and the helpers and the likes. A lot of people do not know that but we have private people

we have had to go out and hire because we cannot neglect Grand Cayman either.

Right now our services are cut in half in Grand Cayman. But the services in Cayman Brac are reduced too. So, we have to share this responsibility and share the load and get the workers, the staff to deal with both and rotate them. Every day we are paying hundreds and hundreds of dollars on flights to and from Cayman Brac through my ministry.

Madam Speaker, I hear the frustration. I hope that I have eased some of the concerns that the First and Second Elected Members for Cayman Brac have. I know they are frustrated because while they are trying to attend to their constituents they do not even know what is going on here or there. And I understand that. For me it was a little different in East End because I knew everything that was going on since I was directing everything. So, I understand.

But, Madam Speaker, I want to assure them that whatever it is that I can do, I am doing and I am prepared to do. Whatever distance I have to go for the people of Cayman Brac, I am prepared to go. I will be there. I have made the commitment that I will go and check on the people of Cayman Brac and the staff. I have been to Little Cayman. I was the first tourist in Little Cayman. I did over-night there the night that the Southern Cross got electricity. Five of us were the only ones in the hotel. You know the kind of fun we had there, darkness and . . . but, you know, they were going to get tourists from overseas the next day.

My next trip is through Little Cayman to look at our stuff there. I may not be seen on the ground for long periods of time, but Madam Speaker, I can assure them that when I get there I know exactly where I am going and what I want to see and what I need to see in progress and then make decisions on what else we need to do.

I would ask them to tell their constituents that we are working. We are doing whatever we can. I try to get around as much as I can when I get there, but sometimes I cannot. I would love to spend some more time in Cayman Brac but I cannot. But I will have people in there. So I will have about 50-odd people on the ground from here on in sometime next week. That will be about 130 people rotating in and out of Cayman Brac. So, let us not be afraid. I know a lot of people in Cayman Brac do not know what is going on, in particular the representatives—only if they have a meeting.

So, Madam Speaker, with that short contribution to this Motion I ask the people of Cayman Brac to exercise a little patience and reassure the two Elected Members that the Government is doing everything possible. I am sure the Leader will go into the intricate details of the monies earmarked for Cayman Brac and Little Cayman. I look forward to getting this job done. Let's do it! Let's get up and do it and get over it and move on and find something else to do. It has already happened. Let's just do it and get it done and get the people back in their homes and back on their feet and

in three months' time they should not even know that Paloma passed through or what colour their house was before that time.

Madam Speaker, again, I thank you for giving me the opportunity to speak.

**The Speaker:** Proceedings will be suspended for 15 minutes.

**Proceedings suspended at 3.42 pm**

**Proceedings resumed at 4.19 pm**

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

Hon Minister responsible for Education.

**Suspension of Standing Order 24(5)**

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, following discussions during the break, I believe it is the will of the House to take the adjournment now and to suspend further debate on this important Motion before the House, one which the Leader of the Opposition has indicated he wishes to propose an amendment to. The debate on the amendment and the continued debate on the substantive Motion are likely to take quite some time.

As I think most people are aware, and certainly all Members of the House are aware, December 8 (this coming Monday), is the 50<sup>th</sup> Anniversary of the passage of the Sex Disqualification Removal Law, 1958, which gave to the women of this country the right to hold public office and to vote. As we have indicated it is the intention of the Government to commemorate this important date and this important event by a short ceremony at 9.00 on Monday morning on the steps of the Legislative Assembly.

Following that event it is my intention to move a Motion in this honourable House to record and to celebrate this auspicious occasion and to give all Members of this honourable House the opportunity to say what they think they should about an event of such importance.

And so, Madam Speaker, to enable that to happen, and with the agreement of all Members of the House, I wish now with your permission to move the suspension of Standing Order 24(5) to allow the Motion that I just mentioned, which is entitled "Commemoration of the 50<sup>th</sup> Anniversary of the passage of the Sex Disqualification Removal Law, 1958", Government Motion No. 9/08-09, to be moved on Monday morning and then, Madam Speaker, for the debate to follow.

**The Speaker:** The question is that Standing Order 24(5) be suspended in order to bring Government Motion No. 9/08-09, to commemorate the 50<sup>th</sup> Anniversary of the passage of the Sex Disqualification Removal Law, 1958.

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

**Ayes.**

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

**Agreed: Standing Order 24(5) suspended to allow a Government Motion to be dealt with during this Meeting.**

**The Speaker:** I will entertain a motion for the adjournment of this honourable House.

**Ms. Juliana Y. O'Connor-Connolly:** Madam Speaker.

**The Speaker:** I think I should reiterate that 9.00 am is the function for the unveiling of the plaque. I guess the Leader of Government Business spoke to the Governor and the briefing has been postponed to Thursday. Honourable Leader of Government Business. Sorry, First Elected Member for Cayman Brac.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

Just following up on my contribution and to some extent the contribution of the Second Elected Member, can I just get some clarification as to where we are with the financial assistance to Cayman Brac? We are taking the adjournment now. Does that mean there is going to be another weekend that we are going to be left without the assistance we asked for today?

**The Speaker:** Honourable Leader of Government Business, are you in a position to enlighten the honourable Member?

**Hon. D. Kurt Tibbetts:** Madam Speaker, just very quickly, as I indicated to the First Elected Member for Cayman Brac, I will be in the Brac in the morning and I will be meeting with them. But just so that they will know, some funds have already been approved by Cabinet under section 11(5) of the Public Management and Finance Law, and those funds are accessible immediately. That is part of what we will be talking about tomorrow morning; some millions of dollars.

**The Speaker:** I will entertain a motion.

## ADJOURNMENT

**Hon. D. Kurt Tibbetts:** Madam Speaker, I move the adjournment of this honourable House until Monday morning, immediately following the conclusion of the ceremony celebrating 50 years of the passage of the legislation which allowed women to vote.

**The Speaker:** The question is that this honourable House do now adjourn until Monday morning [8 December 2008] after the unveiling of the plaque at the front of this building recognising women having the right to vote 50 years.

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

**Ayes.**

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

**At 4.25 pm the House stood adjourned until the conclusion of the unveiling ceremony to commemorate the 50th Anniversary of the Passage of The Sex Disqualification (Removal) Law 1958, on Monday 8<sup>th</sup> December 2008.**





**OFFICIAL HANSARD REPORT**  
**MONDAY**  
**8 DECEMBER 2008**  
**10.40 AM**  
*Second Sitting*

**The Speaker:** I call on the Third Elected Member for the district of George Town to say Prayers.

### PRAYERS

**Ms. Lucille D. Seymour :** Let us pray.

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

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

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

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

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

**Proceedings Resumed at 10.42 am**

### ADMINISTRATION OF OATHS OR AFFIRMATIONS

#### Oath of Allegiance

*By Mr. Donovan W.F. Ebanks, MBE  
 (administered by the Clerk)*

**The Speaker:** Mr. Ebanks, would you come to the Clerk's table?

May we stand?

**Hon. Donovan W.F. Ebanks:** I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II, her heirs and successors according to law so help me God.

**The Speaker:** Mr. Ebanks, you may take your seat.  
 Please be seated.

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

**The Speaker:** I have no messages or announcements.

### STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

**The Speaker:** I have received no notice of statements by Honourable Members and Ministers of the Cabinet.

### GOVERNMENT BUSINESS

#### MOTIONS

**Government Motion No. 9/08-09—Commemoration of the 50<sup>th</sup> Anniversary of the Passage of the Sex Disqualification (Removal) Law, 1958**

**The Speaker:** I recognise the Honourable Minister of Education, Training, Employment, Youth, Sports and Culture.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, it is my honour and distinct privilege to move Government Motion No. 9 of the 2008/09 legislative year, entitled, Commemoration of the 50<sup>th</sup> Anniversary of the passage of the Sex Disqualification Removal Law, 1958.

The Motion reads as follows:

**WHEREAS on 19<sup>th</sup> August, 1948 24 courageous women of George Town, Grand Cayman wrote to then Commissioner Ivor Otterbein Smith declaring "that it is our intention to exercise our Constitutional Right to vote today, August 19<sup>th</sup>, 1948, according to our conscience, in the Election of Vestrymen for the District of George Town" but despite their stated intent were denied that oppor-**

tunity because at that time the law did not permit women to vote in the Cayman Islands;

AND WHEREAS the women of the Cayman Islands, undaunted, continued their struggle for equal rights and in 1957 presented to the Legislative Assembly of Justices and Vestry a petition bearing 358 names of Caymanian women which prayed that:

*“women should be permitted from henceforth to exercise the right of voting in elections, that they should be permitted to hold public office, and that in any new law of consolidation or codification of the law of the Constitution of the Cayman Islands the rights of women should be safeguarded, so that we be not regarded by you or by the world as less worthy than the women of other lands who have been accorded those rights”;*

AND WHEREAS ON 16<sup>TH</sup> October, 1958 a Select Committee of the Legislative Assembly of Justices and Vestrymen recommended to the House that the petition of the 358 women be granted;

AND WHEREAS on 8<sup>TH</sup> December, 1958 the Legislative Assembly of Justices and Vestrymen passed the Sex Disqualification (Removal) Law, 1958 thereby according women the right to exercise any public function, including the right to vote, and to be entitled to hold any civil or judicial office or post and to enter into or assume any civil profession or vocation in the Cayman Islands.

BE IT NOW THEREFORE RESOLVED THAT the Legislative Assembly does acknowledge and record the 50<sup>th</sup> anniversary of the passage of the Sex Disqualification (Removal) Law, 1958 and its seminal role in according equal rights to women by permitting them to exercise any public function, including the right to vote, and to be entitled to hold any civil or judicial office or post and to enter into or assume any civil profession or vocation in the Cayman Islands;

AND BE IT FURTHER RESOLVED THAT on the occasion of the 50th anniversary of the passage of the Sex Disqualification (Removal) Law, 1958 the Legislative Assembly does acknowledge and celebrate the achievements of the several women who serve or have served in public office as elected members and/or as Speakers of this House, whose names are now inscribed on a tablet inside the Legislative Assembly Building and who are as follows:

#### ELECTED MEMBERS

Miss Evelyn Wood – Bodden Town, (1962- 1965)  
First Elected Woman to the Legislative Assembly

Miss Annie Huldah Bodden, OBE – George Town (1962 -1984)

Mrs. Esterleen L. Ebanks – West Bay (1976 - 1980)

Mrs. Daphne L. Orrett – West Bay (1984-1988)

Mrs. Berna L. Thompson-Cummins, MBE – George Town (1992-1996)

Hon. Edna M. Moyle, JP, MLA – North Side (1992 – Present)

Miss Heather D. Bodden – Bodden Town (1995 – 2000)

Mrs. Juliana Y. O’Connor-Connolly, JP, MLA - Cayman Brac and Little Cayman (1996-Present)

Miss Lucille D. Seymour, BEM, JP, MLA – George Town (2005 – Present)

#### MADAM SPEAKERS

Hon. Edna M Moyle, JP, MLA

Mrs. Juliana Y. O’Connor-Connolly, JP, MLA

Hon. Sybil lone McLaughlin, JP, MBE, National Hero

AND BE IT FURTHER RESOLVED THAT the Legislative Assembly records its gratitude and pays tribute to the contribution of the women of the Cayman Islands to the social, political and physical development of the country and to its continued progress and prosperity.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

Honourable Minister of Education and Culture.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, it is right that we pause from the more mundane matters of legislative business, on a day such as today, to pay honour and tribute to acknowledge the contributions of women, to recognise and appreciate the efforts of those brave souls who for more than 60 years struggled for equality. And it is right that we also acknowledge the fact that the predecessor to this House, as we know it, the Legislative Assembly of Justices and Vestrymen, who took the brave step 50 years ago today to pass legislation which accorded to women the right to stand for public office and to vote in elections choosing the representatives to this House from the general populace.

Madam Speaker, we have just participated in a public ceremony on the steps of the Legislative Assembly in which we paid tribute at some length to those efforts, contributions and achievements. And it is right, I say again, that we should on this day, in particular, pay special tribute to and recognise the efforts, the courage, the longsuffering and the sacrifice of the women who subsequently went on to hold public office in these Islands.

And, Madam Speaker, it is right also that this is recorded in the records of the proceedings of this House, the *Hansard*, so that in time to come those who follow us in this House will understand that these present Members of this Legislative Assembly have taken the time, regarded it as important enough to move a motion and speak to the tremendous efforts, contributions and achievements of women, and to acknowledge the importance of this day, 50 years since this House passed legislation giving women equal rights.

Now, Madam Speaker, the struggle was long. It did not begin just with the letter referred to in the motion which was written by 24 George Town women and delivered to the then Commissioner on 19 August 1948. But, Madam Speaker, I believe that as far as recorded history goes, that is the first written record of the effort made by women to achieve the franchise.

I believe it is important enough that I refer to that letter and, in fact, Madam Speaker, read its contents into the record of these proceedings.

As the Motion said, the letter was addressed to Commissioner Ivor Otterbein Smith at Government House in George Town. It is dated 19 August 1948. It reads as follows:

“Sir:

**“We, the undersigned, residents of the District of George Town, having examined and obtained Legal advice on the Constitution of the Cayman Islands, find nothing therein which denies women the fundamental Human Right of taking part in deciding who shall govern us.**

**“Therefore we declare that it is our intention to exercise our Constitutional Right to vote today, August 19<sup>th</sup>, 1948, according to our conscience, in the Election of Vestrymen for the District of George Town.**

**“Should this privilege be denied us by the Officials in Charge of the Election we shall demand the Government give just reasons for making of no effect the Laws it has sworn to uphold.**

**“We have the honour to be, Sir,”** [and the names follow. They were]:

**“Olive N. Hinds, Valda L. Bodden, Ermyn Merren, Carolyn Hinds, Pansy A. Thompson, Sunbeam Thompson, Mrs. Carley Merren, Georgette V. Hurlston, Violet Thompson, Mrs. George A. Merren, Roxie E. Bodden, Effie Anderson, Daireen V. Merren, Mrs. Winston Watler, Roselyn Merren [Some of the names are a bit difficult to decipher], Veta C. M. Bodden, R. Virginia Bodden, Ena Coe, Mrs. R. J. Watler, Ena Merren, Sylvia E. Coe, Goldie Banks, Isabelle Granger and Mrs. Pershing Merren.”**

Madam Speaker, as I mentioned in my brief remarks at the function earlier, despite the strident and determined tone of this letter, no women were permitted to vote in the Election in August of 1948. And the reason for that, Madam Speaker, is rather

technical. Perhaps on an occasion such as today, when we are seeking to celebrate the achievement, not much purpose is served by going into too much technical detail except for the real history buffs. But in short, the legal reason given was that despite the fact that the rather short constitution which obtained and had force and effect in Cayman back then did not speak to just men voting but, rather, gave to the Commissioner the ability to call the *people* together to hold an election. Because the English Common Law had never accorded to women the right to vote or stand for public office, the legal opinion was to the effect that *people* in the Cayman Islands' Constitution at that time had to be interpreted to mean only men, and that any change to that position would require specific legislation.

Madam Speaker, the matter seemed (at least as far as the history books and the documentation recorded it) to have faded away from the national consciousness for a number of years.

The next recorded note involves correspondence between the then Commissioner back in 1954 (who was known locally as Commissioner Gerrard), in which he writes to the Jamaican Governor who had responsibility for, among other things, the Cayman Islands, regarding a question by Mrs. Eden Cook-Bodden about whether women could stand or vote in elections. And that, Madam Speaker, seems to have renewed the discussion locally and with the Jamaican Government about women having the right to vote and to stand for elections.

Of course, Madam Speaker, all of this, as I said when I addressed the gathering a while ago, was around the time when the West Indies Federation was very much the issue, and the desire for greater self-government and autonomy among British Colonies in the West Indies was manifesting itself. As the Cayman Islands then were a dependency of a dependency (that is, we were a dependency of Jamaica and did not have direct access or control by the UK), there were lots of concerns here about what would be the fate of these Islands if and when (as it seemed inevitable) Jamaica would become independent, as it did in 1962.

So, Madam Speaker, amidst these discussions, obviously missing at the national level were the contributions and the involvement of women. And it is clear that women had real views about the future of these Islands and what should obtain. And that seems to have been the galvanising force between the organisation and the efforts which culminated in a petition dated 25 March 1957, signed by some 358 women. The petition was addressed to the Legislative Assembly of Justices and Vestrymen.

Madam Speaker, the historical records speak to a certain amount of resistance and delaying tactics and so forth by various persons of importance, both within and outside of the Legislative Assembly, for there were what were perceived to be good reasons

held in some quarters as to why women should continue to be excluded from this very important process.

I am deliberately not going into too much detail about those or to call too many names because some of the names are what were and to some extent still are very important families in this jurisdiction. And the purpose of this exercise is certainly not to seek to embarrass anyone or to highlight attitudes at the time in terms of detail; but, as I said, to play some context around what transpired back then and to perhaps help all of our people to understand that this was a struggle—not just something that somebody moved a motion and it just happened and everyone agreed. There was a whole lot of hard work and political negotiating that went on both locally and with the Jamaican Government.

Madam Speaker, the women did not give up and, as I said earlier, they were supported by a number of men who believed very much that they should be accorded this right.

I spoke this morning about the fact that on 31 May 1958, ten men nominated Mrs. Ena Watler to stand as a candidate for the Vestry in George Town. Their nomination was rejected.

Madam Speaker, if I may have a moment I seem to have misplaced the actual piece of paper I have with the names and, what is quite insightful, the response from the Commissioner to their attempt to nominate Mrs. Ena. I will read those when it turns up in a moment, but it demonstrates that there was continued pressure being brought to bear on the system by the women and their supporters to make sure that this Law that we are recognising the passage of today actually got through; that there was no guarantee really that it would actually pass.

So, Madam Speaker, could I have just one moment to turn up this document which I seem to have misplaced amongst my many pieces of paper.

*[pause]*

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I still haven't turned up the actual piece of paper with the response, but I will at some point read that into the record. What I do have is the actual nomination which is dated 31 May 1958.

It says, "The undersigned residents of the district of George Town hereby nominate Mrs. R.D. Watler [her husband was Mr. Royal] as a candidate for representative of the district of George Town in the forthcoming General Elections in August 1958." This is Mrs. Ena Watler. It was signed by Thomas Hurlston, Charles Hislop, Semmes Coe, Pat Henderson, T.B. Bodden, A.H. Godfrey, Alburn Whittaker, Ralph K. Lott, Conrad Forbes, James Arch, Jr.

Madam Speaker, I make the point (which I made earlier this morning) that women had some very strong advocates on their side as well. Ultimately, the House was all male so it required men to actually make the decision.

The way it was dealt with was that the petition was referred to a select committee of the Assembly who considered the matter and, on 16 October 1958, [at the Town Hall, George Town] returned the following letter to: **"The President and Members of the Legislative Assembly of Justices and Vestry.**

**"Gentlemen, We, the undersigned members of a Select Committee, appointed by the Assembly to consider a petition from 358 women of the Cayman Islands (as quoted below) beg to report that the Committee met at the above place and on the date mentioned.**

**"The Committee recommends that the prayer of the petitioners be granted.**

**"We, the undersigned the women of Grand Cayman do beg your favourable consideration of this our petition. It appears to us that constitutional changes of the greatest moment are imminent throughout the British West Indies, and that such changes may be reflected in changes in the Cayman Islands.**

**"We, your humble petitioners, do hereby pray that women should be permitted from henceforth to exercise the right of voting in elections, that they should be permitted to hold public office, and that in any new law or consolidation or codification of the law of the Constitution of the Cayman Islands the right of women to vote and to hold public office should be safeguarded, so that we be not regarded by you or by the world as less worthy than the women of other lands who have been accorded those rights."**

It was signed by **T.W. Farrington** (known to all of us as Mr. Willie Farrington), **O.G. Hurlston**, **Logan Bodden**, **E.D. Merren** (that is Mr. Ducan Merren), **W.A. McLaughlin** (that is William Allen), **H.M. Coe** and **O.L. Panton**. They were the Select Committee who recommended that the prayer of the petitioners be granted.

And, Madam Speaker, I will not spend the time of this House going into all of the technical details and struggles at the drafting level which occurred before we actually got to this day when the law was passed. But even after the law was passed, it took another two months before it actually came into effect because there were a number of things which needed to be done, including the fact that with the right to vote and stand for public office should also come responsibilities, such as the ability to serve on juries. This required other legislation to be drafted and passed. The Governor of Jamaica finally gave his consent to the legislation on 16 February 1959.

Madam Speaker, in a somewhat abbreviated way I have outlined, I think, how we have gotten to this point. But I want to reflect now a little on these circumstances. I have thought about this truthfully since the Motion was brought to this House on 6 September last year [2007] by the Third and Fourth Elected Members for George Town asking that the

Government take steps to recognise the contributions, achievements and aspirations of women generally.

As I began to focus on this particular event and its significance, it seems . . . I grew up in the 60s and 70s which were not much removed from this time. The first woman was not elected until 1962, a year after I was born. So, it is not all that long ago.

When I think that my mother was 33 years old before she had the right to vote . . . Living in the times that we live in now it seems a ridiculous and absolutely preposterous set of affairs. It seems impossible to conceive now that people could believe that this country and countries around the world were best left to be run and could only be run by men, leaving out of involvement in political process and the development of policy and implementation at least half—and in Cayman's case more than half—of the intellect and ability and intuition that women bring to any discussion of any nature, and, even more importantly, of discussion at the national level. But that is the way it was.

I also reflect on the kind of courage it must have taken for women to take a stand on this in this community where, even when I was growing up was very much the case, women did, certainly in any sort of public way, what their husbands permitted them to do or allowed them to do. It was not even contemplated that you would do anything which might embarrass your husband. And many, many of these women were married women.

In fact, one of the dating factors of the petition is that many of the signatures are signed "Mrs." R.D. Watler, or "Mrs." Pershing Merren, as two examples that come to me. Many women conceived their place in society on the basis of who they were married to, and they signed their names in that way using their husband's names. That was a thing of those times.

So, when you consider those circumstances and the place that Cayman was at, where few people—and even fewer women—had access to anything more than the most basic of education, you start to understand and appreciate more what it must have taken for these women to take the stand that they did.

It affects me, Madam Speaker, at a very personal level in a number of ways. And this is true for other Members of this House and many members of the broader community. I had not appreciated this until I started to look at this process. There I see my grandmother's signature and my great aunt's signature, and I knew those people and how humble they were, how much they deferred to my grandfather because he was "the man". But they signed the petition!

I scratched my head and wondered for a little while why my mother had not signed the petition. Then I realised that she had just gotten a job with Government in 1956, so she was not going to sign any petition in 1957 because as a government officer that just was not done. It is probably still the case today.

I don't have to go outside my own personal experience to understand the strength, character and wisdom of these women who are related to me and to think that in my grandmother's case for the vast majority of her life, because she died in 1970, she did not have the right to vote. It's appalling to me. But, as I said, that was not just the way in Cayman; that was the way of much of the world in those times.

I think, Madam Speaker, it is important. I suppose that the one sort of saving grace is that in another ironic sort of way my grandfather, Allen McLaughlin, was a member of the select committee who recommended to this House that the law be passed, as a member of the House when it was passed. But he was also a member of the House all those years when they would not allow women to vote and stand for election either. So I have to balance that consideration.

Madam Speaker, I think this sort of discussion is important for my generation and the generation which follows to truly understand and appreciate where we have come from; and for our young people, particularly girls and young women, to understand the degree of disenfranchisement which their mothers and grandmothers endured, and the efforts and determination and sacrifice involved in giving them now what they quite rightly take for granted.

You see, Madam Speaker, particularly in a place like Cayman where the population was so small—and then it was even smaller. Back when this was passed, the population of these Islands, including Cayman Brac and Little Cayman, was probably less than 8,000 people. Understand that what transpired here was controlled by a very small and select group of people.

Now is not the time or the occasion, and I think it would be distasteful to go into all of that, but those of us in this House who have lived long enough understand entirely what I am talking about. And while the House and politics was the exclusive preserve of men, it was also the exclusive preserve of a very select and small group of men who exercised the real power in this country.

The passing of this legislation, coupled with the 1959 Constitution which reduced the number of representatives but actually gave a greater degree of control to the local legislature, was critically important in the history of these Islands; and in large part, I believe, the basis on which we have moved on to greater progress and prosperity in these past 50 years. And that, Madam Speaker, is due in no small part to the involvement of women in the process, although, as I said earlier this morning, we still have a long way to go because 50 years after the passage of this Law, almost 50 years since women had the right to stand for public office, only 9 women have been elected to this Legislative Assembly, the 10<sup>th</sup> (being the National Hero, Mrs. Sybil McLaughlin) having been elected as Speaker. But she was not an elected member. We still have a long way to go to get the right balance in terms

of who exercises control in this country, who helps shape policies and direction and helps to shape the destiny of this place.

Madam Speaker, I spoke at some length this morning at the public function marking this occasion, and I have said a fair bit now. I believe that while there is much more than can be said, as I have the right to wind up on the Motion I think I will resume my seat shortly and let other Members of this House have an opportunity to contribute on this very special occasion as we seek to recognise the women who have held public office in this country since the passage of this Law, to recognise the efforts, contributions and struggles of those brave women who helped to make it happen, and to record and acknowledge with appreciation the courage and wisdom of our predecessor House, the Legislative Assembly of Justices and Vestrymen, who actually passed the Sex Disqualification (Removal) Law, 50 years ago today.

Thank you, Madam Speaker.

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

I recognise the Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, the Motion before this honourable House is one which finds unity in this House. This is so because as the people elect we have come here today to recognise one of the most significant efforts ever to be made in our history; that of the right of our ancestors, wives, mothers, grandmothers, daughters, nieces and our sisters to be able to cast their vote.

I want to congratulate the Government in following through with the ceremony this morning. It was a grand and auspicious occasion, Madam Speaker, and I am glad that I was around on this day at this time in our history in our development.

I have seen in my time in this House, these past 24 years, many grand occasions because we do have a lot to record. Sometimes we fail to do that, but I can look back on those 24 years and say that we have come a long way. I can look back, as I am 53 years old today, and say, "We have come a long way". And 50 years ago what type of system existed?

I think the Minister moving the resolution has outlined very well what was the order of the day. Madam Speaker, we do not come here to embarrass, but we know our history. We come here to sing praise, but the fact is that there was an oligarchy of wealth where the rich governed the poor; an oligarchy of learning where the educated governed the not so educated, or even an oligarchy of race.

Madam Speaker, there was a state of affairs which made fathers, brothers, husbands and sons the masters over the mother, sister, wife and daughter of every household. But this was not all bad for these Islands. In fact, it did not ordain all men sovereign, nor did it ordain all women subjects. That would have car-

ried much dissension, discord and rebellion into every home in the developing little Island of ours. No, there was thought process, discussion, and when there was cause for dissension it was done, and you didn't know that there was dissension.

Madam Speaker, we have come a long way. Our women, brave as they always have been, fought that state of affairs and they prevailed. Much has been said about those brave women—358 of them—who stood firm to get the vote. After examining the petition I believe I can safely say that there would have been many, many more signatories to that petition if they could have gotten it to sign. When you examine it and see the names and recognise that there were far more women in this country who were astute also and knew how to hold an argument properly, who could debate, but they, for whatever reason, did not get that chance. But that does not take away anything from the 358 who did.

Madam Speaker, this country could not ever deny the fact that our women for a great part of our history played the greatest role in our development without the vote, without the opportunity to be elected. For when we examine our history, our women were there in government from the early days. Think back on some of the names in George Town who played a role. Think back of the many women from all over the Island who sat sometimes in executive positions in the public sector to make this country tick day by day without nary a cent to do it, keeping the government intact in every true sense of the word. Think of the women who worked the wheels of the private sector. Business could not have made it without them.

Think back on the names of some of the big businesspeople, men in the country, and see the women behind them. And as small as I was, going to their place of business, it was that woman who knew everything about everything in that business. That businessman knew how to get the money and spend it and make the deals, but she knew how to make the wheels of that business work. Our women—though not elected, though not able to vote—were the teachers at school. Remember?

I cannot give enough thanks, and I will do so here today also, for people like Iris Bodden, Theoline McCoy (the late Theoline McCoy who fought a system that came out of that oligarchy that I am talking about). Were it not for them, where would we be? They did not have a vote, could not get elected to the House. They were the stalwarts in the Church; they could take the pulpit and do as well as any educated Baptist Preacher from the southern United States. They could do as well as any educated Minister that came out of Jamaica or any other place, or even out of England. The fact is, we understood them better at times in their messages because they spoke of day to day matters and knew the problems in the home. Think of it!

Madam Speaker, think of people like Ms. Deenie, from your district; the two Ebanks, Mr.

Craddock's wife, Mrs. Louise, and Pat's mother, Mrs. Alvernie. And I can name many more out of your district and many in my district. But when they spoke—my grand aunt, Aunt Florrie, and Aunt Theresa Powery who lived to be 103—I asked them, "*Where did you get this knowledge?*" "*God gave it to me. I honoured him and he honoured me.*"

We can think of the women I knew from the Church of God: the late Sister E. Redley Powery, who was a school teacher. I went to her school after we got run out of the Secondary Modern School to make space. That was the system I was speaking about that Mrs. Theoline McCoy raved against. And I went to Ms. Redley's school for a short time, 14 plus before I went out on my first job. These women did not have the vote and were not able to be elected because of the laws of the state at the time.

Madam Speaker, while we can heap praise on our women for all they have done in the public sphere while we bemoan the fact that out of the last 12 general elections, one hiatus in 1968 in George Town . . . Those of you who don't know the history, that was when there were more foreign people on the voters' list than locals, and the George Town men stopped the general election in George Town . . . didn't stop it in other districts—everybody else said, "*our voter's list is good, we are going ahead.*" but the George Town men stopped it and there was a hiatus. And at least two by-elections since 1959, we have only had 9 women elected to this honourable House.

The House and politics might have suffered, but I believe the country at large might have been the benefactor. I said that to say this, we cannot ever overstate the contribution that has been made to Government, business, church and the community. But, by an even larger margin, I believe we can count the contribution of our mothers, those homemakers who kept the home fire burning while father was at sea or away from home for whatever reason. For Caymanians could never be the people we are had it not been for the care, love, training and discipline given to us by our faithful mothers and sometimes those who were lucky enough to have a father to play that role.

And connected thereto, Madam Speaker, the development of this country would not have been as successful if our diligent mothers had not been good mothers who taught their children the value of love of country. They didn't have the vote, they didn't have a chance to be elected; but the Cayman Islands could not have had the substance without the work and those attributes of care, love, training and discipline given by our mothers.

During my first days of marriage I often wished that I could have afforded to allow my wife to stay home and be the homemaker taking care of the children. And no one can tell me that any maid, no matter how many good ones—and by God we have had some good ones—could do a better job. I wished often for that. And so, let us not bemoan the fact that

in 50 years only 9 women were elected. Let us say thank you God that our mothers were who they were and what they learned sometimes from pure granny-wits (because they did not have the vast education of the oligarchy) . . . look at what they made of this country, and I say 'they' because they made the Caymanian children to be what the country needed.

And so, while there might not have been a large amount of women elected here who could go and cast their votes, they nevertheless played such a significant role in the development of these Islands, too great for me to put into words today.

The Minister made reference to what obtained in the region and the world. Jamaica did not get universal adult suffrage (which meant everybody could vote over 21) until I believe it was 1944. Bermuda had a system where landowners could vote several times, landed gentry, wherever they owned property. And maybe other countries and regions had that. If you did not pay your poll tax here in these Islands you could not vote. That had to be paid up.

So, Madam Speaker, Cayman was not that far behind when you consider our then sister island of Jamaica that had full blown slavery and who went through brimstone fire and hell to get democracy. We got ours. Men could vote if they paid their poll tax. The women got their vote in 1958. We have come a long way.

Madam Speaker, I sat on the frontbench this morning and saw our National Hero sitting there, a living one. We were told at the time, *how foolish can you be to appoint somebody living, to be a national hero*. Well, I have always been one of those persons who says, '*give me my praise now, don't wait until I am in a casket.*' If you have anything good to say about me, if you can, please don't wait until then. And so, as the Minister of Culture, I took that on. (The Third Elected Member for George Town was the Principal Secretary at the time and we had our critics).

I had been waiting for the appropriate occasion all these many years to say what a certain man from George Town had told me and thought it very fit to do so this morning. There they were, the two of them: the honourable National Hero and Mr. Brainard Watler, who, when we were criticised for having her (the National Hero) do the walk around, he said, "*Well, the Queen does the walk around, she is our Queen.*" All these many years I said it to no one.

I thought back on the struggles that we had in this House to get a Speaker. The first motion was moved by myself and Mr. Ezzard Miller, and we did not get far with it. The second motion moved by myself and Mr. Roy Bodden, and we did not get far with it. The third motion succeeded by one [vote]. And if you could have stuck the members of the Executive and the frontbench at that time you would not have gotten a drop of blood out of them because they thought it would never pass—but it did! And it has all been for the better.



Look who rose to get the job—a woman. After that, not long, another woman, and today, Madam Speaker, you yourself are in that position. But do not think it was easy. Search the *Hansards* and you will see.

Madam Speaker, I recall when I was fighting the Chamber of Commerce for labour legislation. When I was fighting the Chamber of Commerce to get better pregnancy benefits, do you think it was easy? And now I hear them get up and talk about the development of the country and how much they pushed for it. Everybody played a little role in getting some benefits but, boy some sure played a role in trying to stop some benefits in this country. And I can never forget the names that I was called, the licks that I took and the meetings that I had to attend to get better benefits for the women of this country.

At age 53, Madam Speaker, I can reflect on things as they were back in those years. In 1959, when the franchise was given, three years later (in 1962) I was 7 years old and attended my first political meeting at the West Bay Town Hall and learned to say the following words: “Vote for T.W. Farrington.” I was put on a car hood and driven slowly around the district, “Vote for T.W. Farrington”, who was the longest serving politician and a giant in the affairs of these Islands. In those days, I believe at one point he was in charge of finance. Elected men were in charge of finance before.

Madam Speaker, I can think back. I paid close attention to politics and I saw the ins and outs of it from those early days. Today I marvel—sometimes I am left dumbstruck by those who say that party politics is bad, and we need those independent voices like we had back then. I cringe, because I am 53 years old and I know there was no such thing.

Madam Speaker, I know who controlled whom; where the votes were when they came into this honourable House, and where they went sometimes in this honourable House in the early days. I have seen some of the politics, and those people either have not studied our history or they really just do not know how the system of governance works. Party politics or not, named party or none, there has always been full-blown party politics in this country. The groups got it, and they sat together and they voted—those in opposition and those with the government.

The first time I heard the [phrase] “extension cord” was in between 1972 and 1976. That was a big issue in this country and it came in this House. You sat and looked and you knew why because they always voted with the Government. They were part and parcel of the Government, not that there was any extension cord, he was part and parcel of the Government. Party politics! When they moved from one or two named parties to none, when there was the National Democrats and the Christian Democrats and then they moved from that to other names—this team and that team—it was the same thing and worse because they had to get some serious, serious give-

aways to survive. And if you did not you simply did not get. Signs were put up in some places that said, “*if you did not vote for me, do not come here.*” And you were told that by other people.

Madam Speaker, we have come a long way. We have done well. And there are issues that I can not agree with the Government on, but not this one. This is a laudable move and time well taken in this House. As I said, it is good to give thanks and it is fit and proper to thank our women who stood in the front line to help give all the women of these Islands their rightful place in democracy. We thank them, we praise their memory and we bless their families, most of all we say, *thank you Lord for those people in the past, men and women who stood for these Islands and did their endeavour best to bring it to where it is today.*

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

Third Elected Member for the district of George Town.

**Ms. Lucille D. Seymour:** Thank you very much, Madam Speaker.

Madam Speaker, I have come here today having been lifted up by 716 hands, and I know Madam Speaker that you cannot speak from the Chair, therefore, I will also speak for you.

This morning was a very touching experience for all men and women in this country, and it was the right time, the right place with the right people, because today is a time of challenges where we need good things in our lives to make us happy. This was a good thing.

I rise to support the Motion commemorating the 50<sup>th</sup> Anniversary of the Passage of the Sex Disqualification (Removal) Law, 1958, and I will make a few comments. But I would like to firstly say that this morning when it was all happening I thought about who is missing here today, besides all the people that have contributed to our lives. I would like to just say that I thought Estella Scott Roberts was missing, and to say most of her time that she too made a great contribution in the lives of women in our country.

Madam Speaker, besides the 716 hands (if I multiply 358 by 2, I get 716 hands) I would like to say that there are some great women that perhaps sometimes we forget when we try to honour people because somewhere their names have not really been etched in the annals of history. A few of them would be Ms. Dica Brown, from North Side; Ms. Katilda Seymour, from George Town; Ms. Clara Eden, from George Town; Ms. Martha Saunders, Ms. Aleia Seymour, Mrs. Ruth McLaughlin, Mrs. Beulah Johnson, Ms. Annie Bush, Ms. Earle (Pinkie) Bush, and my own mother, Ms. Maude Mahalia [Seymour].

There are others, many passed on, who have made significant contributions. And they were firsts, like our first pharmacist, Mrs. Althea McLaughlin. These are people that we must ensure . . . and I will

start by asking the Minister if we could ensure that the [National] Archive and the Library do great research on all these women so that they will not be forgotten. I know it is going to be a difficult task, but we took 50 years to get here so we can take 50 years to put those names together.

Madam Speaker, you have been a trailblazer in the whole discovery of women's liberation. You have fought for women to be in the Ministry of Women Affairs. You have attended many conferences for us to look at the unpaid work of women. As I said in my first motion on the contribution of women, I hope that we will remember to honour our persons who have made significant contributions. But, Madam Speaker, I have no doubt in my mind that your name will go down in the annals of history as a great role model for women.

I like your maverick way; the way you shoot sometimes from the hip. But you are a straight shooter, you do not miss, and you never missed in what you spoke about in the contribution of women.

Madam Speaker, it is so ironical that here we are in this 21<sup>st</sup> Century in the Cayman Islands talking about constitutional change, and it was a constitution that debarred women from voting. So you see how the Constitution is so important to the lives of people.

But I do not think that in developing this Constitution we are going to be so shortsighted. We are going to ensure that there is always the balance. But also we must remember, Madam Speaker, that maybe it is best to use neutral language in our Constitution because I believe in looking through the literature it spoke about "vestrymen". And because it spoke about vestrymen and not vestrywomen, it applied. So, we have to ensure that our Constitution has neutral language.

Madam Speaker, in this House today I believe we have 18 persons. And, of those 18 persons (I'm not sure of somebody's age), there are only about 7 or 8 of us that might have witnessed . . . less than that as, a matter of fact. Eight of us understand the milestone of 50; but there are just a few of us that are cognisant of and would remember the event. I am one of them. You are one of them, and Mr. Anthony [Eden]. I'm not sure if anybody else would remember. It is interesting, isn't it Madam Speaker, that the person moving the Motion was not born in that era? And that is commendable too.

But if I know the Honourable Minister, I know that he believes in balance. He has to—he has two sisters, one wife, two sons and two female dogs. So, he has to ensure that he stays . . . No offence to the two female dogs. He has to ensure that he does what he has to do to ensure that there is balancing, where there is equality.

Madam Speaker, those 358 women marched so that all of us could have a voice. I will pause here to say that I know the Honourable Leader of the Opposition spoke about poll tax. Well, let me tell you there were many, many male George Towners that

never voted because they could not afford to pay the poll tax. So, they were not just liberating women in giving them the ability to vote, but also those men who could not afford to pay two pounds for the poll tax. So, they had no voice either. But these brave souls marched the journey to break the chains and made us free. Voting is a democratic right; it is one of the fundamental principles of democracy. Those women broke the shackles, and here we are today. And we must thank them and their families for the bold steps.

Madam Speaker, due to the absence of our men {who were] at sea, our women in the Cayman Islands performed many, many roles. That has been said here over and over. Of course, Caribbean women are university renowned for their independence, their creativity and resilience. But despite the relative independence of our women and their educational success, they still had to fight against the belief that a woman's place is in the home.

Madam Speaker, women of the Cayman Islands and throughout the region still knock their heads against the glass ceiling hoping that it will break. We today in the 21<sup>st</sup> Century are at the crossroads. We are. And this is a good thing. But we have to make a decision about our women, a further decision, that if we continue to educate them there must be a job market for them, not menial tasks. We must create opportunities for them to realise their potential; to make a further significant contribution to the development of our society.

A message today, Madam Speaker, for the young ones to whom we will extend our hands to bring into this landscape of politics and economic progress is that we should make a bold dramatic break with the stereotypes of the past. After 50 years of political enfranchisement we must continue to advocate for the social and economic enfranchisement of half of our citizens.

I think it was Confucius who said that women hold up half the sky. And if women hold up half the sky, there must certainly be equality and balance in everything that we do. There must be a new dispensation for women; a new functional approach of partnering with schools, community and church in nurturing children. These are the pillars of social and principled value system, and we, as women, must be involved with these entities to help children grow up with excellent values of compassion, love, caring and great decision-making skills so as to be able to make great choices in their lives. That is the focus I want to leave, Madam Speaker, about this partnering of women with the pillars of our society which help in the social transformation of our children.

The social pillars, the home, school and community (to the young women I am saying), must partner to ensure that children, young people, reduce their propensity to take drugs, to commit violent acts. They must increase their chances to have a livelihood and to generate income and a model for saving and pursue financial literacy. And, of course, to be civic

minded, practice voluntarism and community service. And if all of this is done, Madam Speaker, we will have the perfect fit.

Crime is a learnt behaviour, and the pillars of the social landscape and the socialisation system must unite to create a safe, loving, hardworking and peaceful society. But, Madam Speaker, women need support to facilitate all of this. The Honourable Minister in his speech this morning said we have a long way to go to support women.

**The Speaker:** Honourable Member, is this a convenient point to take the luncheon break?

**Ms. Lucille D. Seymour:** Yes, Madam Speaker.

**The Speaker:** Proceedings will be suspended until 2.15.

**Proceedings suspended at 12.47 pm**

**Proceedings resumed at 2.30 pm**

**The Speaker:** Please be seated.

Proceedings are resumed. Debate continuing on Government Motion No. 9/08-09.

Third Elected Member for the district of George Town continuing her debate.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

Madam Speaker, this morning I spoke thanking the people for bringing us this far. I concentrated a lot on the new vision for the new Caymanian women and said that they should take a bold step and break away from the stereotypes of the past. And the thrust should be on economic enfranchisement and social enfranchisement. I looked at the connection between the women—the ones who rock the cradle (as they would say) rule the world—and that they should partner with the pillars of the social transformation such as the home, community and school, to ensure that the children and the new women, girls, and boys, would have a different life.

They should partner with these social pillars to ensure the reduction of drugs, the reduction of our women and men committing violent acts so that they could increase our livelihood and practise income generation and develop a model for saving and financial literacy. And also, for them to be civic minded, very involved in community service and voluntarism.

This morning I also said that we need to support the new 21<sup>st</sup> Century women if we wish to have them involved in the decision-making process, whether it is political or economic. We need to support them, and by supporting them it means that we would have to look at how we can support them with their children. And, of course, a vision would be that we should increase the whole facility for after school, and the whole facility for pre-schools. That is one way,

Madam Speaker, we would be sure the children of the women are given foundation education and they are well protected. Every mother should be assured that in the event of having to work long hours like her partner, her children are looked after.

Madam Speaker, as I said, I am asking the new woman to sort of break away from the traditional myths. This would relieve the pressure on women who have to multitask. It would also relieve the anxiety that women suffer when they cannot get away from work to collect their children, or have to leave their children on their own at home. It would also give women the confidence to take on greater responsibility at work as senior managers, as entrepreneurs running their own businesses. If they are given this support, more women would have the confidence to participate in this whole political and economic development that we are asking them to be a part of. This would improve their social standing, Madam Speaker, and their economic power.

Madam Speaker, I believe that women who campaigned for the vote in the 1940s and 1950s . . . that the new Caymanian woman must campaign for economic and social rights. The new Caymanian woman has been quite successful in campaigning where we have domestic violence and spousal abuse. I think that the Business and Professional Women's Club, along with the Government and other entities, has done a fairly good job in pushing that, and we also have the Young Business and Professional Women's Club who has done the work on stalking. And I think that is good.

We also have women in the various service clubs, and the men have accepted the women in the various service clubs so that they can hone all their managerial and networking skills. This is good. But the other side of the coin is the education of the male partners.

We should embark, Madam Speaker, on a public education programme and work with our men on modern gender relationships. As we get better and women become more progressive it means that there has to be constant dialogue with partners or with male counterparts so that we can sit around the table and there is no one-upmanship or anyone being dominating in a situation, and there can be this whole question of equality and balance.

I would advocate, Madam Speaker, that Caymanian women need to start a movement for their social and economic liberation. Women must lead the charge for change in concept of feminisation, of poverty. Research tells you that poverty now has been feminised because more than 60 per cent of women are underachievers, where the question of livelihood is concerned. So, it seems, Madam Speaker, when you read the research that poverty itself is feminised and we must move from that.

But the women themselves must change that, in particular women in the Cayman Islands, because women must strive for economic rights. And you don't

have to have any arguments with anybody. How do we do that, Madam Speaker? We do that by embracing the education which is free in our country at primary and secondary level, and the optimum number of scholarships that are given out at a tertiary level that we can embrace. So women, in order to have economic enfranchisement, must be skilled or retooled in a job that acquires money; a job that provides chances for promotion and great income generation.

Madam Speaker, the empowerment of women in the political and economic process is the biggest liberator of all. Women must and should network to share the political responsibilities with their male counterparts in these hallowed halls. When women vote for women, women win. Therefore, women must have a consciousness of their own self discovery if they wish to be part of the political process. If you have more women going out to vote than males, then it is safe to say that you would have more women being voted for to come into the House.

But, Madam Speaker, you know this is an education process that we must go through. I don't think it is fair to say that it might happen tomorrow. I think those of us who are in these hallowed halls, men and women, are to give women an opportunity for political education.

Political education is not jumping into the ring and just going into campaign. Political development is starting from schools in the whole process. How civic minded are you? Are you concerned about your community? Do you do community service? Are you part of a service club? Are you part of different organisations which help you to develop your political management skills?

And, Madam Speaker, if we do this I safely sat that within the next 15 years, and perhaps if we do this, when I visit here (if I am alive at that time) in the gallery I would at least see 50 per cent or at least more than three. At least we could have a third of the House being women. And that is ambitious because at the end of the day it is a brave woman who goes out into that campaign because you don't know what they are going to throw at you. They will say things before you were born or conceived, saying all sorts of things. But, as women, we have to have the skin of a rhinoceros and a gentle heart so that when those things are thrown at us we can bounce off.

Madam Speaker, I know you and I have been doing this. We have to acclimate our own women into this political process. It is not one of the kindest jobs in the world. As I told somebody in this House, I didn't realise I was dishonest until I became a politician. You know I worked 33<sup>1</sup>/<sub>3</sub> years in the Civil Service, cushy job, and then I came over into the politics and I'm the worse thing in the world.

So, you see women have sensitive skin and what we have to do is to put some balm on the skin to toughen our skin up. And at the same time we are *balming* them we have to educate [women] so that

they can articulate well, so they have confidence and can discover themselves and come here.

Madam Speaker, not only here in the political process. The Constitution itself must change so that we embrace more people in the political process. Not necessarily at the national level, but the Constitution should change also so that we embrace people in the districts, that they start from there. They start getting involved in the political process as representatives at the lower echelon of the political ladder, so that they can get experience and work. But this takes some time, Madam Speaker, and I believe that is where we need to . . .

And also, Madam Speaker, the political parties have a part to play in the training of politicians. When you do your research as to how you get involved in the political process you always see where the political parties have extended their arms, put their quotas in or whatever they wanted to do, and to train the women and the young people into the process. Perhaps where we have failed is that we start from the top, and you know only gravediggers start from the top. We need to start digging at the bottom, giving them the key things (being the boys and girls, women and men); the training to be proper political persons. And the same way we do the education process for the economic enfranchisement, we have to do that for the political process.

Madam Speaker, I want to make a point that perhaps in all of this 50 years, in all that I have seen and the involvement that I have been in as a politician, a community person and as a former civil servant, is we women seek to see ourselves as shared developers with other women, and always willing to extend that hand and bring other women along. If you were to ask me—and I am possibly putting my political life on the line here—the negative of a lot of things, I would tell you it is our inability as women to share with women to help them grow and lift them up. And I have witnessed this; I have experienced it.

We should not have to always depend on our male partners to pull us up when we have great role models, good women who can just stretch their hands up. Madam Speaker, the hand is longer than the tongue, and it can lift you higher than the tongue. Of course, they say the strongest weapon on a person is his or her tongue. But, I would wish in this whole shared development with women that the tongue be the wise weapon to grow each other and to form a new humanism of compassion, self discovery, planetary concerns and love of community.

In essence, Madam Speaker, what I am saying is that there has to be a change of perception, with us as women to look at the men and learn from them how they network. They do it very well. I know that and have worked with men who network very well. Their bark is harsh, but their bite is soft, and they can tell each other off in a meeting very nicely and come outside and move and have a drink together, what-

ever the drink is, or just go and visit somewhere together.

Madam Speaker, that is where we as women must help each other, that it is okay to network but you must also have your responsibilities at home or wherever you have your responsibilities. It is okay to take down time and spend with friends to dialogue and get some good brain teasers. It is okay to talk about politics and it is okay to talk about world affairs; that is good for women. And it is also okay to talk about domestic things, like cooking and plants; it is okay to do those things. But the new 21<sup>st</sup> Caymanian woman must be all of those things. Must be able to talk about domestic things, find time with friends to talk about what is happening politically, what is happening economically in the world today. And we must decrease the level of being negative about our own kind.

One thing that I have learned, Madam Speaker, in being with my eight male friends and colleagues is how to network, how to be able to have a spirit of camaraderie and build up a team. I really don't have too many issues with them because I can take care of myself. And that is good, Madam Speaker. But it would be nice sometimes to have someone else with . . . I think it was one of our speakers this morning who talked about the issues that women bring to the table. If 50 per cent hold up half of the sky, then women must bring 50 per cent of the issues. And we talked about them this morning. We talked about the whole question of health and education.

I hear whispering by my colleagues to make the world know that they take care of me too, Madam Speaker. Of course, they do. They have no other choice but to do that!

The new women in the 21<sup>st</sup> Century must pledge to be contributors, not to be victims. And by so doing they must look at HIV AIDS because it is the women, research says, that have the most AIDS. Therefore, we must look at how we are partnering with our partners to ensure that the women themselves decrease the spread of HIV AIDS, Madam Speaker.

The women also must look at their health because they give birth to children. The new 21<sup>st</sup> woman must be healthy.

The new woman in the 21<sup>st</sup> Century must increase her financial power by retooling and tooling herself to be more marketable, and in this knowledge-based economy, Madam Speaker, that the Cayman Islands has, the new woman—we have spoken about the woman 50 years ago and what she has done so I'm trying to reach out to the new woman to give some advice. The new woman, as I said, must have economic power; must increase financial literacy and develop great models for saving.

Madam Speaker, the current watershed which the world is going through is the best time for the Cayman Islands to do what we are doing. This is the best time. Because it is looking at the women, em-

powering them so that we can be more competitive in the global marketplace.

Madam Speaker, we cannot move forward in this modern Cayman if we do not place our women in the prime areas of our development. Madam Speaker, we need to get the girl children and the boy children to understand what has happened here today. I suggest to the Honourable Minister to include extending this to the schools so that the schools can be part of this, either in competitions, in essays, or whatever is right about this period. This is important. Fifty years from now they will have been part of this process. So, I would ask the Honourable Minister if he would be able to do that.

Madam Speaker, everybody in this Cayman Islands will stand to gain from the liberation of our women. You know in your clinics that you have in mind, if I have four people for a day, three of them are women. If anybody calls me for assistance, the majority of them are women. So, it tells me, Madam Speaker, that we have lots of work to do. This is just the beginning of a beginning.

We need to ensure that our women become entrepreneurs, their own businesswoman. We need small businesses, and I would suggest that we find money somehow and make that available, in particular to some of the women I and my colleagues see coming to me. We need to empower them, retool them, reshape them, and retrain them. You can teach them different skills. We can. It is not their fault that they did not get what you and I got and what my colleagues here have. It is not their fault. But life did not go well with some of them. And so, not all the women will be managers. We have a lot of women who need a lot of help, in particular with their children.

And this here is not just about politics, but as someone once said, what is politics but the aggregation of interests. So, we must make the whole process of women development political. It must be and it must be here.

Madam Speaker, as I conclude I would like to see more women in politics. I would like to see more women volunteering and being more into community service. I would like to see more women responsible parents because we must not exclude that. Children did not come as Pallas Athena, who burst forth from her father's forehead. They came from people. And we know that in the Caribbean society the women take a lead in this. So women need to get more with a partnering programme that the Ministry of Health has and [improve] their development skills in terms of helping their children.

We can't talk about women in isolation. We have to talk about people with their children and developing their children. We can't just talk about the political process. We have to talk about the whole question of parenting. We have to have our young women. Mind you, I know that this is a modern world and we want to have our down time and socialise, but we want also to be part of the process in developing

our children, and we must develop them well; educate them and give them good value system.

Madam Speaker, my last point is that we want to ensure women help women. This has to be said over and over again: Women must help women. I would say more women go to vote in this country than men. The statistics are there and we see it. If they are really interested in seeing the future of their children and of Cayman being better, then they must involve themselves in the process and ensure if they can't reach that some other woman can reach.

For quite a long time I have not gotten as emotional as I did this morning; perhaps I will try and sit down quickly before a tear does drop out of my eye. I am so proud to know that it is in my time and your time, that we are a part of it; that our hand, our vote today, our change is going to make a difference in the lives of women. We really need to ensure that Caymanian women have no regrets and that young men here . . . almost everyone, barring three, is under 54. Young people! Young! That, young men today can get up and move a motion to make life different and make a change for the Caymanian woman. And, Madam Speaker, I am sure that when the Honourable Minister of Health speaks, he will perhaps talk about what his Ministry is doing and has done to pave the paths for women to walk through to be different.

Thank you, Madam Speaker, and I certainly support the Motion.

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

Fourth Elected Member for the district of George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I, too, rise to support this extremely important and meaningful Motion brought by our Honourable Minister for Culture.

I would also like to take this opportunity to congratulate the lady Member, the Third Elected Member for George Town, who just concluded her debate making an excellent presentation on behalf of all women. I am thankful to her—and I am sure we all are—for her insightfulness in bringing an original motion with the end result being that we are debating here today. While we are extremely busy and productive as a government on a whole we are at all times in support of the programmes that our Ministers bring to this honourable House and otherwise.

We need to also recognise the importance of the Government's accepting ideas and suggestions from their Backbench. Allowing the Third Elected Member for George Town to bring this Motion and accepting it, and not only accepting the Motion as a Government, but following through and having the necessary work at the ministry level to make sure where we are today. I would like to say again, congratulations to the Honourable Minister for following this through and also to his staff at the Ministry.

I happen to know, Madam Speaker, the tremendous amount of work that has gone into bringing this to this point by the Ministry staff and the countless number of volunteers that have engaged in assisting with this so far.

I also have first hand knowledge of what is to come on 26 January [2009], National Heroes Day. Again I say that we need to be mindful that this is a result of the original motion brought in this House by the lady Member, the Third Elected Member for George Town. I know the countless hours that are being put in right now (I was about to say man hours, but I believe that would probably be the wrong thing to say!)

The National Heroes Day celebration that the Minister's Ministry staff and volunteers that have been co-opted are doing a tremendous amount of work. They are putting a wonderful programme together for National Heroes Day and, although the previous celebrations have been well-attended, it is my wish that this one will break the record with a tremendous turnout because it is going to be a wonderful and very meaningful programme.

Madam Speaker, one of the dates mentioned today, while commemorating the 50 years since the decision was taken to give women the right to vote and to hold office, was 8 December 1958. We also talked about the legislation coming into effect on 16 February 1959. Just to say, that those two dates were Mondays. And maybe there is nothing much significant about that, but for me it bears great significance, Madam Speaker, because I consider dates to be extremely important. I believe we need to do what we can to preserve dates as important as these. I think that the month of March is when we consider a particular day for Women's Day. Is that how we refer to it? Women's month is March and I think that a specific day has been established since the early 1900s by the United Nations when we commemorate International Women's Day on a date in March. Madam Speaker, I am not sure whether it is by day or date.

I do believe that these two dates we have been talking about, 8 December 1958 and 16 February 1959, are very important dates in the history of our country. I would simply ask that the Government consider doing something on one of those two days. I do not think it is possible for us to switch what we would consider Women's Day, since that is an international event; but I do believe that some recognition for women and all their achievements should be celebrated on one of those days in the future. That is just my suggestion now, Madam Speaker, so that the day itself is what becomes significant in the future.

Madam Speaker, nation building in this country is something that we talk about all the time. I believe that we all recognise (and do say so a lot of times, but I would like to say so again) that some of the greatest nation builders in this country have always been women. In spite of the many accomplishments of the men in this country, behind the scenes

have always been very productive, very capable women who have supported the men on the frontline. Many times they could be solely credited with the accomplishments of many of the men in this country who have gone on to have their names recorded in the history of this country.

Madam Speaker, women have been nation-building ever since time began. They have been the individuals who controlled what happened in the homes; they have been responsible for the education, the upbringing, the discipline of children. As that cycle continues, women are always credited—or should be—with the way that generation after generation they continue to develop, and the good values are passed on.

I am a member of a service organisation in this country. I got involved in this from 1975 when I was but a youngster still in school. It has not been many years since women have been allowed to become members in Lions Clubs throughout the world. But I can say to you, Madam Speaker, that the success of the Grand Cayman Lions Club, in no small way, can be credited to the women behind the scenes. Even before they were members I can tell you that they were doing a tremendous amount of the work. There have been projects taken on by my Club that would not have been touched had it not been for the involvement of wives of the members. And that continues today, although we now accept women in the Lions Club of Grand Cayman.

A lot of those, too, have contributed excellent service-minded individuals who have gone on to be president of our Leo's organisation; many, many good decent young Caymanian women. And I dare say that in our club, while there will be a historic event in the Grand Cayman Lions Club next year, we will see our first female president who is also a past president of the youth organisation Leo's where I started as well.

Women in this country have been trail blazers in tourism, they have been the backbone of our country sitting in classrooms teaching our children, they are the most affluent and hardest working church members, Madam Speaker. So, in every walk of life in this country—and I know others because I think the trend continues everywhere we go—women have been playing an important role and can be credited and recorded as nation builders.

I also want to say, Madam Speaker, how important it is for us to do what was done here this morning to recognise these 358 women who signed that petition which was presented in 1957 and eventually passed in 1958. I think the original 24 who signed the first petition in 1948 . . . we may want to look at that and say that maybe the majority of those were women of affluence and maybe women of means. I think most of them would have been connected to what we would consider well-to-do families.

But the subsequent 358 were not necessarily women of great means. They were ordinary individuals who understood what was happening in the coun-

try and had great foresight as to what was to come and believed that they should take their role in helping to make decisions in this country. That is why I say, Madam Speaker, we ought to do whatever we can to record in history and honour them every chance we get—at least annually. These are the things that make great stories and allow us to be able to look back in later years and understand exactly where our little country came from so that our younger generation will understand what their role is and what legacy they need to live up to.

I also encourage women to understand how important it is for them to continue to strive to become leaders, to take up their rightful place in society. I agree wholeheartedly with the comments made by the Third Elected Member for George Town, Madam Speaker, that women who put in a fair day's work alongside males for the same job should get the same pay. There is no reason why we should be discriminating simply because there is a difference in sex. And women need to strive to educate themselves, to prepare themselves to take on these roles and demand that they be recognised for the things that they do.

Some of the individuals who have had the greatest influence on my life have been women. I have spoken inside here already about how I adored my grandmother, the things that she imparted to me; the lessons taught by her and my mother, my aunts and many, many cousins. But there are a lot of women in this society who have had a tremendous impact on my life. I can name a few of them (and while it may be the first time I say so publicly you have been a tremendous influence on me), the third Elected Member for George Town who is here with me. There are individuals like Ms. Joanna Clarke, Mrs. Theoline Wellington, and Mrs. Joyce Hylton was a lady who I had a lot of time for and spent a lot of time with. She was considered the mother of Lions.

As a matter of fact, the Christmas programme that we do now (where we go out and deliver Christmas gifts every Christmas morning) was her idea. She challenged Lions to do that. That programme started with us wrapping gifts on her porch in her house. That was something that went on for almost 20 years where we always went to Mrs. Hylton starting in November. Just about every night we sat there and wrapped gifts because she had the list from the time she worked in the Department of Social Services and she knew all the needy people. That was how that programme originated.

And she would go off to Miami, or wherever she had to go, and shop in November for Lions and come back and tell us when we must come to her house to start wrapping gifts. She sent us out on Christmas mornings to deliver Christmas gifts. The Christmas party that we have at the Lions Centre, Madam Speaker, every Christmas for underprivileged kids, was also a suggestion of hers.

So, women have always been very influential in this society and in my life, and I have a tremendous amount of gratitude for people like Mrs. Joyce Hylton. Another one is Mrs. Vernecia Watler from Gun Bay. And there are quite a few more.

A lot of my heroes, Madam Speaker, are also my age group because there is no reason why the only people you look up to should be older people. There are a lot of people who are around my age group, some may even be younger, that I have a tremendous amount of respect and regard for.

I am grateful for this opportunity. I am grateful to have been a Member of this Legislative Assembly when this historic event took place, Madam Speaker, and I am looking forward to National Heroes Day on 26 January [2009] when we will take this a step further in honouring and recognising the importance of women in this country.

Thank you, Madam Speaker.

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

Second Elected Member for the district of Cayman Brac and Little Cayman.

**Mr. Moses I. Kirkconnell:** Thank you, Madam Speaker.

Madam Speaker, I rise to make short comments on Government Motion No. 9/08-09 – Commemoration of the 50<sup>th</sup> Anniversary of the Passage of the Sex Disqualification (Removal) Law, 1958.

Before I start my comments, I would like to compliment the Third Elected Member for George Town, not only on her comments that she made earlier, but on the motion that she brought which is one of the reasons we are here today. She must have a great sense of satisfaction as she sits in this honourable House and this morning as she viewed the ceremony. As I look at her now it looks like tears may be coming down her eyes. Congratulations. The second order also deserves congratulations.

I would also like to compliment the Honourable Minister for Education, Training, Employment, Youth, Sports and Culture, for bringing this and his team that made it a reality this morning, in all the hard work that has gone into this.

Madam Speaker, I would like to look at two Resolves. The Members who spoke earlier have done an extremely good job of talking about the other Resolves and how they have been so important to this country. The second to last Resolve talks about, “. . . **acknowledge and celebrate the achievements of several women who have served in public office as elected members and/or as Speakers of this House, whose names are now inscribed on a tablet inside the Legislative Assembly Building and who are as follows: . . .**”

I have the honour and the pleasure of serving with you, Madam Speaker, and two other MLAs: the Third Elected Member for George Town and the First

Elected Member for Cayman Brac and Little Cayman. Madam Speaker, I do not think any of you like to hear as many compliments as are being praised upon your good selves today, but you deserve them because today is your day.

I know, Madam Speaker, that you attended Knox College in Jamaica. I know that you worked extremely hard there and returned home to take a job with the Government of the Cayman Islands. Through diligent hard work you rose to a high position and then you were called upon by the people of your district to be their MLA, and now Speaker of the House of this great country. But for me, Madam Speaker, I have had the pleasure of traveling to a good many places in the world with you, and I believe one of the biggest compliments that can be bestowed upon you is how you are recognised on a global stage, and how, when travelling with you on that global stage, for a young MLA like myself, you share your contacts, knowledge, expertise and networking connections then, introduce us. You are invaluable to the younger Members of this House, and we all thank you for that.

Madam Speaker, I also paid tribute earlier to the Third elected for George Town. But I also believe she is a tremendous success story as well. Schooled in George Town, attended University in the UK, undergraduate degree and then off to Pace University to get her Masters. She came back and worked in a career in Government as a teacher. She was teaching in Cayman Brac and she still has many students there that she goes and visits when she comes over.

She rose to one of the highest positions you can rise to—Principal Secretary, now head of a department. She again offered herself to public service and now serves as the Third Elected Member for George Town. And we can see one of her achievements evidenced here today.

The third name is the First Elected Member for Cayman Brac, my colleague. Ms. Juliana was educated in Cayman Brac and well known for her athletic skills along with being an extremely fine student. She received her undergraduate degree at Saint Leo in the United States and then returned home to take her position as a teacher, but qualified in law at the Cayman Islands Law School. She offered herself to public service as well and not only served as the MLA for the district of Cayman Brac and Little Cayman, but also served a period of time as Speaker of this honourable House.

A tremendous success story for all three of you.

Madam Speaker, I believe that what the three of you have brought, along with the others mentioned here, is a role model that the youth of this country can follow. I know from experience in my district when the First Elected Member and I visit schools together, the young people, girls especially, like to spend some time and get first hand information of how there are no boundaries for women in this country, that with hard



work and dedication [women] can achieve what [they] would like to achieve.

I compliment all three of you and say it is an honour to be in this honourable House with you.

Madam Speaker, I believe it would be remiss of me if I did not spend a couple of minutes on the final resolve which says, **“AND BE IT FURTHER RESOLVED THAT the Legislative Assembly records its gratitude and pays tribute to the contribution of the women of the Cayman Islands to the social, political and physical development of the country and to its continued progress and prosperity.”**

I need to talk about the women, the strength of Cayman Brac and Little Cayman, and what they have done so ably to make this country a better place.

Madam Speaker, a lot is said about the Cayman Brackers who seek the opportunity to come to Grand Cayman. I say here today that the reason they come and have success is because of the women of Cayman Brac and Little Cayman.

We are two Islands, Cayman Brac and Little Cayman. In my generation, the men basically sought employment by going to sea. The foundation years, the years when you form your skills to take you through life, the ones that we had with us were our mothers, grandmothers, and aunts. They became the ones who showed us the right things to do and made sure that we attended Sunday School. And usually there was a woman who was a Sunday School teacher.

The women were the nurses, the doctors, school teachers; they were everything in the community that we respected and grew in. They had strength, depth and balance, and they had the secret and the foundation of success that the people of my district and the people of this country have used as a platform to go forward.

Madam Speaker, I always like to tell the story (and as I look in this honourable House there are other Members here who had the same experience) how as young boys or girls as we went down to the shores to watch the ships sail away or we went to the airport to see our father or uncle leave to go back to sea, the fear of what was going to happen after they were gone was rested as we held our mother's hand and she looked down and said, *'It will be okay.'* Madam Speaker, that is what the strength of the women of this country has done for each one of us; *'It will be okay.'*

I believe that Cayman Brac and Little Cayman have many women to be honoured; many women with that strength and dedication that I speak about. Of course, I cannot stop my contribution without mentioning what Estella Scott Roberts did for this country and what she meant to the community of Cayman Brac itself. And we will forever be obligated to what she did for the women in the country. But as we look down the Island I think about the women who ran businesses like Mrs. Zennie Scott, probably the largest business on the Island, Scott Development.

I look at the rent-a-car business and Ms. Nola Bodden; the restaurant in Spot Bay, Mrs. Meriel Ritch; I look at the Hospital, Yvette Dilbert; I look at the community of Spot Bay with Ms. Ann Walton, past manager of Cayman Brac Power and Light; Mrs. Audrey Ryan, a stalwart in the insurance and real estate; the late Mrs. Sharon Knowlton. Just to mention a few that from east to west formed a foundation of what took place in Cayman Brac.

I could not stand here today, Madam Speaker, and mention all the ones that should be mentioned, and I apologise for the ones that I have not. But, certainly, I think it gives you a feel for the contribution that they have given to us in Cayman Brac and Little Cayman.

Madam Speaker, without doubt we owe great gratitude to our mothers, grandmothers, aunts, friends and the [other] women of this great country. I am honoured here today to support this Motion brought by the Honourable Minister.

Thank you.

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

Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

I rise on Government Motion No. 9/08-09—Commemoration of the 50<sup>th</sup> Anniversary of the Passage of the Sex Disqualification (Removal) Law, 1958, brought by the Honourable Minister of Education and Culture.

Madam Speaker, I am indeed proud to be here today to be part of this great day for women in the Cayman Islands, in particular, your good self and the other two Elected Members in the Legislative Assembly at this time. My colleague from the Brac has just outlined the three of you and the great contributions that you have made. I would like to join with him in congratulating your good self, Ms. Juliana, the First Elected Member for Cayman Brac and Little Cayman, and Ms. Lucille, the Third Elected Member for George town, on all that you have promoted and achieved over the years.

You know, Madam Speaker, as I was sitting through the ceremony this morning, it hit me that at the age of 47, just three years before I surfaced, the women of this great country could not vote, could not run for office. It does not seem that long ago, Madam Speaker, and I too can understand what the Minister of Education's young son, Daegan, meant when he asked his dad the question he did in relation to how people could think like that.

Madam Speaker, we have to know where we are coming from, but we can't get bogged down in the past. We certainly have to recognise all that was good and was done, and thank God for those who had the vision at the time to do the right thing. What we have

to do now, as current legislators and those who come behind us, is to take it forward another notch and continue to promote and embrace the women of our Islands.

Madam Speaker, I am also very proud today for a couple of other reasons. When I was given the list of the women who had signed the petition for the district of Bodden Town, I remember Ms. Lucille (the third Elected Member for George Town) saying to me sometime back that my mother had been a part of that group because she had been privy to the list ahead of me. Certainly that was a good feeling, and when I looked at the list myself and saw her signature, just as it is 50 years hence, I was quite moved and very proud that she had been a part.

Then, on top of that when I was looking at the list and trying to decide who was alive and who had passed on and who the nearest next of kin were for our celebrations to come, I spotted and I was really taken aback then because I did not realise that my grandmother (who I did not have the privilege of knowing) had actually signed as well. There I recognised her name. And her handwriting was remarkably similar to my mom's actually, but there was Flora Robinson inked. That was another reason to feel really, really proud.

On top of all of that which directly impacts me, Ms. Evie (Ms. Evelyn Wood), as we have heard about a lot today, the first elected woman in Parliament, hailed from the district of Bodden Town as well. So, again I have great reason as a Bodden Town representative to feel extremely proud and, as my friends would say, push my chest out today.

We have a lot of good people who have done a lot of good things, and I am proud to know that I have known many of them in my time. I think back, Madam Speaker, to the women who influenced my upbringing and who played such a pivotal role in the district of Bodden Town and, indeed, in the development of the Cayman Islands. I call names such as Ms. Evie, of course, Sunday School teacher, confidant and mentor; Ms. Pearl Carter, another teacher and Sunday School teacher; Ms. Alma McCoy, another Sunday School teacher; Mrs. Hildred Ebanks; Mrs. Theoline McCoy who, again, was very near and dear to me; Ms. Joanna Clarke who is my old principal and someone that I fear to this day.

In fact, I must pause and give a joke because there was a time when I would not go near Ms. Clarke. After I left Savannah Primary I would see that woman and I would run! It is nothing that she and I had, it is just I had a great fear and respect for that lady. As I got older, I learned to love and really appreciate Ms. Clarke even more. Any time we meet now it is a big hug and always a joke and a little reminiscing.

But this morning she looked at me and said, "Now look, I need to tell you something young man. And I'm not telling you this as Ms. Clarke, I'm telling you this as your old teacher. You need to lose some weight".

And I am here to say I took her quite seriously and I will do my best. But that is the kind of influence we are talking about, Madam Speaker. We have so much to be thankful for.

There are so many others in the district in Bodden Town that I had first hand knowledge of: People like Aunt Dena who was there in the Post Office for I don't know how many years, but eventually, due to ill health . . . And then [there is] Mrs. Petrea Kelly who resigned [within] the last couple of years. Those are all women who held up their end of the bargain in the Cayman Islands and in my district and who, one way or the other, influenced us young men and women growing up around them. These were people of integrity, good character and great values. They were also very astute in everything that they did.

When you go to Breakers, Madam Speaker, and you talk to Ms. Nell, one of my favourite people, Mrs. Nell Connor, you sit and talk to her and she boasts about her 30 plus years working for Government (for very little) doing the post in Breakers. And the one thing that she will tell you and everyone who speaks to her—and I'm sure anyone here who has spoken to Ms. Nell will have heard this—she said "In that 30 plus years every day I balanced to the cent."

That is her favourite thing to say, and the woman is telling the truth! Madam Speaker, that is without any formal education, any formal training.

These are the kind of people that ran the home when their husbands and companions went to sea. They managed. In their own way they were managers because they managed the households, kids and whatever left behind. And they managed the allotments when they came home.

So, Madam Speaker, I am most proud to be able to speak today on this very auspicious day and one that the whole House, the current Assembly, finds great value in and support for. I don't think any of us will be around for the 100<sup>th</sup> year marking of this great event. But, certainly, this 50<sup>th</sup> year milestone is a great one. I know the Second Elected Member for West Bay just gave me a funny look and he's a little bit our junior, so he may be. But if I am around then I don't think I will be of much use.

Madam Speaker, as I said, we have to look forward. I like the way that the Third Elected Member for George Town did her presentation on this Motion, because she spoke about the new Caymanian woman, the woman of tomorrow and what those women need to be able to achieve and the support base that they will need to live up to their full potential.

Madam Speaker, yes, we have come 50 years hence; but as has been said before this morning and in some of the earlier debate, we have only had 9 women to grace the halls of this hallowed Assembly. And I am privileged to serve with three of the nine but I certainly would like us to move to where women—if not necessarily sitting here in this House—are playing a more important role, a more pivotal role in the development and the decision making of this country.

Women have a lot to offer, and it is hard to believe that that took so long to be recognised. But anyone who has been around and worked with women will know that they bring a different perspective and many times a welcome perspective to decision making. Men have run the world from day one and I guess some will look back and say we may have messed it up a lot. There are a lot of things that we need women to play an important role in and, certainly, the Legislative Assembly and all of its goings-on and organisations that we need at the district level, national level, is something that we need to embrace.

Madam Speaker, the world has changed. The Cayman Islands, a small part of that world, is changing. We have to continue to do the right thing and support our women as we move forward.

Yesterday, I had the privilege of attending the ICCI (International College of the Cayman Islands) Graduation, the graduating class of 2008. There were 53 graduates. If I am not mistaken I think 48 or 49 of those graduates were female.

Madam Speaker, on the education front, and we see this in our entire school system, we see women excelling over, in many cases, our young men. So, Madam Speaker, the fact that the education base is broadening and women are becoming more educated either at a young age or as they find time to improve later on in life, it means that there is certainly no shortage of skills and qualifications on the female end of the spectrum. So, there is no excuse when then get qualified and then simply sit at home and twiddle their thumbs. We have to make use of these great resources.

Madam Speaker, another thing that was quite touching in that graduation ceremony yesterday at ICCI was the student address that was given by a young lady, Mrs. Illiana Ebanks. She is a married young woman with children. I don't know if it is one or two or whatever, but I know she said that she has kids. She gave that address and spoke about (of course, the fact that she gave the address she was the Valedictorian of the class) the hardship, the many nights away from her husband and children, seven days a week in some cases, all the way from West Bay to Newlands to get an education. So, many times she would go to work in the mornings (I guess) and would not see home again until ten, ten-thirty at night. That's the sacrifice that some of our young women are making.

That young lady now definitely deserves to be recognised and embraced, and her skills utilised. It is no use going through that type of hardship and sacrifice, as I said before, and just letting it go to waste. I'm sure she won't be doing that; she does not give me that impression at all.

There were a lot of older graduates, some young ones, but a lot of older people who have obviously been working. Of course, ICCI is based on the working student mostly. It was good to see that people are taking up the chance to improve their lot in life. I

think it bodes well for the future of young women and professional women to show just what they can do.

We are seeing the changing of the guard as it were. We are seeing them take their place in many companies and organisations, even in the political arena; although not to the extent that I am sure we would all like to see.

Madam Speaker, I have been involved and, as the Fourth Elected Member for George Town said, we are members of the Lions Club of Grand Cayman and we were there when it changed for females to enter the Lions Club on an international basis. Again, that is one of those things that was just tradition. There were no females in the Lions Club, it was a man's organisation. It was set up by Melvin Jones in Chicago back in the early 1900s and was set up as a businessman's club purely for men to gather and make decisions and do their charity work and network, and what-not. They did not see any need for women at that time, and it continued that way for all these years. And, boom, back in the late 80s I think it was, someone had the vision that, hey, we need to change with the times. And now I can say that the Lions Club internationally as well as locally is that much stronger for it.

We have our female members are still outnumbered, but they certainly play a pivotal role in our Club's development and work, and they are some of the hardest working members we have right now. As was said, next year we will have our first female Lion President.

Madam Speaker, women just need to be given an opportunity to be embraced and the support base has to be there because you know it is difficult if all the responsibility for the home is left on one person. That person does not really have a lot of time then to play with and get involved in other things. So, we have to have partners that share responsibility; a society that understands the need for women to play another role rather than just a domestic one.

As the Third Elected Member for George Town said, we have to have after-school programmes and pre-school programmes that are affordable and work well to support the family base, and we also have to have the families support each other. It all starts with the family, Madam Speaker. The more affluent Cayman Islands has a lot of helpers and people who work with the family. But in the old days that trickled down the family tree. We had the aunts and grandmothers and the others who gave that support and would allow the person to have some time.

Madam Speaker, we as a country need to be really proud of this day. It is not just for us in the Legislative Assembly to feel proud, it is not just about us here; it is about all of us, women in general. And, Madam Speaker, I too am looking forward to National Heroes Day when we will add further recognition to the role of our women and recognise even more of them on that day next year.

So, I would like to offer my full support for the Motion, which is not one that we are going to go and take some big action from here on, but it is a motion that I am sure hits to the core of all of our being, because we all know, male or female, that we have so much to be thankful for, for the role that the females in this country played in our development, in our being here and certainly will continue to play in the future.

Madam Speaker, I thank you.

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

The Honourable Minister responsible for women.

*[inaudible interjections and laughter]*

**Hon. Anthony S. Eden:** Thank you.

**The Speaker:** He is the women's officer. That's what the Motion asks for, it did not ask for gender or anything else.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I rise to offer my support for this extremely important Motion moved by my colleague, the Minister for Culture. As was alluded to earlier on, it spun off from my school mate of a few years ago, the Third Elected Member for George Town.

As I listened to her . . . and I must also at this time take my hat off to the Leader of the Opposition. It was most interesting to listen to him as he related the history of women in the Legislative Assembly and also the Speakers. It was touching to see that on something of really, really great importance, the two sides of this Parliament can come together.

Madam Speaker, I come to you as a trail blazer. Over 17 years ago, you and I were freshmen legislators elected to this Parliament by the people. As I have worked with you and have seen your performance and the battles you fought [along] with other legislators at that time—Ms. Berna, Ms. Heather and others—it must be a good feeling for you to see this coming to fruition.

When my Ministry undertook the National Assessment of Living Conditions (NALC), in that assessment one of the things that came through loud and clear is that our elderly women are most affected as far as poverty is concerned. There is a significant amount of information and evidence there. Later on I will be (not necessarily in this Sitting but in due course before this Parliament is finished) tabling that report so that everybody can see what is in there. This has now given us a platform (and governments to come, not necessarily this Government) to look at and show how best to help our people, the women, who have brought these Islands.

Madam Speaker, in those days when the men went to sea, we came from a matriarchal society. I always remember the discipline that the women, our

mothers, gave while the men were out to sea. If we look at those people who grew up then compared to what is happening today . . . the discipline, most of the time in a one-parent home with the fathers away. What a difference. We should be wielding that discipline stick [with] the children we now have.

Another area that we have done within the Department of Children and Family Services is to separate it into two sections—one more focused on the elderly and also on children. And I am sure that there will be strategies coming out of that and we will be dealing with that. We are also focusing on the YPP (Young Parenting Programme). We are looking at how best to improve that.

Just about two weeks ago we were able to open (and this is not something to really be proud of but it is a necessity in these Islands) the rehab wing at Caribbean Haven. There are none of us who do not at times fall through the cracks. But we are putting [this] in place for those ladies who need help. We have talked about domestic violence, and the Leader of Government Business and I have met with the committee. The report is in and will be going to Cabinet shortly to see how we can deal with reducing this cancer that seems to be growing amongst us.

I will now move from that and name some of the people who have affected me in my growing up: Mrs. Theoline McCoy (as my colleague from Bodden Town said) taught me at Savannah School. I was with her like he said he was with Ms. Clarke. She would look at you and throw that strap and you knew what that meant. And would to God those days were back here again.

Ms. Gleeda Forbes.

During my time in the Ministry I have worked with two wonderful ladies: Ms. Andrea Bryan, succeeded now by Mrs. Montoya—extremely capable people. Also Mrs. Lizette Yearwood, the Acting CEO at the hospital; a Cayman Bracker I must add, of original roots.

Mrs. Vernice Ebanks, a lady of 92 years plus. I take my hat off to her and the struggles she has been through. She is always positive, always smiling and really a credit to these Islands.

It is amazing how the Third Elected Member for Bodden Town and I are on the same page so many times. Mrs. Nell Connor, our cultural and tourism ambassador, when you go there [to her home] you just can't get away quickly. She's always talking and talking to the right people and encouraging visitors and tourists making her handy work.

Needless to say, the Director of Children and Family Services, Mrs. Deana Lookloy, being in that position and seeing so much pain and difficulties. But she is always there willing to assist.

Mrs. Estella Scott Roberts: I don't have to go over that. A young dynamic Caymanian snuffed out so early in her life; a young lady who would have made a tremendous impact on these Islands. Even in her death she led the way.

And Mrs. Olga DaCosta is another person I want to talk about, Madam Speaker. I see her granddaughter here as one of the reporters. I remember as a very young child, playing with one of my brothers. He fell and hit the back of his head. In less than no time he had a humongous swelling and was taken to the doctor who said that nothing could be done. We called Mrs. Olga DaCosta, and she prayed and that is why I believe in the power of prayer—it worked!

Madam Speaker, I cannot say enough about the women of these Islands. We must do what we have to and more to preserve their legacy. May God bless us all!

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

The Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

Madam Speaker, the Motion before the House, Government Motion No. 9/08-09, is one that affords all of us as elected Members at present the opportunity to reflect, pay credit to, and honour the sterling contributions of women in our society.

The genesis of the debate, as has already been mentioned, was a Private Member's Motion moved by the Third Elected Member for George Town, who is a lady herself. Naturally, I would like to offer my congratulations on the original motion she brought that was unanimously supported by this House, and also congratulations to the Government for going this route in regard to this issue. It could have just been a ceremony; it could have been just the unveiling of the plaque that is in the Legislative Assembly Building's entrance. But the debate does afford all of us who are presently privileged to serve as our district's elected representatives the distinct honour and privilege to speak to the Motion.

Now, Madam Speaker, in doing a bit of research on the topic, the Cayman Islands in passing the legislation some 50 years [ago] and some two months later having it come into full force, while we lagged behind much of the world it was quite revealing to see the numbers of countries that we actually beat to the punch. I say that to say that even as a small jurisdiction we managed to cause fundamental change before many others that would be considered larger and, perhaps, in some instances, even more sophisticated countries than the Cayman Islands.

Madam Speaker, in looking at the Motion and the information that the Government has circulated thus far, in particular the 358 names and other useful information, like those who served on the select committee that dealt with this most important topic, I hope it is permissible, without us having to get up and read into the record of this House, that all of those names would form part of the official record of this debate.

I believe that many will come behind and perhaps look at this as an important motion. I think it is

one that would catch people's attention as they do research of the House. As we become more and more sophisticated, and get more and more information available on the Legislative Assembly's website and that sort of thing, that will be one that people will look at. So, instead of them having to look elsewhere for those critical pieces of information that relate to this topic I think we should ensure that in our official records of this House, that all of those names be recorded in one place.

Madam Speaker, as I looked at the names across the Islands, in particular the names from my district, West Bay, many of them were very recognisable because quite a few are still alive until today. And many of them are people with names all of us in the community of West Bay know about. They were not just people who decided to sign a petition. But a lot of them are, as it were, household names. And so this is simply another pointer as to why some of them became household names because they did recognise that participation in the affairs of one's community is of paramount importance. It is something that is so crucially important because it is all of us working hand in hand, whether we are male or female, that will allow us to build the type of Cayman and the type of future that we believe our children and grandchildren deserve. And it was through their hard work that much of the success we enjoy today has become possible.

Now, Madam Speaker, two points that I would like to speak on for a few brief moments are the political process and the job market as related to women. A number of persons, and, indeed, some of my colleagues who spoke before me, have spoken of the desire to see more women become elected Members. Indeed, I think given the fact that this process did not come into full force until 1959 for us as a community to have our first elected member in 1962 (I think it is probably the first or the second election that it would have been possible after such a momentous paradigm shift), speaks volumes and is a testament to the fact that this community does in fact embrace and accept women holding our higher elected office.

And I think, Madam Speaker, the truth is that while 9 in some 50 years, and 3 of 15 at present, are not the types of numbers that we would have hoped to achieve, I think it was the lady Member (the Third Elected Member for George Town) who made the point that there is work that can be done within our realm, in our sphere, that could make it more feasible and attractive for women to want to take part in the political process by offering themselves as candidates.

But, Madam Speaker, what is ironic (and I think all of us who are here can be testaments of this) is that I do not believe—and I can say definitively from the perspective of the district of West Bay—that we could run a successful election campaign if it were not for the women of our district.

Since I have been involved in politics I know most of us have what is called a campaign district

chairman. Our last two have been women. Our current chairman is a young lady. As the Third Member for George Town spoke, I sat there and started to think about this particular young lady and the fact that she has difficulties coming to some meetings because she is a young mother also. Just the fact that nature has caused it for women to also be mothers is indeed a serious issue for us to collectively work together on to try to ensure that we can come up with more creative ways, systems that would make it more feasible and easier for women to take that step.

Indeed, I can think of a number of women from West Bay who could give major consideration as to whether or not they would put themselves up for elected office. It is not the case for everyone. That aspect of life can be handled very differently by everyone. But I can think of a number of people who could wind up being a factor.

Madam Speaker, obviously these things and issues are not going to be cured over night. But certainly if all of us continue to put our minds to the process in how we go about organising ourselves and running political campaigns, I think we can start to come up with ideas, ways and means that will make the entire process more attractive.

Now, Madam Speaker, when it comes to seeking elected office I think all of us would quickly agree that one's sex is not what the majority of people are going to take into account. People will look at the person, the substance of the person and substance of their message, and what they stand for in terms of making that selection.

Madam Speaker, when we look at the number of scholarships in this country and the number of people who are obtaining tertiary education these days, we will see that it is heavily disproportioned towards females. Obviously, having a tertiary education is not a prerequisite to holding elected office; however, I think all of us will agree as we become more and more sophisticated as an island, a country and a community, that we are going to find more and more people who offer themselves up for elected office that the general populace will look more and more favourably at people with that type of background.

That is just natural. If we look at other countries and their political evolution, that is something that has naturally happened. I feel confident in saying that Cayman will also develop along those lines. So, if we are not going to, as I said whether individually, collectively, however we do it, try to ensure that we make the entire political process more attractive to women, then, we would have done ourselves and our country a disservice.

Madam Speaker, one way that comes to my mind immediately is the level of discourse during a political campaign, the way in which people either campaign directly from the platform or on the ground. On the ground, actually, is more important because naturally on the platform when you are on the cam-

paign trail, all of us as Caymanians become more and more sophisticated.

We become much more acutely aware of what will be politically correct and incorrect, therefore that will guide what we say. But all of us will know that, certainly as it relates to the campaign on the ground, it is the more important one because that is where we and our supporters are going into people's homes, into people's yards and airing our yard meetings, campaigning directly to people, which is not accessible to the general public. We all know that that is where a lot of what people would call the dirty politics happens.

All of us should do whatever is in our power to lift the level of campaigning in this country, because that, too, has been something that many women I know—not believe, I know, would make excellent representatives in this country . . . and from what I have observed that is used as the number one reason they are disinterested in being a candidate. Yes, they will still serve on your committee; yes, they will still go and campaign for you; yes, they will be at the meetings and assist. They will do all of those things, but they will quickly say, *'No, I am not offering myself up because I see and hear what you are put through; what your family is put through.'* You will often hear them say, *'I am not willing to do that to myself or my children.'*

So, on 8 December 2008, some 50 years after the passage of this critically important piece of legislation, I speak to myself and to all of us, and to all those who will be candidates in this upcoming election and future elections: Let us continue the development that this country has seen and try our endeavour best to move the level of campaigning and debate forward and lift it to high standards that will not cause anyone . . . because the truth is, that reason I just gave as to what would happen to you, your name and family, is not exclusive to women. There are many men in the community, as well, who use that as a reason for not running for elected office.

It is the country that is worse off because of that. So, we ought to do our best and play our part in lifting those standards so that we are not causing good citizens, good Caymanians, to shy away from the political process as candidates.

Now, Madam Speaker, I also know that a fair amount of Caymanians listen to the radio and therefore would be listening to this debate. I encourage them, because remember there are only 15 seats in this Legislative Assembly. Let us say that nationally you have, for example, 30 candidates. There are many more supporters and campaigners out there. So I plead with everyone who is involved with the political process to lift the standards.

I pin it initially on the candidates because the truth is that we can demand our supporters and ask of them to lift those standards. Not that everyone is going to comply with everything you say, but we do know that they are there supporting us because they re-

spect us and believe in us. Therefore, if they respect us and believe in us, we have a great chance and probability to influence their behaviour.

Madam Speaker, what was interesting as I looked at the Cabinet Bench, I was thinking who would be the Chief Officer's equivalent in the Ministries/and or Portfolios. From my count of the eight there are some five of the eight that are occupied by women. So, if we look at that and at the various government-owned companies, statutory authorities, we will see that many women have risen to the top of their professions and areas of responsibility within government and the private sector in Cayman. The women in Cayman have done a fantastic job at seizing all of the opportunities that have flowed to this country.

One area that I do believe is lacking and in need of some work is the labour sector of our community in trying to assist as much as possible with the whole notion of allowing women, or making it easier for women, as many other countries have, to participate in the job market at varying levels. Not of responsibility, but just from a time perspective allowing them to also do some other very important things that a lot of women truly want to do, which is to be at home more and spend more time with their families.

I know from personal experience that the job market in Cayman is certainly still very immature in that respect compared to countries like the United States. Employers in that country are only too happy to accommodate women in much more part-time roles and flexi-time roles.

Madam Speaker, I believe that is going to be one of those next phases of our evolution as a modern jurisdiction, because while we do have a lot of companies involved with very modern and cutting edge sectors, especially when it comes to global finance and tourism, there still is that natural resistance to allow for and accommodate women when they make a choice and say, *'We would like to be able to work, for example, from 9 in the morning until 2.30 in the afternoon . . .'* so as to be able to drop their children to school and be there to collect them afterwards. And, Madam Speaker, I do not say that as a criticism.

### Moment of Interruption

**The Speaker:** Honourable Member, if you would allow me, it is the hour of interruption and it is my understanding we will continue until we close the debate on this Motion.

Honourable Leader of Government Business I will entertain a motion for the suspension of Standing Order 10(2) to go beyond the hour of 4.30.

Honourable Minister of Education.

### Suspension of Standing Order 10(2)

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I wish to move a motion to suspend the relevant Standing Order to allow business to continue in the Legislative Assembly beyond the hour of interruption.

**The Speaker:** The question is that Standing Order 10 (2) be suspended in order to conclude the debate on Government Motion No. 9/08-09. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 10(2) suspended to allow business to continue beyond the hour of interruption until the conclusion of debate on Government Motion No. 9/08-09.**

**The Speaker:** Second Elected Member for the district of West Bay continuing his debate.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

Madam Speaker, as I was saying, I will be thrilled to see the employment sector—and I am not just talking about the private sector, I am talking about Government as well—doing a much better job in allowing women to participate in the job market and be able to contribute.

I am reminded . . . because the whole issue of how certain things like politics and other professions have been male-dominated is something that I have become much more acutely aware of since being out of university.

I can remember at a firm that I am familiar with, a case in the 80s where a female staff member sued the firm because she had been passed over for partnership for a number of years, and the Court ruled in her favour. Not only did they rule in her favour, but they ordered the firm to compensate her for the years that she should have been a partner there. That was in the late 80s.

Madam Speaker, by the time I was in New York (one short decade later) in 1997, I read with joy in my heart about partnership announcements by the same firm. One of the newly admitted partners was on maternity leave at the time.

I say that to say, Madam Speaker, that this issue that we are looking at revolves around the whole issue of the ability to vote and run for election. But we ought not to turn a blind eye to the fact that there are still many professions around the world, many of which are obviously in Cayman, which systematically disadvantage and disenfranchise women. Because the power-brokers are male they naturally tend to promote and admit as partners in some instances, those of the same sex.

The other thing that happens which relates to the issue I was just speaking of, is that of employers making it easier for women to work, especially when a

woman decides that she wants to spend more time with her family. A lot of employers do not make those accommodations and because they do not, they then cause a woman to have to choose: *Do I spend more time with my family and give my kids all that I have and give them the best opportunity to have a productive life? Or do I choose my career?*

Because of the lack of accommodation to that whole concept, a lot of women choose to stay with their children. Obviously, these days you get more and more dual professional couples, that is, the wife being a professional and the husband being a professional. And so in a lot of those instances the family can survive with the father being the professional and becoming the sole provider.

Madam Speaker, I believe, however, that the system should not cause women to have to make those types of choices. If a woman wants to be a full-time at home mom, it should be a decision she makes without any other considerations. But because, in a lot of instances, employers are still relatively unsophisticated and do not provide the type of opportunity in terms of flexi-hours that a lot of women would desire, they are then forced to make a choice.

I am hopeful that as we continue to mature as a small country that more and more employers will make those types of accommodations. And the truth is, Madam Speaker—I do not want to be seen as throwing any sort of aspersions at employers generally—but the truth is, because of our size as a jurisdiction, there are some real issues about an employer, a company or an entity, rather, at a certain size having the capacity to be able to make those sorts of accommodations.

In other words, Madam Speaker, it is much easier if you are an employer of 50 people to make that accommodation than if you are an employer of 5 people. That is obvious. If your entity alone has 5 people, all of a sudden it really comes down to what are the number of hours that you absolutely need as a minimum for the entity to be a feasible entity from a financial perspective. As we know, for an entity to have its doors open it has to make a profit.

Madam Speaker, I would like to end by saying that certainly God has included in my life a lot of women who have had a tremendous impact on me. I too was a child of the seaman era. And even though my father came home when I was relatively young, most of my siblings were already in their teens. In those early years it was my mother, grandmother, aunts, and the love of neighbours.

I am now in a relatively new phase of life. I have become a father. God has once again caused me . . . even though I come from that age group that sees everyone having equal worth and value, but certainly having a household of five, four of which are female, causes me to really look at life very differently and I would lie if I did not say that.

Every night when I go home there's a wife and three daughters. And being blessed and honoured to

have been elected by the people of West Bay, I appreciate at a depth that perhaps I could not if my life were different to the very essence of trying to build and work toward a society that really tears down all barriers as it relates to women.

When I look at my three daughters, I shudder at the thought that they would be disadvantaged in any way. Of course, a lot of my shaping was moulded during my earlier years from my mother and grandmother. And then, after getting married, and being fortunate enough to be married to a professional woman, you see some of her dreams and aspirations not able to be met simply because the labour market does not accommodate a professional woman who does not want helpers to raise her children, who really wants to be there; who really wants to participate as fully as she can in the lives of her children.

Madam Speaker, the ceremony this morning . . . this debate is one that does cause us to have to reflect. But it ought to be one that forces us to act and behave differently. If after today with this coming and facing us squarely head-on we do not recognise that there is something we can do as elected Members to make the political process more attractive to women, then there cannot be a heart that beats in us. There cannot be.

I join with the Third Elected Member for George Town when she alludes to the fact that women too (women who do not have any aspirations or desires) look at women who do and offer themselves. I am not suggesting that anyone vote for anyone because they are male or female, but give them a chance; give them every opportunity and every consideration as you do men who stand for office.

We males who are here, if we are not married we have been married at some point and we recognise that a woman's perspective is completely different from a male's. So, participation by women's voices at this level is of crucial importance to our continued development and ability to build the strongest society that we can build.

Madam Speaker, congratulations to you, to the Third Elected Member for George Town, and to the First Elected Member for Cayman Brac and Little Cayman, for being the elected women in this Chamber at this time. Having gone through the process now twice, and knowing all that is involved with the process of offering yourselves and winning an election as peers, I congratulate you for having that type of confidence, taking that type of stand and offering yourselves to your particular and respective districts.

To all those who are named in the Motion and who are still alive, I offer my sincere congratulations and gratitude, because all of them, irrespective of how long or short their political life was, made a difference in these Islands just by standing up and offering themselves.

So, Madam Speaker, again, I just want to offer congratulations to the Third Elected Member for George Town and to the Government for bringing this



Government Motion at this particular time, and I thank all of our constituents because you have afforded us to speak on your behalf and I hope that everything we have said and everything that will be said here today in this Chamber pleases the people who put us here, because they too recognise the significance.

I thank you, Madam Speaker.

**The Speaker:** Does any other Member wish to speak? Does any other Member wish to speak? If no other Member wishes to speak, does the mover of the Motion wish to exercise his right of reply?

Honourable Minister for Culture.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, it has been a privilege to sit today and listen to the various contributions of Members from both sides of this House in what is perhaps a far too rare show of complete unanimity on a matter as important as this.

I have been moved by some of the personal recollections and observations from various Members on both sides of this House. It has indeed been a time of great reflection for all of us to note where we have come from and how far we have come in this time.

Madam Speaker, I should say that the ceremony we held this morning has clearly resonated. Already my Ministry is receiving e-mails from various persons asking for copies of the speeches—in particular, the one that you delivered, Madam Speaker.

And school children: I had an observation of some of the children from John A. Cumber in West Bay who just could not believe that there could have ever been a time when women did not have the right to vote and stand for election.

Madam Speaker, we are going to keep a very careful record of these various submissions as they come in, and I shall pursue, as the Third Elected Member for George Town has asked me to . . . I will encourage the Department of Education Services to investigate the possibility of the various schools doing some project, something to let them further research what life in Cayman was like for women in times past, to, themselves, come to appreciate and understand the importance of this particular day and what this has meant to their prospects of being able to exploit the tremendous opportunities that a place like the Cayman Islands affords.

Madam Speaker, I do believe it was perhaps as much as two years ago that you and I first had our initial discussions about the need to observe this particular day and the importance of what transpired 50 years ago today. And so, I am grateful to you as I am to my other colleagues who have framed the occasion today and the way we have managed that.

I listened to the Fourth Elected Member for George Town and his observations that we ought to give more pre-eminence to Women's Day (as I think it is known internationally), which is sometime in March. And I say to him that whatever support, direction and

guidance my Ministry can offer in that regard I am happy to do and support.

But in the year ahead, as I have indicated, it is the Government's declared intention to dedicate National Heroes Day, 26 January, to the struggles, achievements and aspirations of women generally in this community. And while that ceremony will certainly focus on the brave and courageous efforts of the 358 women who signed the petition and the 24 before them who signed the original letter in 1948 to the then Commissioner, the celebration is to have a broader basis—which is about celebrating women and women's achievements (as I said, and aspirations, as well as the struggles), and to seek to make that day and the events of that day relevant to the women of today, in particular, the younger females, the girls of this community so that they see this day and celebration as not just something about our legacy or the legacy that has been left for them, but they also come to appreciate the tremendous opportunities that those events, those struggles and those achievements have had, and what that allows them to do as girls and women in this community now and for years to come.

And so, Madam Speaker, having listened to all that has been said, I can only thank Members on both sides of the House for supporting the Motion and thank the community, particularly those who came out this morning to recognise the achievements of the women who have stood for public office, have been elected to public office in this country, and the Speakers of the House as well.

I say again that it is an honour and privilege for me to be living at this time to hold this office at this time and to have been able to spearhead what I believe is a critically important recognition of women in this community.

I thank you, Madam Speaker.

**The Speaker:** The question is: **BE IT NOW THEREFORE RESOLVED THAT the Legislative Assembly does acknowledge and record the 50<sup>th</sup> anniversary of the passage of the Sex disqualification (Removal) Law, 1958 and its seminal role in according equal rights to women by permitting them to exercise any public function, including the right to vote, and to be entitled to hold any civil or judicial office or post and to enter into or assume any civil profession or vocation in the Cayman Islands.**

**AND BE IT FURTHER RESOLVED THAT on the occasion of the 50<sup>th</sup> anniversary of the passage of the Sex Disqualification (Removal) Law, 1958 the Legislative Assembly does acknowledge and celebrate the achievements of the several women who serve or have served in public office as elected members and/or as Speakers of this House, whose names are not inscribed on a tablet inside the Legislative Assembly Building and who are as follows:**

**ELECTED MEMBERS**

**Ms. Evelyn Wood – Bodden Town (1962-1965)  
First Elected Woman to the Legislative Assembly**

December 2008. All those in favour, please say Aye.  
Those against, No.

**Ms. Annie Huldah Bodden, OBE – George Town  
(1962-1984)**

**Ayes.**

**Mrs. Esterleen L. Ebanks – West Bay (1976-1980)**

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

**Mrs. Daphne L. Orrett – West Bay (1984-1988)**

**Mrs. Berna L. Thompson-Cummins, MBE – George  
Town (1992-1996)**

**At 4.55 pm the House stood adjourned until 10 am  
Wednesday, 10 December 2008.**

**Hon. Edna M. Moyle, JP, MLA – North Side (1992-  
Present)**

**Ms. Heather D. Bodden – Bodden Town (1995-  
2000)**

**Ms. Juliana Y. O'Connor-Connolly, JP, MLA - Cay-  
man Brac and Little Cayman (1996 - Present)**

**Ms. Lucille D. Seymour, BEM, JP, MLA – George  
Town (2005 – Present)**

#### **MADAM SPEAKERS**

**Hon. Edna M. Moyle, JP, MLA**

**Mrs. Juliana Y. O'Connor-Connolly, JP, MLA**

**Hon. Sybil Ione McLaughlin, JP, MBE, National  
Hero**

**AND BE IT FURTHER RESOLVED THAT  
the Legislative Assembly records its gratitude and  
pays tribute to the contribution of the women of  
the Cayman Islands to the social, political and  
physical development of the country and to its  
continued progress and prosperity.**

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

**Ayes.**

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

Government No. 9/08-09 is duly passed.

**Agreed: Government Motion No. 9/08-09 passed.**

**The Speaker:** I will entertain a motion for the ad-  
journment of this honourable House.

Honourable Leader of Government Business.

#### **ADJOURNMENT**

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

Just before I move the adjournment, with your  
permission I would like to advise all Members that the  
Strategic Policy Statement will be tabled on Wednes-  
day morning, and at that time contributions will be de-  
livered by the Honourable Third Official Member and  
by me. At the conclusion of that we will then continue  
the business of the House.

Madam Speaker, I move the adjournment of  
this honourable Legislative Assembly until 10 am  
Wednesday, 10 December 2008.

**The Speaker:** The question is that this honourable  
House do now adjourn until 10 am Wednesday, 10



**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**10 DECEMBER 2008**  
**10.10 am**  
*Third Sitting*

**The Speaker:** I will ask the Honourable Leader of the Opposition to say Prayers.

**PRAYERS**

**Hon. W. McKeeva Bush:** Let us pray.

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

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

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

*Lord, you know we love you. And we know you love us. Help us to hold fast to that which is good.*

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

**The Speaker:** Please be seated.

**Proceedings resumed at 10.12 am**

**The Speaker:** Proceedings are resumed.

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

**Apologies**

**The Speaker:** I have received apologies for absence from the Second Elected Member for Cayman Brac and Little Cayman who has urgent constituency matters relating to Hurricane Paloma.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**Strategic Policy Statement of the Government of  
the Cayman Islands for the financial year ending  
30 June 2010**

**The Speaker:** I recognise the Honourable Leader of Government Business, the Honourable Minister responsible for the Ministry of District Administration, Planning, Agriculture and Housing.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, I beg to lay on the Table of this honourable House the Strategic Policy Statement of the Government of the Cayman Islands for the financial year ending 30 June 2010.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

**Hon. D. Kurt Tibbetts:** Madam Speaker, when I move the Government Motion I will. Thank you.

**STATEMENTS BY HONOURABLE  
MINISTERS/MEMBERS  
OF THE CABINET**

**The Speaker:** I have received no notice of statements by Honourable Ministers or Members of the Cabinet.

**GOVERNMENT BUSINESS**

**MOTIONS**

**Suspension of Standing Order 24(5)**

**The Speaker:** Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** I move the suspension of Standing Order 24(5) in order for a Government Motion to be heard this morning.

**The Speaker:** The question is that Standing Order 24(5) be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed. Standing Order 24(5) suspended.**

**Government Motion No. 10/08-09—Approval of the Strategic Policy Statement for the 2009/10 Financial Year**

**The Speaker:** I recognise the Honourable Leader of Government Business, the Minister responsible for the Ministry of District Administration, Planning, Agriculture and Housing.

**Hon. D. Kurt Tibbetts:** I beg to move Government Motion No. 10/08-09, entitled, the Strategic Policy Statement for the 2009/10 Financial Year. And with your permission I will read the Motion.

**WHEREAS Section 23(1) of the Public Management and Finance Law (2005 Revision) states that a strategic policy statement for the next financial year shall be presented to the Legislative Assembly by a member of the Governor in Cabinet appointed by the Governor in Cabinet to do so on their behalf for approval within two months, and if the Legislative Assembly has not within that period resolved to approve, amend or reject the statement it shall be deemed to be approved;**

**AND WHEREAS the Government has now prepared and presented a strategic policy statement for the 2009/10 financial year;**

**BE IT NOW THEREFORE RESOLVED that the Legislative Assembly approves the policy priorities, aggregate financial targets and financial allocations set out in the 2009/10 Strategic Policy Statement as the indicative parameters on which the 2009/10 Budget is to be formulated.**

**The Speaker:** The Motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, around this time every year, Government is required by law to fulfill an important obligation to this honourable House. It is required to submit, for the consideration and approval of honourable Members, a broad outline of the strategic parameters that will inform the preparation of the budget for the upcoming fiscal year. In this instance, we are referring to the 2009-2010 fiscal year beginning July 1, 2009.

And so, in compliance with the relevant provisions of the Public Management and Finance Law as revised in 2005, I present for the consideration and

approval of this honourable House, the Government's 2009-2010 Strategic Policy Statement (otherwise known as the SPS).

As is usually the case, the SPS does not allocate resources to individual expenditure items. Neither does it specify particular initiatives which Government intends to pursue. All of these details will be provided when the Annual Plan and Estimates are presented on Budget Day 2009.

**THE GLOBAL ENVIRONMENT**

Madam Speaker, this presentation of the 2009-2010 SPS takes place against the backdrop of a worrying downturn in the global economy. So deep and complex is the crisis that some experts are saying the world is facing a situation almost similar to the Great Depression of the 1930s. Several leading economies, most notably the United States, Japan, Germany and Canada, have already slipped into recession. In fact, it was recently acknowledged that the US economy was in recession for almost a year. Other economies, including the United Kingdom, appear to be tottering on the brink. Big or small, developed or developing, just about every country is being adversely affected in some way by the present global slowdown.

Amidst this unfolding global scenario, a few million workers have already lost jobs and the numbers are expected to rise even further as companies continue to shed staff in response to falling demand for their products and services.

To give a general picture of the worsening unemployment situation worldwide, the International Labour Organization—the ILO—is forecasting that the number of persons out of work will reach 210 million by late 2009. This figure represents an increase of 20 million from just a year ago.

Global financial markets are in turmoil. This was triggered in large part by a worsening of the sub-prime mortgage crisis in the United States during the past year. Thousands of hapless American homeowners have become casualties of the crisis, Madam Speaker, hundreds of thousands as a result of losing their properties through foreclosure after defaulting on loans.

The sub-prime mortgage crisis has contributed significantly to instability in the banking industry. Major institutions, not only in the USA but also elsewhere, found themselves overexposed in the collapsed US housing market and suffered dire consequences. Lehman Brothers, a leading US-based international banker, collapsed after Government turned down its appeal for a bail-out. It has been the biggest banking casualty so far.

The collapse of Lehman Brothers only aggravated the crisis in the financial markets, forcing the Bush administration to rethink its initial opposition to bailouts. Subsequently, other leading financial institutions, including the AIG Group and Citibank, have re-

ceived a lifeline from government that has enabled them to remain afloat. As a result of these developments, credit has become particularly hard to obtain, not only for businesses or governments looking to raise capital but also for individuals for their routine spending purposes.

Even as I speak, the US Congress is getting ready to vote on a US\$15 billion bail-out for the country's three largest automobile manufacturers—General Motors, Ford and Chrysler. The three were asking for a US\$34 billion rescue package to ease pressure off the industry amid plunging vehicle sales linked to the slowdown in the global economy.

The credit crunch has contributed to a noticeable fall-off in consumer spending, especially in the United States, the world's leading consumer market. The one per cent decline in consumer spending recorded in October, was the biggest in the US since 2001. These days, global stock markets are volatile and share prices are on a downward trend. Overall, the global economic environment is characterised by much uncertainty. Generally speaking, it seems as if the world is pinning considerable hope on the policy direction of the incoming administration of US President-elect Barack Obama who takes office next month.

In the meantime, investors are understandably cautious about taking risks in new ventures. This resulting slowdown in investment is compounding the slowdown in global economic activity. The link is quite obvious because in market-driven economies, the private sector is assigned the key role of 'engine of growth'. The immediate outlook is for these trends to continue, certainly into 2009, and perhaps for a year or even two beyond.

In recent weeks, it seems the only bright spot on an otherwise gloomy horizon has been a welcome decline in oil prices. After soaring steadily over the past year, oil prices reached an all-time high of nearly US\$150 a barrel around the middle of the year. Then, in a dramatic reversal, they plunged gradually over the past five months to reach US\$40 by last Friday, their lowest level in four years. It is estimated that crude oil prices have dropped by an average of a dollar a day in the last three months.

The dramatic surge in oil prices, coupled with a steep rise in commodity prices especially for certain food staples, only added to the pressure on most economies in the last year. Needless to say, consumers were hit hard in their pockets. It meant having to fork out more money to eat and to travel. Adding to the pressure was the fact that incomes were either stagnating or declining in real terms as a result of rising inflation. High oil prices drove production costs up which, in turn, pushed up the prices of most manufactured goods and services to consumers.

Government has been mindful of the financial pressure which the combination of rising food and oil prices has placed on consumers in the Cayman Islands over the past year. The Cayman Islands import

virtually everything that we consume and thus, despite our best efforts, the problem has proved to be a really tough nut to crack. In the case of food, there was very little further government intervention could do to ease prices as most food items already enter the country duty free. However, as you are aware, Madam Speaker, we have done something which is now finally bringing down electricity prices.

Under the new agreement which the Government has negotiated with the Caribbean Utilities Company (CUC) and which took effect earlier this year, consumers were to benefit from an average 15 per cent reduction on their electricity bills. However, as the agreement was taking effect, oil prices unexpectedly shot up by around 30 per cent, effectively negating the price reduction which consumers were to start receiving.

Madam Speaker, that is the simple truth of the matter; it is not that the agreement with CUC is a bad one, as some persons would like us all to believe. No one could have anticipated when the agreement was being negotiated that oil prices would have subsequently soared to the levels that they did. However, the good news is that now that prices have fallen—and are continuing to fall, consumers are finally starting to reap the benefits of the agreement with CUC.

In fact, CUC has announced that customers will see a reduction on their bills for November—a further reduction that is. This is a direct result of a drop in the fuel charge, a consequence of falling oil prices on the world market. This situation is expected to improve even further over the coming months. For instance, for January 2009 bills which will reflect November 2008 fuel costs, small residential consumers will pay approximately \$105 for monthly consumption of 500 kWh compared to \$176 paid last September at peak fuel prices. This represents a 40 per cent reduction in their bill.

Medium residential customers who paid \$348 for 1000 kWh last September will pay \$205 in January for the same level of consumption, a 41 per cent reduction. And for the large residential consumer of 1800 kWh who paid \$637 in September, that bill will also fall by 40 per cent to \$380, a reduction of over \$250 on a monthly basis.

As a result of the new agreement with CUC which took effect in January 2008, consumers can look forward to paying a January 2009 electricity bill that will be lower in real terms than was the case in 2005. This is a direct result of the rate reduction by CUC, the fuel duty rebate by the Cayman Islands Government, along with the falling fuel prices on the world market.

The outlook for fuel prices for the remainder of 2009 is also positive based on the projections of the Energy Information Administration. This is the official energy statistic source for the US Government and its outlook is for crude oil prices to average \$51 per barrel in 2009 compared to \$100 in 2008. Oil is a major component in the generation of electricity in the Cay-

man Islands. It is inevitable therefore that the price of oil on the world market will directly influence the price of electricity paid by the consumer here in the Cayman Islands.

Madam Speaker, this Government also took a number of actions to ease the pressure off motorists at the pump. To be specific, we required gas stations to start prominently displaying their prices to give motorists an opportunity to make informed comparisons and to decide where it is cheapest to buy. This has had the positive effect of evening out the price of fuel across stations at the lower end of the price spectrum. We also required distributors to justify any proposed price increases and seek approval of the Chief Petroleum Inspector before implementation. These actions have contributed in some way to bringing down prices at the pump.

We are going another step further. Under new regulations coming into effect shortly, distributors of petroleum product will also be required to justify any planned price increases for propane or cooking gas along with the gasoline and diesel. Before they can introduce the proposed increases, it must be approved by the Chief Petroleum Inspector. Madam Speaker, the evidence is there and it is irrefutable. This Government has been looking out for the interests of the consumer.

Within recent weeks, a clear consensus seems to be emerging among policymakers on the most effective way to counteract the global economic slowdown. From a policy perspective, it is being proposed that governments must take the lead through fiscal stimulus packages and pump much-needed cash into flagging domestic economies through a combination of tax breaks and capital projects. This approach is quite similar to what happened in response to the Great Depression of the 1930s when the world embraced the formula put forward by the eminent British economist, John Maynard Keynes.

At the recent summit of the G20 nations in Washington, it was agreed that fiscal policy must be emphasized in shoring up faltering economies. In subsequent remarks, the Managing Director of the International Monetary Fund (IMF), Mr. Dominique Strauss-Khan, endorsed this approach. Some governments have already started moving in this direction.

For example, the incoming US administration of President-elect Barack Obama has announced plans to spend billions of dollars on modernizing key infrastructure — bridges, highways, schools, et cetera. President-elect Obama's proposed stimulus package also includes tax breaks for the average American— *the man and woman on Main Street*, as he describes them.

The Government of China too is taking a similar route. It has announced plans to spend US\$560 billion to boost economic growth which has been stymied by falling demand for its exports.

And just three weeks ago, the British Chancellor of the Exchequer, Alistair Darling, unveiled a stimulus package worth 20 billion pounds. Its objective is to stimulate declining consumer spending and help cushion the impact of a deep recession which is expected to hit the United Kingdom in the New Year.

## THE DOMESTIC CONTEXT

Madam Speaker, I have provided this brief overview of the prevailing global environment to clearly illustrate the challenging context in which Government has to pursue its economic objectives for the Cayman Islands over the coming year. Now, some persons may ask: "What has all of this got to do with us? Where is the connection?" Such questions would not take us entirely by surprise. There are certain persons, some in positions of influence and who should really know better, who would have Caymanians believe that we are islands unto ourselves, cut off from the world. The conclusion to be drawn from this flawed line of reasoning is that we are pretty much insulated from the external environment, and do not have to be really concerned with what is happening in the rest of the world.

Madam Speaker, persons who espouse such a misleading view are not only engaging in intellectual dishonesty but are also doing a great disservice to the noble cause of public education and enlightenment. A reality of living and doing business in the globalized world of today is the increasing level of interdependence among countries and economies.

Needless to say, the fortunes of the Cayman Islands are inextricably linked to the fortunes of the global economy. Therefore, what happens on the international scene does matter to us. Through tourism and financial services, the two pillars of our economy, the Cayman Islands are fully integrated into the global economy.

When the global economy is doing well, we are presented with opportunities to reap significant benefits. As the evidence shows, this is precisely what happened during the past decade when our economy recorded phenomenal growth and prosperity in the country increased. Unfortunately, when things are going badly with the global economy, we inevitably will experience some fall-out. However, we can determine to some extent how much of the fall-out we will experience based on how we respond.

We are basically faced with two choices. We can behave as helpless victims of the circumstances, hopelessly throw our hands up in the air, and do nothing else. Or we can take bold and decisive action to minimize the impact of any fall-out. Madam Speaker, this Government has opted for the latter approach and it will be reflected in the 2009-2010 Budget. We are trying in everything we do to be proactive in dealing with this global crisis.

We intend to keep a close eye on developments and, as the situation warrants, we will take ap-

propriate action not only to address challenges head-on, but also to seize any opportunities which may arise and from which we can derive benefit. Because we may not come out publicly and discuss every single detail of what we are doing, it does not mean Government is not working assiduously in looking out for our national interests.

I wish to emphasize this point because it is pretty obvious that attempts are on to discredit this Government through an aggressive campaign of disinformation and deception. As a government which has publicly committed itself to being transparent and accountable, we are not averse to being criticized. We welcome criticism as long as it is constructive. Indeed, Madam Speaker, constructive criticism can serve as a catalyst to finding effective solutions. As a government, we do not claim to have all the answers.

If our country is to grow and mature, and our people truly empowered through the acquisition of knowledge to tackle the various challenges of life with confidence, we must have more wholesome public debate, especially via the media and Public debate which highlights not only the problems, but which seeks, more importantly, to encourage outside-the-box thinking to come up with innovative solutions. In this way, our country and our people will benefit.

Despite the enormous challenges we face arising from the global crisis, the overriding goal remains the same for this PPM Government over the coming year. As we have repeatedly made clear since our election to office back in 2005, we are committed to improving the overall quality of life for Caymanians and residents of our three beautiful islands—Grand Cayman, Cayman Brac and Little Cayman.

Every policy, every project, every initiative of this government over the past three and a half years, was undertaken in support of this goal. Be it improving and expanding the road network to ease traffic congestion, building new schools and upgrading the curriculum to better equip our young citizens for the increasingly competitive world of work, increasing opportunities for home ownership, or improving the health sector and expanding the range of services available to our citizens. And, Madam Speaker, I might add that we also have special interests and pay special attention to our elderly.

These are just a few examples. There are so many other achievements of this Government that I can point to. Madam Speaker, any fair evaluation of this Government's performance will show that we have made significant headway in advancing our goal of making life in the Cayman Islands better. Now, in light of the challenges arising from the global crisis, a primary objective of Government's policy over the next year must be to safeguard these gains to prevent any erosion of our quality of life.

## ECONOMIC OUTLOOK

According to the most recent forecasts by the Government's Economic and Statistics Office (ESO), it seems the global downturn will have its greatest effect on the Cayman Islands economy during the current fiscal year. Taking this expectation into account, the ESO is forecasting that the Gross Domestic Product (GDP) will grow marginally by 1.2 per cent in this fiscal year, down from 1.9 per cent in 2007-08. GDP reflects the total output of goods and services by a country within a specified period. It is the most commonly-used yardstick for measuring an economy's performance.

Madam Speaker, when you consider that the GDP of many countries are in decline because of recession, 1.2 per cent growth for the Cayman Islands in the present trying circumstances is not so bad after all. It is a laudable achievement because it shows that we are managing to weather the storm and to keep our heads above the choppy waters. That the economy is still growing, albeit at a slower rate, supports what we have been saying all along. Namely, that the fundamentals of our economy remain strong, despite the U.S. economy being in recession and other external challenges.

Looking to the next two years, the latest ESO forecasts give cause for guarded optimism. During the up-coming 2009-2010 fiscal year, the economy is forecast to start showing signs of a rebound and it is expected to grow slightly faster at 1.7 per cent. It is projected to pick up some momentum during the following financial year—that is, 2010-2011—when a much higher growth of 2.5 per cent is anticipated.

These forecasts by the ESO are based on three key assumptions: firstly, an acknowledgement that the global slowdown will have some impact on key local sectors; secondly, that the local credit market will remain resilient, and thirdly, that consumer confidence will remain stable.

As you can appreciate, Madam Speaker, no one can predict the future with 100 per cent accuracy. Hence, it is important to point out that these forecasts can change depending on how the international situation evolves especially over the next year.

However, I wish to emphasize the importance of this country staying on the present course. Changing course is too fraught with uncertainty and risk. It is akin to gambling with the future. What the Cayman Islands need now more than ever is to have all hands on deck and united around a common goal. With a clear eye, a cool head, and a steady hand on the wheel, I have every confidence we will pull through.

Since taking office in 2005 under the most trying circumstances left by Hurricane Ivan the previous year, the government has proved it can competently manage the economy. Under the watch of the PPM government, the economy grew by 6.5 per cent in 2005. The following year, it grew by a further 4.6 per cent before slowing to 1.9 per cent in 2007, when the initial winds of the present global storm started to be felt.



In contrast, under the previous UDP government, the economy grew by a mere 2 per cent in 2003 when conditions for growth were far more favourable. The figure slipped to 0.9 per cent in 2004. If our critics wish to be taken seriously, then they need to spell out clearly how they propose to do better than we have done. And I do not mean empty rhetoric that sounds impressive to the ear but offers little of substance when it comes to implementation. I mean specific, concrete proposals that can be subjected to the most rigorous scrutiny.

Madam Speaker, as I have said before, the international crisis poses a direct threat to our economy through the tourism and financial services sectors which both rely heavily on the global economy for most of their business. However, available evidence suggests that despite being under some stress, both sectors are holding their own. Naturally, we are hoping and praying that this trend will not only continue but also improve. And we are taking a number of important measures to enhance Cayman's offerings and environment to bolster these key industries.

## TOURISM

When we look at tourism, with the approach of the peak winter tourist season, available information indicates that bookings on the whole are going reasonably well. Generally speaking, our hotels are saying that they expect at least to do as well this winter as they did last year. This should be seen as encouraging news when you consider that some Caribbean tourism destinations are struggling as we speak. So much so that some hotels in the region have alluded to the possibility of lay-offs if a pick-up in business does not occur anytime soon.

What seems to be working to our advantage, Madam Speaker, is the fact that our tourism product essentially caters to the upper end of the market. This category of visitor appears to be less vulnerable to the impact of an economic slowdown as customers in other segments of the market, especially the mass segment. As a result, persons at the upper end of the market are less likely to forego taking an annual overseas vacation just because their country's economy happens to be in recession. Had the fortunes of our tourism been tied to the mass market, the picture most likely would have been quite different.

Another factor which is working in Cayman's favour is this Government's strategic decision to increase airlift out of the key North American market for this winter season at a time when several Caribbean destinations are actually facing a decline, a very serious decline in some instances, in airlift.

And, Madam Speaker, let me just interject here that the Honourable Minister of Tourism advised us in Cabinet yesterday that because of the increased airlift on the North American continent, that hoteliers have reported an increase of approximately 1,000

room nights in bookings already for this season. So, certainly, that strategy is assisting tremendously.

Thanks to the recent launch of new flights by our national airline, Cayman Airways, following an expansion and upgrade of its fleet, we now have access to two additional U.S. gateways—Chicago and Washington, D.C. This was a conscious policy decision of Government to boost market opportunities for our tourism during these challenging times. Writing recently in the *Cayman Islands Journal*, the Executive Director of the Cayman Islands Tourism Association noted that these new services will not only “stimulate the market for potential visitors” but will also create “a potential for new business”. Madam Speaker, all indications are that we are seeing positive results already.

Despite these positives, we cannot afford to be complacent. We have to redouble our efforts to ensure that the Cayman Islands remain a destination of choice in the market niche where we are competing. We have to keep looking at how we can enhance the overall visitor experience so that our customers have the satisfaction of knowing that they are getting excellent value for their money whenever they choose to visit the Cayman Islands.

So much for the land-based segment of our tourism industry: The cruise segment, on the other hand, is going through a challenging period. Some of it is related to the global situation. However, there is another dimension and it stems from an apparently growing perception in the marketplace that the Caribbean is becoming a stale destination.

While we are pursuing various initiatives, such as providing better berthing facilities, to enhance the attractiveness of the Cayman Islands as a cruise destination, we believe that a solution to the perception problem has to be found through a regional approach. And I know that the Minister is seeking to arrange or to participate in just that approach.

There are some persons who play down the importance of the cruise ship visitor vis-à-vis the stay-over visitor. However, as government sees it, both visitors are important. They contribute in different ways to our economy. Our duty free shops, bars, restaurants, taxis, and other attractions, derive significant business from the cruise sector.

More importantly, the cruise passenger is a potential stay over visitor for the future. If a cruise passenger is impressed by his or her experience during the brief stay, the temptation is there to come back for a longer stay. It is therefore our business to ensure that this conversion takes place.

I wish to applaud our various local tourism stakeholders for the generally pro-active approach they have taken in response to dealing with these challenging times. As a result, we have effective strategies in place today to support the viability of the Cayman Islands as a leading holiday destination during this difficult period.

Last January, in response to clear signs that the global economy was heading for a nosedive, the

Ministry of Tourism convened a strategic meeting of tourism stakeholders for the purpose of reviewing and revising the destination's marketing and sales strategies. Particular attention was paid to the United States as it is, and has been, our leading market.

Participants at this strategic meeting included the Department of Tourism's staff; the agencies responsible for sales promotions, public relations, media buying and advertising; Cayman Airways; local attractions; hoteliers; and representatives from the Cayman Islands Tourism Association and the Sister Islands Tourism Association.

As a result, new plans were developed to suppress the extent to which US recessionary forces would impact upon the Cayman Islands' tourism sector. These plans honed in on our target demographics with household incomes ranging between \$100,000 to \$300,000, depending on seasonality. They also relentlessly pursued key markets comprising families, dive, romance, and special events.

After successfully increasing our marketing presence in the United Kingdom over the past two years—a decision that has resulted in some 6.7 per cent growth year to date—the Department of Tourism (DoT) established a dedicated office in Canada this year to increase our sales presence there as well. For 2009, the DoT will continue to research viable opportunities to diversify our source markets for air arrivals by exploring other viable secondary markets whose economic prospects remain strong. Their ability to conveniently access the destination must also be relatively high.

Overall, year to date, the tourism industry is up 8 per cent for the 10-month period of January through October 2008. (That is 8 per cent, compared to last year's figures). This is well ahead of predictions of only 2 per cent annual growth in global tourism this year by the United Nations World Tourism Organization.

Amidst this overall outlook, the tourism industry remains cautiously optimistic about performance in the short term. Expectations for growth in the medium term have been tempered in favour of strategies to preserve market share and brand awareness.

## FINANCIAL SERVICES

Madam Speaker, I wish now to devote some time to examining the prospects of our financial services industry, in light of the downturn in the global economy. A major consequence of contracting economic activity worldwide has been a noticeable decline in government revenue. This holds true for the governments of developed countries as well as developing countries such as our own.

Against this backdrop, the governments of a number of leading developed countries have reignited an international debate on the role of offshore financial centres, drawing attention to countries such as our own. Government is not only closely monitoring international developments that have the potential to affect our financial services sector, but we are also

fully engaged in what needs to be done to support and protect this vital sector.

Indeed, most of these international developments are not new. They have just acquired, rightly or wrongly, fresh oxygen from the prevailing period of international turmoil in the financial markets. As a result, we are now hearing increasingly talk of the necessary tempering of 'the invisible hand of the market with the iron fist of regulation', to quote one US commentator. We believe that balance is important, hence, as a responsible partner in the global financial community, the Cayman Islands has consistently checked and calibrated our position to ensure that we are on the right side of international regulatory, anti money-laundering, and international cooperation standards. We must adapt to changes and challenging circumstances, from a core of strength and integrity.

As we all know, Senator Barack Obama emerged the impressive victor from the November 4<sup>th</sup> US presidential elections. I want to publicly congratulate President-elect Obama for his win, as I did by letter to him on November 6<sup>th</sup>. The Government recognizes the vital importance of maintaining our strong relationship with the United States. We have already had extensive briefings from our Washington DC team. And it is our intention to dispatch a high-level delegation to the U.S. Capital to talk with the new Administration as soon as it is practical from the DC perspective to do so.

In this regard, our job is two-fold. Firstly, to continue to ensure, to the best of our ability, that facts and fundamentals drive policy, not headlines and sound bites; and, secondly, to ensure that the incoming US administration knows that it can continue to rely on the Cayman Islands to be a partner, not a problem.

I wish now to give an update on what is known as the 'green list' of the Organization of Economic Cooperation and Development (OECD). As most honourable Members ought to be aware, the Cayman Islands has been an active participant in this OECD exercise since 2000, in particular as a member of the OECD subcommittee known as the 'level playing field sub-group'. The work of this sub-committee is ongoing and has direct input on OECD developments in the area of transparency and exchange of information in tax matters.

We intend to continue with our policy of constructive engagement in relation to the OECD exercise (and others). Having done our analysis, in consultation and from an 'insider's' vantage point, we are confident on that basis that the track we are pursuing will achieve the right results for the Cayman Islands.

Now to another issue: namely, the European Union Savings Directive. At the Overseas Territories Consultative Committee meeting held in London in late October, the UK Treasury Minister responsible advised that it was too early to yet say what the implications of the EU Savings Directive were for the

Overseas Territories. However, he has pledged full consultation. What I can assure this honourable House is that Government is directly monitoring developments regarding the EU Savings Directive. We are ready and able to provide input to the UK regarding any proposals for changing this directive.

I would like to make three specific points relating to this issue of the EU Savings Directive. Firstly, the UK understands that there is no automatic route between formal changes to the Savings Directive and the Cayman Islands. Our agreed implementation is contained in 27 bilateral agreements with the EU member states, which would all be subject to re-negotiation if there were any substantive changes to the Directive.

Secondly, the Cayman Islands are fully compliant with our obligations under the existing bilateral agreements and so there is no question of our not having adhered to our commitments.

Thirdly, the risk presented by any changes to the Directive will be a direct function of the UK Government's policy approach and the extent to which disproportionate or asymmetric compliance burdens are sought to be applied to the UK's Overseas Territories. If the playing field is level, a position that we would expect the UK government to support, then the risk profile will adjust accordingly.

Regarding the review involving the Crown Dependencies and Overseas Territories announced by Her Majesty's Treasury in the UK on December 2nd, as we have said publicly, given the approach to be taken and the experience of the reviewer, the Cayman Islands are happy to support the review and we are mobilising accordingly. It is our experience that thorough, thoughtful and objective external reviews are valuable to all parties.

I should also like to note that the Government has had a productive series of meetings and discussions with private sector stakeholders, not only on international development, but also on issues and trends within the local industry, and ways of moving in partnership to address matters that can secure our continued success. And, Madam Speaker, we do intend to continue to meet with private sector because that has always proven to be a fruitful and productive way forward.

New legislation, new markets and new approaches to consolidating Cayman's position as a first-rank international financial services centre are all part of that strategy for continued success. The meetings and discussions between government and the private sector have re-affirmed the partnership ethic which is central to Cayman's strength. We are a small country, but together our achievements, our drive and our resolve are certainly not small.

## GOVERNMENT'S RESPONSE

Madam Speaker, I now wish to give some insight into how Government has been responding to

the global financial and economic crisis. First, let me say that we find it particularly interesting that a global consensus is emerging that sees fiscal policy as the most effective tool currently available for kick-starting flagging domestic economies. This Government came to that said conclusion months ago when the Cayman Islands began to really feel the effects of the global slowdown.

This explains why we decided to proceed with the implementation of a number of major capital works projects—among them, the construction of Government's new headquarters building, new schools, and major road improvements. The decision was and still is being roundly criticized, particularly, Madam Speaker, on one talk show. Our critics say circumstances dictate that a halt should be put to these projects. However, we have chosen to press ahead with as many as the country can afford, not only because the country desperately needs them but also because we realize that in trying times like these, Government has a moral duty and responsibility to stimulate economic activity.

Besides, these projects represent a strategic investment in building capacity which will redound to the benefit of the country in the future. We do not believe development is achieved through piece-meal solutions that address issues only in the short-term. Rather, we take a medium- to long-range view of development because we are cognizant that as an economy grows, a country must build the necessary capacity, in terms of both human and material resources in order to keep progressing for the benefit of its people.

Admittedly, in the prevailing circumstances of an economic slowdown, the current capital projects are also having an important short-term benefit. What may not be apparent to our blinkered critics is that these projects actually are having a multiplier effect throughout the economy. The money which Government is spending on these projects is generating spin-off business for our hardware stores and other suppliers and helping to keep their staff employed. In other words, *pumping money into the domestic economy*.

Construction workers, who are employed on these projects, use some of their earnings to patronize supermarkets, bars, restaurants, barber saloons and other businesses. Ultimately, these projects are also contributing to economic growth as they will be captured in the calculation of our Gross Domestic Product. Altogether, they have had a positive impact in supporting the growth of the economy this year.

The fact that our economy is continuing to grow, even though the growth is slow, is made even more remarkable in the context of the recent revelation that the US economy has been in recession for the past year. Contrary to what our critics would have the public believe, Government is not being reckless in managing the country's finances. I must emphasize for the benefit of everyone, especially the general

public, that there are strict guidelines established by law which Government has to abide by.

Meeting the country's needs within the confines of a balanced budget is a legal requirement which this Government has satisfied every year it has been in office. In fact, surpluses were produced every year. In the 2009-2010 fiscal year an operating surplus of \$28.2 million is forecast, up from the \$20.1 million projected for the current fiscal year.

As for the outrageous charge of excess borrowing, I also need to make it very clear that Government is again constrained by law as to how much money it can raise through loans. Under our laws—and to be specific, under the Public Management and Finance Law—no more than 10 per cent of government's revenue in any given year can go towards repaying debt. This figure is very low by global standards and represents what I would term a most comfortable position for any government to be in.

While these various legal restrictions may hinder us from doing as much as we would like, they impose strong fiscal discipline and forces government as much as possible to live within its means. So that, altogether, Government is required to run a tight operation, which explains why occasionally some needs cannot be met as swiftly as everyone, including ourselves, would like.

Madam Speaker, it is certainly not that we are indifferent to the needs of the people. As we have little choice but to abide by the laws, we can only do as much as available resources will allow at any particular point in time. Needless to say, the unwelcome visit of Hurricane Paloma has placed the Government under additional financial pressure. It occurred as Government was starting to feel the effects of a shortfall in revenue arising from the economic slowdown.

To protect the country's fiscal position, cost-saving measures have been instituted. They include a temporary freeze on hiring in the public sector and a mandated 6 per cent reduction in operational expenditure. Additionally, we have decided to complete capital projects already in progress but not to immediately begin work on any new ones over this coming fiscal year.

Projects being deferred include the construction of the Beulah Smith High School, the new George Town Primary School, the Bodden Town Emergency Response Centre, the seawall at Savannah, and the double lane extension to the Esterley Tibbetts Highway. Projects which are underway and will be completed include the new Government Administration Building, the Clifton Hunter High School at Frank Sound, the new John Gray High School, the annex to the George Town Public Library, the Boxing Gym, and, Madam Speaker, also the new Police Marine Base (as contracts were signed) and also the new MRCU facility at the Airport. A range of necessary road works will also be undertaken during the coming year, but the specifics of those I am certain the good Minister will deal with when it comes Budget time.

Given the tight constraints under which Government is operating to cushion the impact of the global slowdown, Hurricane Paloma's unwelcome visit has only served to compound the situation. It has introduced pressing needs which must be addressed but which were certainly not anticipated or planned for. These needs cannot be ignored, they are not being ignored and they will not be ignored. The Government, therefore, has already channelled substantial resources into the relief and reconstruction of Cayman Brac and Little Cayman and, Madam Speaker, we will continue to do so as long as it is necessary.

The private sector and civil society have also pitched in with their contributions. And I will just take a moment here Madam Speaker, to say that Government salutes their public spiritedness and certainly, welcomes this partnership. As demands on the public purse are growing faster than the generation of revenue, we are reaching a stage where it can no longer be realistically expected that the Government can meet every need.

A month into the recovery and reconstruction on Cayman Brac and Little Cayman, the Government is satisfied that good progress has been made as is usual in these circumstances. Things may well not happen as fast as everyone would like. But, Madam Speaker, things are happening. Compared with a month ago, the situation today is much improved and life is gradually returning to normal. In the same way that this Government got Grand Cayman back on its feet after the devastation of Hurricane Ivan, we will do the very same for Cayman Brac and Little Cayman.

And, Madam Speaker, just to interject for one second to show the value of the private/public partnership in efforts such as this: Thirty workers have been pledged by one specific entity. They have sent their own mobile accommodations for six months on the ground in Cayman Brac. We are certainly grateful for efforts such as those and also the results that we will see from how swiftly they have come to work hand in hand with the Government and the other volunteer agencies,

However, a certain level of patience is required because building back Cayman Brac and Little Cayman and attempting to make their infrastructure stronger, will take time, by any calculation, at least six months to a year in the first instance. It simply cannot happen overnight. In another demonstration of this Government's commitment to helping the people of Cayman Brac and Little Cayman to rebuild their lives, Cabinet has just agreed (on top of all of the other things that have happened to this point which we have reported on) to a six-month waiver of import duties on furniture and appliances entering the Sister Islands.

This measure is intended to assist residents with damaged furniture and appliances to be able replace them. And we are presently seeking the approval of this House for a Government guarantee of up to \$6 million for loans provided to civil servants on

the Cayman Brac and Little Cayman by the Cayman Islands Civil Service Association Cooperative Union.

These loans are to assist civil servants with post-hurricane recovery. Government has also decided to take the further step of paying the interest on all loans guaranteed under this programme. So, those civil servants who get those loans will only pay the principal. Madam Speaker, it is regrettable and unfortunate that some persons have deliberately sought to politicise the relief and reconstruction effort. Their voices are conspicuous. It seems their crude aim is to manipulate public opinion in the hope of profiting politically from the tragedy which has befallen the people of Cayman Brac and Little Cayman. They know who they are and they should be ashamed of themselves.

However, there was a really heartening piece of news which came out of the Brac a week ago. It came from a well-known and, you could say, credible voice. In essence, it showed that a pledge made by Government regarding the employment of Brackers in post-Paloma reconstruction work has been acted on. This Bracker, whose name I will not call but who is well known nationally, called a local talk show one morning to give an update on the situation. During his contribution, he made a very important observation. He remarked: "Everyone who wants to find work can do so and they are getting paid."

The Government had made it clear up front that there was no need to import workers and that Cayman Brackers should be given preference in gaining employment during the reconstruction period, especially persons who had been displaced from their regular jobs. From what the caller indicated, this is obviously happening. Later on in this debate, I certainly intend, Madam Speaker, with your permission, to bring this Honourable House fully up-to-date on the recovery and rebuilding effort in Cayman Brac and Little Cayman.

Whilst on the subject of employment, it would be remiss of me if I did not seize this opportunity to address the issue of employment in a broader context. A complaint which we hear repeatedly is that the hiring practices of employers seem biased towards foreign labour at the expense of Caymanians. The complaint is usually accompanied by the charge that Government is doing nothing to ensure that Caymanians are given a fair opportunity when it comes to employment.

The charge that Government is not standing up for Caymanians is without foundation. The Government always acts whenever hard evidence is presented to support charges of job discrimination against Caymanians. But the fact of the matter is, we cannot act unless that hard evidence is presented. If I must be very clear, and I will, Government supports a Caymanians first policy when it comes to employment, as long as the applicants satisfy the requirements for the job. It is only if suitably qualified or skilled Caymanians are not available, or for that matter are not interested, that employers should turn to foreign labour.

Admittedly, this policy has not always worked as Government would like.

Regardless of our best efforts, some employers will occasionally seek to get around this 'Caymanians First' policy to recruit who they wish. Madam Speaker, this is not unique to the Cayman Islands. It happens in just about every country. Through a recent amendment to our Immigration legislation Government is introducing a new system that will allow for more effective management of migration into this country and I am sure that at some point in time the Minister will speak in detail to the issue.

In doing so, we are aiming to strike a balance between the needs of employers and the aspirations of Caymanians who want to use their skills to participate in the economic development of our country. And, Madam Speaker, that is not only the right of Caymanians, but it is certainly what they deserve. However, Caymanians need to appreciate that there will continue to be a demand for foreign labour as long as the Cayman Islands continue to grow at the rate it has been growing. During the past decades, our economy has expanded so rapidly that job creation has simply outstripped the national capacity to supply all the labour that is needed.

Hence, the recruitment of foreign labour is necessary to make up the shortfall. To support the continued growth of our economy and to ensure that our key industries remain globally competitive and on the cutting edge of technology, especially in these challenging times. It is also necessary to bring in workers with specialist skills which are not available here.

Madam Speaker, there are some new approaches which I want to speak to.

## NEW APPROACHES

The recent amendment to the immigration legislation addresses these underlying issues. Effective 5 January 2009, there will be a new approach to the processing of applications for work permits which previously were handled entirely by the Work Permit Board and the Business Staffing Plan Board. Under the new approach, approval of certain categories of work permits will be made administratively within the Immigration Department using a very carefully chosen checklist of criteria.

This move is expected to eliminate the annual backlog of applications, significantly speed up the approval of work permits, and also contribute to improving business efficiency. Madam Speaker, there have been several meetings with Immigration Department officials and private sector to make sure that these measures are done in such a way to make the whole atmosphere more business-friendly and certainly allow for more efficiency.

Government is committed to working closely with the private sector, as we have done in reforming our immigration procedures, to create a more business-friendly environment all round. If we accept that the private sector is the engine of growth in our econ-

omy then a major part of Government's responsibility is to provide businesses with the relevant support and to create the enabling environment for that engine to produce the growth.

Madam Speaker, as a result of this new approach, the Work Permit Board and the Business Staffing Plan Boards will now be able to focus on difficult or sensitive applications and the critical issue of Key Employee designation. Both Boards will retain decision-making control of all applications where a Caymanian applied for the position; or where there is a signed complaint against a prospective employee on file; or where the Department of Employment Relations identifies that there is a Caymanian who is capable and available for the position.

The Boards will also retain responsibility for determining applications involving the promotion and re-designation of an employee; the revocation of work permits; applications for the grant, renewal or amendment of a Business Staffing Plan, and requests for the waiver of the requirement to advertise a position.

Madam Speaker, we are reforming our immigration procedures in phases. The next phase will focus on combating work permit abuse by unscrupulous employers. Measures will be introduced requiring employers to pre-qualify before they are able to apply for and obtain any work permits. This pre-qualification process will ensure that employers are complying with health insurance and pension requirements in respect of their employees. It will also ensure that employers have programmes in place to ensure that Caymanians are given every opportunity through on-the-job training, mentoring, or further education to advance in their careers.

As part of this initiative, mechanisms will also be introduced to reward those employers who stand out as good corporate citizens. The development of this next phase is also being done in consultation with representatives from the private sector. And as I said, Madam Speaker, officials from the Department are continuing these meetings. The joint public-private sector group will be submitting proposals on this next stage to Cabinet by 15 January 2009 and we will act accordingly.

Some persons have criticized the major investment which this Government has made in modernizing our education system during the past three and a half years. They obviously cannot see the link between education and employment. By equipping our people with the skills demanded by the technology-driven modern economy, Government is quietly laying the groundwork for Caymanians to play an increasingly larger role in building our country and indeed our economy. This will have the effect of gradually reducing the need for foreign labour as we are able to tool our own Caymanians to fill the labour demand.

## EDUCATION

In the area of Education, Madam Speaker, just a few words: While there will be a delay in the start of construction of the Beulah Smith campus and the George Town Primary School, the heart of the transformation process underway over the past three and a half years in our education system, is not merely the provision of physical structures but also a radical transformation of teaching and learning and the way it is done. That process continues unabated and I know that not only the Minister, but his entire team are committed to achieving the objectives they have set out.

Dramatic strides are being made towards introducing the International Baccalaureate (IB) Primary years programme in our primary sector, George Town Primary School (GTPS) being one of the schools where it is being introduced). This process will proceed unaffected over the next three years.

At the secondary level, significant improvements have already been made in the options programme. This should provide greater opportunities for success for our students who began their options study this school year and those who do so in subsequent school years. September 2009 will see the launch of the IB diploma programme which will provide exciting new opportunities for advanced secondary studies.

Overall, while significant physical constraints will be imposed on our existing facilities as a result of the delay in construction of Beulah Smith and George Town Primary, the Department of Education Services is working to ensure that it is still able to deliver the critical components of the new secondary curriculum to all high school students. It is expected that we will be able to begin and complete the Beulah Smith High School and the George Town Primary School in the medium term. Madam Speaker, the situation is they remain an absolute priority and we will simply watch very carefully how the economy is performing and the Government's ability to move forward and as soon as that is possible then those projects will commence.

We have to also bear in mind that the on-going projects are some two-year projects and some a little bit over that. But the majority of those projects are well underway now, and it will not be long before those projects will be complete which will allow for a breather in the capital works programmes which are on-going at present.

So, even though we have had to, when looking at the entire situation including the devastation of Hurricane Paloma, take a slightly different view from the original plans it would not be a long delay, hopefully, before we are able to continue with the capital works programmes.

## AFFORDABLE HOUSING

In the area of affordable housing, Madam Speaker, I would like to speak a bit about the Government's affordable housing programme. Despite the

general affluence that is seen in the Cayman Islands, there is a segment of our population for whom home-ownership remains an elusive dream if there is no government support.

It is in response to this social need that the Government has introduced the Affordable Housing Programme which has been making a big difference. Two agencies are responsible for executing the programme—the Sister Islands Affordable Housing Development Corporation (SIAH) in the case of Little Cayman and Cayman Brac and, here in Grand Cayman, the National Housing Development Trust (NHDT). Affordable housing will continue to receive major attention during the coming fiscal year.

On Cayman Brac, the (SIAH) has already constructed six homes on the Bluff, and they will continue to develop this site during the course of the 2009-10 financial year. And, Madam Speaker, I believe, that either contracts have been awarded or bids are out. Although I am not so sure how swiftly they will be accommodated, given how busy the Cayman Brac contractors are with post Paloma rebuilding. But, Madam Speaker, those contracts will not go out to anyone else but the Cayman Brac contractors.

These homes are well designed and built; indeed, the first batch certainly proved their mettle as they were relatively unscathed by the fury of Hurricane Paloma. While they were not quite finished at the time Paloma struck Cayman Brac and Little Cayman they were to a sufficient state of completion to provide much-needed temporary housing for the relief workers after the hurricane. We have certainly gone on from there and once the final touches are completed now, which are being done as we speak. The project manager is concentrating his efforts on getting those homes completed and the new owners have their financing in place, these units will be transferred to the new owners. I expect that will be done very very shortly.

During the upcoming fiscal year, the SIAH plans to develop additional affordable homes on the Bluff site and on the site below Tibbetts Turn in Watering Place. As honourable Members ought to be aware, the Government vested these sites to the SIAH during the past year. Together, these two sites provide sufficient land to allow the SIAH to continue to provide more affordable housing solutions for several years to come for Cayman Brac and Little Cayman.

Madam Speaker, honourable Members should be familiar with the various programmes of the NHDT, as I touched on them briefly when I moved the two vesting Motions in this honourable House on the 5<sup>th</sup> of December, just a few short days ago. The National Housing Development Trust, or NHDT, has several programmes that are aimed at providing a “helping hand” to those Caymanians who aspire to own their own homes but who may face some difficulties in doing so.

There is the “Government Guaranteed Home Assisted Mortgage” programme (GGHAM), which is

targeted at those first-time Caymanian home buyers who have the income required to service a mortgage, but are unable to come up with the lump sum payment that is required. Through the GGHAM programme, which is available to Caymanians on all three of our islands, qualified applicants have a portion of their mortgage guaranteed by the Government. And that portion which is guaranteed by the Government, Madam Speaker, is on the top end of the mortgage. So, if there is a Government guarantee of \$20,000 on the mortgage, as soon as the principal of the mortgage is paid down by \$20,000 then the Government guarantee falls away. This guarantee that we have been doing certainly has allowed many of them to obtain financing through the banks which are our partners in the GGHAM programme.

Since being launched in late 2007, the GGHAM programme has helped over 126 first-time Caymanians to realise the dream of home ownership. I would like to take this opportunity to acknowledge the clearing banks which have partnered with Government and to thank them for their participation. The banks are:

- Butterfield Bank
- Cayman National Bank
- Fidelity Bank
- First Caribbean International
- HSBC
- Royal Bank of Canada
- Scotiabank & Trust

And, Madam Speaker, let me just interject: In the first instance these financial institutions had signed agreements with the Government to dedicate up to \$5 million (the individual institution) over a five-year period towards these specific types of mortgages and within seven months all of that money has been used up. We are almost a year into the programme now and all of the money has been used up for those 126 families.

The NHDT has 135 applications that are being worked on. The good news is that the banks have just about all agreed to each extend another \$5 million towards the programme. They are not holding up any applications that they received, they are proceeding with the programme and I think the signing of the new agreement is awaiting some photo op to be done and I am sure that will be arranged in a day or two. So, that is good news.

I want to publically thank them for engaging in this process. And that, Madam Speaker, certainly assists many, many young Caymanian families who, many of them initially would think that they would want to be in the affordable housing programme, but on discovery they find that they can fit into another programme once we have the mix that we now have.

Earlier this year, the NHDT launched another programme called “Build on Your Own Property.” It caters to qualified applicants who already own land. In this programme, the NHDT provides bridge financing

to applicants, a range of house plans to choose from, and a list of pre-qualified contractors who are prepared to build the homes.

This assistance to the client represents a significant cost saving, and helps to make the new home even more affordable. To date, two homes have already been constructed through this programme, and two more are expected to commence shortly and the subcommittee which deals with this has several other applications which they are processing. These support programmes aside, the NHDT is also involved in the actual construction and sale of affordable homes. As members are aware, the NHDT has three existing housing sites where houses were built—two in George Town and one in West Bay. These sites have provided much-needed housing. However, there is still a lot of unmet demand, but Madam Speaker, that housing stock is dwindling fast, simply because of the high maintenance of those existing homes,

The NHDT has set the goal of identifying and developing affordable housing sites in each of the 5 districts in Grand Cayman. The Sister Islands two sites are quite adequate for several years to come. So, the concentration of acquiring property has been in Grand Cayman. I am pleased to report that significant progress has been made toward achieving this goal. Sites have been identified in each of the 5 districts. Members will be familiar with the proposed sites in West Bay and Bodden Town, as I tabled the vesting reports for these properties just last week.

Subdivision plans for new sites in West Bay, Bodden Town, George Town, and East End have either been completed and received planning approval or they are currently with the Central Planning Authority for consideration. And as you know, Madam Speaker, the site in North Side has been identified and is currently going through the acquisition process and once that process is completed, the development will progress fairly swiftly in the North Side subdivision also.

Madam Speaker, combined, the new developments will provide some 240 affordable single family homes. In fact, when all of the subdivisions are considered (including the property in the district of North Side), the number of homes all of them will be able to accommodate is more than the 240. They will also include land on some of the sites which would be allocated for multi-family dwellings. This will follow in some instances because there will be some individuals who would be able to deal with the multi-family homes much better than the individual family homes. So, those are also in the Plan

Recognising the importance of these programmes, especially in economically trying times, this Strategic Policy Statement entitled, "Staying the Course in Challenging Times" maintains Government's commitment to our two affordable housing agencies.

### **STRATEGIC PRIORITIES**

Madam Speaker, I wish to summarize the Government's priorities in the coming fiscal year. They are as follows:

- To protect the economy from the full impact of the current global downturn.
- To stimulate business activity in order to keep our people working and prevent the economy from slipping into decline.
- To continue much needed capital development projects to the extent that we can afford to.
- To maintain a sound fiscal position by ensuring the usual balance is achieved between spending and revenue.
- To rebuild Cayman Brac and Little Cayman with an emphasis on providing stronger infrastructure that can stand up better to any future hurricanes or natural disasters. And also Madam Speaker, making sure that in the rebuild, homes are more resilient.
- To do everything that is required to promote and protect the interests of our tourism industry.
- To do everything that is required to promote and protect the interests of our vital financial services industry, with particular attention to the various international challenges and the need to further enhance the attractiveness of Cayman as a jurisdiction specializing in the provision of international financial services.
- To make the Cayman Islands more business friendly so that more investors will want to come and do business here and support further growth and development of our economy.
- To continue providing support to vulnerable social groups, including our elderly, so that they can enjoy a reasonable standard of living.

In this regard, I am pleased to announce that again this year, in time for Christmas, Government has decided to grant an additional \$550 to enhance the lives of our retired seamen, veterans, the elderly and those who receive government financial assistance. We believe that especially in these times this will go some way in enabling them to share in the holiday festivities in a way that might otherwise not have been possible. This extraordinary payment will be made, along with their regular monthly cheque, ahead of Christmas.

Madam Speaker, this Government commits itself to pursuing this path and to doing these things which I have just mentioned. Despite the prevailing challenges, this PPM Government remains firmly committed to the overall goal of improving the quality of life for Caymanians, as stated in our 2005 election manifesto. We have made significant headway in this regard over the last three and a half years in office. Indeed, we have made our country stronger and in a better position to cope with the challenges arising from the present global downturn.

### **CONCLUSION**

And so in conclusion, as I was reflecting on the challenging times facing us, my thoughts were



directed to some remarks made several years ago by the late US civil rights leader, Dr. Martin Luther King Jr. He said and, I quote, **"The ultimate measure of a man is not where he stands in moments of comfort [and convenience], but where he stands at times of challenge and controversy."**

Madam Speaker, I believe these remarks are highly applicable in the present circumstances. Naturally, there are some who will have Caymanians believe that there is an easy way out. They speak in terms that suggest that it is simply a matter of waving a magic wand and the problems will disappear.

Madam Speaker, I dare say that persons espousing such views have taken leave of the real world. They have entered the comfort zone of the fantasy world and wish to lead everyone else there to join them. Someday, like *Alice in Wonderland*, it is inevitable that they will wake up and have to face the real world. Unfortunately, because valuable time would have been lost, the problems will most likely have worsened.

Grappling with challenging times is nothing new to the Caymanian experience. Just four years ago, this nation was put to the test by the devastation caused by Hurricane Ivan. We did not run away. We held hands and faced up to the challenge. Indeed, the speed at which we were able to rebuild is testimony of our resilience when we believe that we can.

If we believe as a country that we will rise triumphantly over these present challenges, we definitely can. When you think about it, there is nothing highly unusual about the world entering a recession. It simply happens to be a normal occurrence in the overall scheme of economic things. Economics 101 tells us that there will be times of boom followed by times of bust. The world recently went through a fairly long period of boom and has now entered a period of bust.

The good news is that this period of bust is not going to last forever. It too shall pass and will be followed by another period of boom as a new economic cycle begins. Getting through this bumpy period requires discipline, sacrifice, prudence and a resolve to pull through. How economies perform largely reflect the behaviour of the people living therein. When people are brimming with confidence, economies tend to do well. When their confidence dips, economies also tend to dip.

Madam Speaker, at least there seems to be a glimmer of hope on the gloomy global economic horizon. It is the optimism which the election of Senator Barack Obama as US President, has generated around the world. His victory to many is seen as an opportunity for the world to change for the better. If President-elect Obama can match promise with performance and provide effective leadership on the world stage, he may well succeed in rekindling the confidence which is needed to jumpstart not only the US economy but the global economy.

The challenges we face, present an opportunity for stocktaking, to look at our economy critically, to determine what we have got right and what we have got wrong, and to plan and reposition for future growth and prosperity. If we do so, I am with full confidence that we will emerge stronger and better and we will reap greater benefits when the global economy recovers. Madam Speaker, we can. We must. We will.

Thank you.

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

Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I rise in support of Government Motion No.10 of 2008-09. My contribution will focus on the economic and financial forecasts contained in the Strategic Policy Statement (the SPS).

The SPS is a forward-looking forecast and planning document that outlines the Government's strategic outcomes and establishes the broad parameters within which the upcoming 2009/10 Budget will be prepared.

Madam Speaker, we are living in very turbulent economic times with countries across the world experiencing a high degree of economic uncertainty. In mid-November, the Leaders of the Group of Twenty Nations (the G-20) held a Summit in Washington, D.C. to discuss the current global economic and financial difficulties.

At the Summit, Leaders of the G-20 resolved that the current global financial turmoil could be traced to the following, and I quote from the declaration issued after that Summit: **"During a period of strong global growth, growing capital flows, and prolonged stability earlier this decade, market participants sought higher yields without an adequate appreciation of the risks and failed to exercise proper due diligence. At the same time, weak underwriting standards, unsound risk management practices, increasingly complex and opaque financial products, and consequent excessive leverage combined to create vulnerabilities in the system. Policy-makers, regulators and supervisors, in some advanced countries, did not adequately appreciate and address the risks building up in financial markets, keep pace with financial innovation, or take into account the systemic ramifications of domestic regulatory actions.**

**"Major underlying factors to the current situation were, among others, inconsistent and insufficiently coordinated macroeconomic policies, inadequate structural reforms, which led to unsustainable global macroeconomic outcomes. These developments, together, contributed to excesses and ultimately resulted in severe market disruption."**

Madam Speaker, the statement and the fact that the G20 nations held a specific summit to discuss these issues highlights the many complexities and challenges facing the global economy today. These problems are not isolated to any particular country or group of countries, they are global issues. That said, we all have a part to play in the solution to these problems and it is necessary for all individuals and businesses in the Cayman Islands to make prudent financial decisions: the Government is leading the way in this regard and is committed to ensuring the continued prosperity of these Islands.

The Cayman Islands is a small, open, services-based economy that is affected by changes in the global economy: in particular, to changes in the US economy. It is inevitable that this current period of difficulties will affect the Cayman Islands, but at this point in time it is difficult to predict the extent of the impact.

It is well understood that the Cayman Islands financial services industry does not operate in isolation and that we are not immune from the volatility and uncertainty in the global financial markets. Our consultations with the financial services industry suggest that this situation is not expected to start improving until late 2009/2010.

While, on average, year over year growth statistics relating to entities regulated by the Monetary Authority and those entities formed with the General Registry have not exhibited precipitous declines, and in fact there are areas that are maintaining growth, overall contractions are expected over the SPS period in both new registrations and licencees and among existing registrations and licencees, and this has been factored into revenue forecasts. The exact quantum of change will become clearer in the period January to March of 2009.

Overall, the areas expected to suffer most are those connected with hedge funds and structured finance. Current global market conditions in the hedge fund arena are characterized by heavy redemptions, suspensions and re-structuring coupled with much-reduced new fund formations. In the structured finance arena there has been severe drop-off in deal flows as a result of the freezing of the global capital markets. By some expert estimates, the number of hedge funds globally could contract by 20 to 30 per cent.

We are confident that through strong industry partnership, a concerted approach to Cayman's competitiveness, and the existing base of strength and quality of our service offerings, we will be able to see our way through this challenging environment.

Madam Speaker, I will turn now to the main features of the economic and financial forecasts contained in the SPS document.

### **World Economic Position and Outlook**

The global economy, particularly the advanced economies, was increasingly challenged in 2007. In the second half of the year, the financial cri-

sis that originated from the mortgage sector in the United States has spread to other advanced economies and has affected their growth performance. At the same time, a general increase in commodity prices, particularly for fuel and food, pushed inflationary pressures globally. Against this backdrop, global economic growth in 2007 was estimated at 5.0 per cent, a slight decline from the 5.1 per cent recorded in 2006.

Global growth came largely from the emerging and developing economies as they recorded a combined growth of 8.0 per cent in 2007, a slight improvement from the 7.9 per cent growth in 2006. On the other hand, advanced economies which comprise the majority of the Cayman Islands financial services and tourism industries, slid from their combined growth of 3.0 per cent in 2006 to 2.6 per cent in 2007.

Inflation among the advanced economies eased slightly in 2007 to 2.2 per cent from 2.4 per cent in 2006, due to the moderation of consumer spending that partially checked the pressures from higher commodity prices. However, in emerging and developing countries where demand growth remained strong, consumer prices rose higher at 6.4 per cent in 2007 from 5.4 per cent in 2006.

World output was estimated to have slowed anew in the first half of 2008, and further weakening is projected for the second half of 2008. Consequently, global growth for the year is foreseen at 3.9 per cent. This outlook is cast amidst a sharp downturn in the financial sector that has resulted in the restructuring and consolidation of major institutions, particularly in the US, resulting in a further tightening of credit for consumer and business spending.

The weakening of global output growth is anticipated to be accompanied by higher inflation. Inflation in 2008 is foreseen to reach 3.6 per cent among advanced economies, and 9.4 per cent among emerging and developing economies.

The US remains an important market for the Cayman Islands. US growth deteriorated in 2007 to 2.0 per cent from 2.8 per cent in 2006, as the housing finance crisis further reduced demand for residential construction. Weakened income position of households along with higher commodity prices softened private consumption expenditure and non-residential investment, especially in the last quarter of 2007. On the other hand, the weakening of the dollar improved US net exports while government spending boosted domestic demand.

The growth of US Gross Domestic Product (GDP) in the first three quarters of 2008 averaged 1.1 per cent as compared to 3.2 per cent in the same period a year ago. Further weakening is projected for the rest of the year, in light of diminished consumer confidence. US GDP growth in 2008 is forecasted at 1.6 per cent.

Meanwhile, other advanced economies are also expected to show softer performance to bring the combined growth of the group to 1.5 per cent in 2008.

Sharp growth adjustments are foreseen for the United Kingdom (from 3.0 per cent in 2007 to 1.0 per cent in 2008) and Canada (from 2.7 per cent in 2007 to 0.7 per cent in 2008).

The global outlook for 2008 is expected to extend to 2009, as world output growth is projected to further weaken at 3.0 per cent. GDP growth among advanced economies in 2009 is expected at 0.5 per cent, led by the US with its growth forecasted at 0.1 per cent. The UK is foreseen to experience a recession, with its growth forecasted at -0.1 per cent, while Canada is expected to rebound at 1.2 per cent.

Meanwhile, global inflation is projected to ease in 2009 on the back of curtailed growth in domestic demand and improved outlook on commodity prices. The inflation rates for the US and the advanced economies are forecasted at 1.8 per cent and 2.0 per cent, respectively.

### **The Cayman Islands' Economy – Performance in the 2007 and 2008 Calendar Years**

Madam Speaker just before I get into the forecasts it is important that we take a few moments to review the Cayman Islands' economic performance for the period January 2007 to June 2008.

In 2007 our overall economic performance was bolstered by a resilient financial services industry, strong growth in public consumption expenditure and robust growth in stay-over tourism. GDP grew by 2.2 per cent during the year, albeit this was lower compared to the 4.6 per cent growth in 2006. Indicators in the first half of 2008 for the major industries – financial services and stay-over tourism – show signs of softening and are consistent with the projected slide in GDP growth for 2008.

The financial services industry displayed its resilience throughout 2007, notwithstanding the global financial turmoil. With the exception of banks and trust licences which dropped by 3.4 per cent, increases were recorded in insurance company licences (3.4 per cent), mutual funds (15.7 per cent), stock exchange listings (42.7 per cent) and new company registrations (15.9 per cent). During the first half of 2008, these services remained on the growth path, albeit at lower growth rates: mutual funds increased by 11.9 per cent while insurance licences and stock market listings rose by 2.6 per cent and 17.9 per cent respectively. However, banks and trust licences declined by 2.4 per cent while new company registrations slipped by 3.3 per cent.

A mixed performance emanated from the tourism industry in 2007. The stay-over market showed strong performance as arrivals rose by 9.1 per cent; this was extended in the first 6 months of 2008 as arrivals improved by 9.3 per cent. In contrast, cruise arrivals fell by 11.1 per cent in 2007 and by 13.5 per cent in the first half of 2008. Overall, tourist arrivals went down by 8.7 per cent in 2007 and by 10.5 per cent in the first half of 2008. Consequently, tourism

receipts dipped by 6.6 per cent in 2007 to reach \$399.1 million.

In 2007, construction moderated from the strong performances over the last two years. Building permits reached 1,090 (or 15.5 per cent lower than in 2006) valued at \$446.3 million (up marginally by 0.1 per cent compared to 2006). Building permits for the first half of 2008 fell by 2.9 per cent to settle at 599; total value of these permits fell to \$211.5 million or 26.2 per cent lower compared to the same period in 2007.

Total labour force as of fall 2007 was estimated at 36,476, reflecting a marginal growth of 1.4 per cent over 2006. The unemployment rate went up to 3.8 per cent in 2007 from 2.6 per cent in 2006 as total employment increased modestly by 0.2 per cent to reach 35,081.

The average Consumer Price Index continued to increase in 2007. The average inflation was 2.9 per cent, higher than the 0.8 per cent recorded in 2006. However, the inflation rate was on the down-trend throughout the year: from 4.4 per cent in March 2007, this fell to 3.2 per cent in June, 2.5 per cent in September and 1.7 per cent in December.

For the first six months of 2008, average inflation was 4.0 per cent, due to increases in the average prices of food (3.6 per cent), household equipment (7.5 per cent), transport and communication (5.3 per cent), housing (5.1 per cent), clothing (4.0 per cent), education and medical (4.2 per cent), personal goods and services (0.9 per cent) and alcohol and tobacco (0.5 per cent).

Merchandise imports declined in 2007 to \$881.8 million, from \$888.7 million in 2006. This was mainly due to a strong reduction in capital goods imports by 21.9 per cent, while consumption goods also fell by 2.9 per cent. In contrast, the value of fuel imports grew by 21.7 per cent which could be traced to increases in both the unit price and the quantity of oil and petroleum products imported. For the first six months of 2008, merchandise imports rose by 2.1 per cent from the same period a year ago to reach \$457.6 million. This increase is due largely to oil and petroleum products which posted higher prices in the world market. The volume of fuel imports also grew moderately by 3.5 per cent to settle at 38.3 million imperial gallons.

Total merchandise exports in 2007 was estimated at \$21.5 million, an 11.9 per cent improvement above the previous year, mainly due to significant increases in rum exports and re-exports. Meanwhile, exports of services were estimated at \$442.9 million, a surge of 3.6 per cent over 2006, mainly on account of the growth in visitor expenditure which resulted from stay-over tourism.

### **Economic Forecasts for the Next Three Fiscal Years**

Madam Speaker, the Economic forecast: Section 3 of the SPS provides the forecast economic position of the Cayman Islands for the 2009/10 to 2011/12 financial years. These forecasts were prepared by the

Economics and Statistics Office (the ESO) within the Portfolio of Finance and Economics.

The ESO forecasts that the Cayman Islands economy, measured by changes in real GDP will grow by 1.7 per cent in the coming 2009/10 financial year and should accelerate to 2.5 per cent in 2010/11 and 2.4 per cent in 2011/12. These growth prospects assume that the world economy and in particular the economy of the USA will recover from its current difficulties.

Employment levels, measured by the numbers of persons employed, are expected to be 35,729 in 2009/10; 36,161 in 2010/11 and 36,523 in 2011/12. Conversely, the unemployment rate is forecasted at 3.9 per cent in 2009/10, and 3.7 per cent in both 2010/11 and 2011/12.

The local inflation rate, which is highly influenced by inflation rates in the United States of America, is forecasted at 2.7 per cent in 2009/10 and 3.0 per cent in both 2010/11 and 2011/12.

The balance of payments current account is forecasted at 25.3 per cent of GDP in 2009/10 and 2010/11 and 24.7 per cent in 2011/12.

Madam Speaker, all of these economic forecasts are indicating that the Cayman Islands economy will remain strong and healthy in the coming financial years and that while we are likely to experience some adjustment as a result of the current global financial environment, the effects will not be long term.

### Financial Forecasts

Madam Speaker, every year the Government goes to great lengths to make sound plans for the country's limited financial resources. This year, the global economic environment has made the exercise particularly challenging. Despite these challenges the Government has ensured that it operates its financial affairs in full compliance with the Principles of Responsible Financial Management defined in the Public Management and Finance Law (the PMFL). This will mean that Government agencies will have to reduce their operating expenses and become more creative and innovative in the way they deliver services.

In taking this approach to managing its finances the Government is not just complying with the PMFL it is also ensuring that it retains the capacity to effectively respond to any sudden unexpected external shocks to the economy.

Core Government operating revenue is forecast to be \$535 million in 2009/10, \$555.4 million in 2010/11 and \$571.8 million in 2011/12.

Core Government operating expenses are forecasted at \$488.6 million in 2009/10, \$502.2 million in 2010/11 and \$514.7 million in 2011/12.

Financing expenses are forecasted to be \$18.2 million in 2009/10, \$23.7 million in 2010/11 and \$25.1 million in 2011/12.

Surpluses are forecasted to be \$28.1 million in 2009/10, \$29.6 million in 2010/11 and \$32.0 million in 2011/12.

On the balance sheet, Government's net worth (which is the difference between its total assets and its total liabilities) is expected to increase steadily over the forecasted period.

Aggregate borrowing (which is the balance outstanding at the end of a financial year in respect of those borrowings) is also expected to increase over the forecast period. This increase is in line with the Government's planned capital investment programme.

The anticipated borrowings in the 2009/10 to 2011/12 period result in Debt Servicing ratios that remain under the maximum 10 per cent level prescribed by the Principles of Responsible Financial Management, in the PMFL.

Net operating cash flows are targeted to remain strong in line with the forecast operating surpluses. The Government has continued its policy of maximizing the use of cash generated from operating surpluses to help finance its planned capital programme over the next three fiscal years.

Net investing cash flows or the amount of funding available for the Government's capital development programme is forecast to be \$147.8 million in 2009/10, \$76.2 million in 2010/11 and \$72.6 million in 2011/12. The decrease in the 2010/11 and 2011/12 financial years reflect the expected completion of major projects in the 2009/10 fiscal year.

The net financing cash flows reflect the Government's anticipated borrowings over the three-year period less its repayment of debt principal.

The targeted closing cash balance for all years satisfies the level of cash reserves required by the Principles of Responsible Financial Management. The forecast cash balances for the 2009/10 to 2011/12 fiscal years are: \$116.1 million, \$121.6 million and \$124.1 million. These balances are sufficient to meet the legal requirement specified in the PMFL that Government must maintain cash balances at the end of each financial year—starting from the 2009/10 year and onwards—that cover 90 days (or a quarter of a year), operating expenses.

Overall, the financial targets indicate an affordable fiscal position over the three-year forecast horizon.

### Conclusion

Madam Speaker, these are trying and demanding economic times. But it is during times like these that the Caymanian people shine with their strong determination and resilience that has seen this country through difficult times in our past, and I believe we will once again come out on top.

The Cayman Islands has a robust, innovative, diversified and well regulated financial services industry which must be vigorously defended and encouraged as it is a major component of our economic en-

gine. In addition, our excellent high quality tourism product must continue to be refined and improved to ensure that the Cayman Islands remain a destination of choice for discerning travelers. Together, financial services and tourism form the core of the Cayman Islands economy.

The Government is leading the way in terms of balancing continued economic development with prudent financial management, this SPS sets out challenging but achievable targets for all Government agencies which together will allow the country to conform to the requirements of the PMFL while at the same time continuing to provide the services and infrastructural development necessary for the continued success of these Islands.

I give my full support to this Motion and ask all Honourable Members to do the same.

Thank you, Madam Speaker.

**The Speaker:** Proceedings will be suspended until 2.15 pm.

**Proceedings suspended at 12.46 pm**

**Proceedings resumed at 2.17 pm**

**The Speaker:** Please be seated.

Proceedings are resumed. Debate continuing on Government Motion No. 10/08-09.

I recognise the Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Thank you very much, Madam Speaker.

The speech by the Leader of Government Business brought no surprises. It was a bundle of self-congratulations, a raft of promises and plans to borrow and spend. And when you do that, although you are not saying so, taxation will come because there is nothing evident for real revenue growth. Madam Speaker, what I listened to was the same old, same old as we have had in the past three and a half years.

Madam Speaker, I cannot treat the Government the way they treated me when we were the government. Yes, there have been some things done. I am not going to say no. There is talk, at least, about some things and very important social moves. The glossy, but important, function on Monday was important for the country. That has been done.

There are new roads. That has been done. But on the whole, the people of these Islands have never suffered as they have in the past three and a half years.

The fact is, Madam Speaker, when we look at the Government's projections, they are totally bad. Last year the GDP projections were down by 50 per cent, when you look at the new projections now, 50 per cent. This year under discussion, with a deepening world crisis, I fail to see how they are going to realise their projections. I say it is unrealistic.

I know that my friend, the Honourable Third Official Member responsible for Finance, had his say, but he has to say that. And I will say this again (as I have said before). He could have very well said what one Financial Secretary said some years back when he rose to bring the budget. He said, "Madam Speaker, the Government asked me to bring this." So, anything I say in regard to what has been presented bears no reflection on the Honourable Financial Secretary.

I believe what has been presented is unrealistic, and if the Government continues on the path in which they are headed we are going to see some serious taxation here. What we cannot get out of is the fact that whether we are reaching our borrowing levels or not each year, the total amount of borrowing by the country is reaching close to a billion dollars. For this small country and a deteriorating time of revenue, when revenue is not coming in as Government has projected, I say that the Government should be much more careful with what they say.

It is good to give another cheque out this Christmas for our elderly veterans and seamen, and so on. Madam Speaker, you remember, and I know that the Minister of Health remembers the battles we had to put that in place, the cursing we took. It does cost the country a sizable bill, but there are no better people to spend it on than our senior citizens who built this country from nothing.

But it is quite obvious, when you take that into consideration with everything else, that what we have in the SPS is politics 101. It is the Government's campaign agenda, and so be it. The question is, How much better off will the Islands be? That is the true test. But on a whole, the Government failed that test long ago.

The time has come for the PPM to deliver, rather than just promise. From the onset of their tenure in the political arena they have become famous for glossy and glamorous proposals, or, more accurately put, glossy and glamorous promises. The old adage of "*all that glitters is not gold*" has been found to be most accurate to describe that type of management by the current administration.

Madam Speaker, year after year under the PPM we find ourselves as legislators being charmed by the glamorous strategic policy statement of the Government close to the budget. Civil servants come and a few other people come down and witness it and this one was particularly long. I think it was 50-odd pages. It must have been close to two hours. Policy statements have become nothing more than a mockery. And their participation in this process is becoming more and more meaningless.

A Government that echoed the sentiments of transparency and accountability right to the doorsteps of the Legislative Assembly during the last campaign left it right there, Madam Speaker. I recall Benson Ebanks saying at one opposition meeting that it was not long after a lady had a meaningful opening prayer

that they had thrown God out of the window. It does not say much for real transparency when TV cameras and the live radio are here for the Government, but leave before the Opposition speaks.

Madam Speaker, my friend, the Member for East End, keeps rising saying something about what obtained during a different administration that did not have the mechanisms and the kind of governance that we have today. The Opposition and the Government had just started on that process. We did not have time to even work out proper processes for Opposition and Government. Nevertheless, whatever was done, whatever was said, that does not change the fact of what is being done today.

I am going to say something else, Madam Speaker. I neither have the feelings nor the desire to deal with his interruptions, so I am going to try to pay him no mind.

As the longest serving legislator in this honourable House (this November gone was 24 years), and as the Leader of the Opposition I must once more reiterate my concerns over the budgetary process by the PPM Administration ever since taking office in May 2005. The evolution of the budgetary process to commence with a global framework being established in the SPS and all budgeted line items stemming from this statement were welcomed by legislators of both sides of this House.

However, for us, as responsible legislators, the crucial budgetary process of having audited financial statements in a timely manner has not been fulfilled by the Government which, in effect, nullifies the benefit of having the glossy SPS read to us without the benefit of having the tools to keep the Government accountable and transparent.

Madam Speaker, this is unacceptable. And the pronouncement by the Government that all is well with this long outstanding matter—because the Government is always in the know—of the state of affairs with the Government finances does not provide any remedy to the uneasiness of this matter. The fact is, we need to know the true state of Government finances. The people of this country need to know. The time has come for more than excuses.

As recently reported, the Auditor General has concurred that the audited financial statements of the Government are necessary to ensure accountability. But he did not have to come from Canada to tell us that. All of us know that to be fact. Statements of Government are necessary to ensure accountability. We vote money and authorise expenditure, but the executive arm of Government, that is, the Cabinet, does not afford us the opportunity to review how this expenditure is managed. We are left to trust the Government. And, Madam Speaker, I can trust some; but I cannot trust all—especially when they are so close to election.

This is an unacceptable manner of managing the affairs of this country. The Opposition will once more voice its concern and outright dismay at the con-

tinuation of this situation year after year, SPS after another.

*[inaudible interjection]*

**Hon. W. McKeever Bush:** You call on your Government to do so!

Over \$1.5 billion has been approved without supporting audited financial statements to show how this money was spent.

Madam Speaker, I said I would not answer him. I know that they want to jump on somebody. They have to blame somebody.

The fact is you are the Government. You are on the front bench, especially, so you should have a little bit . . .

*[inaudible comments]*

**Hon. W. McKeever Bush:** Yes, you should be up and saying a little bit more about it. Instead, Madam Speaker, we find ourselves once more with the PPM attempting to charm this House with frills and thrills but with no substance.

Where is the long awaited sustainable economic plan? Or the growth management plan? Are we still planning willy-nilly? Just point your finger and say, 'Do it over there? Do it over there?'

*[inaudible interjection]*

**Hon. W. McKeever Bush:** Where is it?

The Governor said no such thing to me, Madam Speaker.

*[inaudible interjection]*

**Hon. W. McKeever Bush:** But I have complained about it.

**The Speaker:** Please stop the crosstalk and allow the Member who is speaking to continue his debate please.

**Hon. W. McKeever Bush:** Madam Speaker, I am sorry for the talking while they are interrupting, but I will continue.

Madam Speaker, we left a plan. It was done by Deloitte. What did the Government do with it? Do you know? Have you seen it? Have you examined it?

*[inaudible interjection]*

**Hon. W. McKeever Bush:** No matter how many flaws it has, it should have been done over if you so thought it had plans. But I do not believe you know what flaws are when it comes to economic planning. So you would not know.

I was the man who commissioned it. So, if I do not know anything about economics—as he is say-

ing, Madam Speaker—then I know that we ought to have something to tell us about it, and that is what I did.

*[inaudible interjection]*

**Hon. W. McKeever Bush:** Mm-hmm.

Oh, Madam Speaker, that made good political rhetoric during the campaign and even before for all the likes of the Member from East End to prance up and down and holler and carry on.

Each of these policy statements should be tied together by an umbrella plan that creates the national priorities for the Cayman Islands. But what do we find? Oh, they are tied together; but they are tied together for the re-election of the PPM. Colour and all tied together.

Admittedly, the need for such a plan extends beyond the tenure of this Government. During the significantly shorter term in office the United Democratic Party made a notable start in that direction. But the PPM did not advance the process.

The Cayman Islands finds itself in a significantly different environment than in the past—one that is characterised by new challenges and the need for innovative and creative strategies to ensure our future sustainability. The challenges are great. But I believe so are the opportunities. The key ingredient that will determine whether we surrender to the challenges or capitalise on the opportunities is the leadership and the decisions of the leaders during this period.

I believe that the party in power, the current administration, has opted to ignore the shift in paradigm and cannot adjust the modus of operation, Madam Speaker. Pressure has hit them. Pressure! We cannot expect to continue to do things as we have always done under this new environment. And as much as they want to point back and say what the UDP did not do, they admitted this morning how much we did do to bring the country around after Ivan.

Curse me as much as you like, but I took the bull by the horns and said it must be done. And we did it. And the country was on the right footing when you took office. The cursing about the Ritz, the carrying on about the new city, even Cayman Airways . . . we brought in new equipment. And where would you all have been if this had not been done?

They are out to lunch. You are right.

What we recognised as a party was that there is a shift in the paradigm and that we have to do things differently. I keep saying, Madam Speaker—and I do not say this to insult our Minister of Health because I have great respect for him . . .

*[inaudible interjection]*

**Hon. W. McKeever Bush:** You are the Minister of Roads. I will come to you next.

But you cannot build \$100 million building and not give the Minister the money to do the very things

he has to do for the health of the nation. They cannot. No matter how much you tell me you are giving him you are not doing what is supposed to be done for the number 1 priority.

If you do not have a station and you cannot afford it, a station cardiologist . . . you have to depend on one visiting. And that's a good programme, but it is not good enough that you cannot afford to have one because of cost. And you can tell me that it might be other things. I lay no blame on the Minister of Health. He cannot get the money.

The SPS before this honourable House is laden with the same class of strategies that have failed to succeed in the new economic climate today. Through this period as Leader of Government Business, we have come to learn that he believes that ignoring the problem and pretending that it does not exist, or at least will not impact the Cayman Islands, will solve the problems of the country.

Madam Speaker, the Cayman Islands economy is now a very open economy and is impacted by every global fluctuation, trend or fad. As leaders we must remain current in our observation of international affairs and trends and constantly adopt proactive strategies to prepare the Cayman Islands for the impact of these changes. Within the first week of assuming office, the Government demonstrated to all their lack of understanding of how decisions often based on inaccurate information and key business centres will impact the Cayman Islands.

Their decision to not renew the contractual relationship with one of the top lobbyist firms in Washington DC has had a long-term negative impact on the Cayman Islands—especially the financial industry—because there you had a firm that could walk into any door in Washington, be it the Secretary of State, or the Secretary of the Treasury, and palaver on behalf of these Islands. They could walk into any State when legislation was raised about the Cayman Islands and say, *Listen, this is not how it is. Here is where our relationship is. This is what is happening. This is what the Cayman Islands have done.*

While we have joined with many in this country in congratulating President-elect Obama, I hear them saying so, it is now important for the Cayman Islands to brace itself for a democratic-led United States. Hopefully efforts are underway to ensure that the new administration is provided with every opportunity to be familiar with the strength of our financial regime in the Cayman Islands. This will require much more than the Minister of Education who has responsibility for such financial matters commenting in a few articles or a law firm commenting in a few articles.

I think the SPS fails to tell us what the Government is really going to do to strengthen the financial services sector. I hear him saying that they are going to Washington. Who is going to Washington? Who are they going to see? And what will they do?

I would like to know what is being done to improve our representation in Washington and other

business centres. I would like to see legislation that will be improved upon to increase our competitiveness as a jurisdiction.

Madam Speaker, as a result of neglect by the PPM Government, and ever since they shifted and took away the responsibility of the financial services business from the Financial Secretary to the elected Member there is a neglect. Our financial services industry has been left without the appropriate government policy support over the past four years and is now facing many key challenges.

As a result of the global financial crisis, the Cayman Islands face increased and unwarranted criticism by the international community despite playing a key and positive role in the global economy for so many years. Our industry has been pleading for years for the necessary legislative support in the form of new or revised laws to support its activities or new institutions such as a commercial court. And these have been largely ignored by the PPM. Such changes are required for the industry to maintain its competitive edge against increasingly aggressive competitors, even to those who smile with us.

The industry has not had the required marketing and promotional support from the Government. Despite being a major employer of Caymanians and generating over 30 per cent of all Government revenues—probably more (that's direct, I believe)—the industry receives a marketing and promotional budget which is less than 10 per cent of the similar budget for the tourism sector. The reputation of the financial industry is under attack internationally. And the jurisdiction faces increasing competition from other international financial centres and these issues must be addressed urgently and effectively.

As a result of the poor domestic policies by the PPM Government, the financial services industry is outsourcing many jobs to other countries because the Government has not consulted with industry representatives on the issues. And where they did talk, they did not listen to the industry. The Government has done nothing to actively encourage or support international firms in establishing physical offices in the Cayman Islands and, therefore, the Cayman Islands economy, our local businesses and Caymanians have not received the maximum potential benefit from this international business.

Madam Speaker, we cannot expect a Government to do everything in four years. But the key things need to be done. And this has not been done. We have not seen the licks that we are going to take yet. We need to provide industry with the necessary policy and legislative support. How else will businesses compete? How else will we feel the trickle-down effect of rent, purchasing at the Duty Free for gifts at Christmas? How else will we have the trickle-down effect of supporting small businesses, restaurants? Madam Speaker, some people in the country fail to realise just how much this sector does and that

foreign business actually contributes to these Islands. Every local business gets its benefit.

How else have we been able to have the kind of standard of living that we have had? The SPS fails to deliver any of this. Instead, it reads like a long political campaign speech. The only difference is that this time it will fall on ears that are less trusting of the PPM after having four years of unfulfilled promises.

The Caymanian public wants action to make their lives better, and the future prospects of the Cayman Islands for our children brighter. The PPM has been in a preparation and planning mode since the election, but has not delivered. No example is more prevalent than that of the schools.

The consensus on education was prepared from 2005. Remember? And money was voted every year on the new schools. Every year! And today, we still do not have the schools. Admittedly, some start has been made. But we do not have the privilege of having the audited financial statements to see how the money allocated for schools was spent, and what has really been spent to get us to the embryonic stage that we have reached. Once more I restate how disappointed I am at this state of affairs. All of this significantly impairs our ability to properly hold the Government to account.

Madam Speaker, the global economic recession will have to be wrestled with for the next few years. I think it foolhardy for the Government to talk about increasing revenues in the next few years when they see the mess, and they admit—you are not blind Bartemaeus—they see. The full impact of the downturn in economic activity, as I said Madam Speaker, has not yet been fully felt by these Islands. As I said earlier, from February of this year . . . I called on the Government . . . well, from my budget speech [debate] of 2007 I called on the Government (in February, though) on this side of the House through a duly moved motion to re-think the reckless expenditure level of his Government and prepare the country's coffers for a future that will need the Government in a financial position to cushion the blow of this economic slowdown.

In what has now become the characteristic of the PPM, the Leader of Government Business politically postured and refused the motion, saying not on the kindest of mornings would he accept the motion. It was an insult to the civil servants to ask them to re-jig their expenditure and to redraw their plans. Only a few weeks later he had to admit that things were going awry in the global economy and, thus, we would be affected more than the \$200-odd thousand that we were losing in revenue.

I sat there that morning and I really said to myself, *You know, I have to pity the Leader of Government Business if [he] does not see what is coming down the pipes because every television station of worth that talks about economic affairs was blaring this thing out day after day.* Yet he could not see it. Now, the Government has come to the realisation that



the slowdown does have an impact on the revenue of the country and they are embarking on an expected curtailment exercise.

Madam Speaker, this is the same Government whose economic wisdom suggested that it was not appropriate to reduce expenditure in advance of a recession, to prepare for its impact. This is the same Leader of Government Business now saying this, but rather now has opted to make cutbacks during the arrival of the recession—the time where the Government is needed most. If this is good economic management, if this is good leadership, if this is good economic sense, Mr. Leader of Government Business, then tell me!

Madam Speaker, politics should not allow for such ill-conceived and distorted decisions as made by the PPM Government on that day. We will recall the Leader of Government Business suggesting in his budget that we could talk ourselves out of a recession. Even the simplest of economic assessments would show that the economic challenges faced in the Cayman Islands are caused by factors beyond our control. The Cayman Islands Government must be able to plan and project into the future and prepare the country for such slowdowns.

The reality for the Islands is that we are in the least prepared state. We find ourselves facing a global recession with our domestic debt rising at an all time high, our major industries being at an all time low, and national motivation being troubled and confused by the lack of direction given by the Government. Madam Speaker, I do not want to be perceived as preaching gloom and doom, and some may say that I am wrong. We have some more months yet to feel whether I am wrong.

I know this: I was right in 2007, and I was right in February when I said let us re-jig and let us re-draw our policies. So, if you want to say I am wrong now, say it! But you better say it with tongue in cheek.

I believe the fundamentals for the future of the Cayman Islands are strong and healthy. I have always approached the leadership of this country in a realistic and pragmatic manner, starting by a clear understanding of where we are and how this compares to where we want to be. I find that is the best approach for developing the appropriate plan to get us there. This is in contrast to the current Leader of Government Business whose approach seems to be *Alice in Wonderland* or the state of affairs of the *Emperor's new clothes*.

His approach is to pretend that the problem does not exist. I do not have his words, but it is contained in his last budget speech. Something like, *if we do not think we have an economic crisis, then we don't have it*.

I do not know. Pretty bad.

[inaudible interjections]

**Hon. W. McKeeva Bush:** But I say this: As the Opposition, we saw it coming and told him so. Sorry he didn't see it. Maybe he was trying to be positive. But I tell you what; it is a pretty bad positive spin that he gave it.

We must plan and save in times such as we are currently experiencing. We can say that they have spent more than any other Government, and their borrowing is at an unprecedented level. And now that the Government is needed to stabilise the economy . . . let's see. We have seen what the response is so far. Let's see what the balance is going to be.

We were hoping to receive a strategic plan today that would outline a way out of this slowdown, this period that we just started in to. Instead, I do not think that realistic strategy is there. Madam Speaker, the Opposition is challenging the Government to develop strategies that deliver sustainable economic opportunities, policies that will rebuild our economic pillars rather than mere political rhetoric and the blame game.

As a country we must examine the value of our tourism product and ways of enhancing that value. To this end, we still worry . . . I worry about the tourism product.

I had to chuckle, Madam Speaker, when the Leader of Government Business was lauding the cruise sector. I have a speech in the *Hansard* where he talked about how bad it was for the tourism sector in this country. On, and on, and on he went that day criticising the cruise industry. I am glad that he knows how important it is. He didn't seem to know that day.

Madam Speaker, there are serious challenges and a lot of worry ahead. The financial industry, the tourism sector, and small businesses, mom and pop operations are being hit. Where are the Government's plans to better . . . The Government can come behind, as I know they will, and say how much they are doing or that they have done. They will blow out of proportion anything done in the past, but I say to them that a government that has been complacent in respect to so many major activities and initiatives in the country should not expect the country to believe that in their twilight hour they can magically solve the problems that they have compounded or created.

The next budget must contain a strategic approach also to the rebuilding of the Sister Islands of Cayman Brac and Little Cayman—I stress, a strategic approach. Cayman Brac was hit the hardest and has experienced significant damage. This is an opportunity to rebuild better than before, but requires a major financial contribution by the Government. We cannot sit down and wait on the private sector. If done wisely and strategically, Cayman Brac will become an even greater place to live, work and visit. With the hardships they face now, they do not need the worry of their future resting on their shoulders for soon-come. This remedy must be substantial and immediate.

Not to say there has not been something done. The Minister of Communications and Infrastruc-

ture gave a good précis of all that he was doing. But I hope that the Leader of Government Business and all his colleagues take what he said, listen to what he said, get the *Hansard* with what he said, because what he said is something similar to what I am saying—more needs to be done and done now.

In conclusion, I call on the Government to deliver—not promise. I call on the Government to cure, rather than finding excuses. I call on the Government to act rather than to just plan. I call on the Government to provide real solutions, rather than to create solutions that compound the problems. I call on the Government to encourage unity in the country during these difficult times rather than the blame game and the divides. I call on them to fortify our collective national resolve to exceed as a country and, finally, to heed the genuine offers for assistance despite the source.

Madam Speaker, another SPS has been delivered; this one much longer than the others—the PPM's campaign agenda. My best hope for these Islands and our people is that the present Government, the present Administration will not be the Captain of the good ship Cayman Islands after May 2009, God willing.

I thank you, Madam Speaker, and I pray to God that he continues to bless us and these Islands.

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

Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

I would like to offer a few comments on what has been presented to this House.

This honourable House, through the processes of the Public Management and Finance Law, mandates the Government to come and give a strategic policy statement that outlines where the country is heading and just how it is going to go about formulating the next financial year's budget. So, we are now looking at the Strategic Policy Statement that would be underpinning the 1 July 2009 through 30 June 2010 budget. If we are to take this activity seriously, because this ought to be the platform from which we as a Legislative Assembly try our endeavour best to offer comment that we would hope the Government would take into account after arriving at its position based on its perception of the society and the economy and world affairs . . . Madam Speaker, I am not optimistic that that will happen.

The truth is that I am not optimistic that this country has the capacity to run the system that the Public Management and Finance Law envisioned. As we are now in the seventh year of this system, I have yet to truly see a strategic policy statement that is underpinned from a very high level with meaningful data

and analysis that would allow a Legislative Assembly to look at and make comment on.

It is easy to come up with all of the specific statistics from the Economic and Statistics Office which obviously would be underpinned by varying government department agencies and their perception of what is happening in the economy. But that has to be the support for where the country is trying to get to through the government budget, where the public sector is hoping to get to through a government budget that is going to be prepared on the basis of this Strategic Policy Statement.

Madam Speaker, I guess in all fairness to get from a pure cash-based system (where you were using profile budgeting in a very rudimentary inaccurate system as we did) to one that is much more sophisticated and ought to allow the Legislative Assembly (and, by extension, the wider community and public whom we represent) to have a clear view of how the executive arm of government perceives the situation that exists in the country in all facets because this is not just about numbers. . . We often get caught up and lost and muddled in the fact that somehow this is purely about numbers.

Government is not a company. Government is the ultimate social agent in all countries. It has business pieces to it. It has taxation tools; it has certain laws that allow it to raise revenue, et cetera. But, ultimately, Government is about delivering key services to its community. How that is all wrapped up and underpinned by a clear strategic policy statement is something I do not believe we are quite achieving the way in which we need to and we ought to.

In our system of Government, this is a real opportunity for the non-executive members of the Legislative Assembly to try in some way to influence where the Government is going to go in the next year. Unlike more republic type systems like the US practices, where there are varying Houses and those Houses themselves have the capacity and constitutional authority to produce their own budgets and to challenge the executive, we do not have that in Cayman. I have said in this House, Madam Speaker, with you in the Chair and other Speakers in the Chair, that this piece of activity is one that even we as legislators, have not recognised the utility of and what it is really meant to achieve.

Now, I can only presume that in their caucus the backbench members of the Government clearly understand and have clearly deciphered these 55 pages that were just presented to this House, and understand what strategies are behind all those words. I can say objectively that it is difficult for me to say that we have a strategic way forward in the country.

Let us use one example, Madam Speaker, as to how this whole process clearly, clearly in my opinion, does not come close to meeting the objective of the Public Management and Finance Law. If we look at the 2008/9 Budget, because this was rather important, and if we compare it to page 18 of the actual

Strategic Policy Statement, we have the aggregate financial targets of Government (on page 18). The very first column you come to is the 2008/9 revised budget.

The 2008/9 revised budget has the big picture, financial targets that the budget (which we just approved) would have had. And if we go to the Annual Plan & Estimates on page 20, and we compare operating revenue in the budget we just approved \$528,207,000 . . . on 10 December a few months later, that has been revised to \$525,190,000.

Operating expenses were projected in the Annual Plan & Estimates at \$501,297,000. Today . . . well, according to the . . . as at the preparation of this SPS, that number is now revised to \$490,412,000.

The surplus before financing was projected at that time (in the Annual Plan & Estimates) to be \$26,910,000. It is now projected at \$35,078,000.

Financing expenses were \$13,437,000 in the AP&E. It has now been revised to \$14,953,000.

The bottom line (as they would say, Madam Speaker) net surplus, \$13,473,000 in the AP&E; and \$20,125,000 in the most recent SPS.

Madam Speaker, let us not even start to get into any debate about the voracity or accuracy of the numbers and whether Government is going to achieve this. Let us not get into that particular line of debate. Let us just look at the exercise that this House is supposed to be undertaking.

The exercise we should be undertaking is to clearly show the country where we are getting to. We are close to halfway through the financial year. Yet, of that \$11.1 million of reduced expenses . . . what services have been impacted? What is it that the Government is not doing? Not going to do? How does that now impact 2010?

I just use this as one example of what I am talking about when I make the comment that as the system expected in terms of this critically important piece of the process, in my humble opinion, the strategic phase and our debate in this Legislative Assembly surrounding the strategic phase is just as important as the actual budget phase. This is the time and the opportunity that the House has to lend its voice to the loud and thundering voice of the executive arm of Government.

In other words, the SPS is what the people in the Glass House (who also happen to have a seat down here in the Legislative Assembly) have said. Those of us who are not up there ought to be turning our minds to what the Strategic Policy Statement means for the next year, the next 12 months of our country's history? How can we critically look at it and either approve, modify, or disprove it based on our individual vote?

Madam Speaker, we are not going to get into the whole issue on the fact that it is late because everybody will have all the different reasons again. I am not particularly interested in engaging in that line of debate. The reality is that if this critically important

part of our process is going to have the impact and import that it should have, as envisioned by the Public Management and Finance Law, we should have [taken a break], just as we do during budget time, so that the non-executive Members (those of us who do not carry the title honourable and/or Minister and sit in the Glass House and run this country on a day-to-day basis) could have the opportunity to clearly understand where the executive arm of Government is taking this country or proposing to take this country and then provide meaningful input, meaningful debate, so that in its deliberations, then, to actually formulate the budget that this SPS underpins, the voice and will of the House would at least have the opportunity to be heard and taken into account.

Madam Speaker, this is just one other example of why the Minister of Education and I do not agree on a lot of fundamental points on the Constitution. He loves the word "sophisticated". I keep telling him and I keep telling people, yes we have a sophisticated business sector, as it relates to the financial services industry; but when it comes to the politics and the administration of this country, we are still not where we need to be. We still have a long way to go. It is only when we get that level of maturity and sophistication that we, as Members of this House, will realise the import of what we are undertaking. Take it seriously. Take it seriously and try to ensure that the product is the best product.

This is not about sides. When it comes to the budget and voting on the budget, yes, that's when it is distinctly about sides and people casting their vote to say I approve of this, because this is still at the negotiating stage. But we don't have that level of sophistication in Cayman. We are still so immature, so sadly immature on the 10<sup>th</sup> day of December 2008.

In my humble submission, there is going to be a hope for a better future, to the running an administration of this House as it relates to the budget and how an executive treats this House if the people do what I believe they are going to do on May 20, 2009.

Madam Speaker, if we look again at some of the information provided to the House thus far, as Members we ought to be thinking soberly and clearly and questioning whether or not we trust the information and therefore believe that the outcomes are realisable or achievable.

Now, I was surprised when I did that quick analysis over the lunch break between the information that this SPS has and [what] the budget contained. We heard varying utterances, in particular those at Cabinet press briefings when they talked about revenue shortfalls and projected revenue shortfalls some weeks or months ago. Yet now, we see that the projections are that they are only going to be some \$3 million off. I remember much larger numbers being talked about some weeks ago.

Madam Speaker, another key piece of data that I presume is being used by the Government in its projections on revenue must be its perceived growth

of GDP in the country. On table 2 of the 2008/9 Strategic Policy Statement, at that time (for the 2008 year) the Government was predicting real GDP growth of 3.2 per cent for the Cayman Islands, 1.9 per cent for the US, 4.8 per cent for the world. Twelve months hence, those revised numbers are now 1.5 per cent for the Cayman Islands; 1.6 per cent for the US; 3.9 per cent for the world.

It seems to me that one of the key underpinning pieces of information the Government would be using in formulating its way forward would be its perception of real GDP growth. So those numbers . . . and if you look at 2007, you had the same thing. The predictions for the US and the world . . . we get that data from outside sources. This is not our made-up data. It is obviously very close to what the reality was—in 2007, 2 per cent for the US; whereas 12 months ago we were looking at 1.9 per cent. It was very close. At this stage, 5.0 per cent, versus 12 months ago we were looking at 5.2 per cent. But when it comes to the Cayman Islands, 2.2 per cent is what we are looking at now. Back then we were looking at 3.8 per cent. In both instances, some 50 per cent off.

This year, 2009, we are saying .8 per cent. If the trend holds, that means there will be some class of legislators here 12 months from now, God willing, looking at it and it will be somewhere around 4 per cent, if the trend holds. What does that mean for Government revenue? And how accurate will our projections be?

Madam Speaker, I think all of my honourable colleagues in this House know that there is no piece of legislation or motion or business that comes here that I do not take very seriously, because this business of representing the people and your country is very important. This is not a game about seats and who is going to win power and who likes who. What Government does and how Government behaves has a tremendous impact on our communities. But it also has a tremendous impact on our business sector.

Let me round off this whole point on cuts. As the House has still not been told where the \$10.1 million is going, where those cuts are being made. We are only left to speculate and guess. As district representatives down in our beautiful district of West Bay, we were told in writing by a critically important agency of Government there that some of their activities were being curtailed and there were certain activities they would not be able to undertake because of the budget cuts.

What we would have hoped was that the Government would have come to the Legislative Assembly and would have clearly [brought] us up to date on what they foresaw happening in this current financial year, and that they would have built a bridge with concise information as to how that would then impact the 2009/10 year so that Members of the House, who wear another hat as members of the Finance Committee, would clearly understand what is happening to the year end 2009, how it impacts the year 2010 to

make informed decisions, have informed debate and informed dialogue.

Madam Speaker, I believe at this juncture of our history governments get off pretty lucky because the truth is we do not necessarily have the type of society . . . and when I say society, I mean all facets of society, from the press right down to the man on the street who themselves clearly understand what it is that we are supposed to be doing on behalf of the people. So, because of that lack of understanding, governments do not come under pressure.

Madam Speaker, if we were in any other country that had any real level of sophistication from that standpoint, we would not dare conduct this piece of business the way we do. In my opinion we do it like kids on the playfield when we really should be talking like executives in the boardroom really understanding, really debating and putting forward critical points and counterpoints that would form a way forward. One day, Madam Speaker. One day, hopefully in the not-too-distant future.

Madam Speaker, as you hurriedly try to get through these 55 pages, the majority of which makes for very nice reading . . . it will form a very nice document that will form a part of the official records of our beloved Cayman Islands. But the truth is—and this is no disrespect to the honourable Leader of Government Business or anyone else, because this is what we have always done—the truth is that its usefulness and utility is so low, in my opinion. I am not quite sure it is worth the paper it's written on.

Not that it does not make good reading, and it has some very specific points that people would read along and say, *Oh yes, I did not realise that we had X amount increase in tourism*, this that and the other. But the truth is we would have hoped that we would have had a very clear executive summary and not something technical like this SPS. Yes, the SPS itself has some technical merit to it, but [the way] we put forward an official record in this House [is] by debate [and we are] not able to be at that level that would allow for the type of decision making, think and re-think that the Public Management and Finance Law has in spirit.

Madam Speaker, there are a few points that I believe do require some comment. For example, on page 19 of the speech supporting the SPS delivered by the Leader of Government Business where a very rudimentary comparative is made of economic growth apparently under the PPM Government versus the UDP Government. It says that the economy grew 6.5 per cent in 2005; 4.6 per cent in 2006; 1.9 per cent in 2007. Of course, Madam Speaker, it then goes on to compare and say that it grew 2 per cent in 2003; .9 per cent in 2004. And I quote, "If our critics wish to be taken seriously they need to spell out clearly how they propose to do better than we have."

Humph! Madam Speaker, I know it would be unparliamentary of me to call the Government liars. So I won't. But there are some small details missing.

One small detail is that there was the 9/11 attacks in 2001; the SARS epidemic; Hoof and Mouth Disease and the impact that those three events alone had on the world's economy. Of course, it makes no mention that 2004 was interrupted by Hurricane Ivan. Of course it makes no mention of the fact that we had a record per capita destruction and, therefore, the Hurricane Ivan rebuilds gave this economy at least 24 months worth of fuel. Just as a car or boat engine needs gas or fuel of some sort, so too does an economic engine, and so it was quite cutely omitted by the Government.

But now that they have spent the Ivan fuel, the real performance that they can boast of is 2007, which is 1.9 per cent. So, let's say now that we are going to compare the differing events that had a negative impact on the local economy . . . sorry, the events of 2001 that had a negative impact on the local economy and the economy had to rebound.

As we all know we had very negative global events that naturally had devastating effects on our local economy. After 9/11, tourism suffered immensely. SARS, Hoof and Mouth Disease also did the same. Twenty-four months later the economy starts to rebound, gets up to 2 per cent. We have the devastation of Hurricane Ivan and we have tremendous rebuilds. In fact, Madam Speaker, we still have people in trailer homes in this country and we still have the National Recovery Fund doing Ivan work. So, while that fuel has been used up, we see that by 2007 there is 1.9 per cent growth.

If you are going to offer up these comparatives . . . but let me interject here, Madam Speaker. This is one of the reasons why Government purposely treats the SPS stage this way, because if they give you 55 pages of information, no time to peruse it and make meaningful contribution, they would hope that you would miss those pieces of information. You see? But Madam Speaker, I can say that in my life in this House, as long as the people of West Bay put me here, if I am ever put in a position of being an executive this House will never be treated the way that I have seen it treated. Never! At the end of the day they would have to kick me out first before I agree to behave in the way in which the House is treated.

Madam Speaker, it is easy to put all these nice little political statements in hoping that they will be missed because we do not have any time to really analyse and scrutinise. But those are the sorts of points that would be overlooked if we actually did not sit here and really work through the lunch break and try to get something done. But it should not be that way. It ought not to be that way. It just goes to show how unsophisticated we really are.

Before anybody could get me to agree to all that flowery language, they ought to be able to show how sophistication and maturity is demonstrated here. When sophistication and maturity is demonstrated here, that then tells me that we are making some progress in this country.

Madam Speaker, I know I am putting you in a tough spot, but as a good friend of mine in this Legislative Assembly says, facts are stubborn things. And stubborn they are!

Madam Speaker, another point that caused me to have a tad of confusion and caused me to scratch my head was when I heard in the statement delivered by the Honourable Leader of Government Business on page 25, and I quote, "**Overall, year to date, the tourism industry is up 8 per cent for the 10-month period of January through October 2008. This is well ahead of predictions of only 2 per cent annual growth in global tourism this year by the United Nations World Tourism Organization.**"

Again, that is an impressive-sounding statement and would leave one with a very favourable impression. And so as a Member of the House, if that is a piece of information I am going to use to either support, not support, or suggest modification to the SPS, then that would be one that I would tick on the support line because if you see that our tourism product is performing that well, then we would naturally feel good about the projections and predictions the Government is making.

What caused the confusion, Madam Speaker, is that on page 7 of the statement delivered by the honourable Financial Secretary (Third Official Member), the last sentence of paragraph 2 says, "**Overall, tourist arrivals went down by 8.7 per cent in 2007 and by 10.5 per cent in the first half of 2008. Consequently, tourism receipts dipped by 6.6 per cent in 2007 to reach \$399.1 million.**"

So, Madam Speaker, if I try to get from the fact that the honourable Third Official Member's statement says that we are down 10.5 per cent in the first half of 2008, that would take me up to 30 June. That would leave us July, August, September and October. So in four months, apparently, the growth in four months—the four slowest months in tourism, Madam Speaker . . . let me repeat that: the four slowest months in tourism—we had such robust growth and we had so many visitors come that we then turned that around to 8 per cent growth for the 10-month period. I would then have to really applaud the Government. This is really miraculous economic times.

Excellent job guys.

Spend all that money on tourism. Don't spend any on the financial services where the money really needs to be spent. That marketing money—well spent!

Now, Madam Speaker, just that one point, if it weren't so serious, it would be funny. But I am sure we are going to get an explanation; I am confident of that.

**Hon. D. Kurt Tibbetts:** You better believe it!

**Mr. Rolston M. Anglin:** I am hoping that we are . . . and I hear the honourable Leader of Government

Business saying “you better believe it” so. . . that’s great.

Madam Speaker, let’s start talking about why I made the original underpinning comment of my contribution, which is that the strategic policy and how we go about this business does not work. It is not in line with the spirit of the Public Management and Finance Law. This is a classic example now to prove that.

On page 28 of the 55-page statement by the Honourable Leader of Government Business, where he speaks of us not trying to be on the green list from the perspective of the OECD in terms of our international business sector, at the very top of page 28 it says, and I quote: **“We intend to continue with our policy of constructive engagement in relation to the OECD exercise (and others). Having done our analysis, in consultation and from an ‘insider’s’ vantage point, we are confident on that basis that the track we are pursuing will achieve the right results for the Cayman Islands.”**

Madam Speaker, the one thing that I believe would have been critically necessary at that point for this House to clearly understand what the executive is doing is to tell us what these right results are. What are the strategic results that the Government is speaking about here? How are we spending the money to achieve those results? There may be some information they may wish not to share. I cannot think of any in that sphere that would be information the Government would not necessarily want to share. There might be some unspecific points, or unspecific appointments, there may be some things they do not want to share because they do not want our competition to know everything we are doing. That’s natural. Understood!

But certainly, the Legislative Assembly as the body that votes [Aye or No] to endorse the Government’s SPS to say, *‘Okay, go ahead boys, use this as the basis for planning 12 months’ of this country’s history and financial affairs,’* you would have thought that those are the classic types of areas to have critical information coming forward. And trust me; it does not need to be 55 pages. I could easily envision a statement not even half this length, but giving this House the type of thought-provoking information that would then cause us to be able to make an informed decision.

Madam Speaker, when we look at the other . . . let me just round off one point on the financial services industry.

At page 38 (sic), I quote, **“I should also like to note that the government has had a productive series of meetings and discussions with the private sector, not only on international developments, but also on issues and trends within local industry and ways of moving in partnership to address matters that can secure our continued success.”**

Madam Speaker, whether we are thinking of Keynesian economics or whoever . . . some of us may

like Friedman and his views; however we view the world and view the economy—

**The Speaker:** Honourable Member, would you give me that page number because my page 38—

**Mr. Rolston M. Anglin:** Page 30. Sorry, Madam Speaker.

In this world, once you have a free market economy (and in particular one that is of the sophistication and competes globally the way our international financial services centre competes), what is needed is a government that listens, gets the point, ensures that policies, legislation, is crafted and quickly put in place when needed to assist meaningfully with the marketing of the jurisdiction and protection of the jurisdiction’s reputation, but, quite frankly, Madam Speaker, at that point to stay out of the way and let the private sector do what it does best—create wealth by new businesses opening to service new products, new clients and provide employment and scholarship opportunities for Caymanians.

And when the relationship is such that there are those who believe, somehow, that the Government is the leader of the industry is when we run into problems. Madam Speaker, from my experience in the private sector, I know that at the end of the day what you want is the right regulatory framework, legislative framework that allows the Island to truthfully hold its hand on its heart and say we have the regimes, we have the mechanisms to hold people to account who are the practitioners to ensure we do not have rogue practitioners out there and that the business of moving the industry forward is left to them. That is their business.

The government is not a trust company. The government is not private banking. The government is not a hedge fund administrator. That is the private sector. So, we must ensure that the way in which we work along with the private sector allows them to grow and do what they do best and have done well with over the years. No doubt about it. If you look at the growth in key areas, the private sector has done a tremendous job.

If you look at the Mutual Funds Law and how it assisted the then government . . . Madam Speaker, I can remember my time in New York. One of the off-shore hedge fund leaders in my old firm had on his desk . . . One day I was working on an engagement that he was a partner on, and he had on his desk a specific piece of amending legislation that had been out for consultation and he was giving comment on it. At the end of the day, I will never forget the one thing he said to me. He said, the biggest difference between the Cayman Islands and other jurisdictions is that you consult, you get it right, you get it done. It does not take 10, 12, 18 months. That is what the industry needs.

Big picture: The country needs to understand that we are not the Islands time forgot; we are not the

simple little old backwater that no one cares about. And the reality is that offshore financial centres will forever be under threat and will forever be the envy of many of those in the larger industrial countries. So, the reality is how we play in the world centres such as Washington, New York, London; how we as the Cayman Islands conduct our business is of critical importance to the survival and growth of the industry. That is the key area that Government needs to assist with. In my mind, that is the key area that Government needs to do the work in and work hand-in-hand with the private sector to ensure that we survive.

As we know, there are many out there in this world that would not be any happier if we could be shut down tomorrow. Madam Speaker, We have had an ongoing dialogue, debate, disagreement, with a particular position that the Government has taken as it relates to how the economy gets stimulated and the impact different stimuli has on the economy.

I remember the honourable Leader of Government Business recently saying that it was fortuitous that a lot of the construction around the new government schools was now taking root because . . . and he went on to describe how that was going to add stimulus to the economy as things had started to slow down. So, on page 31 we see again this whole issue of stimulating the economy.

Madam Speaker, I do not believe you can search the world and find any right-thinking individual who believes that government construction is the type of stimulus that really can pull an economy if it is in the doldrums. Otherwise you would hear President-elect Barack Obama talking about all of the construction government is going to undertake.

What is key is broad-based impact that allows more purchasing power and increased consumer confidence for people to spend money. I have certainly never said that the building of these schools does not cause money to be spent and a specific number of workers to work. I understand they live somewhere because I understand the vast majority of persons on the projects are in the rental market, and they go to grocery stores. I will not even get into the issue of what a person does with his excess money, whether or not it is kept here or sent home. That is neither here nor there. The reality is that, yes, you have that single type of injection.

However, the type of activity the majority of leaders talk about government engaging in is broad based and reaches the vast majority of people. That is the reason you have heard the President-elect of the United States take a slightly different position on taxation as some may have thought he would have taken, being a democrat. He understands that it is all about trying to put as much money in people's pockets as possible to allow them to have access to money to spend. You need to increase purchasing power. When you increase purchasing power to the masses they spend money. When they spend money, you avoid layoffs, companies make more money, companies

reinvest and you have the type of multiplier effect and stimuli on the economy that you would like to have.

Take the Cayman Islands. I can remember about 12 to 18 months ago when I was on a particular talk show and I was a guest with the managing director of CUC. In a country that has indirect taxation, government has a peculiar difficulty in trying to use its taxation system to cause economic stimulus. In other words, because we are not a country that taxes 10 per cent of everyone's income and all of a sudden if government said this year it is going to be 7.5 per cent, automatically people would have 2.5 per cent more of their base income to spend. Because we do not have that type of system there are a lot of opportunities.

The topic of the talk show was Cost of Living. He was one, there was someone from insurance, and I think another representative (and I am struggling to remember who that would have been at that stage). But we got down into that whole issue of the government's tax on fuel. I clearly remember my good friend, the Minister of Works, giving me a nice little beating publicly saying that was not feasible because if government did it then they would have to tax somewhere else.

Now, let us make sure the House understands one thing clearly—tax breaks versus tax offsets. [They] are two completely different things. If something is revenue neutral, that means that you would cut taxes in one place, cut revenue in one place, but increase it somewhere else to get it. That was not what I proposed. I proposed a tax cut.

From then, anyone who was paying attention to what is going on in the world knew that this was coming. This Government did not listen because they were still running on the Ivan fuel—fool's gold. Still churning along on the Ivan fuel and thinking that everything was well.

Now, I must say that after the Government initially saying that this was impossible, they came along and did it.

These are the sorts of things that can cause the type of stimulus that they desire, that is, putting money directly into the pockets of the people so that at the end of every month everyone has a little bit more and will not do what is natural because, naturally, when people start to see that their position is less, is contracted at the end of each month—

*[inaudible interjection]*

**Mr. Rolston M. Anglin:** Madam Speaker, the Honourable Minister would like a list of points that I could clarify for him and his Government. He could pass them to the Serjeant in writing and I will be happy to. I'd be happy! You can tell me how much time I have, Madam Speaker. I will be more than happy to. As I see it, that is what we are supposed to be doing.

But he missed one point about the schools, that I might go back to in a little bit, because I am not sure if you heard that and heard how construction

politics is not actually the type of classic economic stimulus they are claiming it is. And they know that. I know the Minister of Education knows it because after he sat down he listened. I know he knows it.

*[inaudible interjections and laughter]*

**Mr. Rolston M. Anglin:** These are economics, though. He's a lawyer. No man knows all things.

So, Madam Speaker, the Government came along and they did it. After saying it could not be done, they did it. And every month we see in our CUC bill the amount that is saved. I am unconvinced that with some will and with negotiations with the private sector the Government of the Cayman Islands can get to the point where it still can start to utilise indirect taxation policies to more meaningfully be able to provide relief when we want to provide relief to consumers so that we can have—

*[loud electronic interruption]*

**The Speaker:** Telephones interrupt whether they are on silent or on vibrate and we are [losing] a lot of recording in the *Hansards* at these particular times when things like this happen. So, even if they are on quiet they still cause a problem.

**Mr. Rolston M. Anglin:** And, Madam Speaker, the truth hurts. So, whilst I know at this stage the Government will want to come behind and try in some way to—just as was done on page 28 of this statement—put a spin to what I have said, the reality is that facts are stubborn things. I know that the Government clearly understands some of what we are saying. Not everything. Some of it is new. Some of it is a bit new so they will have to go away and think about it a little while. Hopefully they will wind up making the right decisions.

Madam Speaker, what was revealing in this statement, though, and it really brought into focus why the Government initially resisted the call for taking off at least some of the duty on CUC fuel. Why the Government rejected the Motion that the Honourable Leader of the Opposition and I brought to this House in February is brought to bear on page 32, paragraph 2, the last sentence: **“The fact that our economy is continuing to grow is made even more remarkable in the context of the recent revelation that the US economy has been in recession for the past year.”**

I am not quite sure where the Government gets its information or who it listens to, but I am not quite sure that this economy, the US economy's downturn has been any recent revelation. Many commentators have been talking for a long time about the weak fundamentals in the US economy and a recession.

Madam Speaker, the truth is as we all know, there are those out there in the world who have the textbook definition—two consecutive quarters of nega-

tive growth is a classic definition. And that is the classic definition that is adhered to by many of the more traditional commentators. But I think more recent and informed thinkers look at the fundamentals of an economy. And when you look at the fundamentals in the US context, it seems like housing starts, unemployment, consumer confidence, those particular measures, for quite some time those who understood what was going on have said, *Look, yes there are some textbook definitions that we are talking about — two consecutive quarters of growth and we are just looking at GDP as the measure. But underpinning that, look at the weak fundamentals that we know are crucial to the US economy either in growth or in recession.*

And so the reality is, that is why the Honourable Leader of the Opposition and I brought the motion. That is why I spoke the way I did on the last SPS. But because I know the Government and this House do not take this seriously, I know they do not remember. They will probably say, “Why didn't you say it last year?” Well, I did say it last year. We were right then, and we are right now.

The Minister of Education is still insisting we are wrong despite the fact that the world's economy is down and despite the fact that his own SPS—his own SPS—and he was out of the Chamber so let me make sure because he may not have gotten this. Let me make sure the Minister of Education understands this, that 12 months ago his SPS—his SPS! He is a member of the Cabinet. This is his SPS!

His SPS that he voted [for] as a member of the Cabinet that was sent to this Legislative Assembly predicted that the Cayman Islands was going to have 3.2 per cent real GDP growth. It is now saying 1.5 per cent, Mr. Minister. Who is right? And who is wrong? But, oh, I forgot. He's a lawyer! He does not understand economics. He does not understand what we are talking about. I did not realise. I apologise.

Well, you see, where arrogance comes in, Mr. Minister of Tourism, is when the Minister says that I am wrong, yet his numbers prove—prove, prove, prove—

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** The strategy is wrong? Okay, send me a note on the strategy.

I apologise for having the wrong strategy, Madam Speaker.

*[inaudible interjections]*

**Hon. W. McKeever Bush:** You don't have the wrong strategy.

**Mr. Rolston M. Anglin:** But, Madam Speaker, at the end of the day I think there could be another little point here coming in. The truth hurts. That may actually be what is coming into play.



*[inaudible interjections]*

**Mr. Rolston M. Anglin:** Madam Speaker, I must say that the truth is one of these days we are going to get to the stage where this exercise reaches the level that it needs and ought to get to. However, Madam Speaker, if we look generally and move around . . . and I know the Minister of Education and other Ministers move around, so I know they are hearing the same stuff that we are hearing. I know they know about the numbers of people who have projects on hold in this country.

And, Madam Speaker, at the end of the day, I just said . . . I don't know, I need another language . . . let me make sure that I say this and it is understood: The building of any government project is going to put money into the economy. Blind Bartemaeus knows that!

What I am saying is that the stimuli the Government is proclaiming it to be, is a farce. It does not have the type of stimulus that the Government is stating. But I agree with them when they say that it is better than nothing. Of course spending X millions of dollars—

*[inaudible interjections]*

**The Speaker:** How many people are debating?

Honourable Member, would you please sit down one moment for me?

Every Member that is talking across the Floor, whether it is Government or it is Opposition, you have an opportunity to debate when it is your turn. Could we now have some semblance of order until the Second Elected Member for West Bay has finished his debate?

Thanks.

Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** That's right, Madam Speaker. Thank you.

**The Speaker:** I do not want to carry on. I made a ruling and that is it. Thanks.

Would you continue your debate, please?

**Mr. Rolston M. Anglin:** Thank you very much, Madam Speaker, for your most opportune and fair, timely and kind ruling.

**The Speaker:** Don't push it.

**Mr. Rolston M. Anglin:** Madam Speaker, the Minister of Education asked what we would do. Let me repeat, because I recognise that I did cover the point rather quickly and perhaps it does need a little further expansion.

Madam Speaker, I gave one example of the Opposition providing the country with good leadership,

good suggestions, and the Government jumped on the bandwagon and took some of the duty off the fuel as it relates to CUC. After getting up at their press conference and giving me a good flogging over it, they came around, they saw the logic and they did it.

The second point I made in that vein is that in our type of system of governance, where it is indirect taxation . . . we are not like the United States that has a direct base of tax and they can therefore use their policies and change that to create increased spending power in their economy to create profit for business simply by removing certain taxes. We know we cannot do that. We do not have that type of system.

The reality is, what all governments fear in Cayman is that if you ever try to tinker with our duty system as it relates to goods and services, in particular we are talking about goods—for example, groceries, et cetera, and durables, whether it be household durables, automobiles, what have you. What all Governments have always feared is that if they ever mess with the rates, how do they ensure that whatever rate reduction or relief they give to try to stimulate an economy is truly passed on to consumers, that it reaches consumers and causes consumers to have more money in their pockets, increased purchasing power and will spend more.

That is the reality of what is necessary for an economy to stay robust; it's when there is money in circulation; people are spending money, businesses are making money, they are not laying people off, not cancelling Christmas parties, and so that in a nutshell shows what allows the economy to continue to grow and expand.

Madam Speaker, what I said was that I did not believe it was beyond the capacity of Government to engage the private sector and be able to identify specific areas where it potentially could provide some form of relief that would allow people to have increased confidence because they have increased purchasing power.

Take for example the amount of money Caymanians will spend this Christmas season overseas and not in the local economy because they feel they can get a better bargain in Miami or Tampa. The reality is that we need to get to that stage because we do need to put more sophisticated systems and resources in place so that Government can have the potential to have a much more significant hand to guide and use Government policies as a tool to assist the economy with when necessary.

Madam Speaker, if we turn our heads back to the SPS, there are some other areas that cause us to scratch our heads and be a little confused as to exactly what information the Government is and is not using and potentially where it is coming from.

As I pointed out, this whole issue of the revelation that the US economy is in recession is on page 32. However, we do have an acknowledgement on page [23] that I will quote. Even though we were wrong, this is according to the statement by the Hon-

ourable Leader of Government Business on page 23: “**Last January, in response to clear signs that the global economy was heading for a nosedive, the Ministry of Tourism convened a strategic meeting of tourism stakeholders for the purpose of reviewing and revising the destination’s marketing and sales strategies. Particular attention was paid to the United States as it is our leading market.**”

It seems on the one hand, the Minister of Tourism was acknowledging that the global economy was heading for a nosedive and apparently trying to do something about it; but on the other hand the Honourable Leader of Government Business was chiding me and the Honourable Leader of the Opposition for having the audacity to bring a motion for the whole of Government to do what the Minister of Tourism was doing. The Minister of Tourism was engaging stakeholders and revising investments and strategies.

We brought a motion in February of this year—and that was January of last year, so let us make sure we are clear. That was January 2007, right? So that is right in line with all that the Opposition has been warning the Government about. Well, let us just say he means last January 2008. Whichever January he means, Madam Speaker, it is neither here nor there.

We brought the motion in February. The Honourable Leader of Government Business said that we were just trying to create something out of nothing and not on the kindest of mornings would he accept it. Yet, his own Minister of Tourism was doing the said same thing!

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** Still being told that we are wrong.

Madam Speaker, I must say at this juncture, and we have to keep the debate at a high level. I am going to ignore all the cross talk.

**The Speaker:** Thank you.

**Mr. Rolston M. Anglin:** What this proves, Madam Speaker, what this unequivocally proves, is that while we were paying keen attention to what was going on, there seems to be a section of the Cabinet, at a minimum, that was not. And then there was another section of the Cabinet that was.

Now, I have never been in a Cabinet. And I haven’t visited this one. But this really is a startling revelation that has been unearthed by these statements. As I said earlier, if it was not serious, it would actually be funny.

Madam Speaker, how can it be that we could have one arm of the Cabinet doing one thing—and agreeing with us, trying to do what we were trying—and the rest saying no? What I have to say to the Minister of Tourism in this case is that when—

*[inaudible]*

**Mr. Rolston M. Anglin:** I am not going to go that far.

When he hears good happening, he ought to stand up and say *Look, the guys are right. We have to listen. I am doing the same thing.* I am sure that if he had done that the rest of his Cabinet would have followed.

**Hon. W. McKeever Bush:** That’s what Arden said about [inaudible] too.

#### Moment of Interruption—4.30 pm

**The Speaker:** Honourable Second Elected Member for the district of West Bay, it is hour of interruption. Do you intend to carry on for another five or ten minutes? Or will it be longer than that?

**Mr. Rolston M. Anglin:** Madam Speaker, I have quite a bit highlighted so . . .

**The Speaker:** Okay.

I will entertain a motion for the adjournment. And according to my figures, honourable Second Elected Member, I do not know if the Clerk concurs, I think you have 45 minutes left.

**Hon. W. McKeever Bush:** What?

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

### ADJOURNMENT

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

I move the adjournment of this honourable House until 11.30 tomorrow morning—

**The Speaker:** I cannot hear to what point the Minister is adjourning the House?

Honourable Minister, would you repeat that for me please?

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I beg to move the adjournment of this honourable House until 11.30 tomorrow morning in order to facilitate the weekly Cabinet briefing.

**The Speaker:** The question is that this honourable House do now adjourn until 11.30 tomorrow. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 4.31 pm the House stood adjourned until 11.30 am, Thursday, 11 December 2008.**



**OFFICIAL HANSARD REPORT**  
**THURSDAY**  
**11 DECEMBER 2008**  
**11.59 AM**  
*Fourth Sitting*

**The Speaker:** I will ask the Honourable Minister responsible for the Ministry of Tourism, Environment, Investment and Commerce to say Prayers.

**PRAYERS**

**Hon. Charles E. Clifford:** Let us pray.

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

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

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

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

**The Speaker:** Please be seated.

**Proceedings Resumed at 12.01 pm**

**The Speaker:** Proceedings are resumed.

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

**The Speaker:** I have no messages or announcements.

**STATEMENTS BY HONOURABLE  
MINISTERS AND MEMBERS  
OF CABINET**

**The Speaker:** I have received no statements from Ministers or Members of Cabinet.

**GOVERNMENT BUSINESS**

**Suspension of Standing Order 14(3)**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, Thursday is the day for Private Members' Motions, but, in order to complete the debate on the Strategic Policy Statement (SPS), I would ask for the suspension of the relevant Standing Order to allow the continuation of that debate today, being Thursday.

**The Speaker:** The question is that Standing Order—

**Hon. W. McKeeva Bush:** Madam Speaker.

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

**Hon. W. McKeeva Bush:** Madam Speaker, is the Leader of Government Business saying that we are only going to complete the debate on the motion under discussion and then move to Private Members' business, or continue with the other two Government Motions?

**The Speaker:** Honourable Leader of the Opposition, my understanding is that we have just been asked to suspend Standing Order 14(3) to allow Government Business to take precedence over Private Members' business on a Thursday, which would be the three motions set down on the Order Paper.

**Hon. W. McKeeva Bush:** Well, that might be your understanding, Madam Speaker. But as a Member of the House, I listened carefully to what the Minister said, and he said to complete that. I am asking whether we are going to continue the other two motions after that. Is that it?

**The Speaker:** Honourable Leader of Government—

**Hon. W. McKeeva Bush:** Okay.

If you know that, then I will take your word for it, Madam Speaker. I did not know it.

But I would like to say, Madam Speaker, that the second motion, as I understand, has a deadline. I do not know what that deadline is, but if it is as important as I heard it was, then perhaps we should be doing that motion. I understand that there is a deadline, and if we do not meet that deadline we could lose funding. I am not sure, but that is what I understood.

I would think that that motion and the motion to deal with matters for Cayman Brac and Little Cayman should take precedence over the debate on the Strategic Policy Statement. I am but only one Member, but if that is what I am hearing then I would think that that would make sense.

**The Speaker:** Honourable Leader of Government Business, do you care to comment?

**Hon. D. Kurt Tibbetts:** Madam Speaker, it is not envisaged, unless Members on our side change their minds, for this debate that is continuing now to last for an inordinate amount of time. Hence, the reason why the Order Paper was prepared as it is.

**The Speaker:** The question is that Standing Order 14(3) be suspended in order for Government Business to take precedence over Private Members' Motions. Those in favour please say Aye. Those against, No.

### Ayes and Noes

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

**Hon. W. McKeeva Bush:** Division.

**The Speaker:** Madam Clerk.

### Division No. 6/08-09

#### Ayes: 8

Hon. D. Kurt Tibbetts  
Hon. V. Arden McLean  
Hon. Charles E. Clifford  
Hon. D. W. F. Ebanks  
Hon. Samuel Bulgin  
Hon. G. Kenneth Jefferson  
Ms. Lucille D. Seymour  
Mr. W. Alfonso Wright

#### Noes: 4

Hon. W. McKeeva Bush  
Mr. Rolston M. Anglin  
Capt. A. Eugene Ebanks  
Ms. J. Y. O'Connor-Connolly

**The Speaker:** The result of the division is 8 Ayes, 4 Noes. The Ayes have it. Standing Order 14(3) is accordingly suspended.

**Agreed by majority: Standing Order 14(3) suspended.**

## MOTIONS

### Government Motion No. 10/08-09—Approval of the Strategic Policy Statement for the 2009/10 Financial Year

*(Continuation of debate thereon)*

**The Speaker:** Second Elected Member for West Bay continuing his debate on Government Motion No. 10/08-09.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

When we adjourned yesterday, as the records will indicate and you will recall, we had gotten to a stage in my contribution that seemed to have elicited a lot of discussion among Members. In fact, at one point they got so unruly that you had to tell them to cease.

Madam Speaker, I believe some of that is because there seems to be confusion around some economic principles and some of the information that was shared with the House during the presentation by the Honourable Leader of Government Business.

One thing we ought to be very clear about is this whole issue of terms and definitions that are sometimes bandied about by us and people in the public realm as well. I want to ensure that we are very clear when it comes to this notion of a recession that there is indeed no universally accepted definition.

However, for clarity, and with your permission Madam Speaker, I would like to (and I brought an extra copy, so that if I need to I can lay it on the Table) draw the attention of the House to a number of widely regarded definitions of a recession and some of the hallmarks that are observed in different economies as predictors of a recession. This is important because it will go to show precisely why the Honourable Leader of the Opposition and I moved a motion in February 2008.

**“In economics, the term recession generally describes the reduction of a country's gross domestic product (GDP) for at least two quarters. The usual dictionary definition is "a period of reduced economic activity", a business cycle contraction.**

**“The U.S.-based National Bureau of Economic Research (NBER) defines economic recession as: "a significant decline in [the] economic activity spread across the economy, lasting more than a few months, normally visible in real GDP growth, real personal income, employment (non-farm payrolls), industrial production, and wholesale-retail sales.**

**“The Attributes of Recession: In macroeconomics, a recession is a decline in a country's gross domestic product (GDP), or negative real economic growth, for two or more successive quarters of a year.**

**“An alternative, less accepted definition of recession is a downward trend in the rate of actual GDP growth as promoted by the business-cycle dating committee of the National Bureau of Economic Research. That private organization defines a recession more ambiguously as ‘a significant decline in economic activity spread across the economy, lasting more than a few months.’ A recession has many attributes that can occur simultaneously and can include declines in coincident measures of activity such as employment, investment, and corporate profits. A severe or prolonged recession is referred to as an economic depression.**

**“Predictors of a Recession: There are no completely reliable predictors. These are regarded to be possible predictors.**

- **In the U.S. a significant stock market drop has often preceded the beginning of a recession. However about half of the declines of 10% or more since 1946 have not been followed by recessions. In about 50% of the cases a significant stock market decline came only after the recessions had already begun.**
- **Inverted yield curve, the model developed by economist Jonathan H. Wright, uses yields on 10-year and three-month Treasury securities as well as the Fed's overnight funds rate. Another model developed by Federal Reserve Bank of New York economists uses only the 10-year/three-month spread. It is, however, not a definite indicator; it is sometimes followed by a recession 6 to 18 months later.**
- **The three-month change in the unemployment rate and initial jobless claims.”**

Madam Speaker, if I move on, it is noteworthy as it relates to global recessions that: **“There is no commonly accepted definition of a global recession, IMF regards periods when global growth is less than 3% to be global recessions. The IMF estimates that global recessions seem to occur over a cycle lasting between 8 and 10 years. During what the IMF terms the past three global recessions of the last three decades, global per capita output growth was zero or negative.**

**“Economists at the International Monetary Fund (IMF) state that a global recession would take a slowdown in global growth to three percent or less. By this measure, three periods since 1985 qualify: 1990-1993, 1998 and 2001-2002.”**

Madam Speaker, when we look at the state of the US economy, the reason so many commentators and noted economists, not only in that country but around the world, have been saying for some 12 to 18 months that the US economy was, indeed, in a recession despite it not reaching the standard set by some in the classic realm of economics (that is, two succes-

sive periods of reduction in GDP) was because of some of the very classic hallmarks—jobless claims going up, the housing and credit crisis that existed in the country, that is, the housing market not only being soft but there being declines in housing starts; the state of the stock market in the US.

So, in February 2008, having observed at that point for the better part of 12 months all of the turbulence not only in the US but, indeed, across the globe, we thought it prudent at the time, as the Opposition, to formally bring a motion to this honourable House so that the House as a body would take note—and we hoped would have taken positive action—to have agreed with our analysis of the situation. That analysis was based on what other very credible people, noted economic and business minds, were not only saying overseas, but, indeed, in discussing the matter with many people locally. Despite our size, we have our share of people too who can look, observe, and make those sorts of determinations themselves. So, you do not always have to look overseas or to any particular institution's formal signaling before you act.

Madam Speaker, if I revert back to what was said informally across the Floor, one would be led to believe that because an official pronouncement had not been made by particular entities in the United States of America who are widely regarded as being a very authoritative voice as to the state of the economy, in bringing the motion in February, we (the Opposition) were perhaps wrong because that was not done.

Yet, Madam Speaker, if we look at what the US Government and some of the noted private entities, like the National Bureau of Economic Research, are now saying, they are saying that the US economy is indeed in a recession and has been in a recession for perhaps 12 months, that is, since December 2007.

Madam Speaker, if our internal capacity in the country is such that we have to wait 12 months before we truly acknowledge and act, I do not believe that bodes well.

Now, what is of interest is that when we actually turn our minds to what we do during a recession, we then have to question precisely how we, in the local sense, are going to continue to navigate these troubling times. Yesterday I said that, certainly, capital projects undertaken by the Government would assist. However, if their measured impact was questionable from the sense that they do not have the type of broad-based impact that you would like to have in the economy . . . what is of interest is that whilst the Government is lauding that as one of its combatants to these troubling times, we also see that the Government has put in place a defined hiring freeze and, indeed, is projecting a \$20 million surplus for the 2009 year end; a \$28 million surplus for the 2010 year end; a \$29 million surplus for the 2011 year end; and a \$32 million surplus for the 2012 year end.

The second and, perhaps, I dare say in recent times the more well accepted Government combatant

to try and assist in warding off the potential effects of any sort of economic downturn locally, would be indeed the spending of Government. We see that in the US, for example, the Federal Government has taken the view that it ought to spend more. Indeed, its spending is now at a high that was only surpassed some almost 80 years ago. President-elect Obama has made it quite clear that the policy of deficit spending is indeed going to be the order of the day for the foreseeable future.

In a large sophisticated economy—in fact, the world economic power—they obviously have the capacity to follow through on those sorts of policies. We have a law that calls for a surplus in our budgeting. I believe that is wise. All of us I would say, as Members of this House, agree that that is wise and prudent in terms of our economic management. However, Madam Speaker, without the Government giving the House some sort of clear idea as to what this reduced \$10 million in spending is going to be, we ought to question in our minds whether or not that is going to be counterproductive in terms of stimulating the economy. Indeed, if we are going to reduce that spending, will that serve to offset some of the potentially positive benefits of carrying on with the capital works projects which are all derived from borrowing and with it comes a long-term commitment and a drain on future revenue streams of the country?

You see, Madam Speaker, I noted that the Honourable Leader of Government Business mentioned a very noted economist, that is Keynes, who is widely held as the father of modern economic theory. Obviously, if you go strictly by the principles of his theory, during these times you indeed do engage in capital works as a government. However, Madam Speaker, I think all of us would know that the times in which he lived and the times in which his theory applied are very different than today's sophisticated modern economy. Hence the reason Mr. Milton Friedman, who many consider the father of neoclassic economist economics who grew up and was educated a staunch Keynesian . . . indeed, by the time he reached the height of his career he had rejected much of Keynesian economics.

Now, Madam, Speaker, without clearly understanding what has been cut from the operating expenses of Government and the logic behind those cuts, I think we all ought to question in our minds the strategic direction that we are heading in, because those cuts do not result in there being a surplus. The cuts are some \$10 million, the surplus is some \$20 million projected for the 2009 financial year. Even absent the cuts, the Government would have been predicting a \$10 million surplus.

No one argues, on this side at least, the fact that during times of slowdown it is important for there to be spending in the economy. I believe that the spending cuts of some \$10 million would perhaps have a wider and deeper impact in the economy, certainly if they are in some of the hallmark areas nor-

mally cut. For example, Madam Speaker, we know that in the past one of the things government looks to cut would certainly be its acquisition of certain consumables.

The acquisition of varying consumables across the whole of government stretches much further across the economy than discreet construction projects, because discreet construction projects are principally going to benefit hardware companies and those engaged in the production of asphalt. We are certainly at the early stages of construction with the government schools, for example. In regard to the roads programme, that would obviously also assist anyone in the excavation and the production of asphalt. And I think it is fair to say that the potential impact on persons who are earning wages in varying sectors across the economy would have a much more positive impact when we speak to the whole issue of government's acquisitions of its various consumables.

And by consumables, we are obviously talking about computers, equipment, and varying assets that perhaps may now be put on hold which could potentially ensure that certain companies engaged in that sort of business, for example, will continue to see positive growth and not have lay offs or the like.

Madam Speaker, obviously, the Government will wind up. We hope that we will get some sort of clarification as to precisely how the Government envisions its current policy posturing, how that is going to assist the overall economy and ensure that Government is doing its bit to assist.

I believe this is either the second or third consecutive SPS . . . and one thing that I have brought up is the whole issue as to what role this stage of our budgeting process and, more importantly, the influence the legislature actually has on that and how we conduct that business.

Madam Speaker, perhaps we might get back to the normal state of affairs where we point fingers and say, '*Yes, but this is how it was done under the UDP Administration*' So, *what is the Opposition now complaining about?*' For anyone who observed weaknesses in a system to simply look back and say this is how it was done, therefore this is how we are going to continue to do it, I believe [they] are more guilty than those who did it in the first case.

If you see something and say that is not right [and that] it should not be done that way, that there is a better, more mature and sophisticated way to do things, we ought to be lifting up the practices in this Legislative Assembly to indeed get us to the stage where we are more mature and sophisticated, and that the work we do here is taken more seriously, it has the possibility to really benefit the executive arm of government as it undertakes its crucial role of actually running the country. . . That should be why we are here, or part of why we are here.

Now, Madam Speaker, I hope that the debate will cause us to move politics and our practices here to a higher standard because if we are not doing

that—and we must . . . and I know we all recognise and that's why we are seeing some of the behaviour that we are seeing. We are less than six months from the next general election. So, as of 21 May next year, with 27 May being the swearing in, I presume, we will have a new class of legislators. History has shown us that there is no 100 per cent repeat, so there will be some winners and some losers.

When the new set of legislators comes here they are going to be looking to the practices of what had been done to help guide what they will do, and we ought to be about continual improvement as a Legislative Assembly. That should be something that we take very seriously and personally. We should take pride in being able to tell the public, *well, here is how things used to be done in here. Here are the systems we found and here is what we did to lift them up and make them better.*

Madam Speaker, it is always good when you hear other Members comment. However, if the comments don't recognise and assist in the cause then perhaps we are not any further ahead.

I certainly look forward to the windup. I presume that, as usual, someone from the Government Bench will come behind and do the usual political posturing and spinning to try to deflect and counter some of the facts that have been presented to the House. I am used to that, Madam Speaker. I know that when Members of the Government are by themselves and really reflect upon what we have said thus far, I know deep down inside it may not be every single thing but a vast majority they will have to agree with.

I hope that some of what we have said will assist and allow the Government to perhaps rethink and do things a little better and provide some alternate ideas as to perspective on some of the matters that the country has before it.

So, Madam Speaker, with those remarks (I can't call them brief!) I eagerly anticipate the conclusion of this debate.

**The Speaker:** Proceedings will be suspended until two o'clock.

**Proceedings suspended at 12.39 pm**

**Proceedings resumed at 2.06 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

Debate continuing on Government Motion No. 10/08-09. Does any other Member wish to speak? [pause]

First Elected Member for the district of Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

I do not intend to spend an inordinate amount of time debating the matter before this honourable

House, but I thought it would be prudent of me to touch on two particular areas.

First, Madam Speaker with your kind permission, I would like to refer to the conclusion in the 2009/10 Strategic Policy Statement, as well as the conclusion to the 2008/09 Strategic Policy Statement.

Madam Speaker, for the sake of reference I would ask honourable Members (those so minded) and the wider listening public to pay particular attention to the 2009/10 conclusion as I read into the record what was said on 29 November 2007 by the Honourable D. Kurt Tibbetts, JP, Leader of Government Business, on page 29 of the said documentation.

Under that section (section 7) headed "Conclusion" it said:

**"This Strategic Policy Statement establishes the policy and financial framework on which the 2008/9 budget will be prepared.**

**"The policy goals and financial parameters outlined in this document clearly reflect a continuation of the policies established by the PPM Government. Those policies are based around seven (sic) broad outcomes which include: supporting the economy; improving education and training; strengthening the family and community; addressing traffic congestion; and embracing Cayman Brac and Little Cayman.**

**"The financial targets set out in this SPS allow for the funding of various interventions to progress the key policy initiatives relating to these outcomes. [and bear in mind, Madam Speaker, I am reading from the 2008/09 conclusion] Particularly the targets provide for delivery of a capital development programme which includes additional schools, new Government Office Accommodation, enhanced Public Safety and disaster response capabilities, continued improvement to the country's road network infrastructure and other significant assets. This capital programme will be funded by a combination of operating surplus and borrowings over the three year forecast period.**

**"At the same time the financial targets reflect the Government's fiscal strategy: be fiscally responsible; acquire the resources necessary to address the country's social and economic infrastructure needs; and support the ongoing economic development of the country. Updated long-run fiscal projections continue to show that the targets are sustainable beyond the forecast period and therefore remain affordable."**

Madam Speaker, the very last paragraph: **"This Strategic Policy Statement shows that the Government remains focused and committed to delivering on its manifesto commitments. It shows that the Government is continuing with the policy direction it has established since coming into office, and it shows that the Government is continuing to manage the country's finances diligently, responsibly and transparently."**



Again, as I indicated, it is signed by Hon. D. Kurt Tibbetts, JP, Leader of Government Business, on the 29<sup>th</sup> day of November 2007.

As I perused the documentation that was presented in this honourable House with this year's Statement, with respect, I could not help but be absolutely amazed at the insignificant changes made to the conclusion. In fact, when I first looked, the only change I could see in section 7 was that the colour print had been changed on the word "Conclusion"—one was purple and one was blue. I am not sure, if you combined them, you would get red. Nevertheless, there was an effort to change the colour.

Madam Speaker, I took time to read last year's statement so that one would not have to go based just on my general conclusion that no effort or attempt was made to change a single word. Not a "the", an "a", a conjunction, a verb, a pronoun or adjective—nothing!—save the colour [of the word] "conclusion" and the date, which it was signed last year, obviously, 29 November 2007. This year it was changed to 9 December 2008.

The other obvious scrivener's change was that last year it said 2008/9 Budget; this conclusion said 2009/10: very fundamental, rudimentary changes that one could not get out of making. Except for that, Madam Speaker, it has remained the same conclusion.

Madam Speaker, I draw emphasis to this because in my respectful submission it is an absolute waste of my time and the time of the House for me to go and comment on the overall ambit of what was presented in this House if, in the conclusion . . . which, when one is taking a cursory look, one looks at the introduction, the intermediate body and the conclusion. But oft times, Madam Speaker, as you would no doubt know (being an avid English literately person yourself), that it is in the conclusion that one would hope to find a summary, a summation of the hopes and aspirations, the goals and objectives. And if after having read that enough inertia, enough concern . . . it was so conspicuously lacking that only the dates were changed, then it leaves a complete deficit as far as the presentation and the content.

Madam Speaker, it is my respectful submission that after having read this . . . and there is, hopefully, some justification why this is the case and that it is not just an oversight because, after all, it is the conclusion of a forward-thinking document. Perhaps, save and except for the Budget, the most important thing. It is the preface for what the Government—any government—intends for the upcoming year.

Madam Speaker, had we not experienced and been subjected to the global economic status and the gloom throughout the world—not limited to Cayman—then, perhaps, we could have understood that there was no reason for this Government or any government to change its conclusion. But surely, Madam Speaker, when one peruses the intermediate section of the presentation it is all about creating legitimate

expectations based on the global economic downturn and expecting the Caymanian residents to say, *Look, this is not just happening in Cayman. You can't blame us. It's happening all around the world.*

If that is the case (and I have no reason to believe that that is not the case, as put forward by the Honourable Leader) then, surely, some evidence, some change, some variation, some expression should have been included in the conclusion rather than coming with what would be almost tantamount to plagiarism had it not been the same author of the documentation.

Now, Madam Speaker, having established that, I then quickly looked at what was happening with one of the 11 objectives directly related to my constituency of Cayman Brac and Little Cayman. Of course, with that I refer to embracing Cayman Brac and Little Cayman.

I spent quite a bit of time last year going through that and what I thought of it, giving the Government the benefit of the doubt. I quickly concluded that an explanation should be forthcoming from the Government Bench as to the change they made in the lineup under Government's Outcome and Goals—Broad Outcomes.

Again, as set out perhaps in more places, but certainly on page 6 of the 2009/10 SPS, it did not take very long to realise that in the PPM 11 countdown country chart of objectives and goals, embracing Cayman Brac and Little Cayman slipped down the chart from being number 6 last year, to number 7 this year. I thought, Madam Speaker, to give the benefit of the doubt, that perhaps they were not listed in any order of priority, but when one looks at the list of the 11 very admirable and challenging goals and objectives of the PPM Government, that theory of not being listed in priority quickly eluded any logic, certainly in my own mind. Perhaps they will come behind and justify or explain to convince me and the wider public, because when you look at last year's broad outcomes by the Government from a substantive perspective, the ambit of the goals and objectives has not changed dramatically. There is a word here and there, but they have remained steadfast in their 11 goals and objectives.

We saw that last year the very first one was to deal with the aftermath and lessons of Hurricane Ivan. No problem with that.

Number 2—Address Crime and Improve Policing: No problem.

Number 3—Improve Education and Training: Based on the manifesto that had been put out by the PPM, I understand and concur with the prioritisation set out.

Number 4 last year—Rebuild the Health Services.

[Number 5]—Address Traffic Congestion: Again, problems that needed to be prioritised.

And there was number 6, good old Cayman Brac and Little Cayman was going to be embraced by

the PPM. No problem. They put it in the middle, I really could not complain, Madam Speaker.

Then we go on to number 7—Conserve the Environment: Another admirable goal.

Number 8—Strengthen Family and Community.

Number 9—Support the Economy. Of course, the economy was buoyant last year so I had no real complaint that it fell in the last quadrant of their goals and objectives.

And then, number 10—Open, Transparent, Honest and Efficient Public Administration: I took no issue with that being number 10 because they had been in for an excess of two years and had an opportunity to operate in an open, transparent, honest and efficient public administration. Perhaps they felt it was no longer a priority because it was in the first year of their administration. In their own minds they had opened up and become a sunshine government.

And then number 11—Sound Fiscal Management.

We look, Madam Speaker, at this year's 11 goals and objectives. We see what was number 11 last year [has] now become number 1—same wording, different placement; "Sound Fiscal Management." So, it tells me that it was not an arbitrary laying out of goals and objectives because any prudent government would quickly, in the dire economic ambience we are now enduring, see that we need to exercise sound fiscal management. So, the Government, in its wisdom, has placed it first on this list of goals and objectives.

What was number 9 got shifted this year to number 2—Support the Economy: Thankfully there were some added words. ". . . **the implementation of measures and policies to mitigate the effects of the global economic slowdown**" was added. And I congratulate the Government for these added words. It is a recognition that the motion brought by our Honourable Leader of the Opposition and the Second Elected Member for West Bay in February, though not accepted by the Government then, finally, the chickens came home to roost and they saw it necessary to add these words—somewhat late, but nonetheless, acceptable.

Then we see, Madam Speaker, that number 10—Open, Transparent, Honest and Efficient Public Administration, has been moved in this year's presentation to number 3. Again, no problem with that because the public is calling for continuation of a sustainable open, transparent, honest and effective public administration regardless of who occupies the seats of Cabinet and the Government Bench.

We see, continuing on in this vein, that education (which was number 3 last year) has now taken the number 4 position. No problems with that. I can understand some of the reasoning with that.

Then we see what was number 2 has now dropped to number 5—Address Crime and Improve Policing. And perhaps that can be explained by the

Government when they get up in light of the increase in heinous crime, in particular with gender violence within our respective communities.

What I found interesting though, Madam Speaker, was that it was significant and important enough last year after the advent of Hurricane Ivan to put Deal with the Aftermath and Lessons from Hurricane Ivan as number 1.

Having experienced firsthand, [Hurricane] Paloma on the Brac, which, in my respectful position, was as bad as Ivan or worse, because it is a smaller community and the needs are magnified, they are more relevant and direct. And although the Government in this year's objectives did add the conjunction "and" ("and Paloma") on to dealing with the aftermath of lessons from Hurricane Ivan (page 6 of their new document) it dropped all the way down to number 6 as opposed to being placed on the front.

Perhaps this can be easily explained from the press briefing of Thursday last when we were referred to by the Minister of Education as "miniscule" and "only 2,000 people" when taken against the background of the wider picture.

We see also [that] one thing has remained constant, and that is "Strengthen Family and Community." For whatever justification, that has remained as number 8. I take some solitude in the fact that there is still an unchanging commitment to strengthening our families and communities. After all, it is the foundation of any country, in particular a country on the verge of constitutional modernisation and advancement. The family at all material times needs to be strengthened, as well as the community. I give the Government my full support in achieving these objectives and goals to see that that has remained a stagnant objective in their presentation.

Worthy of noting as well, in my respectful opinion Madam Speaker, is the way the Health Services is referred to this year. Last year it was deemed as it related to the Health Services that they needed to rebuild the Health Services. I took no issue with it; I felt that the Honourable Minister responsible is a good Minister. When the Minister went in, whatever he found led him to the conclusion it needed to be rebuilt. This year I am heartened to see that "rebuild" has been deleted and the PPM is now using the adjective that they want to "improve" the Health Services. Am I to conclude that the Health Services has now been rebuilt to the satisfaction of the PPM Government, save and except some necessary improvement that the basic skeletal infrastructure has been rebuilt? If so, I look forward to hearing specifically what areas have been augmented and subsidised from an economic perspective to have justified the [changing] adjective "rebuild" to "improve".

And then, Madam Speaker, I note that, perhaps indirectly or directly, there is an admission that the Minister responsible for Works has obviously done what he was mandated or directed to do, because addressing traffic congestion (placed number 5 in the

PPM's presentation last year) has now slipped to number 10. I take it that that is an expressed admission that the Minister has performed diligently and arduously, and that he has put in the necessary road network on Grand Cayman. It gives me the audacity to hope that since that has now been done we can expect some relevant, sufficient and adequate financing for Cayman Brac and Little Cayman so that our road network can be brought on par with an application of asphalt as opposed to the surface now being put there with chip and spray, especially after the advent of Paloma where there are numerous gigantic potholes on all of the roads in the Brac.

Some parts of the road have been completely compromised, Madam Speaker, which will need complete rebuilding. Can I then deduce (and I hope that I can) that because addressing traffic congestion and road upgrade was done excellently by the Minister, that direct attention can now be given to Cayman Brac and Little Cayman? Perhaps, then, I can find an area of forgiveness or understanding as to the drop of Cayman Brac and Little Cayman in the PPM's chart from number 6 to number 7 if, in fact, they are going to re-address our road situation on the Brac.

Finally in this regard, I observed that Conserving the Environment, which was number 7 last year, a very admirable objective of any government, taking into consideration the global warming and the effect it has had on our own jurisdiction with the increased frequency of hurricanes and weather that is quite unpredictable yet intensifying the damage that was brought on our residents within these beautiful Cayman Islands. That has now dropped to number 11.

Madam Speaker, one could easily argue that dealing with multiple goals and objectives not everyone could be number 1. That I can understand. Those 11 goals and objectives could have been lined up in the same order, changing words as was deemed necessary to reflect the times we are now moving, working, living and breathing in. But when you see a change around of the goals and objectives and the change from a logistical perspective matches the climate, like the economic and fiscal objectives moving from the bottom to the top, then it is difficult to come to a non-tautological conclusion that there is not some attempt or exercise of discretion in prioritising them.

Perhaps the Government has an explanation. Certainly I would be most grateful to understand the reason for the change and would want to know that it is more than just an arbitrary lineup. Because if that is the case, then it gives me even more concern when I read the conclusion that was signed off by the Honourable Leader last year, and compare that with what was presented this year seeing that there was absolutely no effort made to change one solitary word. Not a comma, not anything. You can compare it, Madam Speaker and honourable Members, and it is verbatim [of what was] presented last year. It gives me rise for concern.

Madam Speaker, against that background and the background of my urgent, urgent constituency matters resulting from Hurricane Paloma that warrant my attention and my being on the ground as was expressed yesterday morning when apologies were given for the Second Elected Member, I, too, have those concerns. I, too, spend night hours doing emails and calling and would wish to be on the ground to join the Second Elected Member in our collaborative efforts to meet the needs of the constituency. But I realise that I too have a parliamentary responsibility, Madam Speaker, being in this honourable House, especially knowing full well that there is a motion on the Floor which has now been moved down the parliamentary order of business.

And, even though we had Private Members' [business] today, it has been slid off of today's agenda so that it now gives rise to me having to come back to Cayman to be in a position to discuss the amendment being brought by the Honourable Leader of the Opposition and I, seeking for initial funding for Cayman Brac in particular, and for Little Cayman which received less damage from Hurricane Paloma. And I will do that, Madam Speaker. I will fly home this afternoon and return, God willing, in the morning to make sure that I am here to debate and meet those obligations, because it is in parliament that we do have some voice. Whether or not the Government accepts it, it is left to them. But the people will know that I have done all that I can do as a backbench member to ensure that sufficient financing is there.

Madam Speaker, I have chosen not to go into the meat of the presentation based on those two observations that I took time to detail. I await with eager anticipation some comfort level as to the reason why this has occurred. Perhaps at an opportune time I can satisfy my constituency that there was merit in debating the intermediate part. But having looked at the introduction and the conclusion, I did not deem it necessary for me to waste any more time away from my constituency debating that based on what I have said thus far in my presentation.

I thank you for your indulgence. I thank you for allowing me to read into the record, Madam Speaker, last year's so that the honourable Members, if they have not yet noticed it, and the wider public, can see from whence I make my debate.

I thank you most kindly, Madam Speaker, for your indulgence, your patience, your understanding and may God continue to bless these Cayman Islands and open our minds and vision, and remove dividing barriers.

We have a duty, as the Honourable Leader said, to represent the best we know how. Let us do so the best we know how.

Thank you, Madam Speaker.

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

The Fourth Elected Member for George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I too do not plan to speak for two hours on this subject today, as I firmly believe and accept that the Policy Statement as presented by the Financial Secretary and the speech supporting the Strategic Policy Statement delivered by the Leader of Government Business were both excellent documents.

I say that I must express my amazement at the level of negative and otherwise political rhetoric that has emanated from the Opposition bench. They are obviously having great difficulty accepting and understanding the magnitude of both documents and understanding that they are excellent documents.

I am also amazed, Madam Speaker, that we take time in here as Members of Parliament and servants of the people to make our contribution simply based around what I would consider school politics and backyard arguments about the placement of a particular line item up one level or down another one; and what the level of debate in this honourable House has come to and the significance of our contribution to Parliament, and that these are the things that we are upset about rather than going into the document and trying to make positive suggestions. If you don't like what you see, then what is the alternative?

Madam Speaker, I am in full support of the SPS—"Staying the Course in Challenging Times." I think is an excellent and fitting title.

I want to begin on the February 2008 Motion brought by the Leader of the Opposition, which has been getting a lot of airplay by the Leader of the Opposition himself. It was then expounded upon by the Second Elected Member for West Bay. I want to say that the Second Elected Member for West Bay talked extensively about timing; about them being the only ones who were able to foresee that there was a recession on the horizon, and how in February 2008 they brought this Motion for the Government to cut back on projects.

He also went on to say that just recently someone in the US acknowledged that the US has been in a recession since December of 2007. Now, I say that to say this, Madam Speaker. The great United States of America—the greatest economic power in the world—is now acknowledging that they were in a recession from December of 2007. Why did they not acknowledge it from December 2007?

Madam Speaker, everybody talked about the possibility of a recession being on the horizon. It has been talked about in the Cayman Islands and the United States, but you cannot say that you are in a recession before it happens. As a matter of fact, the lunacy in this whole thing is that if you follow talk on what the naysayers continue to say about recession on the horizon when things are looking gloomy, many times there are signs an economy is going into recession but it never actually happens. Not every time we predict a recession does it happen.

So, at what stage do you actually say, 'Yes, we know for certain that there is a recession'? If we were able to predict recessions accurately, exactly when they would come and what would happen, then I think it is fair game that we should accept that it would never happen because man would be able to do what he had to do to divert that. There is no point where we can actually say with any certainty that a recession is going to happen and it is going to have X, Y, Z effect and it is going to start the first day of November or December. We can never predict that.

I want to say, Madam Speaker, that governments must be extremely careful [of] what is said and done about a recession. And I believe that while the United States of America understood for some time that it was quite possible that that is where they were heading, the minute a government makes the admission that we are heading for a recession, imagine what happens. Imagine what happens to the connected economies, private sector, and when the individual goes to the bank for a mortgage to build their first home.

And, Madam speaker, because government has said that we are going into a recession what is a bank manager to do about that individual who has now gone to apply for a loan? The government has said that we are heading for a recession so you have actually given the financial institutions licence to start pulling back, to start holding back on the economy; to stop lending money for projects because the government has said that we are heading for a recession. Whether they agree or believe it or not, the government has given the private institutions licence to start pulling things back.

Now, tell me, Madam Speaker, will that not ensure that we go into a recession? It is up to the government to guide, to direct, and try to hold off for as long as possible any downturn in the economy. Madam Speaker, government can easily trigger slow down of economies and it is government's responsibility to do the exact opposite.

If the Government had done what the UDP wanted done in February of 2008 and said, 'Yes, we agree with what the UDP says and we are going cut back on all of our projects because we know a recession is coming', Madam Speaker, what would have happened at that stage?

The Second Elected Member for West Bay is a professional accountant. Now, if somebody comes to him for advice and wants to do a particular project, a particular style of investment . . . since the Government has declared that the economy is heading for a recession, what will be his response to that client? Should you encourage them to go ahead or say, *The Government has advised that there is a recession looming, I suggest you don't do any business with me and hold on to your cash until this clears?*

Is that the advice that he would give based on the premise that from February, when they brought a motion here, the Government should have accepted it,

saying, 'Yes, we are heading for a recession'? All that does, Madam Speaker, is cause whatever financial recession we go into to be extended and prolonged. As a matter of fact, usually what happens with these recessions is that they go through the US system first and take their time and trickle down to us. What would happen in that instance is that we would be the first to have a recession here. By the time it hits the US where would we be? Where would we be?

I don't understand the logic or the stimuli that the Second Elected Member for West Bay continues to talk about. I really don't understand the logic. I am not a professional accountant, Madam Speaker, but I believe I have good common sense. And regardless of what kind of degrees one may have, whether it is accounting, law, education, it does one no good unless common sense is employed.

Now, Madam Speaker, what I also want the Opposition in particular, to understand, is that the Government has their ears to the ground. They are connected to the financial sector. Everything that the Opposition hears, the Government hears as well. What the Government does not do is add their spin to it and make it sound completely different.

Madam Speaker, we continue talking about we need to stop the schools. They keep telling us that we need to stop the schools; we need to stop the schools. Well, we have had to stop two schools and what we are hearing now is, 'Why did you stop the West Bay High School?' It is a situation like the work permit issue where no one else must get a helper or a gardener, *but I must get mine!* So we don't do anything about what we consider to be the work permit problems.

Now, we need to understand that 18, 24, 30 months out, these projects (like the Government Administration building and the schools we are talking about) are projects that take years to put together. Now, at some point the Government has to decide whether to go ahead or hold back on these projects. And in February of 2008, I dare say that the decision had been taken that we would go ahead with the schools. Again, I want to try to bring some logic to bear here. If we agree with what the UDP is saying, and understand what is happening with the private investors, which government has no control over, when they see things begin to happen they will start pulling back. And I dare say that they would have started pulling back a lot earlier had we listened to the advice we were getting from the Second Elected Member for West Bay and his great leader.

Madam Speaker, if we say that a recession is looming and we should not do anything about these projects now because when the recession comes government is going to need (they admitted this) to start projects because government now has to get the economy rolling again . . . now these projects take anywhere from 18 to 30 months from the planning stages to getting them off the ground. This is the beginning of construction.

If you leave these things waiting there for a recession to begin, by the time you get the project up and going the recession would have been over. So, it is a prudent and wise Government, Madam Speaker—who has done exactly the opposite of what they say the Government has done—that has seen this coming and prepared themselves properly, and timed the construction of these new schools and the Government Administration building properly. If we decided to start now that the recession is here, working and getting plans drawn, site prepared, acquire land and the like, by the time we do it the recession would be over.

They know this but they still want to continue . . . You see, Madam Speaker, opposition for the sake of opposing.

The Motion in February 2008 was one of those motions that the Opposition could not lose. It was a motion that they brought as a safety net, and whichever way it went, if the recession did not come then it simply fell away and the Government would not bring it up again because we would have seen it as another political ploy. But if, by chance, the recession did come then they simply jump up and down and say, 'Look, we told you so'. It is simply political posturing because whatever the Government brings it is the job of the Opposition to try and propose the opposite, and that is simply all that they are doing. That is all that is happening without any credibility to their argument at all.

Common sense tells us that the schools and the Government Administration building are going ahead, and it is a good thing that we have decided to do that.

I don't know Madam Speaker. The Second Elected Member for West Bay continues to talk about stimuli and that the projects proposed and are being worked on by the Government do not have broad base impact. I don't know what else in our economy, what else in our little unique neck of the woods creates more economic stimuli than construction. What else?

Construction touches everyone. We get enough of it going regardless of what else is going on in the rest of the world. If we have construction going on, Madam Speaker, we are not so bad off because we get money for work permits, people have to have a place to live as we are not going to get over the issue of having to have people come in here to work any time soon. They have to eat, use transportation, and our people get an opportunity to get some work, as well as many other benefits.

Construction spreads the wealth around in this country like nothing else. So, why should we stop our projects, or not start them at all?

The opposite would happen if we listen to what the Second Elected Member for West Bay and his great leader have said. The minute the Government says that we are heading for a financial recession, companies cut back. The first thing they do is

start laying people off. And the way it happens in this country, Madam Speaker, you know who they lay off first? They try. It's the Caymanians who get hurt. Immediately that is who is affected.

Then, if they send the work permit holders home, the shops and services that they support begin to hurt right away. That is what you would trigger the minute Government says, 'Yes, we agree with the UDP that we are headed for a recession and we need to cut back right now.' We would trigger the recession ourselves.

Madam Speaker, right now if we start saying publicly that the gas stations are running out of gas and will be out of gas by the weekend, do you know what is going to happen? There is going to be a run on the gas stations because everyone will want to get their gas. That is plain, simple logic!

Madam Speaker, the Third Elected Member for West Bay will have his chance to get up and speak.

*[inaudible interjections]*

**Mr. W. Alfonso Wright:** Madam Speaker, when we talk about stopping the schools and the Government Administration building, where we as a Government understand the amount of money that is being paid for rental accommodations of government offices, rent money that is wasted and simply going down the drain, as opposed to making an effort to get our own Government Administration building where our money goes into equity, we pay our loan off and end up with a proper facility . . . I want to know why the financial logic of the UDP did not come into play and talk about that.

I am sure that the First Elected Member for Cayman Brac and Little Cayman could have found something to say about that.

Madam Speaker, when is it that we will come to terms with the fact that our education facilities are outdated and not good enough to lead our children and this country into the future? And that we don't have the facilities that we need in all realms of education? Is it that we don't want anything better for our children? When do we understand, at what time do we come to terms with the fact that we need to do something about technical and vocational studies in this country, and that the plan to vacate the George Hicks campus so that that can be turned into a technical and vocational unit?

Now if we don't build the other schools how do we accomplish that?

Why is it that education in this country continues to be a political football where people believe that it should be as it always was and that our children do not deserve any better?

Now, had we not gone ahead as we did with the schools, Madam Speaker—and lo and behold the recession is here—when would we get to our schools? Just when?

Another set of excuses. That is all we have been doing for decades with our children. Imagine Madam Speaker, if we had not gone ahead, and here the recession is! Would we ever get the schools off? It would have been another 10 or 15 years before we get the jumpstart that we need to get the schools going. Somebody must be responsible and understand these things and not try to make the people believe otherwise. We must be responsible citizens and responsible Members of this Parliament and stop the nonsense!

Madam Speaker, I have a good friend who loves to play dominoes and when sitting at the table with him he starts to get the upper hand. He tells you . . . as a matter of fact, he had cards done up which he would give to his opponents he had beaten and he says that there is a place called Batsy Institute of Dominology.

**The Speaker:** What?

**Mr. W. Alfonso Wright:** Batsy Institute of Dominology. That is the school that you send people to who are domino dunces or novices to learn to play dominoes.

I dare say, Madam Speaker, that we have another similar institution which I call the institute of Rhetorical Political Lunacy! And, Madam Speaker, I dare say that the Second Elected Member for West Bay is competing for dean of rhetorical studies.

*[inaudible interjection]*

**Mr. W. Alfonso Wright:** Madam Speaker, I want to use another analogy that I am sure the Second Elected Member for West Bay understands. It is about the premise of what I have been explaining about influence, of getting up and telling your people that you are heading for a recession.

When you tell someone that you are heading for a recession, it says—

#### POINT OF ORDER

**Mr. Rolston M. Anglin:** Madam Chairman, on a point of order.

**The Speaker:** I do not think I am Chairman at this point.

**Mr. Rolston M. Anglin:** Sorry.

Madam Speaker, the Member keeps saying that we are heading for a recession. Thus far, I have not seen in the presentation by the Honourable Leader of Government Business or the Financial Secretary's, or anything I said, that we are heading for a recession. I clearly pointed out the facts as it relates to the economy of the United States, Madam Speaker.

I think it is downright dangerous, completely unnecessary and irresponsible for this Member to continue saying that we are heading for a recession.

**The Speaker:** Honourable Second Elected Member for West Bay, is your point of order that you did not say that we were headed for a recession?

**Mr. Rolston M. Anglin:** That is right, Madam Speaker. I never said that we are heading for a recession.

**The Speaker:** All right. Thank you.

Fourth Elected Member for the district of George Town, would you continue your debate without referring to us heading into a recession that would have been said by the Second Elected Member for West Bay?

**Mr. W. Alfonso Wright:** Madam Speaker, I could ask for a break and go and get the *Hansard*, but the motion brought in February by the Leader of the Opposition and seconded by the Second Elected Member for West Bay was about Government cutting back on its projects because the thought was that the world was heading for a recession.

*[inaudible interjection]*

**Mr. W. Alfonso Wright:** So we are not part of the world?

#### POINT OF ORDER

**Mr. Rolston M. Anglin:** Madam Speaker, on another point of order.

**The Speaker:** May I hear your point of order please?

**Mr. Rolston M. Anglin:** Madam Speaker, the motion was not titled and did not say that Government must cut back. The motion called for Government to re-prioritise.

And, Madam Speaker, it seems as though they have listened to a piece because now the Beulah Smith Campus has been stopped—

**The Speaker:** Honourable Second Elected Member for—

**Mr. Rolston M. Anglin:** —and they have re-prioritised.

**The Speaker:** —West Bay.

Fourth Elected Member for the district of George Town, continue your debate please.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

Madam Speaker, another thing that the Second Elected Member for West Bay continued to say during his debate was that the truth hurts. Obviously,

he has pain somewhere because he cannot sit down now!

Madam Speaker, the power of influence and why we need to be careful of what we do and say . . . I cannot exactly remember if it was during the presidential debates or shortly after President-elect Barack Obama was elected as President of the United States, when he was asked if there was anything in sports that he would like changed. He quickly said, yes, he would like to see a play-off system implemented in college football. He said nothing else.

Lo and behold, Madam Speaker, headlines today [read] “Congress is considering forcing the managers of college football to implement a play-off system” Now he understands that, because if he does not understand anything else, he understands college football.

Madam Speaker, I am making the point that you have to be careful what you say and how you say it because the power of influence is all too great. The minute anybody gets up and starts saying that we are heading for a recession, it happens. You cannot control what happens after that.

Now, the United States admitted that they are in a recession. And we all know that chances are it will have negative impact on the Cayman Islands. I dare say we are feeling some of that already, but I do not know what our fate will be, how we will end up; whether or not the Cayman Islands itself will end up going into a full blown recession. But I know that there will be some slow down of business. So, I am not saying that the Cayman Islands’ is in a recession. I am simply feeding off of the rhetoric being spurted out from over on the Opposition Bench.

Madam Speaker, I am grateful that I am a part of the PPM Government, a Government that makes decisions by consensus. I do not have anybody standing over me who will brag about I rule with an iron hand. That is not anything that I would like to be—

**Hon. W. McKeever Bush:** *[inaudible]* Idi Amin!

**Mr. W. Alfonso Wright:** Yes, Mr. Witch doctor.

*[inaudible interjections]*

**The Speaker:** Please, please.

**Mr. W. Alfonso Wright:** Madam Speaker—  
Oh yes, believe in witchcraft.

*[inaudible interjections]*

**Mr. W. Alfonso Wright:** Madam Speaker, I am happy, extremely proud of the fact that I am a part of the PPM Government and understand that what happens to this country happens by consensus.

I am happy that we take advice from those who know because we cannot all be experts at every-

thing. Apparently that is the case over on the other side.

It is a bit difficult to understand all of the political stuff that is going on, Madam Speaker. One would believe that they were never part of a Government. And I wonder why, with the advice the Second Elected Member for West Bay continues to give us, he did not give that to his Government, or whether or not they too would not listen to him.

Madam Speaker, I have said enough.

**Hon. W. McKeever Bush:** Yes.

**Mr. W. Alfonso Wright:** I support the SPS and all I will say, Madam Speaker, is let the bottom-feeding begin.

Thank you.

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

Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

In any democracy, the Opposition plays a very important role—providing a very important check and balance on the Government that is in power. But, Madam Speaker, for far too long the Opposition has gotten away with a mediocre response. The truth of the matter is that they really should be presenting real challenges to the Government.

Madam Speaker, for far too long the Opposition has come into this House and simply criticised everything that the Government has brought. What they should be doing is presenting alternatives to what the Government is presenting, whether it is a budget, a strategic policy statement, a motion. Whatever the Government brings to this House that the Opposition does not agree with, they ought to bring their own proposal.

So, Madam Speaker, the Motion currently under debate, the Strategic Policy Statement for 2009/10, if the Opposition did not have the wherewithal to produce their own proposal for a strategic policy statement, they could have used this as a template to provide their proposal for their alternative to this Strategic Policy Statement.

So, Mr. Leader of the Opposition, where is your proposed strategic policy statement?

**Hon. W. McKeever Bush:** [inaudible]

**Hon. Charles E. Clifford:** Madam Speaker, that is what a responsible Opposition would do; they would bring forward to this House their proposal for the way forward.

But, Madam Speaker, all we hear are empty promises. And all we hear are alternatives that are unworkable. We have heard so much from the Opposition and their supporters, particularly some who host

daily talk shows, about the Government's capital development programme, and how in these challenging times Government should not be embarking upon such a robust capital development programme.

Madam Speaker, in his presentation of the Strategic Policy Statement, the Honourable Leader of Government Business indicated the adjustments we have had to make to our capital development programme. We understand that these are challenging times, but if you listen to the Opposition . . . Let us just pause for a moment and consider where we would be in this country.

There would be no schools under construction. There would have been no roads built. There would have been no plans to redevelop the airport. There would have been no plans to institute berthing facilities, because in their view, Madam Speaker, in these challenging times—

**Hon. W. McKeever Bush:** [ongoing inaudible interjections]

**Hon. Charles E. Clifford:** Madam Speaker, I would appreciate it if the Leader of the Opposition would stop interrupting me while I am speaking.

**Hon. W. McKeever Bush:** [inaudible]

**The Speaker:** Would you please desist from talking across the Floor and accusing people of . . .

Minister—

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

**The Speaker:** I would appreciate if this word "liar", "lying", and "lies" could be removed from the Parliament of the Cayman Islands. I have asked for that before.

Minister of Tourism, would you continue your debate please?

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

Madam Speaker, you cannot expect any better from the Leader of the Opposition because he truly believes that whether or not something is true the more often he repeats it people will begin to believe it. He has always believed that.

**Hon. W. McKeever Bush:** [inaudible]

**Hon. Charles E. Clifford:** Madam Speaker, as I said, if the Opposition were now in charge, the Government would not have embarked on any capital development. So, given the fact that we are living in challenging times . . . and this is not unique to Cayman, as we all know. We have spent the better part of several days now debating this very issue. But our own domestic economy would be in a much more precarious



position had we not embarked upon the programmes that we have.

And, Madam Speaker, while we are criticised day in and day out for that, we know from decisions made in countries around the world that governments around the world have adopted the same approach because they understand that it is in times like these where the economies have slowed and where, in some cases, there is a recession such as in the United States, that it is the Government's responsibility to step up to the plate and stimulate economic activity. So, Madam Speaker, that is what we have done.

Madam Speaker, the Second Elected Member for West Bay made much of the fact that the Leader of Government Business said in the presentation of his Strategic Policy Statement that as far back as January this year the Ministry of Tourism began to have meetings with the various stakeholders because of the difficult times that we saw ahead. Madam Speaker, I am going to address that in a little more detail shortly, but the Government has never said that we did not appreciate what was coming down the pipeline.

In fact, even further back than January 2008, when I delivered my speech at the Tourism conference in September 2007 I spoke then about the signs that we had seen at that point, which were worrying signs, about an unusual number of foreclosures within the US economy. So, from our perspective we had begun to look at that very, very closely and plan for that, because that is the prudent thing to do.

I said from the very beginning to my staff and other people who I had discussions with, that one of the things that make the situation worse is when you have all of this doom and gloom and you hear from everybody, the Opposition, the talk show host, everybody—you would swear that the world was coming to an end. All that does is undermine consumer confidence, it prevents people from spending the way that they would normally spend; and all that does is contribute to further economic chaos [which] results, more often than not, in a recession.

I think that, despite the challenges the US economy faced, the single most significant contributing factor to that was all of the doom and gloom that was being talked about, and the fact that this was going to happen and that was going to happen, this was going to go out of business and that was going to go out of business. So, consumer confidence . . . and the average consumer essentially said, *'Well, what are we to do in these circumstances other than crawl into a hole and just wait to see when the storm is going to cross?'*

Madam Speaker, that just completely undermines consumer confidence. That is not something that a prudent Government would want to do, and it is not something that this Government chose to do for the reasons I have already mentioned.

Madam Speaker, I have attended several meetings recently in the region, and we have had discussions in the region concerning tourism. I can tell

you that the Cayman Islands, while there is no room for complacency, are in a very good position compared to many of the other competing destinations. When I talk about air arrivals being up in the region of 8 per cent, there are many other Caribbean Islands that cannot boast of that. In fact, many of them are moving in the opposite direction and seeing declines in air arrivals.

Local growth in air arrivals has, certainly, as I said, been a hard one as the tourism industry has been besieged with challenges. In 2008, we saw the US go into recession and the mortgage crisis become a credit crisis, unprecedented volatility in fuel prices, the price of food rose sharply, while US domestic air-lifts shrunk markedly, and now, ultimately, the spread of this economic crisis to all parts of the globe.

These external factors accompanied with a very active hurricane season resulting in three hurricane evacuations, including one direct hit from Hurricane Paloma, has put into perspective the scale of challenges the tourism industry has weathered locally and overseas. Amidst the overall outlook, the tourism industry remains cautiously optimistic about performance in the short term, while expectations for growth in the medium term have been tempered in favour of strategies to preserve market share and brand awareness.

One of the challenges we are facing is, because of the times that we are living in right now and because of where consumer confidence is, whereas 8 or 12 months ago we had what we call a booking window of about 90 days (people would book their vacations 90 days out), that booking window is now about 30 days. So, when we look beyond January, as an example, we can make certain predictions; but it is not as certain as we could have been 12 months ago simply because that booking window is so short.

Madam Speaker, the mitigation strategies employed by our agencies driving tourism's economic engine paid off in terms of slowing the immediate impact of the global crisis felt in the Cayman Islands in comparison to many of our other competitors. The skyrocketing price of fuel precipitated a US airline crisis which forced most US carriers to reduce staff and routes in an effort to control operational costs.

While we talk now about the cost of fuel and the fact that it has adjusted downward, the fact of the matter is that with the high fuel costs some months ago, the damage has already been done and we have seen many airlines go out of business. We have seen many airlines reduce staff, fleet and operations significantly. And that has had an impact on the region and, in fact, on the world.

The decrease in US airlift has resulted in a marked decrease in business amongst several destinations within the region. However, as far back as January 2008, as I mentioned earlier, the local tourism sector unanimously identified air lift as the most strategic concern facing the industry. To combat this scenario the Ministry directed Cayman Airways Limited to

work closely with the Department of Tourism, the Cayman Islands Tourism Association and the Sister Islands Tourism Association, to monitor the market and consider the launch of a new service to a strategic route to help increase direct sales channels for the destination.

Consequently, even in the midst of massive layoffs in the tourism sector elsewhere, Cayman's public and private sectors have resolved to head into 2009 with confidence by investing in the education and training of our people, insisting on enhanced customer service standards, renewing our historical dive product with the introduction of the kiddy-wake, which is going to be an artificial reef, and by increasing the number of seats and direct routes into the Cayman Islands with the introduction of Cayman Airways' non-stop service to Washington DC and the resumption of service to Chicago.

Cayman Airways has continued its plans to modernise its fleet and has added one additional 737-300 aircraft to the fleet that will allow visitors who want to come to the Cayman Islands to do so affordably and with less traveling hassle. The scheduling of CAL's lease arrangements affords Cayman Airways another year to consider its long-term fleet plans while stabilising airlift in this pivotal year.

Madam Speaker, because I have heard at least one mention of this on one of the local talk shows I want to say now that the Cayman Airways' inaugural flight to Washington DC will depart at 8.00 am this Saturday. I have also heard comments on the talk shows about how the Government has filled up the plane with constituents and are taking them to DC, et cetera. Let me say this, we are taking people to DC. I believe the group is somewhere in the region of about 50 people. And I am going to say that now, because I suspect that we will have to say more about this later on.

But, unlike what has happened in the past, where it was strictly just constituents going, and yes, there are some constituents going, there are some members of the community going on this flight. But, Madam Speaker, there are also members of the Cayman Islands Tourism Association. There are also local travel agents going. And there are also staff members, as you would expect, from the Ministry and Department of Tourism and, indeed, Cayman Airways.

And there is a reason for that. And there has always been a reason for it. And that is, that if you have a product, particularly a new product such as this new service to Washington DC and the resumption of service to Chicago, if you put that product on the market and you do not promote it and market it, it is going to fail. So, when people and talk show hosts get out there and criticise why we do the things we do, they do not have a deep enough understanding of why it is necessary to market our product.

*[inaudible interjection]*

[Deputy Speaker in the Chair from 3.20 pm to 3.35 pm]

**Hon. Charles E. Clifford:** I suppose I should say that since we have the Deputy Speaker in the Chair, I should say "Mr. Speaker."

Mr. Speaker, I was talking also about the fact that Cayman Airways now, with the introduction of this fourth 737-300 aircraft, gives us more time to look at the long-term fleet planning for the national flag carrier.

One of the things that I believe truly, Mr. Speaker, is that the Government, regardless of which government it is that comes into power following the May 2009 election, whether it is the PPM Government that is returned to office—and that is what we expect, Mr. Speaker and are confident of—or whether an alternative comes into power in May 2009. Regardless of who sits in those Cabinet seats, I truly believe that when you look at what is happening around the world and at things like the concentration of wealth in some South American countries, like Brazil and Argentina, we need to begin to diversify our tourism market, as I did very early when I became the Minister of Tourism.

One of the first things I did in accordance with a campaign promise, Mr. Speaker, was to put more investment into Europe and Canada. I said that, while the US will likely remain the major tourism market for the Cayman Islands for the foreseeable future, we needed to spread our risk. We could not afford to keep all of our eggs in one basket. Hence the reason we made those investments. And we have seen the return on those investments.

I believe the same is true for South America, and we need to begin to look to that. And I should say that in addition to the additional airlift I just mentioned (to Washington DC and Chicago) that we are also expecting in the very near future to start service directly to Panama in Central America and also to Honduras. We are simply waiting on those operating permits to do that.

I want to speak a little bit about Panama, because of what I just said about the potential in South America. We believe that Panama is going to be not just a good route for trade, in terms of cargo and passenger traffic and people going there to shop, but we also believe that Panama is an important feeder gateway to get traffic from South America into the Cayman Islands. By going into Panama we are actively pursuing code share and interline arrangements with an airline that has a significant presence in Panama to allow that feed from South America, and in particular from countries like Brazil, to connect on our Cayman Airways flights into Grand Cayman.

Mr. Speaker, in the spirit of doing more with less, the Department of Tourism has partnered with the Ritz Carlton to host next year's Cayman Cookout which will elevate the culinary event locally by attracting an unprecedented calibre of celebrity chefs from

the United States to showcase their world renowned skills while exploring and highlighting local culture.

Even as it works with larger properties, the Department of Tourism is also actively developing a strategic selling unit for small properties which will provide a Cayman Islands branded online platform to sell small properties at competitive prices and at reduced transactional costs.

Once successfully launched, the plans call for the unit's capabilities to include the ability to sell packages including air and attractions. This one-stop-shop will cater to internet savvy customers and consumers in both our primary and our secondary markets.

Mr. Speaker, the public and private sector remain cautiously optimistic about the short-term prospects. However, the medium term is far more certain and the 2009/10 budget will continue to facilitate long-term strategies to ensure that when the crisis comes to a close, whether in 12 months or several years, there are compelling tactical offers in place to stimulate demand each season, high service levels in place that exceed customer expectations and generate repeat business, and strategic initiatives in place to position the jurisdiction to emerge even more competitive.

We have, Mr. Speaker, investments and programmes that have also understood and pursued necessary infrastructural projects that will keep this jurisdiction competitive for the long term. In this vein, essential infrastructure needed to facilitate tourism by air and by sea must proceed and we must accept and respond to the fact that our competition is also keenly aware of this and are themselves investing to compete.

The Cayman Islands Airports Authority is currently securing the financing to fast track the pace of this redevelopment which has already commenced. Members of the House and members of the public would have seen some initial improvements at the airport with the construction of additional car parks and the redesign of the road network in the immediate vicinity of the airport.

In respect of the Port redevelopment, the Department of Environment has selected a qualified firm to conduct the Environmental Impact Assessment. Cabinet recently appointed an environmental advisory board to oversee the process and broad public consultation is due to begin after the holidays. Strategies such as these speak to the joint public and private sector resolve and commitment to move forward. The major role of any Government is to instill confidence, as I said at the beginning, and the hallmark of any successful private sector is to pursue and promote innovation.

The close partnership between the public and private sectors in tourism has resulted in advances in raising the destination's awareness levels within our primary and secondary market and solid growth in air arrivals over the past three years.

The Cayman Islands Investment Bureau and the Cayman Islands Development Bank have positioned themselves to be able to support small businesses through this economic crisis to ensure that our economy can keep moving. The mandate to support the most vulnerable small businesses employing 10 persons or less, which represent more than half of the businesses within the Cayman Islands, has a profound impact on the overall economy, but especially on the tourism sector which produces an environment for small business opportunities ranging from public transport and watersports for small retail outlets.

Mr. Speaker, while we experienced solid growth in air arrivals for 2008, we have continued to see a decline in cruise arrivals for the year. This decline can be attributed to three major factors, namely: the impact of inclement weather on the ability to operate a tender facility; the consolidation that is occurring within one of the major cruise lines; and the perceived staleness of the Caribbean product. Mr. Speaker, it is not just the Cayman Islands that has seen a decline in cruise tourism.

And you will remember the comments I made a few minutes ago about airlift and the potential in South America. Well, we can learn a lot from the cruise lines, because I can tell you that for this winter season, as an example, the cruise lines have already deployed 14 ships, most of which are coming from the Caribbean. So they have redeployed them from the Caribbean to South America, specifically to Brazil and Argentina to service those two markets.

That is business that not just the Cayman Islands but the region is going to lose. It is a significant development and one that we need to watch very closely.

In terms of understanding the impact of inclement weather on the cruise sector, in 2008 almost one month of visitation was disrupted in total. In 2008, some 25 days of cruise calls were lost to bad weather in which ships could not dock or tender either at the Royal Watler Cruise Terminal, or at the alternate location at Spotts. During those 25 days, the destination lost approximately 100,000 cruise passengers who were scheduled to visit but were unable to.

This inclement weather has ranged from severe bad weather as three different hurricanes (Hurricane Gustav, Hurricane Paloma and to a lesser extent, Hurricane Ike) to only mild cold fronts where rolling and choppy seas made it unsafe to unload visitors onto tender boats.

Mr. Speaker, the average age of cruise passengers in 2008 was 46 years of age. When we look all around us, destinations have developed berthing facilities as the norm for catering to today's cruise customers. Most of the cruise passengers today are either traveling in groups of families or in many instances they are Baby Boomers. It is increasingly evident that we must develop berthing facilities to improve our customer service and minimise losses due to missed calls which are becoming more prevalent as

a result of more dramatic weather patterns experienced globally.

We have also seen a marked decline in the number of cruise calls from the Royal Caribbean Cruise Line. This is the cruise line I mentioned earlier, and one of the world's largest cruise lines, second only to Carnival Cruise Lines. This year the Royal Caribbean Cruise Lines is forecasted to have 82 fewer calls than it did in 2008, resulting in a decrease of 143,000 passengers compared to 2007.

The 2009 forecast for Royal Caribbean Cruise Lines shows a further deterioration with 29 fewer calls than in 2008. So, over the three year period from 2007 through 2009, Mr. Speaker, the forecast calls for a total of 111 fewer calls from Royal Caribbean Cruise Lines, representing 215,000 visitors not coming to the destination.

This demonstrates, contrary to misguided comments that we don't need berthing facilities and should just keep what we have and maintain the status quo, that if we don't put in the infrastructure we need to service this sector, we are going to be in jeopardy of losing business that stems from it.

Royal Caribbean is gearing up for the introduction of their first Genesis Class Ship called the "Oasis of the Seas". It is due to be launched at the end of 2009. The introduction of this mega ship has triggered a reduction in all Royal Caribbean Cruise calls for the Cayman Islands. Further, the "Oasis of the Seas" will not be able to visit the destination in its first year of operation as the mega ship carries some 5,400 passengers (and I should add, Mr. Speaker, close to 2,000 crew members), it is too large to be able to effectively and conveniently tender passengers ashore. In fact, the cruise line itself has taken the decision not to go to any cruise port that does not have berthing facilities that can accommodate their ship.

When you add together visitors that have been lost due to bad weather [or] as a result of Royal Caribbean Cruise Lines consolidations and other miscellaneous cancellations in 2008, we lost over 240,000 passengers from the original 2008 projection.

Mr. Speaker, it is clear that we need to urgently correct this decline in cruise arrivals, which is not, as I said, unique to the Cayman Islands.

I will be the first to admit that the process for negotiating berthing facilities has not proceeded at the pace that I desired. There are numerous complex considerations ranging from environmental concerns to public interest, each of which must be considered very carefully, and not just consider the long and medium term but also the short term.

[Hon. Speaker in the Chair]

**Hon. Charles E. Clifford:** I welcome you back, Madam Speaker.

Madam Speaker, when I first raised the need to establish cruise berthing facilities there were many who attacked the plan, questioning the need to do so.

Numbers certainly do not lie, and there's a clear economic imperative to move forward.

We will not and must not compromise the immediate- or long-term interest of our people or our environment, but we must accept the fact that maintaining the status quo is not an option for us in this new environment. To enjoy the gains of the past we must invest in the future.

Public consultation on the environmental impact assessment is due to begin in the New Year with both targeted stakeholder meetings and broad-based public consultation. I trust, Madam Speaker, that of the many questions that may be legitimately asked we will not continue to hear the question of whether such facilities are needed, as we undoubtedly owe an economic and moral imperative to those hundreds of small businesses which rely upon this sector to move forward.

Madam Speaker, even in the midst of these troubling economic times, travel forecasts show that the cruise industry will grow in 2008 by 1.6 per cent, even as the rest of the global travel industry has seen marked decline. Cruise lines are forecasted to carry 12.8 million passengers in 2008, the vast majority of which (10.8 million [persons]) are from the North American Continent.

The cruise market continues to be a very important sector of the Cayman Islands Tourism Industry and will certainly remain so, without a doubt, Madam Speaker, for the foreseeable future.

Madam Speaker, when we consider those issues it is very, very clear to us (and when I say us I'm not just talking about the Cayman Islands, but about the region) that we have some important things to address, and most of it centres around the product we have in the Caribbean. We still have a very strong and very exciting product, and let us not forget that this is where cruise tourism essentially began. This is where it was given its birth—in the Caribbean. And the cruise lines have said to us, even recently, that they have no doubt that the Caribbean will continue to be a major player in cruise tourism, but there is clearly no room for complacency. And it is time that we addressed this issue.

Madam Speaker, the cruise industry is significantly different from the stay over tourism industry. I can address, as I have been doing, the product issues in Cayman that make Cayman much more competitive than other Caribbean destinations for stay over tourism. But if I address the cruise product in Cayman and it is only Cayman that addresses the cruise product and not the rest of the region, it does not work for the cruise lines because they are not coming to the Caribbean to make one stop on a seven day itinerary. So it has to be a regional approach.

I have made my position on that very clear during discussions at the Caribbean Tourism Organization (CTO) meetings, and I can say with confidence that that is the approach that the region has adopted and will be moving forward with.

The fact that economists around the world are responding in different ways to the current crisis (we know of the potential in South America), we have to leverage that to the extent that we can, Madam Speaker, for everything we can get out of it. And we know that there has been additional infrastructure development in Panama, for example, for the cruise sector, so that presents opportunities particularly for the Western Caribbean itinerary. And that is something that we have had preliminary discussions with the cruise lines about.

I think I should also address the whole issue now that we have the eminent change in the US administration with the swearing in of President-elect Barack Obama on 20 January 2009, and address (as I have done before) the whole issue of Cuba.

Madam Speaker, Cuba is an important part of the Caribbean. It is the largest island in the Caribbean. Cuba is also a member of the Caribbean Tourism Organization and is a very significant player in Caribbean tourism. Cuba's primary source market for stay over tourism is Canada, followed by Europe. And one of the reasons why we diversified our tourism markets very early in this administration by putting additional investment in Europe and Canada is because those two regions already have significant access to Cuba.

So, when the US policies towards Cuba are relaxed for travel, as we expect that they will be perhaps as early as two years into the new administration, that the impact that will have on us in our primary market, the United States . . . and there is clearly going to be an impact because lot of people who were up until this point prevented from traveling to Cuba who are going to be rushing to see what this island that they have been kept away from looks like. Hence the reason why we have invested further in Canada and Europe and are seeing increases in air arrivals from both of those regions, as well as from our primary tourism market, the United States.

On the cruise tourism side, Madam Speaker, the cruise lines have told us that certainly they would welcome the opportunity to go into Cuba. They have already done their inspections, actually, at ports in Cuba. But there is, in their words, significant work despite what we thought, that must be done in those ports, including dredging and the upgrade of infrastructure before they could use the ports in Cuba.

Madam Speaker, some time ago I offered the view (which has since been confirmed by the cruise lines) that the opening up of Cuba to cruise tourism was less of a threat to the Cayman Islands and, in fact, presented some significant opportunities for us on the cruise tourism side. That view has been confirmed by the cruise lines because they have indicated to us that they would not develop a Cuban itinerary for cruise in a similar way that they had developed an Alaskan itinerary for cruise passengers.

What they would do is to combine one or perhaps two ports in Cuba with other ports in the Western

Caribbean. So, islands like Jamaica, the Cayman Islands and other countries in Central America, like Belize and Honduras, would perhaps benefit from that in a real way. Perhaps you could have an itinerary that comes out of one of the ports in Miami, Ft. Lauderdale or Tampa, that would stop in Cuba, Jamaica, Grand Cayman and either Honduras or Belize or perhaps Mexico. So there are opportunities there, Madam Speaker, on the cruise tourism side and I just wanted to reiterate that we are very mindful of this and are certainly preparing for it.

Madam Speaker, I want to say a few words about some of the other key subjects for which I have constitutional responsibility. I am then going to go on to deal with some of the capital development projects and the fact that we have had to cut some of them back, and say quite a bit more on the whole reason for that and some other things which have impacted that.

On the environment, Madam Speaker, much has been said about the long awaited National Conservation Bill, tabled initially as far back as the previous administration but which did not see safe passage through this honourable House. It is a good piece of legislation that not only brings together various existing pieces of legislation that protect our very important environment, but it enhances that legislation. We have had countless numbers of public consultations, public meetings, specific stakeholder meetings with people who are interested and I believe we have that Bill to the point now where we can have it properly debated in this honourable House. I will be taking it back to our political caucus very early in the New Year and hopefully we will get it finally approved at caucus and can then take it through the process of Cabinet approval and tabling of the green bill in this honourable House for debate.

I want to say that we understand there are strong views on both sides of this issue. The Government does not have the luxury of sitting on one side of the fence or the other, or taking one side or the other. We have to consider the implications of this Bill on all sectors and also the importance of the Bill in protecting our environment and strike the right balance in bringing this legislation to the House.

I recall, long before I was involved in politics, when the current Marine Conservation Law was introduced and the uproar that was caused in the country during that time as a result of that, when people were told they could only take X number of conch or lobster or fish, and that they were marine parks that you could not fish, dive, anchor a boat or do any activity in at all. Madam Speaker, I remember the significant uproar that took place over that legislation. We should pay tribute now to the late Sir Vassel Johnson who was largely responsible for piloting that Bill through this honourable House. Despite the licks that he took over it then, today we all know that most, if not all of the people who criticised him over that Bill, those same individuals will tell you that they don't know what our marine environment would look like and where we

would be today were it not for that legislation. They understand clearly that we would not have any conch or lobster left and our marine environment would not be in the pristine condition that it is in.

So, Madam Speaker, while the Government is well aware that there will be some significant opposition to the Bill, hopefully we can get it here in the first meeting of the New Year so that we can have the robust debate we need to have over the National Conservation Bill. Certainly, I sincerely hope that it will see safe passage on this occasion through this honourable House.

We have a very hardworking Environment Department. Many times they don't find favour with some people because they have to be firm in the way that they approach things in the interest of the environment. But, Madam Speaker, they play a very, very significant and important role. And even as we step back from perhaps our personal involvement in a project that may cause somebody to feel negative towards the Department of Environment, we begin to appreciate the very important role that our Department of Environment plays.

Madam Speaker, in the area of investment, the Cayman Islands Investment Bureau continues to adjust and improve its inward investment strategy during this time, where people are somewhat reluctant to invest. This is the time for us to essentially tighten up on our strategy (which is what the Investment Bureau is doing) so that when we go beyond this crisis and the global economy is robust again and investor confidence is high again, that we emerge from that, as I said in relation to the tourism industry, on the investment side in a much more competitive position than we were when we went into it.

Also being focused on during this time, as I said earlier, is the whole issue of small business development and the maintenance of small businesses. That is being done jointly through the Cayman Islands Investment Bureau and the Cayman Islands Development Bank. Like many economies it is the small business sector that is the backbone of the economy and employs the majority of people in this country. I can say without any fear of contradiction that the Cayman Islands Investment Bureau has done more for small businesses in this country in the last three and a half years than it has ever done before, and we are very proud of that fact.

Madam Speaker, in the area of commerce, we continue to work very closely with the Cayman Islands Chamber of Commerce. You, and all Members, will be aware that we have done I think it is three trade missions to Panama with the Cayman Islands Chamber of Commerce. As a result of those trade missions, we have seen a significant increase in trade between the Cayman Islands and Panama. In fact, the business has become so strong that it has made it not just possible but attractive to us to commence non-stop service on Cayman Airways from Grand Cayman to Pa-

nama, and that service we hope to inaugurate in January 2009.

Another very important development on the commerce side (and I won't spend too much time dealing with this one because the Honourable Leader of Government Business has already spoken to it) is the whole issue of immigration reform and the introduction of the administrative processing of work permits by the Immigration Department. Madam Speaker, this is going to significantly increase the speed with which the Immigration Department is able to process these applications. The resulting effects from that is, that businesses will get responses quicker, staff up quicker, and be more effective in catering to their customers.

Madam Speaker, I want to go back to the capital development side because we understand the impact that the global economic situation has had on economies around the world and on our economy. We have seen some drop off in revenue, which has resulted in the Government taking the position that we needed to postpone a number of capital development programmes, including, but not limited to, the Beulah Smith High School, George Town Primary School and the Bodden Town Emergency Services Centre.

Madam Speaker, the Bodden Town Emergency Services Centre was a project which I promoted from the very, very beginning and, in particular, the Fire Service Station as a component of that project because as the fastest [growing] district on the Island, with the population it has, to have to wait on a response to an emergency from either the Frank Sound Fire Station or the George Town Fire Station to the Bodden Town district is simply unacceptable. And I have said that from the very beginning, Madam Speaker. But the circumstances are what they are and we have had to make the very, very tough decisions that we have made.

Notwithstanding that, we have already made quite a significant investment in the Bodden Town Emergency Services Centre. We have secured the property; have done all of the site works and have done some landscaping on the perimeter of the property. That investment is there. The property will proceed, albeit perhaps one or two years behind schedule, but it will proceed and it is an important project for this country and one that must be given priority going forward once the situation improves.

The other project that is in the same category and perhaps even higher in terms of priority for the Bodden Town district is the Savannah Seawall with the problems that we have had in the gully area. I know I don't have to tell you or other Members of this House what the situation is there and how difficult that situation has been for many, many residents in the Savannah area. And there is a need to fix it. There is no question about that. We have the solution and have done more than anyone has done before.

We have done extensive studies on the problem and we have a recommended solution. We simply

need to implement that solution now, which is the Seawall, and we need the funding to do that. Unfortunately, again, given the situation, we have had to make some cutbacks.

Madam Speaker, you see I'm not a happy man today because it is not just the global economic situation that has contributed to this; we have a situation here and I am not going to go too deep into it so you don't need to have any fear that I am going to say something that might be inappropriate. But we have this situation with this Special Metropolitan Police Investigation. Madam Speaker, if I take as an example the Savannah gulley situation and the seawall that needs to be constructed to address that situation, the money that we have spent on this investigation and the civil liability that is likely to come to this Government's doorstep because of poor judgment by those who are involved . . . that money could be spent today, could have been employed right now as I speak, on building that Seawall.

Madam Speaker, much has been said. And let me say this, because every opportunity I get I'm going to say it, otherwise I know people are going to spin it another way. This Government has never said and will never say that the investigation should be stopped. Madam Speaker, you know my background. I ran on a platform of stamping out corruption. So it is not me who is going to stand in this House and say that these investigations should be stopped or should be curtailed. They must be completed. They must be brought to their proper conclusion, and whoever must be charged must be charged.

I don't pretend to know all the details of the investigation, but I know enough from the judgments of Chief Justice Smellie and Justice Cresswell . . . I know enough from those two judgments to know that Mr. Bridger, the Chief Investigation Officer, has exercised some very, very poor judgment in this matter. Judgment which, I predict, is going to result—if you look even beyond the expenditure for the investigation itself—in significant civil liability for this Government.

Madam Speaker, I don't know about the rest of my colleagues. I shouldn't say I don't know about them because I know, but I can tell you now that this Minister is not going to be supporting any expenditure for this investigation until Martin Bridger is removed as the lead investigating officer. As I said, the investigation must continue. But this man has exposed the Government to significant liability, and I owe it to the people I represent to make sure that he does not continue in a position where he can expose this Government and the people of this country to additional civil liability. It is unacceptable, Madam Speaker.

I heard about him wanting to come to talk to us again. Madam Speaker, I have no confidence in the man and will not sit with him in any room.

Madam Speaker, you have heard a lot of comments publicly and otherwise about what has happened with Justice Henderson's case. This thing called misconduct in public office, from what I can tell

from my own research and what other legal minds have said, is not an arrestable offence. Yet, we have had two people—not one—arrested for it.

We don't say much about Burman Scott because perhaps in some peoples' eyes Burman is not as important as other people. But Burman Scott is an important person in this country too. And if he was arrested for an offence that is not an arrestable offence, then he is entitled to a remedy too. And there is no question, because he has said so publicly, that he is going to be seeking one. And so what is the liability going to be there?

That money could be spent on the seawall to address the Savannah Gulley situation. From my point of view, the bills for all of this must be sent immediately across the pond to the Foreign and Commonwealth Office (FCO) because I ain't paying um! I am not, Madam Speaker!

The Governor might exercise his power to pay them, but it won't be with my approval. Absolutely not!

I say this again, for the avoidance of doubt, from my point of view if there are outstanding matters that need to be investigated then they must—not should, they must—be investigated and brought to a proper conclusion, but by a different team; not by a team led by Martin Bridger. It is unacceptable! And tell them not to bring him into this House.

Madam Speaker, the other thing I want to talk about is the local media, and when I have something to say they know I'm going to say it and they can give me whatever licks they want to give me afterwards. But we have a situation, and it is an unfortunate situation, in this country where we have a local media, in particular the print media, that has taken the position that they don't necessarily need to be a newspaper anymore where they objectively report the news, but they are essentially public relation companies that have sold their souls to the highest bidder, and whoever is willing to pay for the coverage gets the story written.

So, Madam Speaker, the people of this country are faced with a situation today where they cannot pick up the newspaper, read and believe what they are reading because the only question in their mind is, who has paid them today? Whose story are they writing today?

**The Speaker:** Honourable Minister, could you get back to the Motion for me please, or tie it in your debate with the Motion before the House.

**Hon. Charles E. Clifford:** Madam Speaker, I am debating the Motion before the House, but when the Government or any government, whether it is this Government, the past government or a future government, is trying to implement their programmes and there is a deliberate situation going on that is designed to undermine the implementation of that programme, that is a legitimate item, with respect, for debate.

Madam Speaker, I do not know that I necessarily need to say more about it because having said what I have said, I know I will get the usual licks from the media. But that is okay because I'm use to that. I have a direct voice to people so, while the media can help on occasion, if they choose not to report what I say or to report it inaccurately, that is certainly their choice. But I am saying it is a sad situation that we have come to that.

I have been asked before whether the Government would regulate the press. Madam Speaker, the Government would never do that. We believe in the principle of freedom of the press. But the press must regulate itself. The press must be bold enough to have whatever kind of commission they want to have to discipline their members that come out of line. They must self-regulate. They cannot have that kind of situation existing in the country.

[inaudible interjection]

**Hon. Charles E. Clifford:** Madam Speaker, I hear the Leader of the Opposition asking about relevance. It is a good thing we don't get up on that point of order when he is speaking because we would be on our feet constantly.

[inaudible interjection]

**Hon. Charles E. Clifford:** Madam Speaker, I want to close on this note because, as I said from the very beginning, all of the doom and gloom that is being preached in some quarters is not helpful. In fact, when you consider the people who are saying that and you listen to the talk shows in the morning with all the doom and gloom . . . God help us, Madam Speaker, if those people were running our country, because they have already told the country even before the election is held (and some of them are seeking office) that the world is coming to an end.

Now how do you expect your people to feel if they are going to go out there and, rather than saying to the people (because this is what we believe as a government) that in every challenge there are opportunities versus saying, *the world is coming to an end; we might as well close shop, let's go home. Just elect me and then after that I may be able to resurrect everybody?*

Come on, Madam Speaker! We can't do that to our people. We must lead and say, look at the challenges, face them head on; look at the opportunities, embrace, pursue and leverage the opportunities for everything you can get out of them. Madam Speaker, that is my position, has always been my position, and is my position from the time I was speaking at the tourism conference in 2007 and it will remain my position.

Madam Speaker, all I need to say at this point is that having said all that I have said, I think that what is more important at this point is that we try to con-

clude the business of the honourable House as soon as we possibly can so that we can move to where we ought to be at this point, and that is into our various constituencies talking to our people and assisting them where we can.

So, on that final note, Madam Speaker, I will simply wish you, and indeed all Members of this honourable House on both sides of the House, all of the constituents, my constituents of Bodden Town and indeed, the people of the Cayman Islands, a very Merry Christmas and a happy, healthy and safe New Year.

I thank you, Madam Speaker.

**The Speaker:** Does any other Member wish to speak? Does any other Member wish to speak? If no other Member wishes to speak does the Honourable Mover wish to exercise his right of reply?

Honourable Minister of Education.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

I thank you for accommodating me as I was sitting discussing another matter elsewhere.

Madam Speaker, we are in this House debating the Strategic Policy Statement of the Government, which sets out the broad outlines and parameters against which the 2009/10 Budget is to be developed.

The Second Elected Member for West Bay spent a great deal of time complaining about the process, claiming that the way this Government has approached the matter somehow handicaps the Opposition and that we need to be working to make the process better, et cetera, et cetera.

I am disappointed he is not here this evening so that he could perhaps hear a little bit about the process. What was somewhat surprising to me was the fact that this process was introduced when he was chief economic legal and political advisor to the UDP Government and he never complained about the process then.

Indeed, back then Members of the Opposition were not even given the opportunity to debate the statement because it was not presented as we do it, as a motion, but was simply laid on the Table as a statement. The Leader of Government Business read his statement and sat down. That's how they ran the operation. But now, this Government, which sometimes to its detriment goes out of the way to make the process transparent to make sure that we are held accountable and to allow participation by the Opposition, gets beaten with many stripes.

Madam Speaker, having been around these chambers now for some eight years, I know how the game works. I am not going to spend a great deal of time chiding the Second Elected Member for West Bay for his tongue-in-cheek remarks, because one really can't accord them any greater value than that in this respect. But I think that all who listen to the proceedings in this House and report on the proceedings of this House should be reminded of the way the



process used to work compared to the way the process now works.

Now, for having claimed to be labouring under some handicap, the Second Elected Member for West Bay did go on for quite some time. And the Leader of the Opposition himself, despite the fact that at the moment (and we wish him well) he may be labouring under some degree of physical handicap, he certainly read from a prepared speech at some length, a document that had clearly been developed as a result of some thought analysis and research. So, I believe the claim that the Opposition somehow was placed in a difficult position so that they can't carry out their function and job properly—

[inaudible interjection]

**Hon. Alden M. McLaughlin, Jr.:** [laughter] —is really not truly a just claim.

I will leave that aspect of it there because I don't think a great deal is to be achieved except to perhaps justifiably cause the Leader of the Opposition and his team to be a little red in the face following the remarks made by the Second Elected Member for West Bay.

Now, to the documents themselves, that is, the Motion and the Strategic Policy Statement, as well as the comprehensive address delivered by the Leader of Government Business and the technical support remarks which came from the Third Official Member, the Honourable Financial Secretary, when he spoke.

Madam Speaker, listening to the Opposition, sometimes I wonder whether they were as the Leader of Government Business said, behaving like Alice in Wonderland. Because, while in one breath they acknowledged the reality of the global financial crisis and the world in which we now live (it's a very changed world), they seemed to park that conveniently to one side when looking at the Government's fiscal planning, capital works programmes and other projects and proposals so that somehow over here there is a situation where the world is facing the greatest challenge it has, in financial terms, since the great depression of the 1930s.

But over here in Cayman while the Government needs to be paying attention to it (they said that as well) in actually preparing the Strategic Policy Statement and planning for the years ahead, Government is expected to operate as though there are no pressures being brought to bear. And Government was supposed to have predicted years ago that the world was going to slide into the deep recession which now seems to be apparent. Their response to all of that is to say . . . not to acknowledge—let me just say this before I move on). Not to acknowledge that this must be one of the rare government's anywhere in the world that in a time like this is able to produce a Strategic Policy Statement which is essentially your pre-budget statement. They do it in other places in the

world too; pre-budget statements. We call it the Strategic Policy Statement, which projects . . .

**Hon. W. McKeeva Bush:** Projects?

**Hon. Alden M. McLaughlin, Jr.:** . . . which projects, Madam Speaker, real GDP growth.

**Hon. W. McKeeva Bush:** [Inaudible interjection]

**Hon. Alden M. McLaughlin, Jr.:** Which projects a substantial operating surplus; which meets all the principles of responsible financial management; which still allows the Government to continue with major critically important infrastructural projects; which allows Government to continue to operate all of its agencies, statutory authorities, companies and central government; not to have to propose any layoffs in staff.

Not one word of acknowledgement—forget about compliment, because you do not get that from that side—about any of that was uttered by any Member of the Opposition who stood up and spoke for hours and hours and hours.

**Hon. W. McKeeva Bush:** I wonder why.

**Hon. Alden M. McLaughlin, Jr.:** They were lavish in their complaints. Some of them waxed lyrical in their criticisms of this Government's programmes, policies, and fiscal planning. But all of them steered clear of dealing with those critical issues, which are what underpin the Government's fiscal policies and budget planning.

I wonder . . . and the truth of the matter is that some of them do not know. But the Leader of the Opposition and the First Elected Member for Cayman Brac—both of whom have served some time in Cabinet—understand. They must understand! Or at least have some insight into how much work, effort, sweat, blood and tears must have gone into Government's thinking about which capital projects had to be sacrificed to make this happen.

Madam Speaker, while they curse us up and down, while the Opposition may have its own talk show dedicated to nothing else but criticism of the Government, the reality that the country has to face when we get to 20 May and in the thinking before it is this: What has been wrong with any of the Government's planning, programmes, projects?

What is wrong with Government's fiscal strategy?

Which other Government could have done better in terms of managing the limited resources we have and producing year after year budgets which have operating surpluses and allow critically needed projects and programmes to go on?

[inaudible interjections]

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker . . . and I say this: The Leader of the Opposition has said correctly that no Government before had engaged in a more aggressive (not his precise words, but this is what he meant) capital development programme. Spending more money I think is what he said.

But, Madam Speaker, the reality is that if his government, and the one before that, and the one before that, had focused on the critical infrastructure which this country needed—and still needs—rather than engaging in white elephant projects, like Boatswain's Bay, which is going to drive this country into bankruptcy if we don't take serious and radical steps to deal with it—

**Hon. W. McKeever Bush:** Hear, hear.

**Hon. Alden M. McLaughlin, Jr.:** Which will never, ever turn a profit under the current structure!

**Hon. W. McKeever Bush:** Hear, hear.

**Hon. Alden M. McLaughlin, Jr.:** Which cost \$60-plus million.

**Hon. W. McKeever Bush:** Mm-hmm.

**Hon. Alden M. McLaughlin, Jr.:** We would all be in a better place.

I would not have to be stopping the Beulah Smith School—in his constituency, which desperately needs both a primary school and another high school.

But, Madam Speaker, schools are not sexy. Schools are not something you can jump up and down about and have big parties at. So, we like things that have lots of bells and whistles and Boatswain's Beach—

**Hon. W. McKeever Bush:** Oh my God.

**Hon. Alden M. McLaughlin, Jr.:** —and those sorts of projects.

And, Madam Speaker, everything changes, but this does not change: Leopards never change their spots.

So, if this country believes that under the leadership of the present Leader of the Opposition, accompanied by his stalwarts, that the management of this country is going to be any different if they assume office as they aspire to in May of next year, than it was in the years when they ran this country almost into the ground, then they need to ask themselves whether they truly believe leopards change their spots.

*[inaudible interjections]*

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, every step of the way the Leader of the Opposition, his opposition talk show and his colleagues have fought the changes—

## POINT OF ORDER

**Hon. W. McKeever Bush:** On a point of order, Madam Speaker.

I am sure the Member is speaking with tongue-in-cheek, but he must stop [saying] I have a talk show.

I do not.

**The Speaker:** Honourable Minister of Education, if you cannot prove that the Leader of the Opposition has a talk show, would you please . . .

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker—

**Hon. W. McKeever Bush:** You are doing so well with the Opposition speech, but you are talking foolishness now.

**Hon. Alden M. McLaughlin, Jr.:** As the Leader of the Opposition has so readily disavowed any association with the Rooster Talk Show, otherwise known as "Cross Talk"—

**Hon. W. McKeever Bush:** Madam Speaker, I must inject here again.

The Minister might be a lawyer, but he cannot keep doing what he is doing if he does not want to waste the time of this House. I did not avow . . . make any such statement—

*[inaudible interjection]*

**Hon. W. McKeever Bush:** —disavow . . . I support in great majority what I hear coming from the talk show—in great majority, because they are telling the truth against what you are doing. And when you were the Opposition you did the same thing.

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

Honourable Minister of Education, would you continue your debate?

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker. I need say no more on that point.

**Hon. W. McKeever Bush:** Oh yeah?

*[inaudible interjections and laughter]*

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, the reality is that every step of the way the Leader of the Opposition, his colleagues in this House and the unofficial opposition, led in particular by one talk show, have fought the critically needed changes to education which I championed before and after I took office in this House as Minister of Education.

**Hon. W. McKeever Bush:** *[inaudible]*

**Hon. Alden M. McLaughlin, Jr.:** And a critically important component of that transformation exercise has been a needed upgrade, an expansion of the physical plant—

*[inaudible interjection]*

**The Speaker:** Honourable Leader of the Opposition, would you please refrain from interrupting the Minister while he is speaking?

Honourable Minister of Education, would you continue with your debate?

**Hon. W. McKeeva Bush:** Am I interrupting him?

*[pause]*

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, a critical part of that transformation exercise has been the need for a significant upgrade and expansion of the physical plant which we are operating right across these Islands, including Cayman Brac.

**Hon. W. McKeeva Bush:** *[inaudible]*

**Hon. Alden M. McLaughlin, Jr.:** That, Madam Speaker, by its very nature is hugely capital intensive.

Anyone who took the time to spend a little time around the schools, particularly around John Gray, will understand how desperate the need is for a new arrangement of better laid out space to do something about the sprawling nature of that campus to provide for our young people—modern facilities and amenities which enhance teaching and learning, which resolve some of the security issues.

I was asked today about fights on the campus yesterday.

When we see what has transpired since we have managed to divide the George Hicks campus into four separate schools, *[as to]* how much better conduct, discipline, learning, attitudes and morale have become, by breaking the school into smaller units, creating a closer, more intimate relationship between teachers and students, making it more of a family situation rather than this broad impersonal campus (which John Gray is), we start to understand how much that has meant; how much better the arrangements are; how much better students do; how much better teachers feel; how much better parents feel and how much better they all interact. And anyone who spent any time on the John Gray campus would understand how critically important it is that we build these schools.

But instead of getting some support from any Member of the Opposition, all I have gotten has been a fight every step of the way. I know, Madam Speaker, that when we made the speech yesterday . . . I know last night was a night of celebration—

**Hon. W. McKeeva Bush:** Oh, Madam Speaker, please.

I do not want to hear the Member crying about *[inaudible]*

**Hon. Alden M. McLaughlin, Jr.:** —that thankfully the Minister cannot go ahead with these schools.

**The Speaker:** Honourable Minister, it is the hour of interruption.

I will entertain a motion for the adjournment of this honourable House.

## ADJOURNMENT

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

I move the adjournment of this honourable House until 10 am Friday, 12 December.

**The Speaker:** The question is that this honourable House do now adjourn until 10 am tomorrow. Those in favour please say Aye. Those against, No.

**Ayes.**

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

This honourable House now stands adjourned.

**At 4.30 pm the House stood adjourned until 10 am Friday, 12 December 2008.**

**OFFICIAL HANSARD REPORT**  
**FRIDAY**  
**12 DECEMBER 2008**  
**11.42 AM**  
*Fifth Sitting*

**The Speaker:** I will ask the Fourth Elected Member for the district of West Bay to say Prayers.

**PRAYERS**

**Capt. A. Eugene Ebanks:** Let us pray.

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

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

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

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

**Proceedings Resumed at 11.44 am**

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

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

**Apologies**

**The Speaker:** I have received apologies for late arrival from the Honourable Minister of Health and Human Services.

**STATEMENTS BY HONOURABLE  
MINISTERS/MEMBERS  
OF CABINET**

**The Speaker:** I recognise the Honourable Minister responsible for Education.

**Report on damage to Cayman Brac High School  
following an act of vandalism overnight on 12<sup>th</sup>  
December 2008**

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, I am grateful to you and the House for giving me the time to get this statement together. Consequently, the late start of this House. But it is with deep regret that I have to make this statement reporting on the damage to Cayman Brac High School following an act of gross vandalism last night.

Madam Speaker, this morning a teacher arrived at 7.30 am at the Cayman Brac High School and realised the school had been vandalized. Police were notified immediately and were called to the scene. Eight classrooms were destroyed in this wanton act of senseless violence. Fire extinguishers were released in eight classrooms, furniture was turned over and foam from the extinguishers was sprayed all over the furniture and the walls.

All of the computers in the computer room were destroyed and foam was sprayed over them as well. A computer monitor was thrown into a sink in the boy's bathroom. Fires were lit in one classroom in the mathematics and science block of the building. Fires were also started in several containers in the corridor. In the home economics room, ceiling tiles that were replaced following Hurricane Paloma have been damaged. The room was not yet occupied; it was scheduled to be set up for occupation today.

It would appear that enough classrooms were deliberately damaged to ensure lessons could not take place between now and the end of term.

Police are on the scene investigating and taking fingerprints and footprints. The Assistant District Commissioner is also on the scene. All of the students have been sent home, and the Principal, Mr. Jones, is currently briefing teachers. Parents have been informed and thus far have not been calling for any more information.

A cleaning crew is on standby and will begin the cleanup operation when the police have completed the onsite investigations. The Department of Education Services is trying to get all of the debris and

mess cleared up so that school can resume for the last three days of term prior to the Christmas break. School is due to close for Christmas on 17 December 2008.

This act of violence against the community deeply saddens me, Madam Speaker, and comes as a shock to the law abiding citizens of the Cayman Brac community.

To face this news this morning, alongside the pain of the deferment of the Beulah Smith Campus and the new George Town Primary school, leaves me in anguish today. I am especially saddened because on the Saturday morning immediately following the passage of Hurricane Paloma the staff from my Ministry were already speaking to District Administration to assess the situation and determine how we could get education services resumed as quickly as possible.

Our first priority was for the students preparing for examinations and, along with the restoration, great effort was directed at making sure the health and safety issues were dealt with expediently. We wanted to ensure, as always, that our students were in a safe and healthy environment so that they could concentrate fully on their lessons without being distracted or hindered by other issues.

As a consequence, Cayman Brac High was reopened on 21 November for years 11 and 12 students. Once they settled in, years 9 and 10 followed and were able to continue to receive the high quality of education they so richly deserved.

In light of the economic conditions we are facing it is extremely difficult for me to announce the deferment of the construction of two schools. This decision carries no political mileage for me. As painful as it was, it was a decision that I had to take because, caring as deeply for my country as I do, I have a responsibility to lead whatever process is necessary for the longer-term future of the Cayman Islands.

I have made those difficult decisions because, as disappointed as I am, I am also satisfied that my Ministry and the Department of Education Services will continue on the journey we have started and the Education transformation process will be maintained so that every student on these Islands can receive the very highest standard of education possible.

In this regard, I would like to remind and assure the parents of the George Town Primary School that their school has been accepted as an International Baccalaureate School. This, in itself, speaks volumes about the quality of education that the children attending George Town Primary are receiving.

I know I speak for all the staff in my Ministry, as well as those in the Department of Education Services, when I say that we have faced many challenges in order to renovate and reopen the schools in Cayman Brac. But we have pressed on relentlessly and undeterred because my focus, and that of my staff, has been to do everything humanly possible to protect the future of the young people in Cayman Brac.

I would like to assure the parents whose children are affected by this despicable act of wanton violence that your children remain the highest priority for me as Minister and for all the staff of the Department of Education Services and the Ministry.

When the going gets tough, the tough get going. So, we will once again face this adversity and put all of our efforts into restoring the classrooms and making sure the school is made safe for your children to return to. We have dedicated outstanding educators in Cayman Brac who care for your children as if they were their own. For this reason, they will ensure that the perpetrators of this heinous act will not win in their quest to rob your children of their future.

As soon as the police have completed their investigations on site and give us clearance to proceed, the restoration work will commence so that we may continue to deliver the highest standards of education possible regardless, no matter what obstacles others may try to place in our way.

It my fervent hope that whoever committed this dastardly deed will be identified and prosecuted to the fullest extent of the law.

Thank you, Madam Speaker.

**The Speaker:** The First Elected Member for the district of Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

I wonder if I could beg your indulgence to ask a short question under Standing Order 30 (2), please?

**The Speaker:** Yes.

#### Short Question (SO 30(2))

**Ms. Juliana Y. O'Connor-Connolly:** Thank you.

I wonder whether the Minister would say if he would be prepared to give due consideration to two items: Firstly, for the additional lighting, whether it is through the generator powered lighting that the Command Control Centre is using on the Brac to add to the illumination of the high school, [against] the background of what transpired last night. And secondly, to look at the security issue, being a single female officer, and at the extension of her time, if at all possible, to ensure that such a nonsensical act would not occur any time in the near future, if at all, on the Brac.

**The Speaker:** Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I am going to Cayman Brac early next week. I am going to sit down with all concerned and we are going to look at everything. I won't make any other commitments at this stage because I would be doing so in something of a vacuum.

I want to consider all of the circumstances and talk to all of the relevant people. Most of all, I want us to catch those who have done this, because this was no act by a couple of teenagers who were unhappy about something. This is a deliberate attempt to keep the school in Cayman Brac from continuing. And I am going to get to the bottom of this.

**The Speaker:** Madam Clerk.

## GOVERNMENT BUSINESS

### MOTIONS

#### **Government Motion No. 10/2008-09—Approval of the Strategic Policy Statement for the 2009/10 Financial Year**

*(Continuation of debate thereon)*

**The Speaker:** I recognise the Honourable Minister responsible for Education, Training, Employment, Youth, Sports and Culture, continuing his debate.

Honourable Minister, you have one hour and forty-one minutes left.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, when we took the adjournment yesterday afternoon I had been talking about the need for improvements and upgrade of the physical plant in education. I had spent some little time outlining the opposition, or, at its best, the lack of support, to the fundamental and necessary changes to education which this Government under my leadership as Minister of Education has effected and is implementing in an attempt to give all of the young people of these Islands the best possible opportunity to get the best possible education available.

Madam Speaker, I was saying that I know there has been celebration in the Opposition camp at the necessity on the part of the Government to take the hard decision about pursuing the Beulah Smith campus and the George Town Primary School. But, while they may rejoice because they say, *I told you so*, and the initiatives, at least this initiative of my Ministry and this Government, has faltered, I promise them that in their celebration and rejoicing they ought to appreciate that I am not going to quit and this Government is not going to quit in its commitment to getting these schools done; in our commitment to ensuring that all children in these Islands have equal access and opportunity to the same facilities, amenities and quality of teaching and learning.

Madam Speaker, the despicable acts that took place at Cayman Brac High School last night have devastated me. It's been a long time since I have been as angry as I was this morning. But as I

said in the statement earlier, we shall press on. We shall press on.

We [are taking] a long look at how we ensure in 2010 that the equity in terms of facilities, amenities and quality of education is achieved across the high school system. What I want to assure the broader community, but in particular parents and students who will attend those schools (that is, the Clifton Hunter High School and the John Gray High School) in 2010, is that we will deliver the standard of education that we have been striving for right across the full range of high school students.

Madam Speaker, the three high schools, which are part of the plan (two of which are under construction) when completely built out would have accommodated a total of 3,000 students in the high school system. For John Gray, all four academies are being built, so that is 1,000; Clifton Hunter, three academies are under contract, 1,750; and Beulah Smith was to have two academies of 500 students initially.

What we are working towards now, Madam Speaker, given the decision not to go ahead with Beulah Smith, we are striving to find a way to complete all four academies at Clifton Hunter so that we will have capacity for 2,000 students.

As we believe that is feasible, we would be able to accommodate the entire projected high school population between the two schools so that all children who are in the high school system would have access to the same facilities, amenities and offerings that are available. What I feared when this critical decision had to be taken was that we might wind up in a situation where some of our high school children were able to go to the new schools but some had to be accommodated elsewhere (the George Hicks campus being the obvious place). But I believe with some real hard work, determination, pushing and shoving, and some reprioritisation in terms of government's capital projects, we should be able to get that other academy done. Based on the current price, an academy is about \$6 million dollars rather than \$50 million, which is what the whole school costs.

Madam Speaker, we are not there yet; but that's the road down which we are heading. And I have not quit either in my determination to find a way for us to do George Town Primary. I don't want to hold out false hope, but I have been to I think it is about eight meetings with the parents and teachers of that school over the past couple of years, and I have worked with them and my team as we planned and considered every possible option for what that school should provide, what amenities it should have, how we can best give young people, particularly at that very formative stage in their lives, the best possible opportunities. And I personally had to deliver to them the bad news that we would not be able to go on.

I know how the parents and the teachers at George Town Primary, which is arguably the best primary school in these Islands, including the private

ones . . . I understand how they feel. I understand how disappointed they are.

And, Madam Speaker, whatever I and this Government can do, whatever creative means can be found to get George Town Primary built, I am going to seek to do that, because many of the classrooms there are mobile units. It is a less than satisfactory situation. If they have to continue in that environment for even the medium term, the Government is going to have to invest considerable sums in that facility so that they can continue in reasonable comfort to be protected from the rain when they have to move from class to class; and teachers can have a decent staff room and better play areas. All of those things are less than satisfactory at George Town Primary.

And while the Leader of the Opposition will say, as he likes to, that I haven't delivered a single school since I took office, Madam Speaker, when we think where the physical plant has come from, because his government had managed to achieve so little in terms of repairing the educational facilities after Ivan, that we spent a year trying to get facilities back to normal. They had put up signs proclaiming a new high school in West Bay and one up at Clifton Hunter and we had to chop the bush away from the sign so that we could find it when we got there.

Not one penny had been provided in the budget. Not one plan had been drawn. It was all just a bunch of electioneering gimmicks. And he has the gall to talk about my achievements in education in three and a half years?

He has been here 24 years. Tell him to point to one thing, besides breaking ground, that he has done to advance education facilities in this country. He led a government with a Minister of Education with a master's degree in Education who sat here and read books for four and a half years and did nothing. And then he has the nerve to talk about what I and this Government have achieved, when he has fought every step of the way from the day that I laid the National Consensus on the Future of Education document on the Table of this House.

He has fought to keep the transformation of education from happening in this country.

#### Point of Order

**Hon. W. McKeeva Bush:** Madam Speaker, on a point of order.

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

**Hon. W. McKeeva Bush:** I only rise so that the Member's vexation will cool down.

The Member—

**The Speaker:** Well, that is not a point of order.

**Hon. W. McKeeva Bush:** But you know what the point of order is.

The point of order is, Madam Speaker, that the Member cannot say what he just said. Or you should be challenging him saying, *where is the proof of this?*

At no point in time have we as an Opposition not supported the Member in anything that he has brought to this Honourable House, no matter if we say that we don't want . . . Like the big grandiose scheme he had when he brought the budget here. We voted for him.

**The Speaker:** Honourable Minister of Education would you continue?

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, talk is cheap. It takes money to build schools.

You see, Madam Speaker, it is easy—and I have never met a politician who has not paid lip service to education. It is the good-sounding thing to do, but the proof of the pudding is in the eating. When it really matters, ask any of them when they have been on the talk shows saying they support what the Minister of Education is doing.

**Hon. W. McKeeva Bush:** All the time!

**Hon. Alden M. McLaughlin, Jr.:** Never, Madam Speaker! Never!

When I brought the National Consensus document here, he and the Second Elected Member for West Bay moved a motion trying to amend it and defer the implementation of the plan because I was going too fast, too far.

**Hon. W. McKeeva Bush:** Where the plan is.

**Hon. Alden M. McLaughlin, Jr.:** Where is the plan?

I will forgive the Leader of the Opposition for the last couple of months because he has not been well. But he must have had his head buried in the sand for the last three and a half years, because not only do we have a plan, which this House has approved, but we have implemented it!

**Hon. W. McKeeva Bush:** Yes.

**Hon. Alden M. McLaughlin, Jr.:** Every aspect has had attention: From early childhood, which he and his government ignored; special Education Needs, which they absolutely paid no attention to; development of a new National Curriculum, which we developed and implemented to a new governance model for education, to the building of schools.

Now, you tell me, Madam Speaker, where is his plan after 24 years of sitting in that chair?

**Hon. W. McKeeva Bush:** My plan?

**Hon. Alden M. McLaughlin, Jr.:** They claim to be a government-in-waiting five months before the election.

All they are doing is criticizing everything this Government has done. They have said not one thing! And they are going to be called on this every step of the way between now and 20 May.

**Hon. W. McKeever Bush:** Of course. [inaudible]

**Hon. Alden M. McLaughlin, Jr.:** Where is your plan?

**Hon. W. McKeever Bush:** You will see.

**Hon. Alden M. McLaughlin, Jr.:** If the plan of the Minister of Education is so bad, if his performance is so poor, what are you proposing to do to make it better?

**Hon. W. McKeever Bush:** What have you done to make it better?

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, perhaps because the Leader of the Opposition is so disconnected from reality he does not know. He is asking me what have I done to make education better? Let him ask the parents of the schools if they don't think the environment in which their children are attending school now—

**Hon. W. McKeever Bush:** You should hear what some of them are saying.

**Hon. Alden M. McLaughlin, Jr.:** —is better than it has ever been.

It is not perfect, Madam Speaker. I do not claim it is perfect, but Lord knows it is plenty better than it was when I took office.

**Hon. W. McKeever Bush:** Yep.

**Hon. Alden M. McLaughlin, Jr.:** And, Madam Speaker, with God's will and the continued support of this community it is going to keep getting better.

The difference between this Minister and the last one is that this Minister cares about the children of this country. And you know the difference between this Government and the last government? They thought that the provision of state of the art facilities for turtles was more important than the provision of state of the art facilities for children. That's the difference.

**Hon. W. McKeever Bush:** Yes.

**The Speaker:** Honourable Leader of the Opposition, would you turn off your microphone for me please, because I am getting two recordings.

**Hon. Alden M. McLaughlin, Jr.:** So, the Leader of the Opposition can stay there and groan, grunt and grumble as much as he wants.

The Second Elected Member for West Bay talked about facts—those are the facts.

**Hon. W. McKeever Bush:** I know what you are talking about is not getting the country anywhere.

**Hon. Alden M. McLaughlin, Jr.:** And I can back it up with evidence every step of the way.

**Hon. W. McKeever Bush:** Yep.

**Hon. Alden M. McLaughlin, Jr.:** Their response to everything I have done—

**Hon. W. McKeever Bush:** Show the results my son, show the results.

**Hon. Alden M. McLaughlin, Jr.:** —is to say I am spending too much money.

**Hon. W. McKeever Bush:** Show the results.

**Hon. Alden M. McLaughlin, Jr.:** He is talking about results? I can give him those as well, Madam Speaker.

**Hon. W. McKeever Bush:** Mm-hmm.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker—

**Hon. W. McKeever Bush:** Those results that you are quoting were not from you.

**The Speaker:** Honourable Leader of the Opposition, I am asking you again, would you please turn off your microphone. We are getting double recording up there.

**Hon. W. McKeever Bush:** Is it on?

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I don't mind, I love it when the country can hear that sort of nonsense.

**Hon. W. McKeever Bush:** Yes.

You're so full of yourself that you think that everything you say is correct.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, the difficulty the Leader of the Opposition has with this Minister and with this Government is that we have demonstrated what his government could not do in the years they were there.

We have demonstrated competence, compassion, and we have demonstrated a determination to improve the lot of the people of this country and, with the full support of every member of Cabinet and my Backbench, particularly the lot of young people in this country.



When they get up and carry on about employment issues and why Caymanians cannot get this job and are being overlooked, in part, Madam Speaker, it is tied to the education. And while it may sound good politically, and oh it scores so many points on the talk shows and elsewhere to beat their chests saying we care about Caymanians and foreigners are taking away these jobs, it does little good, Madam Speaker, unless we get to the core of the issue—

**Hon. W. McKeever Bush:** Hear, hear.

**Hon. Alden M. McLaughlin, Jr.:** —and arm our people with all of the tools they need to get to where they need to get to.

And, Madam Speaker, I may not be returned. I am not so presumptuous as to decide what I think the voters are going to do or not do. But I am going to say this: Cost it what it will, I have no apologies to make for the money that this Government has spent under my leadership of education on improving teaching and learning. All the rest of it is about what you know, Madam Speaker.

None of us, particularly me or any member of my senior team, believes that the mere provision of state of the art facilities transforms education, but it is a critical component of the overall exercise. All of the other things we have done and are continuing to do are about improving teaching and learning; improving outcomes for children in our school system.

And so, Madam Speaker, I am calling on the Leader of the Opposition to name his shadow Minister of Education, to say to this country shortly, *'Well, we think that the Minister of Education has got it all wrong and nothing has been done to improve the lot of the students of this country. So, here is our Education plan when we take office on 20 May [2009].'*

**Hon. W. McKeever Bush:** [inaudible interjection]

**Hon. Alden M. McLaughlin, Jr.:** Do you know what, Madam Speaker? He is clueless.

I am going to wait, but not with bated breath, for the production of their education plan. I hope, Madam Speaker, it can bear greater scrutiny than their great economic plan, because they all got up there and debated it—the Leader of the Opposition, his chief economic advisor (the Second Elected Member for West Bay), and the Lady Member for Cayman Brac. And if anyone heard anything but criticism in anything they said, then, Madam Speaker, their ears are better than mine.

On the eve of an election a government-in-waiting should, at a minimum, be telling the country—especially when they say the Government in office has got it all wrong . . . What is your alternative? Where is your plan?

You know where it is, Madam Speaker? Where the last one was, which is why they are where they are now—on the other side of this House.

Madam Speaker, the Leader of the Opposition led what has to be acknowledged as the most dysfunctional Cabinet this country has ever had—five pulling in different directions, and one asleep at the wheel (my predecessor in office).

Madam Speaker, we take licks all the time. That is the nature of the job that we do. But, if the Opposition (the United Democratic Party) expects to be taken seriously, they really at this stage need to start telling the country what it is they are going to do when they take office to make things better.

There are only five months before the elections. I would have thought, particularly given the importance ascribed to this particular process we are going through now—the debate on the Strategic Policy Statement—the importance ascribed to that by the Second Elected Member for West Bay, I fully expected the Leader of the Opposition to roll out their plan for the country. Instead, he sat there in what appeared to me [to be] a state of shock that this Government—and I don't know why he should be so shocked—had again produced a plan which involved a balanced budget with a substantial operating surplus that met all of the legal requirements in relation to the principles of responsible financial management, that had sufficiently strong capital funding to proceed with a number of major Government projects that address the various needs of the community, that does not involve the necessity for any layoffs in government staff or significant cut back in any government programmes.

That is the fourth one of those that we have done, Madam Speaker. We have a track record of careful management. Yes, Madam Speaker, we have borrowed and we are spending, but we are spending on critically important infrastructure which has been neglected for decades!

You see, Madam Speaker, when you grant 3,000 status in one fell swoop, you at least ought to acknowledge that there are going to be implications on the society, on an infrastructure relating to it. Where does the Leader of the Opposition and his colleagues believe the children of those new Caymanians are going to go to school—somewhere else? And yet, for three and a half years they have fought me every step of the way as I try to improve and extend the physical plant in education.

Madam Speaker, I say this with all earnestness to the people of this country: It is easy to assail the Government in office because we are the ones who make decisions. And Lord knows that I know of no Government that has had to deal with more criticisms and has handled it the way that we have. Essentially, we have just soaked it up. But I ask the people of this country as this critical time approaches, consider carefully the alternative.

Whatever they say about us, we came to office with a plan. It was denigrated, derogatorily described by the Second Elected Member for West Bay and the Leader of the Opposition, and oh, especially the Third Elected Member for West Bay, as the little red book. That little red book, Madam Speaker, outlined in detail where we thought this country should go. And whatever they say about us we have by and large stuck to the book. If the book can be faulted—and I put my hand up as one of its chief authors—it is that it promised more than could possibly be delivered in a four-year term. But that I consider to be not a bad fault at all.

Anyone who thinks about this country and its future in terms of one election cycle does the sort of things that the last government did. Flying by the seat of their pants, granting status here, building Boatswain's Beach there, but not much else. Not much else. Not much else to put the point to [except] some affordable homes which we now have to replace. That was the contribution of the then minister for community affairs, the right honourable Dr. Frank McField.

*[laughter and inaudible interjections]*

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, the future of this country cannot be handed to people without a vision, a plan whose only basis for seeking office is to say this Government is not doing it right. You [have] got to come better than that, Madam Speaker. The days when you elected somebody because he was a good man; that's a good man! She's a good woman. Those days are past. They need to be good people. Lord, they really need to be good people; but they have to have some ability and some track record. And a track record, Madam Speaker, is not—

*[inaudible interjection]*

**Hon. Alden M. McLaughlin, Jr.:** —is not sitting on the radio show for three hours a day *blackgyaading* the Government. Show me, as a voter, on what basis you say you can do it better than the Government. And even before that, Madam Speaker, tell me what it is you are going to do. What is it you are going to do!

I will tell you what, particularly one certain talk show host . . . if he thinks that being a minister in government means you can get away with three hours work a day, he needs to seriously think again. You have got to have the capacity for hard work if you are going to achieve anything else. Otherwise, you are going to wind up like the last Minister for Education, sitting here reading books all day long.

Madam Speaker, in these months to come I want all of those who seek these offices to understand that from my perspective they are going to be subjected to scrutiny. Their track records, or the lack thereof, are going to be called into question. They are going to have to explain to the people of the country

why it is and what it is that qualifies them to sit in this honourable House and to say they can do a better job than anyone who is currently here.

And, Madam Speaker, it is one thing to be on one end of a microphone with a sympathetic audience on the other in the comfort of not being subjected to any difficult questions, but when this campaign truly gets underway, I promise you they are—

*[inaudible interjection]*

**Hon. Alden M. McLaughlin, Jr.:** —not about no licks—they are going to have to prove their credentials.

Oh yes, Madam Speaker. I shall not concede my seat to someone who I think has neither the interest of the country at heart, nor the ability to do the job that is necessary, without a fight.

**The Speaker:** Honourable Minister, could we get back to the Motion, please?

**Hon. W. McKeewa Bush:** You should have said that a long time ago.

*[inaudible interjections]*

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I wish to welcome the Second Elected Member for West Bay. He has come at a convenient time because I was about to turn to the economic—how shall I say it?

*[inaudible interjection]*

**Hon. Alden M. McLaughlin, Jr.:** No, no, no, no. I was about to turn to the economic . . . I keep trying to avoid saying “plan” because I did not hear one, but the discussions about fiscal policy and economics, which were led principally by the Second Elected Member for West Bay.

Again, Madam Speaker, a complete absence on the part of the Opposition of any fiscal policy or economic plan or even suggestion about how the Government should adjust its plan in light of the global economic conditions. Lots of complaints and criticisms, but not one cogent suggestion, recommendation, except—and you can't use cogent for this one—government should withdraw all proposed capital investment in the country so that they can keep the money in their coffers and Government will look good from a financial position and they won't borrow so much.

It does not really matter what happens to the economy or employment as long as government's books look good. That is in essence, Madam Speaker, the only conclusion one could draw from the thesis of the Second Elected Member for West Bay. That is the only conclusion you could come to.

Madam Speaker, this country has never had higher reserves than is currently the case; 90-plus days of reserves (I think this year 117 million [dollars]), an operational surplus this year and every year since we have taken office and projected over the course of the next three years. Substantial borrowing acknowledged, but within the parameters of the principles of responsible financial management.

Now, Madam Speaker, you look around the world from the mighty United States to the United Kingdom, Japan and China, and everybody in between, and see what obtains there. See what governments are doing to keep the whole world from completely collapsing financially. They are all talking about significant financial injections, bailouts in some instances, just to get money into the economy.

And at a time like this the chief economic advisor to the Opposition—the Second Elected Member for West Bay—says, and his leader says, *Government should cut all capital projects; should not be spending money; should not be borrowing money*. What do they think is going to happen to the economy if government sends that signal?

Madam Speaker, if we take the time to look at how construction has fallen off over the course of the last year in particular, we will start to get a grip on how critically important these capital projects—the Government Office Administration Building, the schools and a range of other things, the road works that government is doing—how critically important they are to the local economy. But you see, Madam Speaker, thus far (and I say that cautiously) . . . thus far, because none of us have any guarantee of what is going to happen over the course of the next few months. Every day there is some new crisis. Today there is another one because the 15 billion dollar bailout of Chrysler, GM and Ford, has failed in the Senate, and that has sent a really negative signal to the world markets.

From day to day it is a rollercoaster we are on. So, I don't want anything I say to be *the Government is absolutely certain that we have everything under control*. No, Madam Speaker. But we are carefully monitoring every step of the way and adjusting our plans and programmes and spending as we move along.

That is why we took the step a few months ago, Madam Speaker, to rein in operational spending, and that is why after very careful consideration we have taken the steps we have in relation to capital projects. It is something you have to deal with literally from day to day.

But I come back: Thus far, we are not doing badly in the Cayman Islands, all things considered. And I am not suggesting, Madam Speaker, that it is Government alone who is making things as well as they are. It never is. In an economy that is so reliant on global trends, investment, attitudes and spending, what Government must do is not send the wrong signals. What Government must do, as far as the domes-

tic economy is concerned, is provide the basis for people to still have money to spend. And that is what this Government is doing in this difficult time.

What the Second Elected Member for West Bay and the Leader of the Opposition did not tell any of us is what they would do differently. What is their economic plan? What is their fiscal strategy? According to them they would cut all capital projects, but beyond that, then what? How would they deal with the inevitable rise in unemployment? Hand out more Social Services' cheques? Where is the money going to come from?

Madam Speaker, what this Government has done—and that is the trouble they have had now for three and a half years. They may get up and infuse the discussion with great rhetoric, and some of it works. It frightens people—government is borrowing too much money. But what is sadly lacking, and has been lacking all along, is any serious suggestion about what they would do differently. And, Madam Speaker, in the glare of the light of the impending elections, that is a bad sign.

If I were in the Opposition, or if I were a supporter of the Opposition, and if I were a voter I would be saying, *'Well, yeah we hear you Mac, we hear you Rollie, but'*—

**The Speaker:** Honourable Minister, can we use their positions, not names?

**Hon. Alden M. McLaughlin, Jr.:** I'm sorry, Madam Speaker, I was resorting to the vernacular because that is what people tell me.

We hear them, but what are they going to do different? Thus far, there has been a positing, if not a complete void when it comes to a plan. They have no economic plan, no education plan, no health plan, and no plan for Social Services. We have not heard one single thing that they are going to do different. We have heard cries and whining and complaints and criticism, but no plan.

And, Madam Speaker, respectfully to the Leader of the Opposition, through you: If you want to sit over here on 20 May next year, you really need to tell the country what your plan is because, whatever you say about the Government, they have one!

Madam Speaker, a great deal of time was devoted by the Leader of the Opposition and the Second Elected Member for West Bay to criticism of the Government's management of financial services. But it was clear that they had not talked to each other about this before either stood up. That's not unusual with the Opposition, but it was particularly schizophrenic on how we deal with financial services, because on the one hand the criticism emanating from the Leader of the Opposition was that government needed to be more proactive and to market the industry and to promote it, support it, and to get in there and make sure that Cayman is well known on the

global market for its products and services in all of those things.

On the other hand, the Second Elected Member for West Bay says that that is not what government should be doing at all. In fact, what government needs to do and what it has always done well . . . and he spoke as one who was a member of the financial services sector for some time at PW (he said with some pride). He is a good accountant and he is my dear friend, the Second Elected Member for West Bay. As I have always said, he has just been misguided and perhaps even misplaced.

**Hon. W. McKeeva Bush:** [inaudible interjection]

**Hon. Alden M. McLaughlin, Jr.:** Yes, Madam Speaker, we do keep company.

But, Madam Speaker, his position was that what Government ought to be doing is making sure it has the right regulatory framework, provisions, legislation which supports the products, but it ought not to be interfering with marketing and involvement in those other things.

Now, Madam Speaker, the two points of view are not unusual. I have heard both espoused by members of the financial services sector. But, clearly, one set of people spoke to the Leader of the Opposition and another set spoke to the Second Elected Member for West Bay—but they did not speak to each other. Madam Speaker, I just raise that to say it would be more helpful, I believe, to the House and perhaps to the prospects of the party if the Deputy Leader and the Leader actually spoke to each other in relation to these matters before either got up to address the House.

Madam Speaker, I want to say that there has been no neglect of the financial services sector or its interests; that the Government has been—particularly in these difficult times—even more keenly engaged with the private sector on the full range of issues and challenges which that sector faces.

Madam Speaker, I think we all know how seriously impacted the fund market, particularly the hedge fund market, has been and will continue to be as a result of the global financial crisis. And there is little doubt that 31 December [2008] (which is the date for redemption of many funds) is going to be a date when I think the world . . . but in Cayman we are going to have a much clearer idea of how badly impacted that sector of the financial services industry is going to be. And that is already having a real knock-on effect in terms of incorporations generally.

I think the last note I saw was that, overall, incorporations are down 16 per cent over last year. Those are realities that we all have to face. But there are a lot of positive things as well, and a lot of opportunities that are and will continue to present themselves as the world comes to grips with the global financial crisis and its impact.

What Cayman has always been good at, and must continue to be good at, is seeing these opportunities and seizing them and turning them into something real and tangible and build upon them. One of the benefits Cayman has always had is, because of our size and relationship between the private sector and government and the agility of government to do things has enabled us to put ourselves in a more favourable position more quickly than many other jurisdictions have been able to. And the Second Elected Member for West Bay did speak to that.

Madam Speaker, I want to now move on to spend a little more time on the financial services sector, but to talk specifically about some of the critical issues mentioned in the Strategic Policy Statement document that we are grappling with, and to say a bit more, as the Second Elected Member for West Bay inquired, about how we are dealing with things like the most recent OECD (Organization for Economic Co-operation and Development) threat.

And, Madam Speaker, noting the time, I wonder, before I moved into that, whether this would be a convenient time for the luncheon adjournment.

**The Speaker:** Honourable Minister, I did intend to give you another ten minutes which would be one hour, but if this is a convenient point for you then we can take the suspension.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, let me be truthful, I need to find a particular document which is buried among the rest that are on my desk.

**The Speaker:** Proceedings will be suspended until 2.30 pm.

**Proceedings suspended at 12.45 pm**

**Proceedings resumed at 2.38 pm**

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

Honourable Minister of Education continuing his debate on Government Motion No. 10/08-09.

Honourable Minister, I think you have about 51 minutes . . . The Clerk informs that you have 53 minutes left.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, when we took the adjournment—

**The Speaker:** Suspension.

**Hon. Alden M. McLaughlin, Jr.:** —I had turned to discuss a bit about the financial services sector and what the Government has been doing and plans to do over the upcoming months, particularly in view of the

difficult circumstances that aspect of our economy faces.

Madam Speaker, if you listen to the Leader of the Opposition and the Second Elected Member for West Bay, you could be forgiven for concluding that the Government has done nothing in relation to the financial services sector. In fact, Madam Speaker, over the course of the past years we have had greater involvement in dialogue (that is, the Government) with the private sector than possibly at any time before.

What we don't do anymore is have these meetings with huge numbers of people like the old days of the private sector consultative committee. Quite frankly, those meetings were useful for the purposes of disseminating information, but when you get rooms filled with 50 and 60 people you rarely ever achieve anything in terms of the development of policy and so forth.

So, under this Government we established what is called a Financial Services Council (FSC), and that is made up of representation from across industry but it is a relatively small number of some 12 people, myself included. And because of the relatively small size of the group, we are able to actually spend a considerable amount of time considering matters carefully; developing policy recommendations to Cabinet. The FSC functions well. It meets often. I am its Chair and often in attendance is the Leader of Government Business. The Financial Secretary and the Attorney General are all members of the council. And so, Madam Speaker, that is how we have been monitoring and dealing with policy issues affecting the financial services sector.

In more recent times I have been meeting with what I simply call the Industry Group, which is a broader group of persons who are involved in one way or the other with the financial services sector, to talk about matters which are specific to them. And in recent times, because of what is happening in the world with the financial crisis and so forth and the issues of a new administration coming in the US, some of the rhetoric that has come out of the campaign by Obama and so forth, the concerns there about the Stop Tax Haven Abuse Bill, which he sponsored; and in relation to the OECD, in the wrapping up of the harmful tax practices initiatives and so forth; and, more latterly, the announcement by the Chancellor of the Exchequer, Alistair Darling, about a review of Overseas Territories which have significant offshore financial centres; all of those issues have created a certain amount of concern, alarm, and government has taken it head on and spent quite a bit of time over the past few months in meetings and discussions with the industry bringing them up to date with what the Government is doing and explaining to them how we are managing these issues.

Madam Speaker, I have to say that this whole issue has not been assisted by the approach taken by the Opposition and some others in the broader community who have essentially made statements to the

effect that government does not know what it is doing; that government is not handling these matters. I see some statements again today in the editorial of *Cayman Net News* suggesting that Government needs to say what it is doing in relation, particularly, to the OECD initiative.

Madam Speaker, we have been and to a lesser extent still are at some difficult stages in negotiation in relation to OECD related matters. There are some additional things I can and will say this evening, which we have not said publicly before, but there is still a certain amount of information which at this stage, we are advised, would not be prudent to talk about in detail in a public forum.

I want to start by saying this: Back in 2000, the Cayman Islands committed to international tax co-operation through the original OECD initiative. And over the course of the past eight years it has entered into discussions with some dozen OECD countries about the possibility of tax information exchange agreements being signed. I think most people will be aware that the Cayman Islands signed a Tax Information Exchange Agreement with the United States in 2000, and since then there has been a range of discussions with, as I said, probably a dozen OECD countries.

Some of those have gone to as many as four rounds of talks, Madam Speaker. The objective of the Cayman Islands Government has been not just under this administration, but under the previous administration led by the present Leader of the Opposition.

The position that the Cayman Islands have taken is that we should insist on what are called comprehensive tax agreements or double taxation agreements, which accorded to the Cayman Islands some degree of economic benefit in return for the exchange of information. And it is true to say that in light of the changed circumstances of the world, particularly in the present financial crisis the world finds itself in, developed countries, G7 countries in particular, and, in fact, most of the G20s, are only too quick to seek to find scapegoats for what really are bad decisions and bad regulatory regimes and bad oversight in developed countries.

And the convenient scapegoat always is the offshore financial centres. Because none of us can vote in any of those developed countries so they don't have to worry about losing any votes. They can beat us up as much as they want and it sounds good because no one who pays taxes likes to believe that other people are avoiding or evading taxes by having them managed or deposited in other countries.

So, Madam Speaker, it is a very changed environment. What has also transpired in recent times is that, while Cayman has a very robust anti money-laundering and counter-terrorism financing regime—which has been acknowledged by the IMF [International Monetary Fund] and various other international agencies as being among the best in the world, quite frankly—there is a reluctance on the part of the devel-

oped countries, the OECD, in particular, and the UK for that matter, separately, to give us public recognition for those achievements.

Instead, what is happening is an increasing link of the whole anti money-laundering issue with tax information disclosure and the demand that you need to have effective tax information disclosure machinery in place to truly comply with the global standards in relation to both anti money-laundering and information exchange. So, the rules of the game have changed, as has always been the case with these matters.

Madam Speaker, we have been monitoring it very carefully. None of us were taken by surprise with the rhetoric that has come out of some of the recent meetings, particularly by hawkish OECD countries, like France, in particular. And we have been acting and responding accordingly.

Madam Speaker, I should say that it is not as though Cayman has been sitting on its hands all these years. We have a significant leg-up as far as the tax information exchange issue is concerned because we have long since put ourselves in compliance with the OECD's technical standards for provision of information on tax matters. And this has been repeatedly acknowledged by the OECD in all its annual reports since 2006.

And, Madam Speaker, by virtue of the Tax Information Authority Law we have put in place the administrative infrastructure to be able to service any tax information cooperation obligations that we assume.

So, against that background I should say that we have carefully considered the variety of options that are available for tax information exchange within the OECD process. These options include bilateral agreements, such as the one that we have signed with the United States; and Cayman implemented in 2004, under Cabinet approved negotiating protocols, a bilateral negotiation programme involving more than a dozen OECD States. I can say to this House and the wider community that we have in hand what we expect to be conclusive final discussions in the first quarter of next year with six OECD States.

I say that, Madam Speaker, to perhaps assuage some of the more vocal critics, and people like Tim Ridley, who seem to believe that he has a monopoly on knowledge of what transpires in these matters. But it needs to be understood that the bilateral agreements (TIAS, as we call them) are not the only option available in the OECD process for the exchange of tax information. It also needs to be understood that our response to tax cooperation matters, including the OECD initiative, will have short-, medium-, and long-term aspects which must be given appropriate consideration.

This Government, Madam Speaker, is determined to ensure that we give Cayman as much latitude as possible. In that regard, there are mechanisms besides TIAS that we can use to efficiently and effectively secure our position in relation to tax cooperation generally, and the OECD's current green list

programmes specifically. Implementation of these will require measured adjustments to the Tax Information Authority Law. We have been working on these amendments over the course of the past year and, Madam Speaker, next week I believe the [Third] Official Member, the Honourable Financial Secretary, will be in a position to introduce amending legislation to this House in that regard.

Madam Speaker, the Cayman Islands have long since established that our business is not built around tax evasion, and that we have no difficulty with the concept of effective cooperation in tax matters. We know where we are and where we need to get to, and we have a strategy that we are confident will get us there. Our financial services sector is extremely valuable to us and we will use every means at our disposal to protect it. This will necessarily involve trust, communication and cooperation between all stakeholders. And that includes, Madam Speaker, those of us here in this legislature.

No one is helped and no business is helped in this country by hysterical comments and remarks and statements made either by the Opposition or by people like Tim Ridley who are presumed by many to know what the true position is. This is an issue which ought to transcend politics, and I am hopeful that we will be able to get the support of the Opposition for the measures which we have to take over the course of the next few weeks as we seek to put in place the framework to enable this strategy to be successfully implemented that will ensure we are on the green list when it is published in June of next year.

Madam Speaker, the Leader of the Opposition and the Second Elected Member for West Bay also spent, as I said earlier, a great deal of time criticizing the Government for perceived inaction in relation to legislation which had been mooted and put forward by the private sector. I do not want to get into a blame game, because nothing is to be served in that regard. But I should say that there have been difficulties with some of the drafts that have come forward from the private sector. In every case substantial rework has been necessary.

I should say (as I have said to members of the private sector in other meetings), the days of the private sector simply drafting legislation, and to use their own words, "*government giving it the rubber stamp and passing it down here*", are over. Long over! Government has to give careful consideration to every single piece of legislation, particularly those pieces which affect the financial services sector.

This jurisdiction, like all offshore financial centres, is under tremendous scrutiny. I have just finished talking about some of the pressures that we face. We have to make sure that not only is the legislation effective, that it achieves the commercial purpose for which it is being passed, but that it also meets all relevant standards, and that it does not create issues for us down the road.

But, Madam Speaker, I can say that good progress is being made on finalising the drafting instructions in relation to proposals submitted by the Law Society some time ago, and the Legislative Drafting office has allocated dedicated drafting resources to financial services related legislation. So, we now have a small team that is actually devoted to that.

The Portfolio of Finance has engaged the assistance of a special legislative advisor in relation to financial services legislation and nominees from the Law Society are also involved in the process of producing the final drafting instructions. It has been agreed between government and the industry stakeholders that the new legislation being developed will be brought to this House during its February 2009 meeting.

So, Madam Speaker, we are actively involved in this range of issues. In addition to that, given the difficult times that we are in and facing, under the leadership of my colleague, the Leader of Government Business, the Honourable Kurt Tibbetts, we have established the Economic Monitoring and Advisory Group (EMAG we call it), and that is a much broader group of people who are involved, not just in financial services, but in all key aspects of the economy, from tourism to supermarkets, to contractors and to other business people. And the purpose of that is to get regular feedback from the key stakeholders in the economy about how well their businesses are doing, what trends they are seeing; to listen to their suggestions are as to how we can improve the environment, how we can prop up some things that may be weakening and, if legislative change is required or policy changes by government are required, we can move swiftly to deal with these matters.

And so, Madam Speaker, contrary to the impression that was given by the Leader of the Opposition and his colleague, the Second Elected Member for West Bay, there is wide, broad and regular consultation between this Government and private sector on a range of issues.

Now, in support of the Motion which seeks to have this House approve the Strategic Policy Statement, in his address, "Staying the Course in Challenging Times" the Leader spoke at length about the policy behind and the changes made to the Immigration Law. All of that is aimed at two things: (1) Curtailing employer abuse of the system so that we ensure that only good, credible employers who are doing business legally get the benefit of work permits and so forth; and (2) making the system more efficient, effective and more business friendly. That is the thrust behind the move to the administrative grant of what we hope will be probably about 80 per cent of all work permits.

That system, Madam Speaker (which is slated to come into effect on 5 January [2009]), when fully phased in, I believe is going to have a huge positive impact on the way business is done in the Cayman Islands. We will be moving from a system where sometimes people wait for two or three months to get

an approval, to a system where they will get approval in weeks if not, in some cases, days.

By this I am not just talking about temporary work permits, because we have the ability to grant temporary work permits. Or I should say, the Chief Immigration Officer has the ability to grant temporary work permits very quickly now. But under the new system he and his cadre of immigration officers who are charged with the responsibility will have the ability to grant full work permits in very short order if there are no Caymanians who have applied for the particular job, and if there are no controversial issues surrounding the particular applications.

Madam Speaker, all of those measures are being taken to make the business environment in Cayman that much more attractive and friendly to businesses, particularly. In these difficult times we have to do everything we can to make this place a good choice, in particular for international business not just to come to, but to stay, because all over the world there is a downsizing exercise going on particularly for businesses that conduct financial services and financial services related business.

We see almost daily announcements of thousands of people being laid off, especially in the United States, and this does have a knock-on effect, particularly in relation to firms which carry out a great deal of fund business. And we have been in discussions with members of the Mutual Fund Association, talking to them about their concerns, looking at ways in which we can improve the perception of Cayman so that when decisions are taken about downsizing and about whether or not to continue operations offshore, that Cayman features high on the list with all sorts of very good reasons why you would choose Cayman over anywhere else.

Madam Speaker, we also have to balance that against the reality that we have some 26,000 work permits in operation in these Islands which means that the majority of our work force is on work permits, and particularly in a time when there are going to be stresses, strains and pressures to keep people employed. We have to do everything we can to ensure to the greatest extent possible, Caymanians are the last to be considered for layoffs, if it should come to that.

Thus far, we have not had any reports of major layoffs in Cayman. I have heard some anecdotal evidence of a few of the financial services firms releasing people; but as far as I have been able to gather, by and large, those have not been local people. And we have been through a year now of the US being in recession and everyone I talk to says that by and large our economy is still holding its own.

In fact, Madam Speaker, there are some bright spots. If you look at some of the statistics from the Economics and Statistics Office (ESO) you will see that the property market has actually shown a little bounce. There is some speculation that, because people who have money, by and large, still have

money, and because of the distrust of investing in the stock market, there is some investment now in real property because that is seen as far more stable than just about anything. Equities, in particular, are viewed with a great deal of caution in the present environment.

Madam Speaker, there are no guarantees. But, by and large, I think there is still quite a bit of optimism around that the Cayman Islands is going to be able to weather this storm without major casualties and without suffering from a deep recession. It is our job—all of us in this House—to do everything we can to bolster investor and consumer confidence by taking measures and by saying things which encourage people to spend, to invest, and to look forward to tomorrow as being a tomorrow of promise.

It is easy, Madam Speaker, and perhaps expected at a time like this—especially when an election is looming and the Opposition is desperate for power—for the Opposition to say things in an attempt to discredit the Government and to thereby improve their chances at an election. But I ask them, knowing that and the reality of that, and knowing this is politics and that is how politics works, to temper some of the more outrageous things that they have said and may say, knowing full well that regardless of who assumes this office after the next election, these are our Cayman Islands in which we all live and work.

Madam Speaker, more important than us is that these are our Cayman Islands and we are entrusted by the electorate as the stewards of this vineyard. And regardless of which side of this House we are on, we ought to be united and committed to that one goal and objective making the Cayman Islands a better place, protecting and promoting the Cayman Islands and that whatever we say or do we should bear that in mind regardless of how desperately we wish to assume the reins of power: regardless of how much we would like to discredit the Government that is at the helm.

Madam Speaker, in that vein, not on the Floor of this House, but certainly in speaking to the media, the Leader of the Opposition, in my respectful view, has acted most irresponsibly. Over the course of the past couple of days he has said to the media that the truth of the matter is (and I am quoting him as best as I can because I heard it): *“The truth of the matter is, part of the reason that the Government is cutting back on these projects is because they can’t get banks to lend them the money.”*

Madam Speaker, I know that the Leader of the Opposition always feels that he has an inside track to information coming out of the Civil Service. But I can tell him, regardless of where he got that information, assuming he did not fabricate it, it is entirely wrong, untrue and irresponsible!

It was not put in a question form, it was stated as a fact which began, “The truth of the matter is . . .” So, Madam Speaker, I am going to say this: As the Leader of the Opposition well knows Government . . .

Well, maybe that was not the case when he was there, but this Government goes out to tender for loans. We do not simply make a sweetheart deal with any one institution. I can tell the Leader of the Opposition and the broader community that we have not started to borrow any money for next year’s budget. The budget has not come yet but we have gone to tender for the 2008/09 borrowings, and we have four top institutions that have bid to provide that funding to Government.

You see, Madam Speaker, not only does this country continue to retain top ratings internationally in terms of credit worthiness, but under this Government we have had no alarming Auditor General reports talking about how money was wasted; how Central Tenders Committee had been evaded when granting contracts. It seemed, particularly in the last year to 18 months of the UDP’s Administration, that every month the Auditor General was being forced to conduct some special inquiry because of alleged shenanigans going on with one of their projects. Nothing damages credibility and creditworthiness more than that sort of thing.

They have had five condemnatory reports issued by the Auditor General under the Leader of the Opposition’s term of office and under his leadership.

**Hon. W. McKeever Bush:** [inaudible interjection]

**Hon. Alden M. McLaughlin, Jr.:** And he is now saying they are not credible, because, of course, anyone who criticises him can’t be credible.

**Hon. W. McKeever Bush:** [inaudible interjection]

**Hon. Alden M. McLaughlin, Jr.:** But, Madam Speaker, the same individual has the audacity to go and either report something which—

**Hon. W. McKeever Bush:** [inaudible interjection]

**Hon. Alden M. McLaughlin, Jr.:** —he has no basis for, or to fabricate it and to say it publicly to the media so that he can discredit the Government.

**Hon. W. McKeever Bush:** [inaudible interjection]

**Hon. Alden M. McLaughlin, Jr.:** I’m not sure which money he is talking about, Madam Speaker, but I am going to say this: Every government project that we wish to initiate is underway. Contractors are being paid and the projects are proceeding properly.

There are no screams from people about special interests, and this one got this contract because he knew the Leader of Government Business; or that he was involved with business with the Leader of Government Business, which was the case under his administration.

And so, Madam Speaker, when I raise the issue about how important it is that we all are respon-



sible, we need to be able to think beyond the immediate and to understand that while politics is about discrediting the other side by making your position seem more attractive to voters, that's the nature of business. I spent four and a half years on the other side. I understand it well. But we need to ensure that in so doing, we do not undermine the reputation of the country itself and the—

**Hon. W. McKeeva Bush:** Madam Speaker, can the Minister tell us when they will get the loans for his projects?

**The Speaker:** That is not a point of order.  
Honourable Minister, would you—

**Hon. W. McKeeva Bush:** I know that is not a point . . . I am asking a question.

**The Speaker:** Well, you know I just don't understand how we can stand up in the middle of somebody's debate. . . .

Honourable Minister, would you continue with your debate please. [*inaudible comment*] . . . clarification if . . .

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, it should be plain even to the Leader of the Opposition that contractors would not be working if they were not being paid. As and when the Government needs money it has the authority to draw down such as it needs to fund the various capital projects.

Now, Madam Speaker, I know under his administration they had all sorts of special arrangements. I am afraid that we operate in a conventional manner where we get regular loans from recognised financial institutions and they are all dealt with very carefully, very properly, by the office of the Financial Secretary. I don't have to worry about when the money is coming. This Government does not operate in that haphazard, slipshod way. I hope that satisfies the Leader of the Opposition.

**Hon. W. McKeeva Bush:** [*inaudible interjection*]

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, as we are on this topic of what does damage to this jurisdiction, about discrediting the jurisdiction, about creating reputation issues for this jurisdiction, I want to say that the Strategic Policy Statement and the current budget are forced to take into consideration the cost of the various ill-conceived investigations which have been authorised and initiated by His Excellency, the Governor. And I am talking of millions of dollars.

Much has been said publicly about all of this. The Opposition has taken the position to support the Governor's initiative. Indeed, I was surprised, and many across these Islands were surprised, to read in the serialised report (I think it is called) from *Cayman Net News*, that in fact the Leader of the Opposition

had actually spoken to Mr. Kernohan on behalf of his former colleague, Lyndon Martin, about the allegations in relation to Desmond Seales at *Cayman New News*.<sup>1</sup>

**The Speaker:** Honourable Minister, can you tie this into your debate of the Strategic Policy Statement?

**Hon. Alden M. McLaughlin, Jr.:** Yes, Madam Speaker.

The link is about the cost of these various investigations which had to be made part of the current budget projections in terms of expenditure and the 2009/2010 Strategic Policy Statement. We're talking about millions of dollars. That is the link to these investigations, because here we are . . . and we can believe it won't be before Christmas but it will be shortly thereafter. We will all be under pressure to find the money to pay for these investigations; to pay damages to Judge Henderson, and I can tell you now that that is going to be the case.

Madam Speaker, we really have to get to a point in this country, constitutionally, where the Governor is not entitled to do as he has done; to simply of his own volition, in his own discretion, authorise any number of investigations to just run, and whatever the cost is, whatever the damage is, the Cayman Islands Government is expected to step up and sign the cheque for it.

Now, Madam Speaker, we have a situation here (and this is coming to the real crux of what I want to say) where one Martin Bridger of the Metropolitan office of the United Kingdom was simply given complete and wide authority to go and do whatever he wanted to do to find out whatever wrongs there are, to investigate them and to make report. In so doing he has broken every procedural rule. He has trampled every convention. He has arrested a judge. He has done things that have left everyone completely stunned and shocked. And at the end of the exercise what has he found? Nothing!

Now, Madam Speaker, we have the Governor [who has] brought in his own judge, Sir Peter Cresswell, who found that this was all wrong, very bad—

#### Point of Order

**Ms. Juliana Y. O'Connor-Connolly:** Madam Speaker, on a point of order, please.

**The Speaker:** May I hear your point of order please, First Elected Member for Cayman Brac and Little Cayman?

**Ms. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

<sup>1</sup> See Personal Explanation at page 711

Madam Speaker, I wonder whether or not the Member wishes to suspend Standing Order 35 (7) so that he can continue to discuss the Governor.

**The Speaker:** Honourable Minister, the First Elected Member for Cayman Brac and Little Cayman does have a point of order.

Would you move away from discussing the conduct of the Governor, please?

**Ms. Juliana Y. O'Connor-Connolly:** Madam Speaker, might I just beg your indulgence? I was not asking the Chair for him to move away. I was asking whether he minded suspending the Standing Order if he wanted to continue discussion on that important point.

Thank you.

**The Speaker:** Honourable Minister, I would ask that you continue your debate without getting into the conduct of the Governor.

And you have, as the Clerk has informed me, approximately three minutes left.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, it seems like the extension from the Governor's office reaches even here.

But, Madam Speaker, I abide by your—

**The Speaker:** Honourable Minister, please. The First Elected Member for Cayman Brac and Little Cayman was giving you the opportunity, if you wanted to suspend the relevant Standing Order, to continue discussing the conduct of the Governor. But as the Speaker, I think we should move away from discussing the conduct of the Governor.

Would you continue please?

**Hon. Alden M. McLaughlin, Jr.:** I abide by your ruling, Madam Speaker.

**The Speaker:** Thank you.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, the situation we are in now, though (without raising any matter relating to the Governor), is that we are being asked to continue to fund an investigation led by one Martin Bridger whose conduct (his conduct, not that of the Governor) has been found by the Courts to be in breach of rules, procedures, regulations, rules of evidence, the whole lot.

I just want to say, Madam Speaker, without pressing the point any more than that, that this Minister will join with his colleague, Minister of Tourism, to say that under no circumstances will I support funding any investigations in this country led by one Martin Bridger. I have no intention of supporting the continued involvement of someone who has absolutely no regard for our legal system, judiciary, elected Ministers or for any of us who sit in this House. Madam

Speaker, the day that we countenance that kind of approach we throw the rule of law out of the window.

I do not know what the Opposition is going to do, but I can tell them what this Government is not going to do in relation to Mr. Bridger's continued involvement in any aspect of investigation in this country. Madam Speaker, I will leave that there.

I just want to conclude now by saying that the Government has produced a carefully considered forward-thinking Strategic Policy Statement borne of a great deal of careful deliberation and consideration. In these difficult times we have, I believe, done well, Madam Speaker. There are few, if any, governments in the world that can produce what we have produced in the present economic climate. We should be complimented, not denigrated by the Opposition, for that effort and result.

Madam Speaker, I will end on this point. When the country comes to choose, as is the democratic way, I simply ask all considered to look carefully at what this Government has done, at what it proposes to do, at the way it is operated. I ask them also to consider with equal scrutiny the complete absence of any plan, programme or even valid suggestion or recommendation from the Opposition as to how they would manage the economy, what their fiscal strategy would be. What is their education plan? What is their health plan? How do they deal with social services?

Madam Speaker, to aspire to be the Government you must at a minimum, five months before the election, be able to say to the country, *The way they are doing it is wrong. This is how we would do it, vote for us so that we can implement this plan.* But, Madam Speaker, all indications are that the Opposition, while lavish in its criticism, is entirely bereft of any ideas, recommendations, and thus far has not been able to outline even one line of any comprehensive national plan for how they will manage this country, should the country have the misfortune of having them at its helm.

And so, Madam Speaker, I thank you for your indulgence. I thank the House for its indulgence and I wish to hear now whether or not the Opposition has anything further in reply.

Thank you, Madam Speaker.

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

The Third Elected Member for the district of West Bay.

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, I rise to make my contribution—and I want to tell the Minister I will not be too rough on him, so he does not have to leave—"Staying the Course in Challenging Times", the Strategic Policy Statement delivered by the Honourable D. Kurt Tibbetts, on Wednesday, 10 December, the honourable Leader of Government Business.

Madam Speaker, I want to pick up on my friend, the Minister of Education, who referred to a

tomorrow of promise and to tell the Caymanian public that, yes, we can look forward to a tomorrow of promise. And that promise is that as of May 20, 2009, we will be able to see the last of the PPM Administration.

Madam Speaker, it is amazing to me that we can get up during this time of difficult stress, economic difficulties, and hear the Government try to give the impression that in some way things are well in Cayman. We see spiraling debt. We see no new business. We see the GDP is down. Yet we hear the PPM Administration talking about their track record and their great stewardship over the period.

Madam Speaker, we know there is desperation. And we know that the Government has found a way to use their political analysts, who are in some way, I understand, being paid for by the Government coffers to put as much spin as possible as to how good the position would be. But even those analysts, who are employed to try to prop up the Government and make it look good and give them political strategy, are having a difficult time based on the track record of the People's Progressive Movement.

We see in the Statement that the Leader of Government Business refers to the good economic times being that in 2005 there was some 4.6 per cent GDP, I think. It is amazing that the Government would think it possible to fool the Caymanian public that they could take credit for the GDP growth of 2005 as credit for the People's Progressive Movement Administration. We all know that that growth was strictly to do with the rebuilding exercise from Hurricane Ivan, and that even in 2006, as that growth began to taper, we saw a reduction in 2007. In 2008, we have seen a more significant reduction.

So, under the People's Progressive Movement Administration, we have seen a reduction in the GDP of the Cayman Islands for three consecutive years. Yet, we hear the Government get up and brag that they have done such an excellent job.

Even last year we got into this debate back and forth as to when the US went into a recession. We saw there was a prediction by the Government last year of Cayman having a real GDP growth of 3.2 per cent. And that prediction looked good. We got up and we questioned it and we said, *Listen, if the US is only expecting around 1.6 [per cent], 1.9 [per cent], why do we think that we are going to have that kind of growth in Cayman?*

They said to us, *Oh, yes. You guys do not know what you are talking about.*

Now, Madam Speaker, what we are seeing is that we only have growth projected at somewhere around 1.5—less than 50 per cent of what was projected at that time.

And, Madam Speaker, my two colleagues . . . the lady Member for Cayman Brac is obviously more concerned with things that were going on in Cayman Brac, so she did not give a lot of time to the whole issue as to the Government's policy. But when my two colleagues in January brought the motion that asked

the Government not to stop government spending, but to reprioritise because it was obvious that things were starting to decline, we now hear . . . at that time we heard that, no, that was an insult; not on the best of mornings could they take that advice.

Now we understand.

I heard the Fourth Elected Member for George Town get up, and the Minister for Tourism, and their logic at that stage was that we could not listen to the policies of the UDP—not because they just do not listen to any advice they were given, what they said at that time was they could not listen to the advice because that economic policy was flawed. And the reason why it was flawed was because during times of economic uncertainty, the Government is required not to pull back on projects, but to pump money into those projects. They were saying, being the smart minders of the economy that they are, that when there was talk of a recession they could not in good conscience cut back on projects because that would further deteriorate our domestic economy.

Now, we heard all the questions, Madam Speaker, as to how long ago the indications of a slowdown in the economy was, whether it was a year ago, whether it was six months ago. What we do know—and they have acknowledged—is that it was evident that things were slowing down, that a recession was looming, they said in January, and that was the reason for continuing on in their capital works projects.

Madam Speaker, that logic . . . and maybe someone can explain it to me. What I find hard to understand is that their reason for not cutting back at that time was because a recession was looming. But now that they have acknowledged that a recession is here—it is not looming any more—their economic policies now call for them to cut back on those projects.

So, we could not do it when it was looming, because that would be bad; but now that the recession is here we all of a sudden decide that our economic policies . . . now it is good policy to cut back. What happened to the need for the Government to be injecting that much-needed money into the economy?

What happened to those plans, Madam Speaker, that said we can't listen to you guys telling us because there is a *possibility*? But as soon as we find out that it is not a *possibility* anymore—that we are in a recession—now we are going to pull back?

The question I am not sure about is whether the Government has recognised yet that we are in a recession because I heard the Fourth Elected Member for George Town making the point that we should not say that we are in a recession because when the Government says that we are in a recession that will further complicate the situation and things will get worse during that time.

#### Point of Order

**Mr. W. Alfonso Wright:** On a point of order, Madam Speaker.

**The Speaker:** May I hear your point of order, please Fourth Elected Member for George Town?

**Mr. W. Alfonso Wright:** I did not say that you cannot say that the country is in a recession when it is in recession, Madam Speaker. What I said was that Government has to be careful and not say that we are heading for a recession. That was the point I made.

**The Speaker:** Honourable Third Elected Member for West Bay, that was what I understood the Member to say. But if you are not satisfied with that, we could stop to get the *Hansard* to clarify exactly what was said.

**Mr. Cline A. Glidden, Jr.:** No, Madam Speaker. I am satisfied.

And just carrying on to that point, Madam Speaker . . . so, when a recession is looming, we should not say that we are heading for a recession, or we should not be shown as pulling back or stopping any projects because that could give a lack of confidence; but when we acknowledge that we are in a recession we can stop the projects then, even though earlier on the reason for not stopping was because we needed that trickle down, we needed that stimulus that those capital works, those projects, would provide.

Madam Speaker, that logic seems to be missing somewhere. If we needed that stimulus when we thought we were going into a recession, I am sure we should all recognise, when acknowledging that we are in a recession, that we need that stimulus. We need that trickle down.

Madam Speaker, what we need is a bit more than just that because the concern my colleagues have expressed is that, yes, we all acknowledge that capital works projects, when we spend \$60 million on a school—even though we only have two or three Caymanians employed on the project—we acknowledge that, yes, the Caymanian economy gets a little stimulus trickle of that money that is spent. Obviously, we are not happy that that is sufficient. We would prefer more stimulus than that. But we acknowledge that capital works projects by the Government will provide some stimulus, albeit very small. But, Madam Speaker, there is more need for that during the actual acknowledged recession than when the recession was only looming.

Madam Speaker, maybe there is reason for that. There is some logic. But if the Government had come out and said to us that they just did not have the money and that was why they had to stop the project—but they are expecting a \$23 million surplus—they are stopping the projects, and they are also cutting back on services to the tune of some \$10 million.

Earlier on, the Minister of Education was saying that, no, we should not leave the money in our coffers. Madam Speaker, if we are projecting a \$23 million surplus, if the Government's economic policy says to them that they should be spending to create the stimulus, why, then, are we cutting back?

Madam Speaker, our argument has all along said, *Listen, we need to be more prudent, we need to reprioritise*. But the Government has said, first of all, that it was not necessary; and now they are saying that we find ourselves in a recession so they need to cut back.

The Minister for Tourism spoke about the reduction in cruise passengers; again, great stewardship. We see a reduction in GDP. We see a reduction in cruise passengers. From what the Minister said, there is going to be some 200,000 fewer passengers over the three-year period. Madam Speaker, I do not know why that is surprising, because that was a promise in that little red book the Honourable Minister of Education referred to, the mistake that the Government was making focusing on cruise tourism, and everything was being done wrong; that industry was being managed wrong. But again, when we look we hear them talking about being so easy to criticise. But now those chickens are coming home to roost.

Those Members stood up and criticised the previous administration. They criticised them on their fiscal prudence and fiscal management. We have seen worse management in the last three years. They criticised them on the management of the tourism product, namely, cruise ship passengers. We have seen a reduction. And we heard all the excuses, all the reasons why those . . . of course, there is no acknowledgement that it is because of poor management by the Government.

But the Caymanian people have seen that. We fully recognise, and hear the same things. I am sure the Minister, while he is trying to get up and give excuses, knows the Caymanian public is savvy enough to understand that in the three and half years, regardless of how much they get up here in the LA and talk about what a good job they were doing—like they said, facts are stubborn things. And we see the facts. The proof is in the pudding.

Madam Speaker, surprise, surprise!

I heard the Minister of Tourism complaining about the press. I heard the Minister of Education complaining about the press. Now, when the press was supporting the administration there were all those claims. I can remember when the Honourable Leader of the Opposition used to question or complain about that, they were the first ones to talk about censorship of the press and the need to have freedom of the press, and there was dictatorship. Now all of a sudden, Madam Speaker, the shoe is on the other foot. That same press, which was their ally at that time, oh it's not being objective any more. It is not objective journalism any more. All of a sudden, now it's bad press—whether it is talk show, print media—it is all

bad now. But in 2005, when they were criticising the Government of the day, when they were helping them win their seats, the press was doing a good job at that time.

Madam Speaker, you know what they say about those little evil webs that we weave. But I must say that it is a bit ironic to see and hear how quickly poetic justice has formed and materialised.

Madam Speaker, I could never have imagined the difference happening so quickly from only a few short months ago, of being the darlings to the press, of having all the answers, all the solutions, all of the contracts, Madam Speaker . . . we talk about the need for . . . I heard the Minister get up before and say it is whoever pays the papers, of one particular paper. We heard about all of those contracts before between, I think it was MCM Consulting and the different companies that had the contracts. All of a sudden, that was all fine and well; but now, we get into a situation where the press is out on a vendetta to get rid of the Government and they are not friendly any more.

Madam Speaker, it is getting real old to hear the same stories and the same justifications as to why the Minister for Education has not been able to achieve anything in the Education Department. So far, Madam Speaker, he has talked a good game; but what have we seen as far as results?

The Minister inherited the three school locations. They were all bought by the previous administration. There were groundbreaking ceremonies. Supposedly, there were plans in place. Now, since then, the Minister was elected. He was given the Constitutional responsibility for that section. We saw all these plans and we heard a lot of talk and conventions and celebrations. And then we got some plans in place.

Then the Minister got the support of his Cabinet for the funding that was required for the schools and he came down to the Legislative Assembly and he got all the required funding for those schools. But lo and behold, even with the funding . . . Now [with] previous Ministers the complaint had always been that the country could not afford the expenditure required on the school plant. But this Minister got it approved by his Cabinet; came down to the Legislative Assembly and got the money approved, but because of the incapability of that Minister he has not been able to perform and get anything done.

So what does the Minister continue to do for the three years? He says, *'I don't get support. It's been opposed. The Opposition has been opposing me.'* It is time for the Minister to accept responsibility and just say he is not man enough to do the job.

He ended up getting . . . the first year he got his \$19 million (or whatever) and, because he was not able to get anything done, he came down here and asked us to transfer that money to the Minister for Roads, [and] then told us how important the school plant is on the education agenda of the PPM.

Now, we voted for education with all intention that the Minister was going to be able to achieve. If his school plant was in such dire need, if it was such an important aspect of the PPM's platform, we assumed that he would be able to get something done. So, the first year we heard some excuse; that money had to come down, and nothing got done.

The second year very little got done. As usual, getting close to an election time, all of a sudden we see a hurry happening with the schools. But surprise, surprise! The school in West Bay would get stopped. We decided there is not enough money and the Minister had the audacity to talk about there being celebration.

Now, the Opposition has been here supporting the Minister every time the budget has come down. I know [of] times the Minister himself was not in the Chamber to vote for his budget when the Opposition was in majority and they voted for his education budget to ensure that he had the money. And that Minister would still get up and try to give the impression that the reason for his lack of achievement is due in some way to a lack of support.

Madam Speaker, he can only play that blame game so long. He cannot continue to talk about, because he did not have the support. The truth of the matter is, he does not need the support of the Opposition—he has the support of the Government. The majority is there. But the Opposition has been supportive every time. He cannot show where the Opposition has not supported his budgets. Now, the Opposition may have questioned some of the stuff in his budget. They may have questioned why we have to spend that amount on schools. I have heard the public, we have bright sunshine, the buildings that are designed in Chicago that are going to be high on air-conditioning and there may be concerns as to whether we can afford all three schools at one time, but there has always been support. Yet the Minister continues, every time he stands up, to talk about his achievement, but his achievements in the absence of support from the Opposition. Totally unfair and fooling nobody!

The Minister just needs to accept—maybe the Government needs to accept too—that that Minister is just not the right Minister for the job!

I heard him quickly complain, and criticise the previous Minister or the previous Administration. Madam Speaker, I need to remind him that the previous UDP Minister [whom] he criticised was his choice for Minister of Education as well. So, when he is up there criticising the previous Minister, I need to remind him that in November 2000 he voted for that Minister as his Minister of Education. Does he have a short memory? Or is it a convenient memory? How could he forget? And how could he be so critical of that Minister and talk about him being down here and the only thing he did was read books?

Madam Speaker, one thing is true—in that Minister's three year term he built a school! He built a

school for \$10 million. It is the Red Bay Primary School.

**An Hon. Member:** The Prospect Primary School.

**Mr. Cline A. Glidden, Jr.:** The Prospect Primary School. Sorry. Thank you.

Madam Speaker, how disingenuous is it for him to criticise the Minister of Education who did more than he did with less? Because he did not come down here and get some \$40 million or \$50 million voted and approved by the Legislative Assembly to give him the opportunity to build three new high schools. But with the \$10 million he had he was able to build his school.

Now, Madam Speaker, he should restrict himself from being so critical, besides the fact [is] that it was, like I said, his Minister. When it comes down to the track record, except [for] the fancy conferences and the pretty talk, when it comes down to results we have seen more from the previous Minister. And, like I told this Honourable Minister of Education before, I have no doubt in my mind that every Minister, if we go back to Mr. Benson Ebanks, Mr. Truman Bodden, Mr. Roy Bodden and this current Minister of Education, I have no doubt in my mind that each one of them got in with the intention of improving our education system. But do not be so quick to criticise the others and to brag about what you have done until you have some tangible results.

We have nothing except a lot of talk and pomp and ceremony, a lot of papers. Wait until something gets achieved. I mean, he can't be taking credit for the University College of the Cayman Islands (UCCI) fiasco—the Dr. Syed fiasco! Is that what he is going to take credit for? The fact that we had this doctor that was not a doctor, and we had an increase in the numbers from some 600 to some 3,400, but we found they were counting the same people four times.

**Hon. W. McKeeva Bush:** Yeah!

**Mr. Cline A. Glidden, Jr.:** That is the kind of thing the Minister is going to take credit for [while criticising] the previous administrators of education?

He makes it sound like . . . where did he get his education and where did we get our education? He is the only one. All the other Ministers of Education prior to him did not do anything for education, according to him.

We have the best, the brightest, we have him who got his education . . . I guess he probably gives himself credit for that too!

But, Madam Speaker, like he said, if it wasn't so serious, it would be funny!

**Hon. W. McKeeva Bush:** [Inaudible]

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, we hear him talk about the track record—

**Hon. W. McKeeva Bush:** Yeah, he's got a track record all right. Syed!

**Mr. Cline A. Glidden, Jr.:** We see the financial track record, a continuing decline in our GDP. We know that the Caymanian people are having it harder now than they have ever had it before.

Madam Speaker, the spiraling cost of living. We have seen that under that same Minister, who also has responsibility for employment, rising unemployment. And that Minister gets up and talks about his track record and the fact that people should be considered and measured at the next election. He must realise that if they measure him from an education standpoint, or any other standpoint, it is going to be a big failure.

**Hon. W. McKeeva Bush:** [Inaudible comment]

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, that is the same Minister who has responsibility for the Sunrise Centre and never visited it during his whole term.

**Hon. W. McKeeva Bush:** And his PS when she went down to Boatswain Bay . . .

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, but he tells us about him, again, having done so much! So much for our people, our young people especially.

He has responsibility for the Sunrise Centre, and it is going to be closed down by the Planning Department because of fire and safety regulations violations. And he has never visited the Centre.

Now, we had to drag that out of him, Madam Speaker, but does he think—

**Hon. W. McKeeva Bush:** [inaudible]

**The Speaker:** Can we have one Member speaking at a time please?

**Mr. Cline A. Glidden, Jr.:** Does he think that people are going to forget that kind of stewardship that he talks about?

Does he think that when people go to the polls on May 20<sup>th</sup>, because he gets up here and makes that passionate speech, that that lack of performance on his part is going to change? He cannot change it in six months regardless of how many consultants.

I heard him talk about Dr. Henry, Dr. this one . . . I do not know who they are going to bring, Madam Speaker, but they can't, regardless of how much money they spend . . . And one thing you have to be careful with, Madam Speaker, some of that advice coming from those territories that are in no way better off than [we are]. We have actually seen when we look at our finances, some of them heading in the wrong direction. Maybe that's because of that bad advice we are getting out of the Eastern Caribbean.

*[inaudible interjections]*

**Mr. Cline A. Glidden, Jr.:** Maybe it is because of that advice, and it is now coming home and we see the three-year policies that are coming out. We are seeing that those policies are putting us in the same place where those people are coming from have left their countries. But, time will tell.

Madam Speaker, the schools? We are hopeful that we will be able to see the school in your good district, the Clifton Hunter School, in North Side. And we are seeing . . . I guess that is what we are seeing . . . Remember when the Minister referred to the only thing that could stop him from building those three schools being divine intervention? Madam Speaker, it has sadly . . . obviously, the Minister has been restricted. Like he said, it was hard for him to be restricted; he was saddened by it.

And, we are saddened to know that the country has to go through these times. But we think that with good management, Madam Speaker, good prioritisation, that we can get through this as a country. But we need good leadership, Madam Speaker. We need leadership that is held accountable to the people.

The Minister was quick to brag about there being no questionable reports from the Auditor General. Madam Speaker, how are we going to get questionable reports when we cannot get any accounts? We do not have accounts for some \$1.3 billion for some three or four years. The Government does not give accounts, then, they brag that because they do not give accounts there can be no bad investigations or statements by the Auditor General?

Madam Speaker, does he really think that the Caymanian people are that far removed? That they do not understand that game?

**Hon. W. McKeeva Bush:** *[inaudible]* Syed?

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, we have increased crime.

The Member talks about this little red book. When we go through that book we see a lot of promises. Like he said, it was too many promises—even he himself acknowledged too many promises. Can you imagine?

That just shows, they fooled the people of Cayman in 2005, Madam Speaker. The Minister acknowledged and said that it was unachievable in a four-year term. And I guess, Madam Speaker, that is why people are saying they made a mistake. They took them on their word; they thought that they could get all these things that they were promising. But reality has come home now, Madam Speaker.

We hear about crime. The solution was that we were going to have more money. We had to give the police more money. That was going to cut back crime. Lo and behold, it has not worked.

The Minister talks about a good track record. We have people more scared to come out of their homes now. *[We]* cannot open our windows *[and are]* afraid to walk at night.

Madam Speaker, we hear about a stewardship track record. He cannot be talking about good stewardship with the helicopter fiasco.

**Hon. W. McKeeva Bush:** No!

**Mr. Cline A. Glidden, Jr.:** That cannot be the same good stewardship they are bragging about, Madam Speaker. That cannot be the track record.

So, we got Syed as a failure, we have the helicopter as a failure. Madam Speaker, when we finish with this grade it is going to be a failing grade. We have failing on the Sunrise centre. The Minister did not take the time to go down there. We have failing on the building of the schools, even though we have one that is somewhere on now.

Madam Speaker, we have failure on unemployment. We have increasing work permits with some 26,000 people here on work permits—but ever-increasing unemployment. Now, Madam Speaker, there has to be disconnect. Our sign of a good economy is that we have more people coming here to gain employment; but on the other hand, we have more Caymanians who cannot find a job. And the Minister has the nerve to get up and talk about their stewardship?

Madam Speaker, I have not seen anything . . . he talks about what was done by the previous administration. Higher cost of living, Madam Speaker: The Government gave a concession to CUC of some \$6 million a year in fuel reductions, yet everybody is screaming and saying their fuel bills are higher than ever.

Madam Speaker, talk about good stewardship again. Oh well, we are protecting everything. We have catastrophic insurance. But we happen to forget that instead of just being Grand Cayman, when we talk about the Cayman Islands, there's also Cayman Brac and Little Cayman. So, lo and behold, when it comes time to make a claim on that insurance—and we paid some \$6 million in premiums—we turn around and say, oops, we made a mistake.

That stewardship that we talk about again *[is]* nowhere to be found. So, the people of Cayman Brac cannot benefit from the insurance.

Madam Speaker, we can go on. We can go on. But what we see is that while we get a strategic policy statement that talks about how good things are and what a good job the Government has done, when our little friend, the consultant, who spent all his time preparing his speech . . . when we dig down in it we actually see that regardless of how good you try to make that performance look, it just isn't there.

We see that there is a disconnect because we hear one Minister say that we were not sure what the US economy was doing, but then we heard that the

Minister of Tourism was making plans from a year ago because he knew that the US economy was slowing down; but the rest of the Government, up until January this year, did not seem to think . . . they said all the indications were spot on. We were looking good.

Madam Speaker, I do see the discussion on the road network. If I have to give some credit, I have to say that they have made some improvements in road networks. Now, we do not know at what cost that will be. And we hope that we are able to afford to pay for those, whether it is the land cost or any associated cost. But we do recognise that the Government has made some . . . even at the expense of education. Even though the Minister came down and asked us to vote for funds for education, when he found out he could not build his schools or he could not improve education he had to use the money for roads. We appreciate and we are thankful, along with the people, that we got some new roads.

Madam Speaker, the point on education that I think was missed, when he was making his remarks earlier, the Minister talked about how disappointed he was. Now I notice he did not go into the same emotion about the Beulah Smith School in West Bay. But he talked about how the George Town Primary School was one of the best schools on the Island, including the private schools. And we agree with that, Madam Speaker. But do you know what was ironic, Madam Speaker? That is one of the best schools and it has the worst infrastructure, according to the Minister.

It goes to show that buildings do not a school or good education make. Even with all of the temporary classrooms that he referred to, even with all of the challenges we know that school is facing, he acknowledges that that school is one of the best primary schools.

Madam Speaker, the Minister has asked us for alternatives. He has asked who our Minister of Education will be. Madam Speaker, I know we have to remind the Minister (because his mind is only focused on politics), but the election is still six months away. The business of this House, the business of the country still has to go on. He should not concern himself so much with looking over his shoulder at who the new Minister of Education is going to be. That will come with time.

**Hon. W. McKeeva Bush:** It's not going to be Syed!

[laughter]

**Mr. Cline A. Glidden, Jr.:** What we can say, Madam Speaker, is that prior to us asking the good people of the Cayman Islands to change this current Administration we will show the alternatives. We will highlight our ministers and we will give them the plan [so] they can measure the success of the government that we are asking them to elect.

Madam Speaker, one problem is that when we give alternatives the Government does not like

them. When we came with alternatives in January, the Government said not on the best of mornings.

When the time is appropriate, the country will have the plans and they will have an opportunity to judge based on the comparison of our plans and not only what the Government has promised but what the Government has failed to deliver on.

Madam Speaker, the Minister is going to spend plenty of time, like he said. He acknowledges that he is in a weakened position. The speech is now going into that sympathy: *Oh, I wanted to do more, but the Opposition was stopping me. The reason I could not get the schools built is because they were not supporting me.*

Before, the Minister was talking about nothing but divine intervention could stop him! All of a sudden now he wants to give the impression that there is some justifiable reason—except his lack of abilities—as to why we have not seen any improvement in education.

Madam Speaker, we go back to the financial industry. What we have seen again . . . and surprise, surprise, Madam Speaker. That is the same Minister that has responsibility. We have seen a decline in our international ranking as a financial centre. I think we went from number 5 to . . . one of the reports had us down to 20-something! That is the same Minister who gets up and talks about his track record.

Madam Speaker, we know we have challenges. We know that when the Minister talked about stay over tourism, cruise ship tourism, the effects of Cuba, that the country does have to face impending challenges. We know that, even though we have seen in this where (on page 16 of the SPS) it talks about “. . . it seems the global downturn will have its greatest effect on the Cayman Islands economy during the current fiscal year.”

I am not sure where we got that information from, Madam Speaker. We have been told that we don't know what the effects of the fallout are going to be. And, like the Minister said, it is so uncertain that every day we see more and more crises. But we understand that for projection purposes the Government has to say that because, believe it or not, they are projecting an increase. They are projecting that the economy is going to get better next year, and even better the next year.

We know that projections are easy to make. But the realities are that we do not really know. And we do have to be prudent. And we do have to be accountable. Madam Speaker, a good way to start that accountability would be to get some of those reports and see what the Auditor General is going to say about them.

We know there is a helicopter fiasco the Auditor General is working on. We know there is a Syed one that he is working on. We know that. I think there is a Matrix one they are working on.

But the Minister gets up and says that his claim to fame is that during their administration there



were no damning Auditor General reports, no questionable Auditor General reports. They cannot have those Auditor General reports because there has been no accounting!

**Hon. W. McKeeva Bush:** [inaudible interjection]

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, one thing that I did not hear . . . I was a bit surprised when I heard the discussion about the investigation going on. I heard the excuse for the Savannah gully wall. I heard the reason for that was that . . . well, what was said is that the money that we are spending on those investigations . . . Now, Madam Speaker, before we heard that the Government was not supportive of the investigations, but now what we are hearing is that they are supportive of the investigations—but not with Mr. Bridger.

Madam Speaker, while the Government gets up to talk about being elected on a platform of anticorruption, it is important for us to remind that Government that while there were allegations of corruption before, the only Commission of Inquiry has been held on a sitting Minister of that Government.

And it is also important for us to remind them, Madam Speaker, that they did not want to pay for that Commission of Inquiry either.

**Hon. W. McKeeva Bush:** [inaudible]

**Mr. Cline A. Glidden, Jr.:** So, when they talk about them running on a platform against corruption, there were all sorts of allegations made, whether it was the Turtle Farm . . . but when the Auditor General reports came out, there was nothing found wrong.

But guess what? Guess who was the only Government—the same one that supposedly ran against corruption—that was found to be wrong by the Commission of Inquiry.

Madam Speaker, we keep talking. It is easy to talk about accountability, and it is easy to talk about track records. But what the Minister needs to understand, what the Members on that side need to understand is that there are no (like I hear my colleague referring to) lily whites over there. And when that cover is drawn down, and when the Glass House is opened up and the sunshine comes in, we start to see all these big defects. We start to see those defects coming out.

**Hon. W. McKeeva Bush:** [inaudible interjection]

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, he has to be aware that in the next six months, (five months, sorry), just like he said he is not going to run away, that lack of performance of his is not going to run away either. Regardless of how much he gets up here and pleads and begs and makes it sound like he is the nicest guy in the world who did all of this stuff, the accomplishments—or lack thereof—are going to be

brought to light. And we are going to continue to do that because that is the job and the responsibility of the Opposition. They are the checks and balances on the executive arm of Government.

When they get up and talk about all the Opposition being able to do is criticise, Madam Speaker, we are criticising because they are doing so much wrong [and] we have a responsibility to the people to criticise. So, we propose to continue criticising as long as they are doing the wrong thing.

But, like the Minister said, there is a tomorrow of hope—20 May. And we are not going to . . . because, Madam Speaker, remember what the campaign said? They said, “Help was on the way.” And what people are saying is, ‘*Boy, we’ve been waiting a long time; we nah got no help yet.*’ Help must have gotten lost along the way!

So, 20 May [2009], the good people of Cayman will look and measure the results. And I am sure, Madam Speaker, that when they see the failures they will realise that the time has come to move on.

Madam Speaker, I see the time is nigh. I just want to use this opportunity to wish you and all of my colleagues, all my friends on the Government side and on my side the best and brightest wishes for the season, a happy and prosperous New Year. We look forward to continue working with the Government for those few things they are doing right. We will continue to support them. But for all those things they are doing wrong, we promise the people that we will continue to do our job and continue to highlight and criticise those.

As much as we have given them their time, we have given them their time to try to do what they needed to do. As much as we have given them their time and not been too critical, their time is coming to an end and we have a responsibility to highlight those shortcomings.

Madam Speaker, I also want to use this opportunity to wish the good people of Cayman Brac and Little Cayman best wishes for the season. We know they are going through a difficult time. And we continue to pledge and give whatever support we can give to them. And we look forward to a bright and prosperous New Year for the good Cayman Islands.

**The Speaker:** I would just like to say, for Members who have spoken but who have not extended Christmas wishes and so forth, the final day before we close down I will be allowing all Members who wish to extend Christmas greetings to their constituents the opportunity.

I will entertain a motion for the adjournment of this honourable House.

Honourable Leader of Government Business.

## ADJOURNMENT

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

I move the adjournment of this honourable House until Monday at 10 am.

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

**PERSONAL EXPLANATION  
(Standing Order 31)**

**Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

Madam Speaker, I ask you to allow me to make a statement under the Standing Orders—

**The Speaker:** A personal explanation, Honourable Leader.

**Hon. W. McKeeva Bush:** —as follows: The Minister of Education, in his usual way, said in his debate, and I quote: “The Leader of the Opposition spoke to Kernohan on behalf of his colleague . . .” Madam Speaker, that is not true. I did not speak to Mr. Kernohan on behalf of any colleague of mine.

As a good Member of this House, a representative of the people, and as a Justice of the Peace, I have always spoken to new Commissioners on various policing matters. That is what I did [which] I feel is part of my duty. I had no cause, and never did, to speak to any such person on behalf of any colleague.

Thank you very much, Madam Speaker.

**The Speaker:** The question is—

**Hon. W. McKeeva Bush:** Madam Speaker, before you ask for the vote for the adjournment, I will not be here on Monday, as I have a doctor’s appointment in Miami. I spoke to the Leader of Government Business on the motion that I have before the House (the one dealing with National Hero), and that is very close and near and dear to me personally; but also as a representative. He promised that that will not come until I get back.

I am just asking that that be reminded. I should say because I need to do this, that if I am not here for the motion for Cayman Brac other Members will move that amendment.

**The Speaker:** I think, Honourable Leader of the Opposition, if I recall correctly—but maybe you can check the Standing Order—I think it has to be done in writing. So, you can give that to one of your colleagues.

**Hon. W. McKeeva Bush:** I thought that once I gave notice that was sufficient; however, if it has to be in writing, it can be done.

**The Speaker:** Yes. Just check the Standing Order please or have the Clerk check the Standing Order.

The question is that this honourable House do now adjourn until Monday 10 am. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

This Honourable House now stands adjourned until Monday at 10 am.

**At 4.36 pm the House stood adjourned until 10 am Monday, 15 December 2008.**



**OFFICIAL HANSARD REPORT**  
**MONDAY**  
**15 DECEMBER 2008**  
**10.23 AM**  
*Sixth Sitting*

**The Speaker:** I will ask the Honourable First Official Member to say Prayers.

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

**PRAYERS**

**Hon. George A. McCarthy:** Let us bow our heads.

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

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

*Father, God, I also pray that You will cause us to be mindful of what the season of the year represents. It is not just a season, but an expression of Your divine love through which You came into this world through Your Son, Jesus Christ. So, help us, Heavenly Father, God, to be mindful that we are accountable to You and we are accountable Heavenly Father, God, for the love that You have extended to us. So, help us Heavenly Father, God, to [use] this time not only for exchanging gifts but to have love in our hearts and that love should be pervasive toward our fellow man.*

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.*

**Proceedings resumed at 10.25 am**

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

**Apologies**

**The Speaker:** I have received apologies for absence from the Honourable Minister responsible for Tourism, Environment, Investment and Commerce.

**STATEMENTS BY HONOURABLE  
MINISTERS AND MEMBERS  
OF CABINET**

**The Speaker:** I have received no notice of statements by Honourable Ministers or Members of the Cabinet.

**GOVERNMENT BUSINESS**

**MOTIONS**

**Government Motion No. 10/08-09—Approval of the  
Strategic Policy Statement for the 2009/10 Financial  
Year**

*(Continuation of debate thereon)*

**The Speaker:** Debate continuing on Government Motion No. 10/08-09. Does any other Member wish to speak?

The Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

Madam Speaker, I rise to offer my contribution on Government Motion No. 10/08-09, Approval of the Strategic Policy Statement for the 2009/10 Financial Year.

Just before I get into the meat of my debate, I, too, would like to express my remorse for the recent actions that took place in Cayman Brac with the vandalism of the Cayman Brac High School. I certainly hope that the perpetrators will be brought to justice. If they have not been caught yet, I hope it will happen very soon. For someone to commit such an act at this time after the Brac has suffered extreme hardship by Hurricane Paloma, and the Government went about investing heavily and quickly to get the young people

of the Brac back into school . . . lo and behold someone saw fit to go and, as a result, force our young people out of school once more. Madam Speaker, it is a terrible, terrible act; to be quite honest, one of the most serious that I have seen committed against our own people. And it will be even sadder if it is by our own people.

Madam Speaker, I would like to first of all commend the Honourable Third Official Member and the Leader of Government Business, all of the Ministers, in fact, and all of the people who worked behind the scenes, the hardworking civil servants who put so much into preparing this Strategic Policy Statement (SPS) for presentation at this time in advance of next year's budget.

There was more effort than normal in this particular SPS because of the situation that we are facing as a country, as a nation, as a world. Most naturally, we had to factor in the effects of the worldwide recession and the possible effect that this can have on our own economy; it would be a reckless government not to. Everything that we do here hinges on what happens on the world economy, especially in the US. Every morning we wake up to the news of further bailouts, layoffs and bad news out of the US at the moment.

So, Madam Speaker, in preparing this SPS there were naturally a number of constraints, apart from those that are laid out by the Public Management and Finance Law. Hence, ministries were asked to find ways of cutting back. And we know that in the month of October a freeze was put on new hires in the Civil Service. Ministries were asked to find ways of foregoing various plans and projects in order that we could continue to act in a responsible manner and within the parameters of the Public Management and Finance Law.

Madam Speaker, this Government, the PPM Government, has worked hard over the past three and a half years to live up to its promises and to practise responsible fiscal management. Often times we are accused of not carrying out everything that is in our manifesto. Well I dare say that anyone looking at the manifesto we prepared in the run up to the last election will realise that that manifesto was not a four-year set of objectives, but more of a vision, a plan that this Government has for the overall enhancement of the economy and the development of this country and its people.

Certainly, there is no way on earth that what we presented as a manifesto could be completed in a four-year term unless we were coming in and continuing office. Then we could say, *'Well, you've hit the ground running and you certainly can get these things done.'*

Madam Speaker, that criticism of this Government, to me, is a redundant one and one that should really fall away. What is important is that anyone looking to critique this Government should look at the Government in what it has set out to do, what it

has achieved, and the way it has achieved its goals. We have done this with integrity, hard work and we have kept the faith in our people. And I dare say our people have kept the faith in us, and this will be proven come May 2009.

I do not think there has been a harder working and more honest government in the history of these Cayman Islands. I can tell you, Madam Speaker, and I will go through a lot of things before I am done to justify what I just said. We have had major, major challenges and have had obstacles put in place by many people who would like to see us fail, all for their own political gain. But we are about developing our people and country in a responsible manner, not just here as politicians looking to fatten our own pockets.

Madam speaker, we have a Government of statesmen and stateswomen; people who have sacrificed a lot to be here and continue to do so on a daily basis. I do not have to go to bed at night and wake up wondering what bad news I am going to hear about any of my Ministers or any of my colleagues on the Backbench. No scandals, no question of integrity in public office. To me, this is all important. Whether we have managed to complete all that we have attempted to do is another matter. There are many reasons why this would not be the case, but what we have done has been done well. We have consulted along the way; we have not done it in secrecy and for our own political mileage.

This Government has been the subject of a wide scale negative campaign by the print media in general and the radio. I dare say one particular radio station has been campaigning for the past three years. I see now that the host of that radio station, Mr. Solomon, has pretty much declared his hand as a UDP candidate. So, Madam Speaker, when my colleague and friend, the Fourth Elected Member for George Town, spoke about the institute of rhetorical political lunacy, and he spoke to the Second Elected Member for West Bay being the dean of that college, I would like to add that that radio station is, I guess, its main campus, with Mr. Solomon as its dean.

Madam Speaker, it is easy to criticise and be negative against a government, or anyone who is working hard when you are doing nothing but looking to cirtcise and say nay against everything that that person or group is doing. But, Madam Speaker, it is a different thing to come into this House and go into the office, work and have fiscal responsibility, to have to plan, implement and be accountable for your actions. It is a different thing.

I hope that that individual finds greener pastures on the other side because the reason that he stood against this Government so firmly was because he could not get his way to be a candidate in George Town the last time around without going through the process that this PPM Party lives by, that is, our in-house elections. He wanted to be guaranteed as a candidate and he could not. Therefore, he went off and became our biggest political enemy as it were.

Madam Speaker, I just want the people out there to understand, those listening, those within the reach of my voice, why we have had this sustained negative campaign by Mr. Solomon and his cohorts against this PPM Government to oppose everything for the sake of opposing; in particular, the vengeance he has against the Minister of Education.

The Opposition, in tandem with Mr. Solomon and the others, has opposed, and opposed, and opposed, and criticised, and criticised, and criticised. We hear the term “the shifting goalposts” or the “glass ceilings”. In this case we are referring to the shifting goalposts because there is nothing that this Government could do . . . we bent over backwards when we have been criticised, or some idea has come up where we have listened to, whether it is the people or the Opposition, and as soon as we act in that manner, then we should have done what we were going to do originally. Or if we do not change, then we are dictators. So, Madam Speaker, how do you win? How do you win in a situation like this?

You know how you win, Madam Speaker? You have your clear, well thought out and considered goals, stick with them, move on; and at the end of the day the country will be better off because, if you have to shift around and move position every time someone opens his mouth, Madam Speaker, nothing will get done. Therefore, we chose to do what we thought was right.

And yes, there were times when we changed our plans. The recent debacle with the constitutional talks, after an outcry by the Opposition that the Paloma hurricane had severely handicapped their ability to be at the talks, and for certain key members to be at the talks . . . Madam Speaker, we decided as a Government to consider postponing the talks. In hindsight, I guess it was the wrong thing to do. But we were being a Government that listens. And then they turned around after we did that and criticized us and said, *‘Well, we were going to show up anyway. There was no need to do that’*. How do you win, Madam Speaker? How do you win?

We were being lambasted about our capital works programme—our over-ambitious, too expensive capital works programme—in particular, in relation to our schools. The Minister of Education was being torn apart on a daily basis. Well, when it came time to come up with the Strategic Policy Statement we had to, unfortunately, cut back on two school plans, the Beulah Smith High School in West Bay and the George Town Primary School, which as we all know is very, very badly needed. Madam Speaker, I can assure you, and the Minister has already spoken to this: this was a tough blow, not only for him, but for this Administration, as everyone knows the priority we place on the schools and the development of our young people.

This decision was not taken lightly. And the only reason the Beulah Smith High School was the one that got sacrificed was simply because it was the

one that had not started. The other two are underway. The John Gray High School and the Clifton Hunter High School are both significantly underway. So, it made sense to stop the one that had not started.

Lo and behold, along comes the Opposition pounding us to death about stopping the schools (in particular, the West Bay High School) because, of course, that is their hometown and they feel that it is an act against them. Nothing could be further from the truth. The truth is that our overall Education plan calls for the implementation of these three schools at one time in order that it works the way the whole plan was supposed to work. So, we would only be spiting ourselves, *cutting off our noses to suit our faces*, as the old saying goes, if that was what we were trying to do.

Madam Speaker, how do you win? You either are accused of spending too much, when you are trying to play catch-up with infrastructure in this country that has been neglected over so many years by many administrations, not just one. You are either accused of spending too much or doing nothing. Not getting anything done! Which is it, Madam Speaker? How do you please your critics? As I said, you cannot please your critics, they will continue to critique and be the opposition, so it is our job to get on with the job and do it in the most befitting, equitable and proper way of getting the job done.

Madam Speaker, I would like to address a few points that were raised by the Third Elected Member for West Bay. My good friend spoke to the fact that during tough economic times, capital works need to be conducted by government, and the fact that we have now cut back on some of those capital works, and he could not understand that because this is the time when those works should be done. I fully agree with him, Madam Speaker. That logic is correct to a certain point. However, my friend, the Third Elected Member for West Bay, conveniently forgot to mention how to go about maintaining all of your capital works in lieu of the fact that you have budget constraints.

When revenue predictions are down, and naturally so with the current environment we would be foolhardy. It would be reckless. Then, we would be borrowing outside the parameters that have been laid down for us. We know that we have the five parameters of the Public Management and Finance Law in relation to how we go about all of our borrowings, our net worth and the various other constraints that we have; our debt ratio and the like.

Madam Speaker, if we carried through to conclusion what the Third Elected Member for West Bay was insinuating, then we would be continuing recklessly with capital works and we would certainly have to go outside the scope and the parameters laid down on our debt ratio, because we would not have the revenue to support such borrowings and such works. So, I just want to make that clear. I know that the Member for West Bay understands that, but he was simply being a little mischievous.

The same Member, the Third Elected Member for West Bay, also mentioned something (and he was being doubly mischievous in this regard) when he spoke to us having a consultant which was probably—he did not say absolutely, I listened carefully to him and he did say that it was probably—paid for from government coffers. Madam Speaker, I want to stand here and make it absolutely clear that that is a serious accusation and one that would fit the administration of which he is a part. But it does not fit the PPM. Anyone that we employ outside of central government is paid for out of our party's pocket, not out of the Government of the Cayman Islands.

Yes, we have a consultant. But that consultant is not being paid for by central government, and that is important. That is a distinction I want to make. But, Madam Speaker, I would like to know, and will leave this question out there: Who is paying for theirs?

And they like to call names that they are not sure who they are talking about, but their consultant, Mr. Roy Boyke, a man who has a fantastic reputation in the Caribbean, I would like to know who is paying for him.

Madam Speaker, the Third Elected Member for West Bay also spoke about our losing our ranking as a country in the financial world. I would like to address that because, again, I do not know whether it might have been confusion on his part or deliberate. But the Member spoke about us slipping from our number 5 ranking on the world's stage to somewhere in the 20s, I think.

What the Member referred to was not comparing apples with apples. The two rankings were not the same thing. When we speak to the Cayman Islands having a 5<sup>th</sup> ranking in the world in the banking sector, we are referring to our place strictly in terms of bank assets. This position has not changed. We are either 5<sup>th</sup> or 6<sup>th</sup> in this regard.

The other ranking that the Member for West Bay was alluding to is our ranking as it relates to our economy on a wider range covering many other aspects of our economy—our standard of living, our immigration policies and the like. And it has to do with our overall economy and its competitiveness. And, yes, Madam Speaker, we are ranked somewhere in that area, in the early 20s or whatever, in that regard. So, we are not comparing apples with apples if we say that we have slipped from 5<sup>th</sup> to 20-something. That has to be made absolutely clear. We still maintain our position in the world ranking in terms of bank assets in the 5<sup>th</sup> or 6<sup>th</sup> position. I'm not sure exactly which it is at this time.

The last point I would like to address in what the Third Elected Member for West Bay alluded to is his whole argument in relation to the [number] of permits that we have in this country, some 26,000 work permits, and the fact that we have rising unemployment in our local workforce. This is a very important point and one in which the Third Elected Member for West Bay and I will not necessarily disagree alto-

gether, because this is an alarming area for us as a Government. It is something that we are well aware of. We will not deny that this is the case if someone looks at the stats, but it is not as if we are not trying to address this issue.

Unfortunately, this issue is not one that we can fix overnight. This is where the whole idea of re-tooling and educating our people comes in, and ensuring that employers in this country adhere to proper procedures in hiring and training our local people.

We have spoken about this fact in here many times, the ease with which local employers find the ability to move on from a Caymanian, or give up, as it were, on a Caymanian (and vice versa sometimes as well), but will turn around and take a foreign permit holder and train that permit holder to the point where they become almost key employee. We have to find a way in this country to ensure that all of our people who want to be employed are gainfully employed.

Now, there are always those in our society and any society that will be unemployable and they will unfortunately always, always exist. But if someone is willing to work and has some form of ability in some area, it is my contention that in a country the size of the Cayman Islands we have to find a way of ensuring that we gainfully employ all of our people before we then layer that with work permits.

Work permits are an important source of revenue, but, certainly, cannot be at the expense of our own people. Madam Speaker, when this happens you end up with severe disenfranchisement and individuals who are very discontented and will cause no end of problems on a social scale. We end up with a burden, social services, and with problems in our homes, on the streets and in the workplace.

So, Madam Speaker, that point brought up by the Third Elected Member for West Bay is an important one and, as I said, is one that our Government is cognisant of, is working hard on. But the improvements and benefits of our education plans are not a quick fix. We have made great strides to develop our people in this area, but it is going to take time for the fruits of those labours to be seen and felt.

Madam Speaker, coming back to the issue of cutting back projects to produce this SPS and in the end to produce the next budget for this country, not only was it of hurt to Ministries and Ministers and to all those who worked so hard to identify what our plans were going forward, but when you look at projects such as our schools, as mentioned, when you look in my own district at the emergency response centre, which is badly needed, I dare say, and you look at the Savannah flood wall—God forbid any severe weather coming from the south before we get that done. When we look at projects such as those that have had to be cut because of the need for restraint, I want everyone in this country, the Opposition and everyone in this House to understand the strain and the hurt that this put on this Administration.

These were not, by any means, easy decisions. But we had to look at the overall plan where we are trying to get to and see what could be postponed—not necessarily cut out because they will come back. These projects are not discarded. They are to be reinstated as quickly as we can, budget permitting, Madam Speaker. However, we need to ensure that we act in a responsible manner.

At this time I would like to focus a little on some of the achievements of our Government. And when you consider that this Government came in, in 2005, on the heels of Hurricane Ivan, having to clean up in many cases a lot of mess (I can use no other word) in regard to the rebuilding projects that had been undertaken by the previous administration—yes, they were operating in a crisis mode for a long time, and we give them credit for reacting and trying to get things up and going.

[Nevertheless], there were a lot of things that were left to be desired; many proper processes and people being neglected for various reasons, and people abusing, whether it was people that they had put in place to see the rebuilding through or whether it was the contractors that were involved. There were myriads of issues that we had to deal with. The first six months to a year of our administration was spent trying to get the rebuilding of Hurricane Ivan on a proper track and ensure that it was done in a timely manner. So, Madam Speaker, this Government took office against that backdrop.

We then started work on constitutional modernisation. Because we did not come public with our position paper until 2007 does not mean that that was when the constitutional modernisation process was started. The Constitutional Secretariat had been set up and there were many, many meetings. A professional consultant was hired, and many things were going on behind the scenes before Government came public with our constitutional modernisation suggestions. That, in itself, was a very large undertaking.

Madam Speaker, there is a large initiative that is about to be implemented; the Freedom of Information. Again, very, very huge undertaking spearheaded by the Leader of Government Business, to ensure that [with] this country going forward people will have access to information as they have never had before; access to information from within government, where before things were done . . . papers were filed away and no one quite knew what took place. Freedom of information will pull back those blinds and let the sun shine in and it will be opened for all and sundry to understand what is going on within their government.

Madam Speaker, we had the important area of housing for our people, because not only do we have people that were out of homes by Hurricane Ivan, but for a long time in this country we have had the need for affordable housing. Again, this is not something that could just be as we noted with the debacle that took place under the previous administration with the affordable housing and the tin homes, as

they are called. We still have ongoing investigations in that area.

We could not continue in that vein. We had to find another way to provide affordable housing for our people. Land had to be procured—proper land in the right areas—and we had to find the right type of construction; the right plans and the right people to do the work. Again, very time consuming. The National Housing Development Trust, along with the Leader of Government Business . . . a very time-consuming exercise, Madam Speaker.

We have had major criticism over the years about our Planning Department and the need for reform in our planning rules and regulations and the way the department functions. Again, this was undertaken and the Zucker Consultants were employed and a report was produced for reform of our Planning Department. Many, many initiatives were implemented that have gone some way to improving the services that are coming out of the Planning Department, although I know that there are criticisms in that area, and will continue to be. I don't think you will ever have a situation where everyone will be happy about the results of what comes out of the Planning Board or the Planning Department. But, at the end of the day, it is our job to streamline and make that as efficient a process as possible. And we have worked hard in this area.

We also had the whole issue of government accommodation. When you look at the way government is spread throughout George Town and outside of George Town, Madam Speaker, I am in favour of decentralization. But when you look at the way that government is spread around various offices paying voluminous amounts of rent and certainly not enjoying economies of scale or efficiencies that would come being under one roof, Madam Speaker, this Government had no choice but to embark on an ambitious government office accommodation project which is well underway at the old Racquet Club compound.

That is a huge project and one that took tremendous amounts of planning to get it where it is to this point. Very time consuming. Of course, the financial arrangements and everything that went along with that took up a tremendous amount of time.

So, those are all areas that fall under the ambit of the Leader of Government Business.

He also made great strides in the whole area of agriculture development and the development of our small farmers and the Agricultural Pavilion area where we have a Saturday Market at the Grounds, which is doing very well. The plans for the agri-tourism project in that area is still in the cards. Much accomplished, Madam Speaker, to better our people and our small Islands.

Madam Speaker, when you turn to the area of social services, which will always be a bleed on any economy, any country, because this is where you take care of those less fortunate. But, again, it has to be with proper plans and proper processes in place so



that it is not being abused. And a lot of streamlining has been done in our Social Services to try and weed out those who are taking advantage of the system and to ensure that those we are helping, we are helping with a leg up so that they can get back on their own feet through the STASS [Support Toward Autonomy and Self-Sufficiency] programme, [which is] another very useful development initiative under this Government to help its people.

Our hospital and Health Services Authority is an area that continues to be a major issue for this country, but I dare say that the Minister has put faith in people that are continuing each day to pay back that faith. The Acting CEO, a young lady, Mrs. Lizette Yearwood, has brought much stability to the hospital services after we had been through a tumultuous time with the loss of a couple of CEOs. There is now less rumbling coming from that sector. We strive each day to provide proper health care; but, again, it is an area that takes tremendous resources. It will continue to be one that has to be carefully managed so that we do not get abuse taking place, we get the best value for a buck and we get the best health service for our people.

Madam Speaker, we have built a new ladies' wing at Caribbean Haven in Breakers. That was recently opened. And we continue to provide the best that we can for our people, asking them in return to help themselves as much as possible; to act responsibly. We do understand that times are hard, but Government can only do so much. Government is there to assist, point you in the right direction, and it is for you to have some initiative to go forward from there.

This Government also took on the restructuring of Cayman Airways and hired consultants which spent a lot of time going through the entire airline finding the most efficient way to run the airline. The consultants have moved on; Cayman Airways has four 737-300 aircraft; there has been a re-branding exercise and there are new routes that the airline is flying into and planning to fly into in the next couple of months; more lucrative routes for better use maximisation of the resources that we have. One of these important areas is the whole area of airlift to Cayman Brac and Little Cayman. We had planned to have another type of aircraft to fly into those Islands, but for the time being the aircraft that we have will service and hopefully improve the service that we have offered to the Sister Islands over the past three years.

Madam Speaker, Cayman Airways (again, similar to the government administration project) had offices all over George Town, and the Minister saw it fit to procure a building which, again, he came into some criticism for. But that building was procured, completely renovated and now CAL boasts very modern office accommodations all under one roof reaping the benefit of economies of scale and efficiencies because of streamlined activities.

Madam Speaker, the criticism was unjustified, but it seems that no matter what you do, as I have

said, there will be criticism. But we persevered and now we are that much better for it.

The airport is being redeveloped. Again, the plans to do that were slowed because of economic reasons, but will continue next year. There is no doubt that the airport facilities as currently exist have been outgrown, outdated, and the Airports Authority will find a way to ensure that the proper financing and way forward is found for that redevelopment. And once that is done, Madam Speaker, that gateway will be one to be proud of as it will boast modern facilities and state-of-the-art terminals.

Madam Speaker, we are busy trying to come up with berthing facilities for the cruise ships. We know the importance of this. Tendering is something that is a dying breed, as it were. We don't have many ports that are tendered any more. Most places have berthing. And berthing for cruise ship passengers is not only safer, but, certainly, will allow the passengers to spend longer times on Island. Therefore the country would reap greater benefits from them being here. The feasibility studies and all the other works are ongoing in that regard and the country will be apprised in due course on what those final plans will be, and it will be in consultation with our people.

The Cayman Turtle Farm—Boatswain's Beach Development started under the previous administration. When we took over we found that there were many issues there and the project could only be completed at substantial cost. I think at the end of the day it was some \$55 million or \$60 million spent on what is now a nice project, but one that I dare say was not carefully thought out in the beginning in terms of what revenues were needed or how you would get those revenues in to ensure that this became a viable concern.

Madam Speaker, we have Cayman Airways which already, we know will continue to need government funding into the indefinite future. We have our Social Services which we pump a lot of money into. We do not need a third leg to that where we continue to have to subsidise and support financially a development such as Boatswain's Beach.

Madam Speaker, new management has been employed at Boatswain's Beach and the whole project there is doing fairly well, but has some ways to go to really maximize its potential. The manager there, Mr. Joey Ebanks, is working very hard. There have been many cutbacks, streamlining of activities and processes at Boatswain's Beach, and I think this week (if I am not mistaken) we will see the opening of Dolphin Discovery next door to Boatswain's Beach. This will not only enhance the overall tourism product on the western end, but it will also be of benefit to the Boatswain's Beach project because there will be a certain amount payable each month from Dolphin Discovery to Boatswain's Beach for use of some of their facilities.

So, much has been done; much is continuing to be done.

Madam Speaker, look at the Minister responsible for Roads, Infrastructure and Communications and you will see the amount of road works. As he often says, he does not think there has been that amount of paving done in the Cayman Islands in that short space of time ever. We look at the great roads that we have. We look at the recently completed airport area there by Foster's [Supermarket]. Madam Speaker, this has dramatically improved traffic flow. It is the welcoming gate to our country and it rightly deserves a nice road. It was something that was badly needed.

This was done in fairly short order; a bit of delay because of weather, but apart from that that project was completed and is now serving the public that much better. We look at all of the bypass roads and the bypass to Bodden Town and how that has improved traffic flow in the mornings and evenings for our people getting to work and coming from work. We look at the West Bay bypass and see how much that has improved traffic on the western peninsula, not only for our tourist product, but for the workers in West Bay, to and fro.

Madam Speaker, we continue to repair roads that are long time . . . some of them have never been paved. Some have been problematic over the years with pot holes. There's a strategic plan by the National Roads Authority (NRA) to systematically work its way east repairing these roads. I think we are somewhere in the Prospect area, but you will hear more about that when the Minister gets up.

We are moving with our projects and doing what we have to do to improve the quality of living and the infrastructure in this country. We are doing this with an honest hardworking Government.

The same Minister was responsible for championing the new CUC negotiations, the new agreement with CUC. Now that the price of fuel is coming down we have seen the benefits of this new agreement on our light bills. This month I am sure everybody had a significant reduction in the cost of their light bill. This is an important fact because this is one of the main driving forces behind the rising cost of living in this country.

When fuel goes up and CUC bills go out of whack then everyone complains because everything has a knock-on effect; prices on the shelf, the cost of doing business, no matter what, goes up and we all suffer in the end. Right now I would love to hear those same people who were criticising say, *Thanks for the relief*. But you don't hear anything; it is quiet now because prices are coming down. It is easy to criticise, but no one gives anyone a pat on the back when things go well.

Madam Speaker, under that same Minister as well, we had the creation of a new unit, the Recreation Park, Beach and Cemeteries Unit. The benefit of pulling together these various components and putting them under one roof, as it were, is proving to be a wise move. The efficiencies are becoming readily ap-

parent the way that our parks, cemeteries and beaches are maintained can be seen. The improvements are there and the various teams are out there working hard and everyone is reaping the benefit and seeing the great job that this unit is doing. These are all things that have been instigated under our Administration.

Lastly, Madam Speaker, in terms of the whole area of our education reform and the building of schools, as I alluded to earlier, when the Minister took charge of that area he quickly held a conference with all stakeholders in regard to education and what was needed to put our children first—not facilities—but what was needed to put our children first in terms of curriculum, teaching and facilities. That report was presented. Professor Heppel, a world renown education reformer was hired and we then embarked on a step by step process for an education plan. We are not doing this in any willy-nilly fashion.

This is what I spoke to earlier when I said that it was a hard decision to cut back on schools. Madam Speaker, it was not an easy decision for the Minister or any of us, the entire government and civil service. That was a tough, tough decision; but it was necessary.

We have, I believe, quadrupled the amount of scholarship money that was being provided to students in this country. Anyone who wants to go off and pursue further education, anyone who wants to attend University College of the Cayman Islands has the ability to do so now as long as they can meet the requirements. You have to have a certain basic education, Madam Speaker, to progress up the education ladder. But, certainly, the way that we are looking at this is that we are retooling people through our University College. There are many vocational studies being pursued at the University College. We hope to eventually turn the George Hicks campus into a full fledged vocational trade school. That is the plan, Madam Speaker, but in the interim our vocational studies are being offered at the University College.

Madam Speaker, we have more people on scholarships now than this country has ever had. And we are monitoring who has scholarships and when they are off this Island what they are doing, and we are also ensuring that there is a place for them in our workplace on their return. It is not the same as it used to be when we had students overseas. We didn't know where they were, what they were doing; and when they came back we did not know who they were.

Madam Speaker, we now have a grip on this. We are working very hard to encourage everyone who wants to pursue further education to do well in school and put themselves in a position where they can go on for further education. Because, at the end of the day as this country continues to develop . . . I won't be in this House, probably, but the day will come when this country will have to go off on its own. It won't be sitting under Mother UK any more. That day will come

whether we like it or not. We need to have our people prepared, and the best way to prepare our people for that day is through education.

Therefore, this Government has as its number one priority our school system, our education system, and the young people of this country. We make no apologies for that and there is no amount too great, we feel, to be spent on our young people, although the Opposition, and, in particular, the Leader of the Opposition, would like us to cut back on our expense in this area. He feels that it is all too much and you don't need the type of schools that we are building and the like, and all the criticism. But the proof will be in the pudding. The proof of the pudding will be in the eating.

Madam Speaker, the schools that we are building will also double as hurricane shelters. They will have state-of-the-art sport facilities, 25 metre swimming pools, indoor gyms, proper outdoor playing fields, the works, Madam Speaker, state-of-the-art teaching halls and classes and recreation areas. So, I wish in some ways that I was back in school so that I would be able to take advantage. I know one or two of my children may get an opportunity to take advantage of some of these new facilities. One is already beyond that, but it is certainly exciting times for our young students and it will be thanks to the PPM Administration [for having] the vision to see that our young people were offered the very best.

Madam Speaker, combined with that is the amount of work that the Minister of Education has spearheaded in the area of our sports development. I don't have to tell anyone, they can just simply look around at the facilities in the various districts or Truman Bodden [Sports] Complex, the way that that was done; a new track laid, new field, new stands.

The Ed Bush field in West Bay [with] the new AstroTurf facility there is a wonderful, wonderful facility to play on and the renovated stands.

You come into George Town and look at the AstroTurf facility there, the renovated stands and all of the other things that go along with it.

We have the boxing gym coming on line soon. That has been started and named in honour of the late Dalmain Ebanks, a past legislator and someone who had a great passion for boxing and the youth development in that area. That boxing gym will be opened.

The renovated netball facilities and the fields in the outer districts, East End, Bodden Town and North Side, all are being redone.

And, of course, the new AstroTurf facility in Cayman Brac: I do not know how it fared with [Hurricane] Paloma because I have not been to see it yet. I hope that it is in good condition still and I know that the plans there were for a full developed site on the Bluff for, not only football, but all of the associated sports, and hopefully a swimming pool eventually as well.

Madam Speaker, these are some of the major achievements of a Government that is constantly being bombarded and [reported in the media in a negative way saying] that we are not doing anything or achieving anything [and that we] are wasting time in office. Three-and-a-half years into an Administration; coming in on the heels of [Hurricane] Ivan and wrapping up in the middle of a worldwide recession, and [someone] is going to look me in the face and tell me that this is not the report card of a hardworking Government? Then something is wrong in their mind; something is totally wrong. But again, Madam Speaker, the old saying is, "*There is none so blind as he or she who will not see.*"

We have also done a lot in the area of immigration reform and we implemented the roll-over policy put in place by the last government. We have taken a lot of stick for that too, but to our native Caymanian people it goes somewhere towards giving them a leg to stand on after the wide scale status grants that were granted back in 2003/04, that we will continue to reap the sour for, Madam Speaker.

Going back to the talk about some of our people being unemployed and can't find jobs. Madam Speaker, many, many, many of our people are suffering because of that one reckless act by the past administration, the UDP Government. It was not the act of granting the number of statuses, it was who those statuses were granted to.

If they had been granted to everyone who had been here long term and deserving of it, I could not stand here and criticise. But when you grant status to people who have not seen the Cayman Islands, who don't want status, people who have been here for two months, helpers that were here just a few months—who, I understand, may have even been for some of the Members on that side, Madam Speaker—that was a reckless act that a country can ill-afford and one that will go down in the annals of history as a very, very reckless act against your own people. They can never be forgiven for it.

So when they stand here and accuse us now of unemployment and people not getting work, I want them to think back three, four, five years ago, to what they were busy doing, the lists that they were coming up with, how they were coming up with those lists and the end result.

Madam Speaker, the difference on this side of the House is that you do not see any packsaddles and no bridles. We are free. On this side of the House we are free. I can stand here and talk without fear of retribution from my leader because I know we are on the same page. I know that although sometimes we may not agree, he will listen. And I will listen to him. And we will find a common way forward. I am not under an iron hand—as the Leader of the Opposition says he rules with—and I do not live in fear of opening my mouth contributing to my country. I can talk and suggest things to my leader and my leader will listen, and I will listen to him. That is the difference, Madam

Speaker. There are no packsaddles on the Government Bench and no bridles in our mouths.

Unfortunately, those on the Opposition side cannot say the same. They live in fear and they are so different when the Leader of the Opposition is away.

Madam Speaker, I have strived in my contribution today to outline what this Government has been doing in its time in office in an abbreviated extent, touching briefly on the various ministries and areas that are important and crucial to our ongoing development. We have a lot of work and challenges ahead of us in tough economic times. No doubt about it. But we will continue to consult and work with people, the various stakeholders.

They often accuse us, too, of not having enough clout or not lobbying enough in Washington and all of that, and what's going on with the fear of the Obama presidency and the things he said about the Cayman Islands and all. I want the public to understand that we have our people in Washington. We may not have the people that they had, we may not be boasting about it every minute, but we have our people and in the right places and we are doing what we have to do. We will meet when we have to meet and negotiate when we have to negotiate. But we are not walking in this thing blinded.

We do not live in a vacuum in the Cayman Islands, and are not so foolhardy to think that we do. This Government is a sensible Government. We consult and are not afraid to say that we consult. We do not run a dictatorship. We consult with the private sector stakeholders whether it be financial services or tourism. And I dare say that those people in those areas are very happy that they have a Government like us that they can sit and talk with and not be dominated by one individual saying, *this is the way we are going to do it regardless of what you say*.

Those people all have their input, good points, and we have ours. At the end of the day it is a private/public partnership that has built this Cayman Islands to where it is today and must continue to be such.

We cannot just pick up and do as we wish because we are the Government. We have to consult, Madam Speaker. And we get knocked because we consult too much, sometimes even from our own people on the inside. But we will continue because we believe that that was the way we came into office. We said we would consult. We are a Government for the people, of the people, by the people.

On top of all that we have been through, we have had Paloma visit us in the Brac and we have the major, major rebuilding effort for Cayman Brac. Again, we are criticised: we have not allocated funds, have not done this, it is not happening fast enough. Madam Speaker, the Brac was hard hit. The Brac was 90 per cent destroyed and, unfortunately, cannot be fixed tomorrow morning. It will take time. But this Government was right there at the beginning with the relief effort—after we were thankful to know that no one died—to make sure that everyone had relief sup-

plies, the bare necessities to survive, their food stuff and dry beds, making sure that our people were taken care of.

We now have the process of rebuilding and rebuild we will, Madam Speaker. But we will do it in an honest straightforward manner ensuring that our people benefit from the work that is there. Our local contractors benefit and the Brac people will be glad at the end of the day when the Brac is rebuilt stronger, better and in a very equitable manner; not fear or favour; not because you are on that side you are not getting this help. We are not going to do what the last administration did. When they came along with a form for you to fill out for relief and found out that you were not voting for them they would tear it up in front of you.

No, Madam Speaker, that is not the way the PPM Government operates. We help those who need help regardless of who they vote for, which side of the political fence they sit on. We help our people and, yes, we know we continue to have people who are hurting in this country. God, I wish it was different; but that will always be the case and it is our job to mitigate that hurt and do it in an equitable manner.

Madam Speaker, it is not easy being a government at this time, because we are in the hot seat at a difficult time. We have many things going on. We have initiatives that are coming right, left and centre from the financial front; challenges to our tourism industry and our inherit problems. But we also had so many, many issues to deal with that were vested upon us by the last administration—value for money audit reports, complaints of impropriety and integrity issues. There are issues that are still with the police being investigated.

Madam Speaker, where are the hard knocks? Tell me where are the actions of this Government that have been so wrong? Where is the challenge to the integrity of this Government?

So, when someone is looking around and judging at the end of the day—especially next May—as to who they want to be in charge of their country, let them ask where is this Government when it comes to the whole issue of integrity, and where does the PPM stand.

Where are those who are challenging us? What have their done? Where is their track record?

Those who have yet to come, where is their track record? And those who are here, what were they involved with in the past?

Madam Speaker, I can stand here today and proudly associate myself with my Government and each Minister within this Government. We are working hard on our Go-East initiative to ensure that some of the benefits of our tourist product move east because we understand the weight that it presents on this side of the Island. George Town and West Bay have traditionally borne the brunt of the tourists, and the volume of tourists that we have are almost two million who come by cruise and another 300,000 to 400,000 by

air. Those are a lot of people visiting our shores, plus people who come for business.

It has to be managed carefully and we should all benefit from that and the money transactions I believe that pass through this country. That is one area I believe we still falter a bit in, that when we are looking at revenue we need to find a way of tapping some of the reserves that pass through this country. I feel that money leaves our country much too easily and we don't get anything as a government for that and if we spent some more time coming up with creative ways of looking we could probably find some alternative revenue sources.

But, Madam Speaker, we have done all that I have outlined without major taxes on our people. And we do not have any intention of implementing any major taxes. This is being done under responsible financial management, therefore, our borrowings can be paid for through our revenue. We are able to work through the Public Management and Finance Law guidelines to ensure that whatever obligations we have as a government can be met without over taxation of our people.

We want all of our people to be moving in one positive direction. We do not want to develop one part of Cayman and leave the other part neglected. And we certainly do not want to develop Cayman's infrastructure without developing our people.

Madam Speaker, the 55-page Strategic Policy Statement that took the Leader of Government some two hours to deliver in this House, was something that was carefully thought out. It was well written and there is a vision in that Strategic Policy Statement for the way forward. So, it is easy when you do not have responsibility, when you are not being held accountable, to criticise and say, the Government is not doing this and that. But, Madam Speaker, when you are in the driver's seat and have to be accountable, at the end of the day you have to be able to put your hand up and say, *Yes, we did it and did it to the best of our ability. We may not have achieved everything that we set out to achieve, but that is why we have goals and aspirations, and this is where the country is headed.*

This country can ill-afford to go back to the dark days of 2005 and before. We need to move forward with a plan and continue the plans that we have to ensure that this country is kept steady and stable.

One of the greatest things, when we go out and sell these Cayman Islands, especially on the financial front, is the whole area of government political stability: good laws, low crime and the like. This is how we sell the Cayman Islands, as a package. The day that we do not have a government that recognises that and those areas start to falter . . . and I guess I have to mention the fact that what we have seen recently under the current constitution arrangements with the Governor, our judicial, police and legal system, I dare say it will not enhance our reputation in the short term.

I am really hoping that this matter will be put to bed and we will get on with business. It is going to cost this country some money—money, again, that we could have used on some of our plans that we have had to forego. It is unfortunate. But I think it shows quite clearly to our people the need for constitutional reform. When we have someone who is not accountable to anyone, and you have an elected government that is accountable but is not in the know, it just cannot be right. There is something wrong with that system. We need constitutional modernisation and we needed it as of yesterday.

So, Madam Speaker, I would ask that the people of this country put their hands up and stand up for their rights for what is going to improve their lot in life. One of the greatest things that they can do is to ensure that we press on with constitutional modernisation and get a new constitution for this country, cut back on some of the Governor's powers, continue as an overseas territory of the United Kingdom working in partnership with them where they consult us and we consult them; but not one where things are just done in the dark of the night without our knowledge. Our people cannot benefit from that. We need a new constitution and we need it now.

Madam Speaker, I think I have outlined and supported why we have the Strategic Policy Statement that we do; why we have had to make the cut-backs that we have had to do, and ask our people to be patient, tolerant and understanding. I thank the civil servants who have worked hard to implement our policies and prepare the paperwork that we use here, such as the Strategic Policy Statement and our Annual Budget. There are a lot of hardworking civil servants and we thank them for their efforts. We thank everyone who has entrusted us to be here to do their work and uphold their end of the bargain.

Madam Speaker, while I am on my feet I guess it may be a good time for me, although you will be allowing those who have spoken before and I have not had the opportunity to express Christmas greetings. I would like before I sit if it is okay with you . . .

Would you like me to do that now, Madam Speaker, or you would like to do that now? Sorry.

**The Speaker:** Honourable Member, you can go ahead and do it now if you care to.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

In closing, Madam Speaker, I would like to thank God for the opportunity to serve in this very important position in my country. I thank the good people of Bodden Town for putting their faith in me to carry out their wishes and to represent them, and I certainly am honoured and privileged to do so. We will not have a chance to have a lengthy debate like this again before the next election . . . Sorry, there will be one more opportunity so I will have a final say at that point.

But, Madam Speaker, I certainly at this time would like to wish a blessed, safe and joyful Christmas to all. I would like to wish all the best for these Cayman Islands and its people in 2009 and beyond. We are in challenging times, but [when the going gets tough the tough get going] And, I believe, that we have the right people to do the job. I believe that we have a Government that is working together, working hard for its people, loves its people, and I am proud to be a part of it.

I thank you, Madam Speaker.

**The Speaker:** I will take the luncheon suspension at this time. Proceedings will be suspended until 1.30 pm.

#### Proceedings suspended at 11.50 am

#### Proceedings resumed at 1.40 pm

**The Speaker:** Please be seated.

Proceedings are resumed.

Debate continues on Government Motion No. 10/08-09. Does any other Member wish to speak?

Honourable Minister responsible for Communications, Works and Infrastructure.

**Hon. V. Arden McLean:** Thank you, Madam Speaker.

Madam Speaker, I rise to make my contribution to what is commonly referred to as the SPS, that is, the Strategic Policy Statement for 2009/10.

I know that much has been said about the Strategic Policy Statement that this Government laid in this honourable House on Wednesday, 10 December [2008]. Particularly, much has been said by the Opposition. To the contribution by the Opposition I say, oh how hollow the rhetoric!

Madam Speaker, there is one left in the Opposition to speak, and I trust that we will hear a little more substance than we got from the rest of them. I am sure we will, from my good friend, the Fourth Elected Member for West Bay.

Madam Speaker, I also see where the UDP has recruited another political genius in the form of Mr. Ellio Solomon. But I must say, if that is the best they can do, there is something radically wrong with their recruitment process. If he is going to contribute to the SPS, I am yet to hear anything that is going to be beneficial to the country. My sources say that the reason they are in negotiations is because they are negotiating with him or he is negotiating with them for a ministerial position. It must be the Minister of Education's position they are looking for to put him in because he has had a lot to say about the Minister of Education and the Leader of Government Business. I guess the Leader of the Opposition will be out of that position.

Anyway, Madam Speaker, the people of this country need to be extremely careful who they trust, because when one starts out as an independent and

then swings before the heat even starts to get turned up . . . now, that is someone you cannot trust. I wouldn't advise anyone to trust him as leader in this country . . . kind of presumptuous, but there we go.

Madam Speaker, I believe one of the difficulties that the Opposition is having with the SPS is that they did not expect this Government to come with a SPS that lays out what can only be viewed as fiscal responsibility on the part of the Government in these trying times. When this Government laid out that because of hard work, re-looking at our priorities and complying with principle of responsible financial management for the next three years . . . it is hard for the Opposition then to come and say anything positive.

I think that they were surprised; they did not expect this kind of response from Government, because when they were the administration this country grew by some 2 per cent; it was a mere 2 percent. But now when we are in difficult times we grew by 6.5 per cent in 2005; in 2006 we grew by 4.6 [per cent] and then it slowed to 1.9 per cent in 2007.

Now, Madam Speaker, comparing that with their mere 2 per cent in 2003 when conditions were favourable for growth, that speaks volumes, and I believe the country needs to make that comparison and consider which government is the better for them to have at the helm.

Times are hard. Nevertheless, this Government has restructured its priorities and we are within all requirements of the Public Management and Finance Law. Madam Speaker, requirements that are placed upon this Government (or any government for that matter) by law, we continue to hear the UDP and its supporters ridicule this Government for spending too much money. Now, let us for a minute talk about spending too much money: On the one hand they complain that we are spending too much money, and on the other hand, they complain that we are cutting projects that would stimulate the economy. Then they complain that we are doing nothing.

Now it is either fish or fowl. Unfortunately they have no alternatives. I would like to see their alternatives. There is nothing for this country to look at. There is nothing for this country to see or hear except rhetoric on the part of the Opposition. At the very least when the PPM Government were the Opposition, we came up with alternatives. I am yet to see any from the Opposition.

Madam Speaker, when this Government took the helm of this country we had just been through a hurricane. We had to recover from that. We were left with an infrastructure that had been neglected for many, many years. So much so, Madam Speaker, that we had gridlock in the mornings and evenings for our people to and from their homes and work. We set out on an infrastructural development programme which was second to none ever undertaken in this country. Today the proof is in the blacktops that are on the new roads. That is where the rubber meets the road.

Madam Speaker, to the chagrin of my colleagues, my supporters and others, I recommended to Cabinet that we go to West Bay and fix the roads down there first to alleviate some of the traffic. I have been ridiculed for that by the same Opposition. Madam Speaker, they have been in this honourable House and spent more time in Cabinet than I probably will ever do, but they did not even gazette the road into West Bay. I had to go and do that. And then they said I was building it for my friends. We built the road because it was in the interest of the country to move people.

Any country that cannot move its people from one place to the other in an efficient and effective manner has lost. We went along West Bay road and had to gazette the roads. The Leader of the Opposition has been here for 24 years and he did not intercede into fixing, at least . . . not fixing, but at the very least gazetting the corridors so that someone behind, like me, could go and build them. And, Madam Speaker, I am in the process of gazetting the one into West Bay, under section 26 of the Law. It may not be me who will build it, but someone will build it in the future. The road corridor will be reserved.

Madam Speaker, I thought politics was about improving the lot of the people that you purport to represent. I thought that was the essence of politics. But when the infrastructure in this country has been neglected for some 30 or 40 years, you are going to tell me that that is improving the lot of the people of this country, and they have the gall to come here and ridicule the work that we are doing? Madam Speaker, there is no way they are going to tell me . . .

It may have been negligence, and it probably was negligence on their part, because they did not have any vision. All of a sudden, now a Government comes along that has the vision and puts the system in place and we are ridiculed. But I understand that too because the human being, many are not willing allies of change. And it is difficult for many human beings to see into the future and what is needed for the next generation. Many think of this generation but not of the next.

We went then to the eastern end of the Island to commence the development of the east/west arterial. Besides relieving the traffic congestion we now have lands that were hitherto inaccessible. We now have where young Caymanians can own a little piece of this rock. But that is the PPM Government. I believe the Opposition is in such a flux that they don't know what to say. They have never seen anything done like this before.

Madam Speaker, I can assure this honourable House and this country that history will be kind to this Government. History will be kind because we will see in time the value of the work that we have done over the last three years.

Madam Speaker, there are some 200 and odd homes going down on the east/west arterial and more

subdivisions being planned just on that three miles that we did.

Twenty years prior to my going in to the Ministry for Works (at that time) there were five miles of new roads built in this country. In three years I did some almost 40 lane miles of road in this country. Nevertheless, we are ridiculed that we have done nothing. And they get on the highest mountain and preach that.

Well, Madam Speaker, I would borrow one of the commercials that Obama had during his campaign where the commercial said, "If you want to see where McCain will take the country, just look into your rear-view mirror." And that is where the Opposition will take this country. All you need to do is to look into the rear-view mirror. They will take us back 30 years.

They will probably dig up the roads that I have already built because they were not done by them. But the Opposition has a record of stopping everything that the previous government has done. They have a record of doing that. I suspect that if this country elects the UDP Government in the coming election, those schools are going to be stopped, pronto. I suspect that, and I will live with that until proven different. But I know the people of this country are much wiser than that and that is precisely why they are out there—the poor management of this country during the time they were on this side.

Madam Speaker, they continue to ridicule the Government's ability to borrow. The Leader of the Opposition is going to the press ridiculing and making irresponsible statements about the Government not being able to borrow the money for their capital projects. If he or any of them out there were dedicated to their country they would not make such irresponsible statements—statements, such as, "*The truth is that the Government cannot get anyone to lend them money.*"

Madam Speaker, we have just now received four bids on the monies that the Government has to borrow. But, you know, the Opposition and all their supporters love to talk about joining hands and moving our country forward. Where is the joining of hands in that?

This is absolute fabrication when there is no need for it. They should be ashamed of themselves going out and talking about the Government not being able to borrow money. But because they could say nothing about the SPS, they are now trying to spread all kinds of innuendo, rumour, fabrication. That is not right if this is the country that they love. They must be fair to the country they love. They must understand that they should not play with people's lives. They must stop playing with people's lives to get re-elected. Stop thinking about 20 May [2009] and let's start working to keep this country afloat in these tough global economic times.

I'm really looking forward to this campaign, Madam Speaker, if I am alive. I am looking forward to

this campaign because there is one thing about me, I will stand on my tip toes for them all.

It is wrong! You must stop trying to manipulate the minds of people, people who are not initiated in this process. People have to stop it! They love to fabricate these stories for their own personal benefit.

Madam Speaker, here we are as a government making sure we cut our garment to suit the cloth that we have. Here we are stopping two schools [and] other major projects that I would love to see done. I also had to go in and stop the waste energy plant at this stage. That is something that if I had done nothing else in my tenure as a Minister I wanted to see that done. I made a commitment that I wanted to see it done. I would liked to have seen it completed during this four-year term, but I cannot because it is going to cost too much money. Nevertheless, *we are spending too much money and we are reckless with the people's money*. They need to look at the projects that we have done and the benefits that have been derived from those projects.

The Opposition continues to oppose the schools; they continue to ridicule the possibility of us increasing the educational lot of the people of this country. Madam Speaker, does anyone believe that that is the hallmark of a good Opposition? Cannot be! I understand politics and that you support the principle and oppose the method. But they oppose everything: principle, method, it does not matter. They are opposing and ridiculing everything.

I sat on that side of this honourable House and served my time in hell too. I have sat on that side and supported the principles under which they operated. There were things that I did not agree with the method of how they were doing them. But the Opposition opposes everything now, unless, of course, it means projects in their constituency that will get them re-elected—like the paving of the roads.

The one good thing about me is that it makes no difference to me whether it is Cayman Brac, Little Cayman, West Bay; I do not represent the people who sit on the opposite side of this honourable House. If it were left to me they would not be here, but the people of this country elected them, and I have to respect that. I have to respect that, therefore I have to listen to them too in my job as a Minister. They also represent a certain sector of this country and if I don't listen to them then I am disrespecting the people. That was their choice—it wasn't mine. But I have to respect the people of this country as a Minister, a human being and a Caymanian. If it were left to me they would not be here. I'm sure they would say the same about me, but that is how politics go.

Madam Speaker, they must try to stop paying lip service to this thing about joining hands and moving this country forward because they are not doing that. They are paying too much lip service to it and it bothers me; it really bothers me. There is no shame in reaching across the aisle. I have done that many times since being here. I've worked with them.

But when you deliberately manipulate the truth like some of them are doing on that side, it is wrong. It does not all go well with being representatives of the people of this country. You must stop looking for re-election and start thinking about the lives of the people we represent. That's what we must do! Look at representing them and making their lives a little better, particularly now when we have so many work permits in this country. Maybe we need to start cracking down on that.

Of course, Madam Speaker, we have a lot of work permits in this country, a number of people who are not getting jobs. That's what we need to come together with in order that our people can see the benefit of good representation. We need to start thinking about them. Yes, it will always be said that the government of the day is responsible. Well, it is my view that we are all responsible; we are all our brothers' and sisters' keepers. Let us work together in the interest of those brothers and sisters.

Madam Speaker, I want to turn to a subject that has given me some real concern over the last year or thereabout. It is that of this investigation that has been going on for over a year now and, in particular, how it is being conducted.

Now, I have said before that if you write the word "investigation" on a birthday cake I would probably eat it and would not know what I am eating because I have no expertise in that. But, certainly, I have enough common sense and an opinion. Like I said to His Excellency, while he has a constituency to satisfy, so do I. And I am not going to tell him how to satisfy his and he certainly has no room to tell me how to satisfy mine. I don't know what he is prepared to sacrifice to satisfy his, but I am prepared to sacrifice my freedom to satisfy mine.

From the outset of this investigation I have supported it. I want to make that abundantly clear. If there is corruption it needs to be weeded out. From where I am sitting or standing it is obvious that what I am seeing cannot amount to corruption. The most that I believe it can amount to is errors on the part of individuals, omissions, whatever you want to call them.

Now, this investigation was started on the basis of there being corruption in this country. I am yet, as I have said, to see any evidence of any corruption. Mind you, Madam Speaker, I may not have all of the evidence and I certainly don't expect that I will. But certainly, there is a need to really look objectively, comprehensively, at this investigation that continues to drain the coffers of this country. I suspect it is going to be over \$5 million by the time this investigation is finished. I would not be surprised if it's closer to \$10 [million].

Now, Madam Speaker, what is the old saying? "The cemeteries are filled with indispensable men." No person is indispensable. I have the utmost respect for Mr. Bridger, but from what I can read in Sir Peter Cresswell's judgment—



**The Speaker:** Honourable Minister, is Sir Peter's judgment a public document?

**Hon. V. Arden McLean:** Yes, Madam Speaker, it is. It is at the Courts and it is on the Website as well. This one came from the Website.

**The Speaker:** Okay, thank you.

**Hon. V. Arden McLean:** Madam Speaker, from what I can read from Sir Peter Cresswell's judgment, mistakes were made.

Now, I cannot say that these mistakes were deliberate. In his judgment, some of them were deliberate (if you can call them mistakes). But I call on the Governor to remove Mr. Bridger from the head of this investigation and leave the rest of the investigators there, because it is impossible for me to understand . . . And remember now, I am not a lawyer or anything like that. But I have read this judgment on a number of occasions.

One of the things that Sir Peter Cresswell said in his judgment was that . . . And, Madam Speaker, this was when Judge Henderson sued my Principal Secretary, Mr. Carson Ebanks, in which he said, **"I am concerned about paragraph 25 of Mr. Bridger's first affidavit. He says, 'I did not have sufficient confidence in the judiciary of the Grand Court. I spoke to the Oversight Group about this and Donnie Ebanks, the Deputy Chief Secretary, suggested a list of three justices of the peace who would be suitable. There are . . . about 168 justices of the peace in the Cayman Islands.'"**

Keeping in mind, Madam Speaker, I have the utmost respect for the gentleman, however, he—

**The Speaker:** Honourable Minister, one minute please.

Can I ask Members to put away their telephones? There is one telephone that is beeping that is driving me mad. So, could we put them away until the debate is concluded?

Thank you.

Honourable Minister would you continue?

**Hon. V. Arden McLean:** Thank you, Madam Speaker.

Keep in mind that I have the utmost respect for these people. They know the way to investigate, and I certainly don't want the investigation to be derailed. If there is evidence, let's get it out.

If there is someone in this country at the top, or wherever, who has been corrupt, let's get it out. But certainly, my position is that where in this country now, the chief investigating officer sent here from the home office . . . will he be able to operate if he has no confidence in the judiciary?

Madam Speaker, I recognise that this may be straying a little bit, but this is \$10 million worth of Cayman money—of tax-payers' money—and all we can find is sufficient evidence to slap people on the wrist.

Is this some conspiracy by whomever it is to destroy my country? The time has come! Ten million dollars worth! I'll bet you it is going to be \$10 million worth that we could have used more wisely in this SPS. This could have built two walls in Savannah Gully. As a Minister I must kowtow to everything that comes from the FCO?

Madam Speaker, the people of this country better understand that when they vote for us they are only sending us there to be puppets in Cabinet, because let's get it straight, since we are going to start—and, Madam Speaker, you know when I get hot around the collar I'll go.

**The Speaker:** Honourable Minister, I just want you to keep tying it in with the Motion that is being debated. That's all I am saying to you. Continue your debate please.

**Hon. V. Arden McLean:** Thank you, Madam Speaker.

Let's get it straight now, Madam Speaker. As I was saying, we are but puppets.

The last Commissioner of Police . . . Do you know when the five Elected Members of Cabinet found that out? We saw it in the papers like everybody else did. That is the kind of respect—or lack thereof—that the FCO and their representatives have for us. Okay?

When we talk about getting more involved—the UDP loves to say that we want to take power from the Governor. We don't want to take power from the Governor, Madam Speaker, nor from the FCO because the people of this country say they want to stay under the United Kingdom. What we want is to share in the decision-making for this country. We are best to know what the people in East End, West Bay and Cayman Brac and Little Cayman need. We are best to know that. You cannot send people here from England. You know the White Paper said it was co-operation. Co? Co-op?

Madam Speaker, sometimes I wonder where I am when I sit in Cabinet. I really wonder that. I know there are two sitting on the Opposition who has been there before me and they too have experienced this! So they must stand up and support changes to the Constitution. They must! And they must support it because it is not about them and me; it is about the future of this country and whoever else is going to come in after us and the kind of reception they are going to get.

You cannot repose that kind of power in one man. Which American President said, "The buck stops here?" That's all it is, Madam Speaker, the buck stops right at the Governor, and he does as he pleases in my country. And then I have to rubberstamp millions and millions of dollars. That was going on for nine months and I didn't know anything about it! I may be a little barefoot boy from East End, but I'm not stupid! And people need to learn that I am not, and I am going to say what I have to say. I'm here representing

the people of East End and the country in general. And what they are getting is not proper representation and I can't give advice on their behalf. We need to come together and stop this reckless behaviour of the FCO.

Madam Speaker, let's just look at another section of this thing as to the independent legal counsel: ". . . **at the outset of their investigation, the investigators were provided with the services of Mr. A. Mon Desir, a barrister entitled to practice in the Cayman Islands. He appeared on the two applications made to the Chief Justice and is described in one as the 'Special Counsel to His Excellency, the Governor.'**"

This is the part that the country must pay close attention to: "**The Attorney General appears to have played no part in these applications.**"

Madam Speaker, why the country needs to pay close attention to that is [because] the Attorney General was sidelined—because they don't trust him either. How can you operate a country and not trust your Attorney General, who happens to be—whether we like him or not—the legal advisor to the Government?

"Principal legal advisor", the First Elected Member for Cayman Brac says. And he sits in his office and does not know when anything happens until he reads it in the papers.

No, Madam Speaker, that . . . no, no, no! And then I understand they are coming down to the Legislature to brief us? No, they are not briefing me. Madam Speaker, there comes a time in any man's life when he must be prepared to lay his own down. That is now my time!

Madam Speaker, all I am reading is what Sir Peter Cresswell's judgment was—a public document. He goes on to say, "**Mr. Martin Polaine, a non-practising barrister in the UK, [non-practising you know] appears to have joined the investigation team. He is not called to the Bar of the Cayman Islands or admitted as a solicitor here.**"

Now, Madam Speaker, you are going to tell me we are going to bypass the Attorney General and then we are going to bring in somebody who is not licensed to practice? And we are paying him big money out of what could have been for the children of this country. And we must come down here to the legislature and approve it and then try to wiggle in between and put priorities on something else and drop something else out of what the people of this country need and England wants an investigation and we got to pay for it! Do you think that is fair, Madam Speaker? No, it is not fair.

Yes, I recognise that I am a Minister, you know. I recognise that I'm a lowly Minister; but first I also come from the people of East End and I must defend their right in this country. Sometimes I feel like I have been throttled, choked. I know the separation of powers allows me to defend the people of this country on this Floor. I don't have to go back to the Glass

House, but they can't move me from here. I don't have to go back to the Glass House! But, [neither] the Governor nor the FCO will move me from here! This is my spot! This is the people of East End's chair; this is not theirs.

No!

Madam Speaker, sometimes I get so angry when I realise that my worth is naught—almost naught. We build roads, and I do this and I do that; but that is not all there is. And I don't want any power from the Governor. But, certainly, Madam Speaker, I and the other Ministers of Government, and those to come, should be able to share in the decision-making of this country.

The Leader of the Opposition and the First Elected Member for Cayman Brac know. She pulled out her hair when she was there too. And when you have one man who has that kind of control in the country it cannot . . . Not even the President of the United States—who is the leader of the free world—has that kind of control. Can't talk about him; you can't impeach him; you can't do anything! Nevertheless, my people must suffer and they must pay for their mistakes. They must pay for the mistakes visited upon them by people being sent here to do anything they want.

And I wonder. The question is still to be answered. Is this a deliberate attempt to discredit us? Is this payback from Ballantyne? I can ask the questions and tomorrow I can go back in Cabinet, if I'm welcomed, and sit there and do my job too. I've had it up to my eyes, Madam Speaker. I wonder, I really honestly wonder where we are going from here.

Nevertheless, the Governor goes on the radio and says that Mr. Bridger did not act in bad faith. I can't say he acted in bad faith either. But mistakes happen. Now the gentleman should be relieved of his responsibility, leave the rest to the people in place and find someone else to continue the investigation. We have called on the Governor more than once to do so, but of course he has the authority to say 'no' and to appoint the commissioners and we find out about it when it is on the news.

But you see, Madam Speaker, for years no one has talked about this. I'm glad he is here because it is bringing it all to the fore now. One day, though, you know, Madam Speaker, we will have to endure it all because that is what our status is. But I promise you, *I ga be ya longer than him, because I ain't leaving*. I am not leaving this country—but they will. Thank God, they will.

Madam Speaker, I think I have said my piece on that kind of expenditure that we have had to cut something in this year's expenditures, because it is about the distribution of resources in this country and it must be equal. There must be some equality in the distribution of resources amongst the people of this country. But when we have to cut into it in such large sums to satisfy others and their women fancy—because it is not much else that it can be called. It has

to be a 'women fancy.' They are looking to see what is next to be brought . . .

And, Madam Speaker, you know I said earlier that there comes a time in a man's life when he must be prepared to give up his life. It matters not to me. Here I am. I am going to say what I have to say. I will always be here in this country; this is my country. I have no other passport. This is it. This is it! What do we say? This is alpha and omega; the beginning and the end. For me it is. I don't know who else calls it that, but for me it is. And I am going to voice my position whenever, not however (because I have to have some kind of respect), but whenever I see fit.

Madam Speaker, let me now go on to some of the other areas that I believe are necessary for us to address. We know that Paloma sort of did us a disservice in the Sister Islands. This Government is working very hard to try and ease the plight of the people of Cayman Brac and Little Cayman. I said in here during this meeting that the constraints we are under to get shipping in and out of Cayman Brac is causing us some hardships. Now, that is so true. I have a \$600,000 piece of equipment to get to Cayman Brac and I don't know when it is going to get there. It has arrived and it is sitting here but when it is going to get there I don't know. But you know those are the difficulties that we are having with responding in this post hurricane recovery period to the Cayman Brac people.

Madam Speaker, that is not to say that things are not going, [but] they could have gone a little faster. I wish that we did have things going a little faster in order to relieve the people in Cayman Brac sooner from their stressful situation that they have going on there. Hopefully, we will have it back on track by the end of February.

Madam Speaker, I see where the Opposition is bringing a motion to this honourable House—and I guess when the time comes we will debate that amendment to a motion that is going to be on the Floor for the civil servants. But we are doing everything possible for the people of Cayman Brac. They deserve no less. However, I must tell you Madam Speaker, that it is difficult.

This Government is also doing everything within its power to ensure that the Cayman Islands remain at the forefront in the financial world. The discussion with the Organization for Economic Cooperation and Development (OECD) and England, it is highly important that we continue to do that.

Now, it is ironic that when the UDP Administration was in power and I sat across in the Opposition and supported every bill they brought here on those initiatives. Sometimes they would come in the middle of the night and we stayed here late to do it, because we understood the need to be on the cutting edge in the global financial industry in order not to lose one of the pillars of our economy. However, now the roles are reversed, and the Leader of the Opposition likes to get on the radio on his talk show with his

surrogate and talk about how the Government is doing nothing.

Madam Speaker, it could not be further from the truth, but I guess the best thing in this world is to know, eh?

We never once questioned when they brought their initiatives here and their amendments to the laws. As a matter of fact, we tried suggesting to those amendments, the amendments that would be in the best interest of this country. But today he continues to beat on us for his own political benefit and you would think that he was the only one who knew. But when he is put to the test he cannot come up with any answers.

These are the things we need to work together on and it is unfortunate he is not here today but certainly I would like to think that he will hear and re-think his position.

Madam Speaker, before I close there is another thing that I would like to address; one that I have been bashed about for quite some time. There is a gentleman who loves to get on the talk show and talk about how I own shares in Caribbean Utilities Company Ltd. (CUC). I think it is time for him to stop that because it appears that he thinks it is only he who can talk to his kids and say that he is honest. Well, maybe he needs to understand that there are other people who are honest too.

I like the way the Opposition has their spokesperson out in the front too. And I know this is the silly season so they are going to say anything, but they do know that I have the capacity to respond. And they do know that I will respond.

Now, Madam Speaker, they like to say that we did not break a good deal for the people of this country. Well, let me explain to them how and what we have done compared with what they were in line to do.

Now, Madam Speaker, my good friend, the Second Elected Member for West Bay, likes to say that we would not consider taking duties off fuel and that only after they had suggested it, that we did. Under their proposal in 2004 they were going to increase the duties on fuel by 10 cents.

*[inaudible interjection]*

**Hon. V. Arden McLean:** Everybody got what I said?

Under their heads of agreement they were going . . . and, Madam Speaker, one minute now. The chairman is the Third Elected Member for West Bay, same man out there so.

*[inaudible interjection]*

**Hon. V. Arden McLean:** The guru! Yeah!

He has all the answers to the electrification industry in this country. I wonder for whom! I wonder for whom! I wonder for whom!

He needs to answer that. They were going to add 10 cents on to the 50 [cents]. They were going to

have it 60 cents per gallon. Can you imagine what we would have had now? We cut it by 20 cents! Now, that equates to \$5.9 million per year we gave back to the consumers.

They were also going to increase the duties on non-fuel items in April of 2009 under their heads of agreement, Madam Speaker. We are retaining it at its current level. That is, engines and parts and the likes. So, that is two areas that they were going to kill the consumers—those same people there with the Third Elected Member for West Bay, being the chairman.

Now, CUC's rate of return was 15 per cent, guaranteed. We now have a defined range of 9 to 11 with 10 being the average and it should stay around 10. Madam Speaker, the key is that they were putting the range of 10 to 24 per cent. Them, not me! They were applying a range of 10 to 24 per cent. I have a range of 9 to 11. We all got that?

The rates as they stand now are 10.15 cents per kilowatt hour. Theirs was going to be three tiered ranging from 14.9 to 15.9 [cents]. Now you tell me, Madam Speaker, who cut the best deal for the people of this country? You tell me who is capable of negotiating. Tell them to come up and dispute this. They want to dispute? Tell them to dispute this. These are facts.

**The Speaker:** Honourable Minister, is this a convenient time for me to take a 15 minute suspension?

Proceedings will be suspended for 15 minutes.

**Proceedings suspended at 2.59 pm**

**Proceedings resumed at 3.42 pm**

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

The Honourable Minister responsible for Communications, Works and Infrastructure continuing his debate. Honourable Minister you have forty-three minutes.

**Hon. V. Arden McLean:** Thank you, Madam Speaker.

Madam Speaker, that is quite a lot of time. I guess I might as well leave some time for the Fourth Elected Member for West Bay so he can start his debate.

Madam Speaker, when we took the afternoon break I was discussing the negotiations between CUC and the Cayman Islands Government, particularly comparing the negotiations that took place in 2004 between the UDP Government and CUC, versus those that took place between the PPM Government and CUC and the results of those negotiations.

Now, as I outlined, the country would have been much worse off under the UDP heads of agreement. The UDP tried making the people of this country believe that they had negotiated such a good deal for them when in fact they had not. And because we had

not responded to all of their accusations about us they continued on their campaign to try and discredit me about my having worked for CUC for a long period of time.

But I can say to this country that I stood tall and in their defense when it was necessary for me to do so. The objective was not to shut down CUC; it was for both parties to benefit. That is, to keep CUC going and for the consumers to benefit.

I cannot be responsible for the licence that was negotiated and signed prior to my time. That was another government; another government with a Minister that was part of the UDP too. But I know that the negotiating team that we put together in the form of Olivaire Watler, Sammy Jackson, Charlie Farrington, Mr. Winston Hay, out of Jamaica, and the gentleman out of the United States. We can be justly proud of those people. We reduced the cost of electricity by over 30 per cent.

Now the fuel is a different matter. What the UDP did not tell the people of this country was that they too had negotiated for the fuel to be a pass through, which was the same thing we did. However, they did not tell them further that part of the fuel was included in rates prior to these negotiations, which we removed, that had a cost on and a rate increase on it every time there was a rate increase. All that work we did. But you see when you don't understand you will say anything, and that is precisely what happened to the Third Elected Member for West Bay.

And he is constantly spurring off his mouth in public about the bidding process as well. And I am not going to go far into that, Madam Speaker, because you know it is an ongoing process. And as for the Leader of the Opposition, he would not know a generator if he saw one. He wouldn't know an MCC if he saw one.

I know people are hurting, Madam Speaker, but the reason electricity costs so much is because of the fuel. If one would compare their electricity cost prior to January 2008, they will see that there is more than a 30 per cent drop in cost of electricity—not the fuel. But because fuel went up to over almost a \$150 per barrel it was a 100 per cent over what it was when we did the negotiations. Now the fuel cost is down to some \$40 per barrel and people will start to see the benefits of those negotiations. Albeit that there is a delay of two months in the fuel cost.

Madam Speaker, I don't think they understood what they were doing, to tell you the truth. When they would have given a return on equity in a range of 10 to 24 per cent . . . Let me tell you something, Madam Speaker, this country would have been reeling under hardships as opposed to the defined range of 9 to 11 per cent.

You know maybe I have kept quiet for too long, because unlike the UDP I don't need pats on my back. I do what I have to do; I get on with the job. This is a job as far as I am concerned, and I have to do that in the best interest of my employers and I have

plenty of those. But they love to get out there and ridicule for their own benefit. I didn't buy any land, nor did any of my friends buy any land next to CUC in anticipation of competition in the electrification industry. I didn't! I don't know who else did, but it is rumoured that many did. And when you use your position in politics to gain an advantage you must understand there are consequences.

We see the Governor of Illinois facing an impeachment, as we speak, for the same of type of behaviour. Madam Speaker, I will be able to walk away from this honourable House with my head high and be able to look every Caymanian, every resident in this country squarely in the eye and say I did not take anything from you. And that is how I will leave; that is how I came, and will leave whenever that time comes.

I came in here to make a contribution for love of country and when they and their talk show host accuse me of owning big shares in CUC . . . Let me explain the shares that I have into CUC.

When I had completed ten years of service with CUC I got 100 shares. When I completed 15 I got 150. I put them in my children's names; my two boys. I was entitled to them for long service to that company. Madam Speaker, I didn't buy one share in CUC. Not one share did I buy in CUC! Now, Madam Speaker, maybe, just maybe, they will tell the country how much they bought, Members of the Opposition. Just maybe they will explain that to the country. I put the 150 shares that were given to me for long service in CUC into a drip plan, dividends, a reinvestment plan for my two boys.

The last time I saw it, it was something like 1,000 shares in my two children's names. They are worth \$6 a share or something like that. You think I can be corrupted for \$6,000! Maybe they can tell this country whether they can be corrupted for \$100,000. Mine? Madam Speaker, I told them my day was going to come you know. I told them my day was going to come!

It is unfortunate they are not here but I trust they will listen to the rebroadcast.

I am worse off as a result of coming in here. But I have greater self-satisfaction because I believe I am doing a service to my country and people. And those who aspire to get here must understand that I have been; they are yet to get here. You think negotiating with the UDP for a ministerial seat means you're here? You have to go to the people of this country. You have to demonstrate your honesty and integrity; you have to demonstrate that you want to serve, not serve yourself either, serve those whom you represent.

I will walk away with my head high and will do nothing in this life, much less this office, that I cannot explain to my two children; because if I do it then they feel they are entitled to do it too and this is not how a country is built. There is no longevity in that for any country. We must show leadership and it is not only about the SPS, it is about how we conduct ourselves

in office. But they love to point their finger until they understand that those they are pointing their fingers at have a little knowledge of their behaviour.

Madam Speaker, it is like what the Third Elected Member for George Town said, I really didn't know I was a thief until I came here. I never took anything in my life from anybody. All of a sudden I become an elected representative and I am a thief. Everybody accuses you of stealing, and, most importantly, it is those who steal most that accuse you!

Madam Speaker, I trust that now clears the air with this CUC thing, because I have no fear. I can tell the world what I have done. But they will get up here or on the radio and talk about the fact that I worked for CUC is why the country did not get a good deal in the negotiations. I was not even part of it except that as a Minister I was consulted. I was not around the table. I never spent one day around the table until we had stalemates. They had one of their Members as chairman!

And they talk about transparency in the UDP and curse us about how we have no transparency. What do you call that when you bring people from the outside all the way from Jamaica to negotiate on the country's behalf? When you pick some of the best minds in this country? And you know what, Madam Speaker, most of them did it for free. Okay? That's how much those people trust me.

So, they have to stop it because when my name is being dragged through the mud and my children and family have to face it, I have a problem. And you would think that the last persons who would accuse are Members from within this Chamber. And when they hear their supporters doing it they should be man or woman enough to stop them. But no; it makes them look good.

It makes them look good? Well, I will respond to all of them. They need to get a life! They really, really need to get a life. Everybody's a thief but them. I never took anything in my life, but my children must be faced with that from their peers and I must say nothing about it. I must go on as if nothing happened.

No, Madam Speaker. The same fighting spirit they have over there, I have here too. They think this is some kind of joke when you trample on one's integrity and good name. They shouldn't be doing that. Madam Speaker, I never accused anyone of it but when I am accused I am going to respond. I am going to respond! And to think that their heads of agreement were much, much worse and the people of this country would have seen probably twice the amount of electricity bills as they are seeing now.

Madam Speaker, like I said, I hope that resolves the matter. But I guess it won't. They must not take kindness for weakness because there is no weakness here. But it bothers me and really hurts. I wonder sometimes who is it they are talking about and I pinch myself to see if it is really me they are talking about. And I know there is a certain degree of it that one must endure if you are to be a politician. I've

never ran away from it, but they must remember I am going to defend myself. I have no problems with anyone in this country questioning my abilities, but when you encroach on my integrity I am going to deal with you.

*[inaudible interjection]*

**Hon. V. Arden McLean:** Every one of them out there. Yeah.

Madam Speaker, earlier I spoke briefly on the Constitution, but I really did not go real deep into it so I would just like to spend a few minutes on the negotiations that are currently—or we hope or should have been underway.

It is unfortunate that we, from opposing sides, cannot come together with this Constitution. Each and every Member of this honourable House knows the difficulties the Constitution is presenting with the operation and good governance (that is the present Constitution). We all do. Thirty-odd years and yes we hear our people saying, *'Well, it has worked for 30 years why can't it work for longer?'* Madam Speaker, the Opposition, particularly the Leader of the Opposition, is relying on that to derail the constitutional talks.

Madam Speaker, we know what is wrong with the Constitution. Our people who don't have the time to sit down and discuss it, or live it each day, will never understand (unless they come here) how difficult it is in practical terms to govern under the current Constitution. And nobody wants to go against the wishes of the people of this country, which is that they want to stay as an Overseas Territory. Nobody wants to go against the wishes, but every time we make a proposal, in particular the Leader of the Opposition jumps up on his bandwagon and starts talking about us wanting to take away power from the Governor. He knows better. He knows better! And he has done everything.

Mind you, Madam Speaker, you see those other young men that are over there with him, they know better. They know better but they don't say anything because he loves to take the lead in it. And then he goes and discloses the draft working document as if we had something to hide. There was nothing to hide in it, but we gave the people an undertaking that before it is exposed or disseminated to the general public we would use that as a working document. All the areas that were not agreed upon are not even finished. But he, in his infinite wisdom, thinks that is a good chance to be seen as the saviour of the country.

Saviour of the country in what? You think we can trust him as leader of this country in the free world? You think anybody out there trusts him? Nobody trusts him precisely for that. He has no regard for law and order or anyone else.

That is why, when I compare the negotiations we had with CUC . . . if I had been bombastic like he was I would have given up on the talks a long time too! There are three stalemates with CUC, but I did

not give up. I did not come out and say, *No. We are going to do this and we are going to do it that way.* But this is what he does, knowing quite well that this country needs—but more importantly deserves—a modernized constitution.

Madam Speaker, the proposals are not taking anything away from the people of this country. All it is doing is ensuring that the people's representatives are given more decision-making authority in their country, and that they are advised on what England is planning on doing with their country. No different from what he proposed in 2003. But all of a sudden now the shoe is on the other foot and they want to use this as a means of getting re-elected. Madam Speaker, it is wrong. They are playing with people's lives. And the Second Elected Member for West Bay, who is a very good friend of mine, he knows!

Madam Speaker, it is going to cost us in this same SPS for those same constitutional talks, because we have to realise that it is now derailed by them. Every minute they wanted a postponement. It is now almost to the point that it is totally derailed by the Opposition, because they threatened not to do this and to do that, and then if you don't include them it becomes a national issue. And the Second Elected Member for West Bay can whine so much.

*[laughter]*

**Hon. V. Arden McLean:** But, Madam Speaker, I must say he doesn't whine as much as the Leader of the Opposition, but he has perfected it.

**The Speaker:** Honourable Minister, can we tie all of this debate into this Motion that is before the House?

**Hon. V. Arden McLean:** Thank you, Madam Speaker.

Well, Madam Speaker, what I was saying was that the SPS requires us to find money to put the new Constitution in place.

Look at what we did. They were the ones who proposed. Look at how we compromised at the last talk. They proposed that we try to ensure that those who would become 18 [years of age] on the day of election or prior thereto, but after the registration had been closed, that they should not be disenfranchised. It was the Leader of the Opposition and the Second Elected Member for West Bay who proposed it! And we immediately went along with it because we saw the value in ensuring that these people are able to vote and are capable of making decisions at that age. And now we are waiting on an Order in Council to ensure that happens.

But nothing we do is good enough for the Leader of the Opposition and the Second Elected Member for West Bay, who likes to bring it out of the side of his mouth. But he knows better.

Madam Speaker, the Opposition ought to be ashamed. They know this last exercise instituted by the FCO—I don't know who else, probably Gordon

Brown too—is going to cost this country \$5 million to \$10 million (those are my best estimates) which could have been included in this for the children in West Bay and the Sister Islands as well because that is where the Opposition is made up. So, they should be ashamed of themselves to try and derail it when it is costing us this amount of money.

Because the Constitution is the way it is they do not have to consult with us. But you know I am going to live long enough to see that same Second Elected Member for West Bay in Cabinet, even if it is with me. I am going to live long enough! And then he is going to understand and get exactly one of Burleigh Berry's things from Bodden Town, "a shock of surpri-sation."

You hear what I tell you, Madam Speaker? He is yelling and saying it is unparliamentary. I am going to move on to another thing now, Madam Speaker.

I am going to leave him alone. He knows I love him to death. He knows that. But I still have to deal with him according to the law. He is on the wrong side of the fence and I recall—this is just a little joke—when Mr. Pierson was here as a Minister he told me one day he would invite me on this side, but he would have to wash me in the *blood of the Lamb* first. And that is my cousin.

I invited him to the other side, but I knew I would have to *kill a lot of lamb* to bathe him after being tainted with where he was. So, we will wash him in *the blood of the Lamb* too.

Madam Speaker, just let me go on to one other thing before we close and then I can do my conclusion.

**The Speaker:** I think you have approximately eight minutes, Honourable Minister.

**Hon. V. Arden McLean:** Thank you, Madam Speaker.

One of the areas that I have really paid close attention to during my tenure was that of the infrastructure which supports family. That is, parks, cemeteries and beaches. We brought together a number of entity units and it is working extremely well, far beyond my expectations.

George Town is like a breath of fresh air. It is still not completed but we sweep the streets, we . . . and no one notices it really or very few people do. We have planters in the middle of George Town and parallel parking. I guess no one will notice it if—that is the way it should have been. We have spent monies on equipment which sweeps the beaches that the UDP said we should not; monies on equipment to take care of the parks where families can enjoy themselves.

Madam Speaker, if there is one legacy I would like to leave behind, it is that families can now go to the public beaches in comfort and go to parks and have the opportunity for their kids to enjoy themselves.

As we speak, we are installing parks in George Town, Breakers and East End. They are very

simple little things; just one little slide and a couple of swings and that is all the kids want. But in the absence of those little things kids will find, as is said, "*The devil finds work for idle hands*". Madam Speaker, I believe that the RPCU (Recreation, Parks and Cemeteries Unit) needs to be congratulated for a job well done. Mr. Jonathan Jackson is the manager of that unit.

The cemeteries are being kept much better than they were. People can feel comfortable now going to visit the graves of their loved ones.

The ramps and jetties for fishermen are much better. From time I can remember, the people of George Town were crying for a ramp in George Town Barcadere, and not one of those big-time ministers who came from George Town would put a ramp in George Town Barcadere for those people. That launching ramp is now there.

The police have better access to North Sound as well. That is what this Government has been doing, Madam Speaker. We are in the process of putting one in Bodden Town because the closest ones are in Spotts and Frank Sound. In Bodden Town, we will put a ramp. The fact that we recently had to go to Frank Sound to launch boats in response to the incident that occurred last Wednesday [shows] that we need to do it.

Bodden Town has a number of fishermen whom we need to cater to. So, we will be putting a jetty there and a ramp. And then, it will also serve as a quick access for search and rescue between Frank Sound, Bodden Town and below as well. Madam Speaker, I am very proud of that little unit and I trust that the rest of the country will get on board. I know people appreciate it because they continue to call me and talk about it letting me know how they feel about the job they are doing.

So, in conclusion, Madam Speaker, let me say that while the UDP has ridiculed the SPS, the SPS has provided for them what they understand as good fiscal management of the country's funds. I know the Second Elected Member for West Bay, being the accountant he is, was a little shocked to find out that when we brought it here that it was as complete and as robust as it is. I fully endorse and support the SPS. I know he does too, but he needs to say something.

Madam Speaker, these are trying times for this country. We had to make some major cuts in what we hoped would have been the upcoming year projects. We had to make some deep cuts in those projects but, hopefully, those projects will come back on line as soon as the economy does better.

We have kept the faith, we are being responsible with the people's funds and we are getting the job done. I know they like to say that we should not be building the government building and all the schools but, like I said earlier, now they are asking why we are cutting them. Well, we are cutting them because at

this time in the economy we cannot support going forward with them right now.

Madam Speaker, I'm sure that at the end of the day the UDP and their supporters will see the benefit of the SPS. They have no argument other than empty political rhetoric and fluff which we know is the hallmark of certain Members on that side. But they do a good job at it.

Madam Speaker, let me just say Merry Christmas to everybody. Even if I get another chance to speak I still believe that I should say it now. Merry Christmas to all the Members, and to say to the country, we are still better than the alternative. There is no maybe or perhaps. All you need to do is to look into the rearview mirror and you will see five people in that. That is how far back they will take us.

Madam Speaker, I thank you and I look forward to the coming year when the campaign starts and we will see who the declared Ministers are, not the candidates. But as Members of Parliament the PPM is still better than the candidates who will be coming forward.

Thank you very much, Madam Speaker.

**The Speaker:** I will entertain a motion for the adjournment of this honourable House.

Honourable Leader of Government Business.

## **ADJOURNMENT**

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. I move the adjournment of this honourable Legislative Assembly until Wednesday at 10 am.

**The Speaker:** The question is that this honourable House do now adjourn until 10 am on Wednesday. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

This honourable House now stands adjourned.

**At 4.31 pm the House stood adjourned until 10 am Wednesday, 17 December 2008.**





**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**17 DECEMBER 2008**  
**10.19 AM**  
*Seventh Sitting*

[Not recorded]

**PRAYERS**

**Hon. Samuel W. Bulgin:** *We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.*

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

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

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

**The Speaker:** Please be seated.

**Proceedings resumed at 10.21 am**

**The Speaker:** Proceedings are resumed.

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

**Apologies**

**The Speaker:** I have received apologies for absence from the First Elected Member for the district of Cayman Brac and Little Cayman who was unable to get a flight back to Grand Cayman.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**Cayman Islands National Assessment of Living  
Conditions (2006/2007) – Volume 1 – Main Report  
– Final Report September 2008**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I beg to lay upon the Table of this honourable House the Report on The Cayman Islands National Assessment of Living Conditions (2006/2007).

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Anthony S. Eden:** Madam Speaker, I am very pleased to be able to table this Report. When this was commissioned a little over a year ago, many people said it would never see the light of day and that it would be one of those reports that would gather dust in the Glass House. But I had the commitment of my Cabinet colleagues and the support of the backbench of the People's Progressive Movement that this would see the light of day.

I rise to speak about a significant milestone achieved in Cayman's social development, namely, the completion of the Final Report of the National Assessment of Living Conditions (later referred to as NALC).

The broad goal of the National Assessment of Living Conditions was to assess a range of socio-economic conditions in all three Islands in order to identify policies, strategies and projects that will reduce poverty and improve the quality of life across all societal strata. It was about charting our future together as its slogan states. It was and still is about making a better life for future generations. The need to meet this objective is becoming more important each moment, and we should not let the cooling winds of the global economy tear down our wishes for a true, stable and prosperous future for Cayman.

Madam Speaker, the National Assessment of Living Conditions is a unique study for the Cayman Islands for three reasons. First, because of our residents' support and participation it is the first time in history that extensive living conditions related data has been gathered in all three Islands.

Second, it provides insight into the socio-economic interrelationships within our communities and families, as well as on an individual level with a particular focus on vulnerable groups like women and children. It informs us in a very real way what people are experiencing, what their needs are and how to meet those needs.

Third, the process that we undertook for this study was a countrywide learning exercise. I can assure you that, based on the training and experience we have had with NALC, Cayman is now better able to conduct similar studies in the future, from organising the study, to data gathering, to analysis. So it has provided a firm foundation for further, more focused and detailed, studies. The Final Report provides policy analysts across government with vital unbiased insight into the socio-economic fabric of our Islands.

Madam Speaker, I would now like to address some of the findings of the NALC study. As its central topic, this study addresses the question: What is poverty in the Cayman Islands? I just pause here briefly to interject that a number of queries have been raised about the yardstick used. Madam Speaker, the yardstick used in this Report is the very same one used by 18 other territories in the Caribbean. As you know, there is a different standard of living here. But I understand the reason this was done was for us to compare with other territories.

What we found is that there are many different definitions. The survey suggests that in the Cayman Islands there are low levels of what is called "absolute poverty", which is an international technical benchmark (which I alluded to earlier on) by which the severity of living conditions may be measured. It also indicates that this extent of poverty is found in pockets.

Another definition is used for persons who do not meet this technical definition of absolute poverty, but who instead may be said to live in "relative poverty" or "hidden poverty". This means that their standard of living is lower than the average.

The document noted that there is a clear sense of deprivation for persons who are in either absolute or relative poverty. One of our pressing goals must be to investigate this matter more closely in a way that effectively addresses their needs and challenges. The National Assessment of Living Conditions data also uncovered that problems associated with poverty, whatever definition of poverty we use, are not determined by nationality.

The statistics paint a complicated picture that challenges stereotypes. One way of looking at poverty is by dividing the Caymanian population into three. If we look at the poorest one-third of our residents, the study indicates that 60 per cent is non-Caymanian. Significantly, this also means that 40 per cent—or the poorest one-third—is Caymanian.

Caymanians dominate all remaining income groups, with the exception of the very top. There, the ratio of non-Caymanians to Caymanians approaches

that of the general population. In other words, it is nearly even. The survey also observes that native born Caymanians account for roughly half of Caymanian status holders.

Another angle of poverty levels is presented via consumption patterns where it is visible that the majority of the poorest income is spent on basic necessities and utilities. This time we look at poverty in terms of fifths. The richest one-fifth accounts for nearly half of all consumption. Yet the poorest one-fifth spends some 20 per cent of their income on food, while the top fifth spends less than 10 per cent.

NALC also found that the biggest expenditure across groups was on housing and utilities at nearly 40 per cent. This was followed by transportation at less than 10 per cent.

Sadly, Cayman Brac has tripled the rate of poverty, yet is more expensive. And most of us here in this Parliament know the reason why.

Madam Speaker, although the detailed analysis of the National Assessment of Living Conditions Final Report is still being done, the Ministry of Health and Human Services has already initiated several initiatives. I will briefly outline the initiatives for health concerns, gender issues and social and family life.

In health concerns, NALC informs us that 93.5 per cent of persons were either very satisfied or satisfied with health services. Not so positive are indicators, that around quarter of the population (slightly, more women than men) is estimated to suffer from chronic lifestyle-related diseases, primarily high blood pressure and diabetes. While the reporting of these illnesses is higher among those with more income, this was linked to the fact that people with more money visit the doctor more often.

The Ministry continues to combat chronic diseases by raising the populations' awareness using methods such as public courses, health messages, and health fairs. However, as a new major step we are working to move the Public Health Department from the Health Services Authority and place it directly under my Ministry. This will give the department more autonomy in raising public awareness and also in monitoring primary health services in district clinics closer to people's homes.

In a related health issue, according to the National Assessment of Living Conditions, health insurance coverage is estimated at almost 80 per cent, with a drop to 69.8 per cent in the lowest quintile. More men are covered than women. The Ministry is working to increase public awareness about the need for health insurance coverage among both employees and employers. Also, Madam Speaker, the Health Insurance Commission has increased its efforts to enforce mandatory health insurance coverage.

Turning to gender issues: One of the current harsh realities highlighted by NALC is the fact that the living conditions of the poorest women are worse than those of the poorest men.

**The Speaker:** What else is new?

**Hon. Anthony S. Eden:** Women are more likely to be unemployed, paid less and uninsured, yet they head half of the poor households.

Men have their own issues, mainly to do with how they are socialised to believe that men should behave. As one possible solution, Madam Speaker, my Ministry is updating the gender policy to address some of these issues. Also, the Ministry has organised a special advisory committee whose recommendations on eliminating gender violence were just yesterday considered by Cabinet at its meeting.

Highlighting the comprehensiveness of the Report, NALC then shows how gender issues and poverty impact social and family life as the poor face economic, social, and psychological pressures that often cause family ruptures. Tension between parents in the home has a particular influence on the behaviour of young people who grow up in this environment. In order to give a more focused approach on social and family issues, the Ministry has established an empowerment and community development agency and is restructuring the Department of Children and Family Services.

Madam Speaker, there are so many insights contained in the National Assessment of Living Conditions Report that the public would like to know. With this in mind, allow me to provide just three more of its conclusions.

If absolute poverty exists in extremely low levels, then the social deprivations associated with relative poverty (and, again, relative poverty is also called hidden poverty) contribute to the stigmatisation of and discrimination against certain groups. Relative poverty fosters a sense of marginalisation.

Second, it is worth acknowledging that the disabled and elderly also report these feelings. And, lastly, it should come as no surprise that poverty is fuelling the drug culture in the Cayman Islands. This pressing issue is being addressed with the help of a new anti-drug strategy developed by the National Drug Council. Other efforts include Recovery Month, initiated by the Department of Counselling Services and the new Residential Treatment Facility for women at Caribbean Haven.

Madam Speaker, in closing, I emphasise that we cannot let the people of our Islands fall further into socio-economic difficulties. Every one of us as representatives had dealings with some of our people who need this help. The NALC enables us to make economically efficient focused interventions so that we can emerge as a nation with more coherent and sustainable development.

I would like to take this opportunity to invite all my colleagues in the Legislative Assembly, as well as Government, the private sector, community agencies and individuals, to take the National Assessment of Living Conditions Report on board, review its findings and come up with proposals for policies, programmes

and other interventions that benefit the Cayman Islands.

As far as my Ministry, we are committed to analysing the National Assessment of Living Conditions findings as a way of bringing sharper focus to our vision, namely, optimum wellbeing for all. And by that word "all" I mean all residents of the Cayman Islands, every nationality and every man, women, boy and girl.

I give my gratitude for carrying out this comprehensive Report to the main donor agency, the Caribbean Development Bank. I also thank the National Assessment Team, driven by my Chief Officer, Ms. Diane Montoya, and especially all the residents of the Cayman Islands for their input and their continued support.

Thank you, Madam Speaker.

**Water Authority of the Cayman Islands Annual Report 2001**  
(Deferred)

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, unavoidably, the Minister responsible for [tabling] both of the Water Authority Reports is on his way, but not here yet. So I would ask if it is possible, for us to simply defer the [tabling] of these reports until he gets here. And, Madam Speaker, I also know that you confirmed to him that he could read a statement this morning. So, if those three items could be deferred until his arrival, I would ask if that's possible.

**The Speaker:** The question is that the [tabling] of the Water Authority of the Cayman Islands Annual Reports for 2001 and 2002 be deferred to a later point in this sitting. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Annual Reports on the Water Authority of the Cayman Islands Annual Reports for 2001 and 2002 be deferred until latter in this sitting.**

**STATEMENTS BY HONOURABLE  
MINISTERS/MEMBERS  
OF THE CABINET**  
(Deferred)

**The Speaker:** I have been notified by the Honourable Minister responsible for Communications, Works and Infrastructure that he would like to make a very urgent statement. Upon his arrival we will suspend the rele-

vant Standing Order to allow him to make a statement.

## GOVERNMENT BUSINESS

### BILLS

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

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to move the suspension of Standing Order 46(1) and (2) to enable the Bill on the Order Paper to be read a first time.

**The Speaker:** The question is that Standing Order 46(1) and (2) be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 46 (1) and (2) suspended to allow the Tax Information Authority (Amendment) Bill, 2008 to be read a first time.**

### FIRST READING

#### Tax Information Authority (Amendment) Bill 2008

**The Clerk:** The Tax Information Authority (Amendment) Bill 2008.

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

#### Suspension of Standing Order 46(4)

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to move the suspension of Standing Order 46(4) so that the Bill can be read a second time.

**The Speaker:** The question is that Standing Order 46(4) be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 46 (4) suspended to allow the Tax Information Authority (Amendment) Bill, 2008 to be read a second time.**

### SECOND READING

#### Tax Information Authority (Amendment) Bill 2008

**The Clerk:** The Tax Information Authority (Amendment) Bill 2008.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to move the second reading of a Bill that is shortly entitled, The Tax Information Authority (Amendment) Bill 2008.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

The Tax Information Authority (Amendment) Bill, 2008, enhances the ability of the Cayman Islands to position itself successfully in relation to international developments in the tax cooperation arena. It is a part of the overall strategy which the Government has developed based on careful analysis over the past year. We have already established that our financial services sector is not built around tax evasion, nor does it rely on the absence of transparency.

Madam Speaker, the Bill before the House establishes principally in the proposed new Part IV (and that is done by clause 12)—

**The Speaker:** Honourable Third Official Member, may I interrupt you until the Table has been given a copy of this Bill so that I know what you are reading? I have no copy.

[pause]

**The Speaker:** Honourable Third Official Member, you may continue now. Thank you.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

The Bill establishes principally in the proposed new Part IV (and that is done by clause 12 of the Bill) a parallel mechanism for cooperation in tax matters and that would be in addition to bilateral agreements.

The other changes sought to the Tax Information Authority Law are consequential to the new Part IV. The parallel mechanism is necessarily designed to reflect OECD technical standards for transparency and provision of information with which the Cayman

Islands already complies, and which, in fact, already operates in respect of our 2001 Tax Information Agreement with the United States.

Clause 12 of the Bill inserts new sections (sections 8A to 8G) in the principal Law. To deal with the key provisions within that clause, section 8A enables an information request to be made by specified jurisdictions concerning specified tax matters.

Section 8C sets out the requirements for a request for information.

Section 8D prescribes the circumstances in which a request for information can be refused.

Section 8E contains confidentiality provisions.

Madam Speaker, I would just like to note that the proposed OECD green list of jurisdictions deemed cooperative in tax matters is simply one aspect of international developments potentially affecting our vitally important financial services sector.

This legislation is required to enhance the Cayman Islands' ability to deal efficiently and effectively with tax cooperation matters and I therefore commend the Bill now before the House for passage.

Thank you.

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

If no other Member wishes to speak, does the honourable mover wish to exercise his right of reply?

Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I just simply thank all honourable Members for their silent support.

**The Speaker:** The question is that a Bill shortly entitled the Tax Information Authority (Amendment) Bill, 2008, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed. The Tax Information Authority (Amendment) Bill, 2008, given a second reading.**

**The Speaker:** The House will now go into Committee.

**House in Committee at 10.46 am**

## **COMMITTEE ON BILL**

**The Chairman:** Please be seated.

The House is now in Committee.

With the leave of the House, may I assume that, as usual, we should authorise the Honourable Second Official Member to correct minor errors and such the like in these Bills?

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

### **Tax Information Authority (Amendment) Bill 2008**

**The Clerk:** The Tax Information Authority (Amendment) Bill 2008.

- Clause 1 Short title
- Clause 2 Insertion of heading in the Tax Information Authority Law, 2005—Part 1 - Preliminary
- Clause 3 Amendment of section 2 - interpretation
- Clause 4 Repeal and substitution of section 3 - implementation
- Clause 5 Insertion of heading - Part II - The Tax Information Authority
- Clause 6 Amendment of section 4 - Tax Information Authority
- Clause 7 Amendment of section 5 - functions of the Authority
- Clause 8 Amendment of section 6 - procedures for public policy determination
- Clause 9 Insertion of heading - Part III — Execution of requests
- Clause 10 Amendment of section 7 - procedures for the execution of a request
- Clause 11 Amendment of section 8 - powers of Judge to compel witness or for production of evidence
- Clause 12 Insertion of Part IV - requests for information from scheduled Countries
- Clause 13 Insertion of heading - Part V - General
- Clause 14 Amendment of section 10 - notification
- Clause 15 Amendment of section 15 - interviews and examinations with consent
- Clause 16 Amendment of section 17 - enforcement

**The Chairman:** The question is that Clauses 1 through 16 stand part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 through 16 passed.**

**The Clerk:** A Bill for a Law to amend the Tax Information Authority Law, 2005 to enhance the ability of the Cayman Islands to provide information relating to taxation matters to other jurisdictions in accordance with international co-operation, protocols, in taxation matters; and to make provision for related matters.

**The Chairman:** The question is that the Title do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

**The Chairman:** The question is that the Bill be reported to the House. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.  
The Bill will accordingly be reported to the House.

**Agreed: Bill to be reported to the House.**

**The Chairman:** The House will resume.

**House resumed at 10.49 am**

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

## REPORT ON BILL

### Tax Information Authority (Amendment) Bill 2008

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I am to report that a Bill shortly entitled The Tax Information Authority (Amendment) Bill, 2008, was considered by a Committee of the whole House and passed without amendment.

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

## GOVERNMENT BUSINESS

### MOTIONS

#### Government Motion No. 10/08-09—Approval of the Strategic Policy Statement for the 2009/10 Financial Year

*(continuation of debate thereon)*

**The Speaker:** Debate continuing on Government Motion No.10/08-09. Does any other Member wish to speak?

Third Elected Member for George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

I rise to make my contribution to the Strategic Policy Statement for the year 2009/10, and on the

speech of the Leader of Government Business and the Financial Secretary's response.

Madam Speaker, my comments will be not as brief as the Third Elected Member for West Bay, but certainly brief enough.

I would like to congratulate the Leader of Government Business and the Financial Secretary for once again putting together a very accomplished policy statement looking at the goals that we had from the time this Government came into place.

Madam Speaker, I would also like to make a few remarks on the whole question of "Staying the Course in Challenging Times".

I was a witness to Hurricane Ivan. I was not only a witness, but my property, personal items and memories of my childhood—everything—was destroyed. If we would reflect on the damages that we had four years ago when Hurricane Ivan came upon us . . . I am sure, Madam Speaker, that it has gone out of our memory. We cannot even bring to fore what we went through because it was so horrific. The damages cost I think about \$3 billion. That's a lot of money, Madam Speaker. That's a lot of damage. So how come we do not remember? Well, that was done!

How come the Opposition stands in this House and [gets] on the radio telling people in this country—almost in a rebellious way, Madam Speaker—that nothing was done in the four years? That is sad for people that are waiting to take over a Government.

Madam Speaker, \$3 billion . . . I do not even know [how many] zeroes we have to put there. I mean, Madam Speaker, it is just unimaginable how that money can spread around the Cayman Islands. It possibly covered the whole Cayman Islands. But that is a lot of money.

For the Leader of the Opposition to get up . . . and who during our budget debate did not vote for the budget, but can come here and talk about senseless SPS, and for the Third Elected Member of West Bay, who I have a lot of regard and haloes for, and I think if he would just come on this side that—

*[inaudible interjection]*

**Ms. Lucille D. Seymour:** The Second Elected, sorry.

If he would just come on this side, life would be different.

But, Madam Speaker, especially the Second Elected Member [for West Bay], who is a very good accountant, knows what \$3 billion is. And to stand up there and get on the radio for the last four years, and try to have the self-fulfilling prophecy, the whole thing of subliminal, to tell the people that nothing was done in the last four years (nearly four years, come May).

Madam Speaker, my delight is to ride through your country of North Side and through the eastern district. When I drive through there I am the happiest person on earth. To compare it when I drove through there, or when I could get through there four years

ago to now, you ask the question, Well, what was the PPM doing?

According to the people on the Opposition and those who are waiting to take our shoes, we never did anything. But, Madam Speaker, [if] \$3 billion just flew away into thin air we should see the Cayman Islands looking just as bad, looking just like it did four years ago. But what do we see? We see a reconstructed country. A country as if nothing had happened, as if roofs were not off people's homes, as if buildings were not destroyed, as if the lives of people had not stopped.

And yet, they get on the talk show, write letters in the paper and they come to this hallowed Hall and say nothing has been done and they laugh at the SPS. As a matter of fact, the First Elected Member for Cayman Brac and Little Cayman went up and down whether this goal was first, second or third. And that was all the contribution that she could have made, Madam Speaker, and whether or not Cayman Brac should have been sixth or seventh, and that they are in no special order.

But it is aptly said in the speech of the Leader of Government Business, "Staying the Course in Challenging Times". And that is what we have had. We have had that from [Hurricanes] Ivan, Gustav and Paloma. And we have had other things, and now we have the global economic crisis. But we are staying the course, Madam Speaker.

When the Israelites were being led out of Egypt by Moses, a great leader . . . in slavery they had meat, onions, leeks, cucumbers, they had all the niceties. And when Moses took them into the wilderness or wherever it was, they rebelled on him. They rebelled and they did not even remember the slavery. All they remembered was that they had cucumbers, leeks, and all of these things.

Madam Speaker, I want to just pause here a moment to make a comment regarding . . . [pause] Madam Speaker, God wanted to destroy the children of Israel ten times, and Moses stopped him. Moses said, "Forgive them." All they did was murmur. They were ungrateful. They only wanted the meat from Egypt. They did not want any manna that came down, which was angel food.

But in 1 Samuel, Madam Speaker, I would just like to make a point on this, it says, **"Does the Lord delight in burnt offerings and sacrifices as much as in obeying the voice of the Lord? To obey is better than sacrifice, and to heed is better than the fat of the rams. For rebellion is like the sin of divination and arrogance like the evil of idolatry."**

For rebellion, Madam Speaker, is like the sin of divination. And according to my readings on divination, it is compared to witchcraft. And what is rebellion when you go against the government? When there is ingratitude and that sort of thing. And, Madam Speaker, I am juxtaposing this with what happened to us in Ivan as to where we are now. We are in a great position. We are all doing well. We have issues that

are global, but we all have. Those of us who have had, we have our homes. They are even more beautiful. Cayman is even more beautiful. It is everything. Yet, Madam Speaker, we murmur. We complain. And it is all induced by the Opposition who says that nothing was done!

Madam Speaker, I cannot stand here as a sensible person, perhaps not as learned in mathematics and finance as the Second Elected Member, but I know that in our time in the Cayman Islands, three point something billion dollars were spent to make this place what it is today. Unless we came like Pallas Athena, from our father's forehead, we are the Government and [we] are real people. So, all the changes in the reconstruction happened within the last three and a half years. So, how is it that the Opposition can tell the people who listen to the radio . . . And, Madam Speaker, we are leaders of the nation, and they believe us.

They get out there and say nothing was done. If you say it long enough, Madam Speaker, they will believe it. But we must go back, and I challenge (if I may so do) the Leader of Government Business to go over for the sake of the Opposition to remind them what was done in the last three and a half years to make this country so beautiful, so well put together as people when they come and see it cannot believe . . . They cannot! People who have visited here three and four times since Ivan cannot believe that this country is where it is now.

Madam Speaker, it is so because we have good leaders under the leadership of the Leader of Government Business. And we did not get any external help. It is only now, Madam Speaker, according to my information that the EU (European Union) and all the other U's and the P's or the Q's or whatever they are, are trying to give us some money. So, where did the Cayman Islands Government and private sector get that money to make the change that we have?

Madam Speaker, I think this has to be repeated over, and over, and over, and over. It is a sin—the sin of rebellion is worse than divination! As leaders of our country we cannot cause our people to be insurrectionists. We cannot! And we must not! And we cannot get on any radio show and tell our people that nothing was done in the last three and a half years in this country because that is totally, totally wrong for political leaders. It is what I call political divisiveness and polarisation. They are just, just wrong, Madam Speaker.

This is what you do when the jaws of victory are being snatched from you. You get desperate and lose your humanness. You try to change people's minds and make the people of the Cayman Islands think that they are simple minded people. But they are not. I would like for us (that is, the Leader of Government Business and, if so be, the Financial Secretary) to repeat what has happened over the last three and a half years in the reconstruction. I have not even gone on to the rest of the stuff!



Madam Speaker, I even discovered that the Second Elected Member for West Bay could be related to me. But I note he is sleeping through all of this. He is not pretending; he is sleeping. But I know that six months is not far, and I know what he will do in the next six months. And I am sorry, Madam Speaker, that perhaps constitutionally we may not be able to have the Minister of Finance, because he would be a perfect fit—in the PPM Government, that is!

Madam Speaker, I do not want to be so disruptive to make people think that I do not like the Second Elected Member for West Bay. I love him dearly. But, Madam Speaker, he sat there and he trounced us and tried to convince the little person who listens to the radio for information, that the PPM Government did not do anything in the last three and a half years. But I want to repeat myself by saying that the damages from Ivan (and I have not even touched on Gustav and Paloma) was over three point something billion dollars. It must have taken money or something and good judgment and wise people to put this country together.

Madam Speaker, in the midst of challenging times we have to look at the development of human capital. I was in education for a long time and I know in my own heart of hearts that I did well. But I also knew that I was not the political leader. I was an implementer.

When I bought ten computers (I was then the education officer responsible for the primary schools in the Cayman Islands) I was told that I was empire building! The first ten computers that were put in the primary schools were bought by me—my own initiative. Nobody told me to do that. But our children must be computer savvy. That was in the 1980s, Madam Speaker. I had just come back from Pace University doing my Masters in Educational Administration. I was exposed to greater things. So I decided that we have to go on into the technological world and we could only afford ten. That's all we could afford.

As I said, I was told that I was empire building by the people in Government at that time. So you know how difficult it was for me as a progressive thinker to move.

Madam Speaker, the Minister of Education came in thinking of building human capital. He did a conference of educational consensus and brought all the teachers and stakeholders and everybody together to say, *Look, we must have a transformation in this country. Our people must own the best jobs. Our people must own the best of everything. But how do you get that? You get that through good education.* So what we have to do, Madam Speaker, is to change the mindset of teachers, parents, children, the gardener, the bus driver, we have to change everybody. Hence, the transformation began.

But it will take some time. We do not see the results of educational changes. We will not see it now. Perhaps we will not see it in this generation. But I can

tell you, Madam Speaker, if both of us live long enough we will see the difference in the next generation. That is the complaint the private sector has on us. They say, *You are not educated, you cannot hold these jobs, you are not exposed and you are not experienced.* So, what do we do? We almost have to start from the beginning. We have to change the course. We have to have our people equipped to take the positions, including in here.

When we compare the results we are not comparing one child against the next child, we must compare the children of the Cayman Islands globally. And hence, Madam Speaker, the Minister of Education is changing the primary schools.

Never in my lifetime, never, when I was going to school, did anyone try to change the course of primary education from the slavery type of educational system that we imparted to the primary school children. Never! And I stand here as one of the educators.

The Honourable Minister went through this system. Do you know why he achieved? He achieved because he had good parents. He also achieved because he learns well. But we have children who may have parents but do not have the interest in ensuring that they are well educated. And some of them do not learn like we learned. So, what he has also done is to expose the system for multiple intelligence where any child can learn best how he learns, whether through sight, hearing, callisthenics, or through other methods. That is what the whole question of the change in the primary education is going to be.

Now, Madam Speaker, it takes the physical plant to make a difference. And it takes the human to make a difference. I think it is fair to say he started first with the human aspect of it. He gave the teachers exposure. He sent them all over the world to this place and that place. I have gone on airplanes and saw teachers and asked them where they are going. They say they are going to this country because they have to go and look at the IBB and that sort of thing.

It also takes physical plant. I remember my mother and other mothers prancing up and down in this Cayman Islands because when we went to the old green school down at the bottom, that was good enough they said. And they had to march to make a difference so they could get one little school built up in the pond. It was pure, pure, unadulterated pond, and they put it there for the children. And they said that was all they could give them. But this Government, Madam Speaker, through the Honourable Minister, ensures that we are going to have a 21<sup>st</sup> century building for 21<sup>st</sup> century learning and teaching. So, we started what I called an ambitious programme for educational transformation in terms of the physical plant. We are changing the high schools.

Madam Speaker, the Honourable Minister went there. That is, from the 1970s or 1964 I think it was. But we also wanted to change the physical plant of primary. And George Town Primary should

have been changed. But there are all kinds of naysayers out there about, *Boy, you stopped the school and you should have started it*. And they there are the other naysayers who say we are spending too much money and we should not be building these schools, but we can build nice big buildings for turtles to swim. Of course, we eat them and that sort of thing.

Madam Speaker, the physical plant is important. I am sorry but it is with deep feeling that we are not going to get the building right now. But we have to be sensible people too. We have just gone through Ivan. We have paved the way and built up our country. We have gone through Gustav. We did something for that. Paloma has taken a lot of money out of it. So we can understand that we have to pull back and prioritise. Nevertheless, I know the economy is going to get better and I know that it is one of the first things the Minister is going to do.

I, for one, the Third Elected Member for George Town, alias Lucille Seymour, will tell you that I believe in the Minister of Education. I believe that whenever he can find that money, whenever it appears that we can do that, we will do that. But I would like to ask a question today, to us and the public. Where does the money come from?

You know, I heard a lady with a foreign accent yesterday saying how we must work for our money (that is, us inside here must work for our money, ya nuh). Madam Speaker, let me tell you something. I have done some cushy things in my life. This is the worst one! But I came short of, and perhaps the First Official Member can remind you. I have come short a couple hundred dollars of making \$7,000. So I did not come into this business here for money. I was a retired person. I retired having spent 33.3 years in the Cayman Islands Government. Moved from a teacher to a permanent secretary and retired with a lump sum of \$146,000 and \$1,800-something as pension. Me. Yes ma'am.

But we have people who are contesting the elections who have got up into systems that never spent the time I did, never contributed what I contributed that have retired with half a million. That's the people's money, Madam Speaker! And in our time too! In the time of the PPM! And you say we have not done anything? At least we retired somebody with half a million.

I retired eleven years ago with \$146,000 and some change, and \$1,800-something pension per month. Me, Madam Speaker! And we come here and are rubbed every day, rubbed—rub it in that we are working. We are getting money so we must work. I work, Madam Speaker. I work day in, day out. I mean this is the hardest I have worked in my lifetime. Real, real, real work Madam Speaker. But I do not mind it. I like to do this. It is not well paid. Of course it is not well paid. They could never pay us for what we do.

But you know, many, many years in BC, Plato said, you must pay your lawmakers so that they are not susceptible to a bribe. Perhaps that's why they call

us corrupted because the pay is so small; but not that we do any of that sort of thing, Madam Speaker.

I digressed a bit but I want to go back to the human capital in terms of the knowledge base. George Town Primary will be built. Beulah Smith will be built. But we have to be a little patient because our money comes in at the whims of the same people that sometimes we want to move.

How do the Cayman Islands get money? It gets its money through indirect taxation. Those of us who go away, when we return and declare we pay our taxes of 20 per cent. We also pay indirectly through the food. But a lot of the foodstuff that people eat is not taxed. You know that, Madam Speaker.

We also have to get money from the fees of those who work in law firms and other companies. We have to have those persons so that we can get money. We get money through the work permit system, unfortunately, Madam Speaker. But that is how we get the money. So it is only a small amount; a rich country with a poor government. Is that not ironical, Madam Speaker?

Other countries that we watch every day [on] CNN and all those people; they are taxed. They can get anything. They can ask for the moon. They are taxed 38 per cent. That is a lot of money coming out of your pocket, Madam Speaker. And the only thing we ask them to pay directly is the garbage tax. Well, you know what happens to that, Madam Speaker. What else? We ask them to contribute to their own pension, their retirement. And we ask them to contribute for their health. And that is causing issues too.

Madam Speaker, we have to be reasonable and say we do not have a money-making machine here. We do not make our own money. Therefore, we have to in all of what has happened in putting Cayman back from Ivan, Gustav, Paloma . . . we have done well. And I congratulate not just the Government, but I also congratulate the private sector and the people who had the resolve to get their places back, to make it a better place.

I am about to close, but I would like to say that sometimes my heart gets heavy, particularly when I listen to somebody who works three hours a day—and I work, you can say I take night and make day—who can try and direct the course of this country by blasphemy, rebelliousness, insurrection. Yes, Madam Speaker! It almost borders that because if you listen carefully sometimes they are almost giving instructions as to how to be rebellious. And, Madam Speaker, my Book says, "The sin of rebelliousness is worse than the sin of divination" which means witchcraft too.

Madam Speaker, at this time, in this place, at this hour, I want to make a plea to my people, genuinely, honestly and under strength of my mother, that we must take this Yule Tide season, reflect on what God has given us and where God has brought us, and how He has spoken to us. He spoke to the Israelites ten times. Ten times he wanted to wipe them out! We

have to make sure that we continue to work for the Caymanian dream. But how do we work for that Caymanian dream to own a house, to drive a car, to educate our children, to build a great family, to have a good nation to be civic minded? We need to reflect on our lives since Ivan.

We need to get down on our knees (those of us who can) and thank God that we are here. And I am not trying to be any kind of religious person at this moment, Madam Speaker, I speak from what I was born with—a great heart and what I try to be, a good person. I ask my people in this Season that while we celebrate the other side of Christ's life (that is the whole issue of eating and drinking and festiveness) we also celebrate that it was a sacrifice that was made. God gave us his Son as a Sacrifice. We should make a sacrifice to ensure that our country (and I am speaking to each person in the Cayman Islands today, Madam Speaker, including this House) . . . to search our souls, to reflect on how we are so lucky to be here at this time in this place.

And when the New Year comes we [should] go to our neighbours and be neighbourly. Love thy neighbour as thyself. Where are all those principles that we learned? Every day we are either killing the Jamaicans, Filipinos or Caymanians, or politicians, especially if they are in Government.

Madam Speaker, I am asking my people that, come January, let us hold on, and whether we have different ideologies; that is fine. But let us be thankful for what we have! We have plenty, Madam Speaker. We have a lot to be thankful for. We have good people, minimal crime, lovely country, nice place, nobody moves. We do not have a rush of people leaving this country. People come here, Madam Speaker. But I want my people to be the people that they were before, the warmth, the kindness, the good spirit, the short tongue, and to get off of that radio and help themselves!

Which talk show host helps you? I hear them calling and saying, *Listen, I don't know what happened here; you go see to that.* The next day what happens? Nothing happens, Madam Speaker. Nothing happens!

Do you mean to say that the people of the Cayman Islands are so deficient in knowledge of their government departments and what they do that they have to call the talk show host to find out who is responsible for this? Something is wrong with us. Or is it because we have too much money that we can call—I think you have to pay for it, right? I believe so—and stay five and ten minutes on a cell phone talking about where you must go, how you must go, or where is it. Our people have changed. We have changed. We are not taking the responsibility that we used to take when we were younger people, when we were poor and hungry.

Madam Speaker, I do sports. And we were taught that the best sports persons are those who are hungry. When you are hungry you go out for the kill

(not literally). You go out to win. You are competitive and you do the best. Perhaps . . .

Madam Speaker, I was born a happy child. There are no moments in my life when I am unhappy; not even when I had cancer. I believe it was because I was a happy person that I was able to pull through for the length of time that I have today. I am asking my people to reflect and compare themselves now to where they were in Ivan (I am not even going before Ivan) and say is it better? Is it worse? I know the global crises is causing a few people not to have jobs, but a lot of people who say they do not have a job never had a job three years ago either.

I spoke to a person yesterday who has not worked in four years who came now to ask me for a job. I asked the person what are your talents? "Well, I really don't have any." Now, that is not good enough, Madam Speaker. You have to have something. All of us have talents. God made us with talents. We just have to search hard and we will find out. And they are not necessarily working for somebody else. All our talents that God gave us can make us entrepreneurs. Every talent! Your father was a carpenter. Who taught him? He was born with that gift. All of us, if we just search hard enough over the complaints, the murmuring the whimpering and the naysaying, we will find our talents.

Madam Speaker, I would like, with your permission, to read from today's *Cayman New News*, written by Charissa Van Roekel, "Is government to babysit Caymanians?"

**"Dear Sir, Regarding the comment in an article entitled 'Governing by Foresight Rather Than Hindsight' December 10 2008: and now we must try to learn to fight for our rights as workers. The truth is that the majority of Caymanians are now dependent on wages."**

Madam Speaker, entrepreneurship.

**"Come again? Is government to baby sit Caymanians and pamper them with access to salaried jobs? It is not government's responsibility to assure Caymanians to have salaried jobs. It is the employee's responsibility to qualify him or herself and then seek out and maintain the job that is rightly suited to him or her. That is called free market economy (aka Capitalism). Oh, that's right; I guess Marxists would not have advocated the freedom of creativity and economic choice."**

**"Please don't assume that I am saying government has no responsibility to halt false employment advertising and other such practices. What I am saying is that the individual has responsibility for him or herself before the government has responsibility to the individual. Without the employee gravitating towards and utilising fully employment opportunities presented to him or her, you have a workforce sitting around waiting on a handout. That's called Socialism."**

Madam Speaker, that is aptly put.

Yesterday I was speaking to a very high powered person whom I thought had good sense and has influenced me in many ways, who was trying to convince me that it is Government that must find jobs, and find this and that for our people. I want people to be better than me, much more educated than I am, and wealthy. But when I grew up, I do not think I heard the word “probation” until when Miss Hylton came in. I heard the word “social service” when we had a study by a gentleman from England. But I believe that Government—this Government and other Governments have done it—must make a proviso that when people fall there must be a cushion and a hand to pull them up so they can stand and on their own walk again. I believe that. I sincerely believe that.

Madam Speaker, I know and have discussed this with the social services—a lot of people have fallen. Government has helped them to walk and they decide to fall on their own, not because of a situation like now where there is a global situation and people lose jobs and in some countries you have unemployment insurance and things like that; no, Madam Speaker.

But in all of this we, as good, hard working, thinking Caymanians, must have ambition. That is what people used to say we had, Madam Speaker. We had ambition. Hard working people! But I want to remind you, Madam Speaker, that when I was growing up as a young child all of the men, barring those who could not see or were deaf—and even those had a skill, you know. They may not have had the education that we have today, but every one of them who wasn't a shoemaker was a carpenter or a barber or a tailor . . . My brothers, too, can all do something with their hands. And they all survived in my day.

Madam Speaker, perhaps what we need to do in this whole building of human capital, we perhaps may not just rely on academia. And I know that the Minister has that, but we might deliberately teach persons to have a hobby that they can do with their hands. Hobbies make you wealthy; they make you entrepreneurial.

I would close by saying that this is my fourth year. I have had a wonderful time, tough, tough, tough. But I have had an education. I have unearthed a lot of issues that were hidden over the years. And this whole thing of need and what people talk of poverty is accumulative. . . This did not just happen in four years. How can you get poor in four years unless you were in the stock market? This has been a systematic thing.

Madam Speaker, the Minister of Health and Human Services just tabled the Report on the National Assessment of Living Conditions. I am glad he did it because it has unearthed . . . You see, Madam Speaker, in all of this wealth, in all of this richness, in all of this dream accomplished, we still have conditions that are brought about by lack of education. A lack of education, Madam Speaker! That is what it is.

We are not blaming those persons, but this Government, though it only has five months [left] and will be in the next Government come May, is going to ensure that everybody will be lifted by the rising tide. The rising tide lifts all boats. But we need from within us to have ambition, to have goals, to want to reach to be something. Not only to be something but to own something. To own a house, a car, to have educated children, a great family, to be civic minded, and to love our neighbour.

Madam Speaker, come January 1<sup>st</sup> the people of the Cayman Islands, foreign and citizen, [should] kneel down and pray to God to change us to be the beautiful, sweet, warm, healthy, Christian people that we purport to be.

Thank you, Madam Speaker.

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

The Fourth Elected Member for West Bay.

**Capt. A. Eugene Ebanks:** Thank you, Madam Speaker.

I have listened to the many contributions and read through the Strategic Policy Statement delivered to this honourable House on 10 December of this year by the Honourable Leader of Government Business.

This Strategic Policy Statement paints a rosy picture for the Cayman Islands and the Caymanian people. However, Madam Speaker, the truth is that the average man on the street is saying that he has never had such a difficult time trying to make ends meet. There are a lot of people who are struggling to live the Caymanian dream at this time. I feel it is irresponsible for the Leader of Government Business not to address the fundamental issues that are affecting our people. Madam Speaker, with unemployment on the increase and work permits at a record high, it is very obvious that the “Caymanian first” policy is not being enforced.

One of the points in the SPS that I would like to comment on is on page 36. With your permission, Madam Speaker, I would like to read from the Policy Statement. It is the first paragraph on page 36, and it reads: “**A month into the recovery and reconstruction on Cayman Brac and Little Cayman, Government is satisfied—**”

**The Speaker:** Honourable Fourth Elected Member, are you reading from the Strategic Policy Statement or the speech by the Honourable Leader of Government Business supporting the Strategic Policy Statement?

**Capt. A. Eugene Ebanks:** Yes, Ma'am. I am reading from . . . yes Ma'am.

**The Speaker:** Okay.

**Capt. A. Eugene Ebanks:** I would like to continue with that.

**“A month into the recovery and reconstruction on Cayman Brac and Little Cayman, Government is satisfied that good progress has been made. Admittedly, things may not happen as fast as everyone would like, but things are happening nevertheless. Compared with a month ago, the situation today is much improved and life is gradually returning to normal. In the same way that this Government got Grand Cayman back on its feet after the devastation of Hurricane Ivan, we will do the same for Cayman Brac and Little Cayman.”** *[Speech supporting the 2009-2010 Strategic Policy Statement delivered by the Honourable Leader of Government Business on 10 December 2008.]*

Madam Speaker, I would just like to remind the Leader of Government Business that the Opposition [was] the Government at that time and that in the eight months after Hurricane Ivan [they] did a lot to help the recovery efforts of the Island and the people. This Government cannot take the credit for that. It was the United Democratic Party that spearheaded most of the recovery efforts, Madam Speaker.

In my opinion, the United Democratic Party did more in the eight and a half months after the devastation of Ivan than the PPM Administration has done in three and a half years. And, Madam Speaker, that is my honest opinion. So, I hope that the good people of Cayman Brac and Little Cayman will get better results after Hurricane Paloma than the people of Grand Cayman got after Hurricane Ivan from the PPM.

Madam Speaker, just this week I was asked to assist a gentleman who was promised by the PPM Government to have his roof repaired. He is still waiting. He said they came and did an evaluation on it and promised that they would come back and fix it, but he still has not seen or heard anything else.

Madam Speaker, I would like to address another very important issue that was mentioned in the SPS. When the Minister of Education says that the Leader of the Opposition has not done anything for education in his 24 years in office, I think these comments are not only wrong, but were clearly made to mislead the public once again. The Leader of the Opposition has never been a Minister of Education, but has always been a supporter and proponent for the improvement of the country's educational system.

During the 24 years the Leader of the Opposition was a Member of this House he has supported every educational initiative that has been brought to this honourable House, including the following: the building of the Community College, building and improvement of various schools across the three islands, implementation of numerous educational programmes.

During the United Democratic Party's short three and a half years, they enhanced the programmes of the Community College and upgraded the College to a University College, built the Prospect Primary School, improved the Bonaventure to include

a girl's programme, provided over 1,000 local and overseas scholarships for the education of Caymanian children, Madam Speaker, to educate our young Caymanians.

Madam Speaker, we are not saying that more buildings are not necessary to facilitate the education of our youth, what we are saying is, do we need to make schools as monuments? We are saying we must be prudent and look at what the country can afford. We have supported all the initiatives that the current Minister of Education has brought to this honourable House. But we cannot support the cavalier way in which the Minister has set about in the building of these new schools. As the Minister of Education has said in the past, only divine intervention will stop him. The fact is, Madam Speaker, that the country cannot afford these high expenditures at this time.

With a global slowdown in economies, this country will definitely be affected, and is being affected, and the country cannot afford this kind of expenditure at this time. In the past we have asked the Minister to reconsider his strategy but he has totally ignored not only us, Madam Speaker, but also the people of these Islands. He has shown no regard for the country's finances. In my opinion, any good leader would know that we must always seek to do what is right for our people and country. We should never be so blinded by our own ego that we forget about the total wellbeing of our people.

Madam Speaker, a prime example of why buildings do not create the best educational systems is the George Town Primary School. As the Minister said, the George Town Primary School is the best primary school in these Islands, yet it has the worst infrastructure. So, Madam Speaker, this proves what we have been saying all along—that we do not need to spend \$60 million in order to create a better educational system. We do not need monuments. What we need are better paid teachers, a better curriculum that is relevant, better overall educational strategy. I would suggest that the Minister of Education take a long hard look at the country's educational system instead of simply focusing on building these monuments and criticising previous administrations.

In connection with the development of these schools, Madam Speaker, I think it is important that the Government provide some answers to the country so that we can be better informed. I would specifically like the Minister to provide some answers to these questions:

Has the Government signed an agreement for the financing of these schools? If so, which bank? If not, where is the money coming from to pay for these schools that are now being constructed?

What is the interest rate?

Were there formal contracts for the Beulah Smith and George Town Primary schools?

Is there a cost for stopping the construction of these two schools?

Madam Speaker, I am very concerned with the liabilities associated with the building of these two schools. And, as such, it is imperative that the Minister immediately tell the country where he is getting the money to pay for the Clifton Hunter High School and the John Gray High School.

While the Minister of Education speaks about good governance and the tendering process of the previous administration, he should first examine all the contracts that have been signed under his administration. Madam Speaker, it is my opinion that there are numerous questions on the manner in which his administration managed the tendering process.

Madam Speaker, I can assure you that during our administration contracts were signed with local contractors for the buildings which ensured that the money stayed on the Island. It would be interesting to see how much of the profits derived from the building of these schools actually stay on Island.

The Minister of Education loves to make sound bytes, and has compared the building of schools with the redevelopment of the Turtle Farm. As a former member of the Turtle Farm Board, Madam Speaker, I can assure that a complete business plan was reviewed and approved by the Board. More importantly, the entire redevelopment was approved by local and international tourism stakeholders. Additionally, this entire project was self-financed with the most attractive terms, and not with government money. The only time that government's money was used was since the PPM took office. They did so, and will continue to spend the money because they did not implement the complete plan, which included the West Bay Jetty.

The Jetty was the main revenue enhancer for the Turtle Farm and was approved by the Florida Caribbean Cruise Association (FCCA) that provided the US\$8 million of funding for the development of the Jetty.

Our plan for the Jetty was also to ease traffic on the West Bay Road by having a scheduled ferry service to and from the George Town dock.

The Florida Caribbean Cruise Association was a key stakeholder of the Turtle Farm redevelopment project. As a result of the forward thinking of Mr. Bush, as Leader of Government and Minister of Tourism, we negotiated an agreement with the Florida Caribbean Cruise Association to provide a guaranteed amount of passengers to the Turtle Farm attraction through the West Bay Jetty. This would have made the Turtle Farm very successful, but the PPM Government decided to stop the Jetty project and, as a result, has jeopardised the financial viability of the Turtle Farm.

Madam Speaker, it is really unfortunate that the PPM took such drastic and unnecessary decisions based solely on political expediency and not sound financial thinking of what is best for the country.

The Minister of Education has made a big push for the next election; however, we feel sure,

based on their performance, that our chances are as good as theirs. But we will leave that to the smart Caymanian people to do whatever they think is right.

Under the PPM Administration, unemployment of Caymanians has increased every year since they took office, while at the same time the number of work permits has increased. This is clear evidence that the PPM has really not done anything to assist Caymanians in getting employment.

A reduction of 200,000 plus passengers from one cruise line: Madam Speaker, we need to start hearing answers on what Government is going to do to improve our tourism product. Realising that our competitors are not waiting, they are aggressively seeking to improve their tourism product.

**The Speaker:** Honourable Member, is this a convenient time to take the luncheon break, or are you going to be finished shortly?

**Capt. A. Eugene Ebanks:** Three more minutes.

**The Speaker:** Okay, go ahead.

**Capt. A. Eugene Ebanks:** Madam Speaker, while I have just addressed some of the major shortcomings of the SPS, I am extremely concerned about the direction that the country is headed in. Our people are suffering and are concerned about their jobs, paying their bills, and in general, their future. It is up to us as elected leaders to do what is right for our people and the country. However, the SPS that was presented to this honourable House sadly does not address how the PPM is going to fix the fundamental problems that are now facing our people and country.

Now is the time, Madam Speaker, for true leadership. We must work together to solve the problems collectively. And that is the reason why the Opposition has always tried to take a prudent view when dealing with Government expenditure. We must always plan for a rainy day.

I thank you, Madam Speaker.

**The Speaker:** Proceedings will be suspended until 1.30 pm.

**Proceedings suspended at 12.04 pm**

**Proceedings resumed at 2.21 pm**

**The Speaker:** Please be seated.

Proceedings are resumed. Debate continuing on Government Motion No. 10/08-09—

**Hon. D. Kurt Tibbetts:** Madam Speaker, the honourable Minister for Communications and Works is now present and according to your ruling this morning we would continue our debate after he has been allowed to lay his reports and do his statement, with your permission, Madam Speaker.

**The Speaker:** Honourable Leader of Government Business, I need a suspension [of Standing Order 14(4)] to suspend the debate on Government Motion No. 10/08-09 and to resume it after the Honourable Minister has made his statement.

#### **Suspension of Standing Order 14(4)**

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. Therefore, accordingly I would wish to suspend the relevant Standing Order on the debate on the Strategic Policy Statement to allow the Honourable Minister to lay his two reports and make his statement, and to thereafter continue the debate.

**The Speaker:** The question is that debate on Government Motion No. 10/08-09 be suspended in order to allow the Honourable Minister responsible for Communication, Works and Infrastructure to lay two reports and to make a statement. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 14(4) suspended to re-arrange the Order of Business on the Order Paper.**

### **PRESENTATION OF PAPERS AND OF REPORTS**

#### **Water Authority of the Cayman Islands Annual Report 2001**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Communication, Works and Infrastructure.

**Hon. V. Arden McLean:** Thank you, Madam Speaker. I beg to lay on the Table of this honourable House The Water Authority of the Cayman Islands Annual Report 2001.

**The Speaker:** So ordered.  
Does the Honourable Minister wish to speak thereto?

**Hon. V. Arden McLean:** Madam Speaker, just to say that these are reports which were prior to my time and I am just getting them . . . they are just becoming available and we are laying them on the Table.

#### **Water Authority of the Cayman Islands 2002 Annual Report**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Communication, Works and Infrastructure.

**Hon. V. Arden McLean:** Thank you, Madam Speaker. I beg to lay on the Table of this honourable House The Water Authority of the Cayman Islands 2002 Annual Report.

**The Speaker:** So ordered.  
Does the Honourable Minister wish to speak thereto?

**Hon. V. Arden McLean:** Thank you, Madam Speaker. Just to note that those two reports were held up by the annual reports. Audits were completed on time in those respective years, but it was just the annual reports held up. Thank you.

### **STATEMENTS BY HONOURABLE MINISTERS/MEMBERS OF THE CABINET**

**The Speaker:** I have received notice of a statement from the Honourable Minister for Communications, Works and Infrastructure.

#### **Department of Environmental Health Tub Grinder in Cayman Brac**

**Hon. V. Arden McLean:** Thank you, Madam Speaker. It is with great sadness and profound regret that I must report to this honourable House that this morning I had to issue a directive to shut down the cleanup operations being conducted by my Ministry and specifically managed by the Department of Environmental Health in Cayman Brac. This decision was taken as a result of our tub grinder being burned during the night.

At 6.30 am, when the staff arrived to open the compound for work, they were confronted with the horrible spectacle of the grinder being on fire. The police and firemen have reported that their preliminary investigations are underway to determine the cause. Madam Speaker, if this is another senseless act of vandalism it would mark the second in as many weeks on Cayman Brac and demonstrate complete disregard and utter disrespect for the wellbeing of the people of Cayman Brac and the recovery efforts.

Nevertheless, it regrettably leaves the Government with no other alternative than to remove the staff from that environment and secure the remainder of the equipment being used in the cleanup operation. Madam Speaker, because we cannot guarantee the safety of our staff, I have therefore instructed to have them removed without delay. I have also instructed that 24 hour security be put in place to ensure that further damage is not inflicted on the remaining equipment. This arrangement will remain in place until the New Year when a decision is taken on how we proceed.

The irony of the situation is that, in our untiring efforts to effectively cleanup as quickly as humanly possible, we have purchased with utmost dispatch another grinder in the region of some \$600,000 to mulch construction waste, including metal, which we had intended to ship to Cayman Brac today, 17 December. Now, in all good conscience, I cannot follow through. I cannot take the risk.

While the police are conducting their investigation, and I am sure they will be thoroughly and professionally carried out, all cleanup operations have been suspended. I deeply regret this, Madam Speaker, but until we can be assured that this incident is not the result of a wanton act of destruction, we believe this is the most prudent course of action.

Madam Speaker, I will keep this House and Members informed of any future developments.

## CONTINUATION OF GOVERNMENT BUSINESS

### Government Motion No. 10/08-09

*(Continuation of debate)*

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

If no other Member wishes to speak, does the Honourable Leader of Government Business wish to exercise his right of reply?

Honourable Leader of Government Business.

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

Madam Speaker, for reasons which I believe to be very valid, I first of all would like to spend a few moments repeating the strategic priorities of this Government, which I outlined exactly a week ago. I say now, as I said then Madam Speaker, that the Government's priorities in the coming fiscal year are as follows:

- To protect the economy from the full impact of the current global downturn.
- To stimulate business activity in order to keep our people working and prevent the economy from slipping into decline.
- To continue much needed capital development projects to the extent that we can afford to.
- To maintain a sound fiscal position by ensuring the usual balance is achieved between spending and revenue.
- To rebuild Cayman Brac and Little Cayman with an emphasis on providing stronger infrastructure that can stand up better to any future hurricanes or natural disasters.
- To do everything that is required to promote and protect the interests of our tourism industry.
- To do everything that is required to promote and protect the interests of our vital financial services industry, with particular attention to the various in-

ternational challenges and the need to further enhance the attractiveness of Cayman as a jurisdiction specializing in the provision of international financial services.

- To make the Cayman Islands more business friendly so that more investors will want to come and do business here and support further growth and development of our economy.
- To continue providing support to vulnerable social groups, including our elderly, so that they enjoy a reasonable standard of living.

Madam Speaker, it is a list comprising nine priorities for the Government in the upcoming fiscal year. When I spoke to those priorities, I did not say at any point in time, and I am not saying now, that they are in any specific order. The fact of the matter is that the Queen's English does not allow me to call all nine of them out at one time. That is physically impossible. I did not say number 1, number 2, number 3, number 4, in that order. And, Madam Speaker, I heard from various quarters about which one was number 6 and which was number 7. Then I also heard which one was the first.

Madam Speaker, this Government has the various ministries, portfolios and agencies where all nine of these priorities are being dealt with and will continue to be dealt with concurrently. So, it is ludicrous at least, if not worse, for anyone to expect anybody with good sense not to understand that these are our priorities. And for anyone, because of their particular interest, to try to say which one should be 1<sup>st</sup> as compared to the 8<sup>th</sup> one, the 7<sup>th</sup> one, or the 6<sup>th</sup> one, that is downright mischievous.

So, I have once again outlined the Government's priorities and I want to state very clearly that they are all priorities. Every one of them is a main priority. There is no order in which they are placed but they are the top nine priorities and all efforts and resources are being put to deal with them.

Madam Speaker, having said that, the Honourable Minister for Health this morning tabled the Final Report of the National Assessment of Living Conditions, that is, the NALC Report. With your permission, because the content of that report is very valuable to these priorities which the Government has listed, I would simply like to make a few comments, even though in my initial presentation I did not mention that specific report.

Madam Speaker, the National Assessment of Living Conditions Final Report is truly for and from the people of these Islands. Because people talked with us over the many months of the data collection process, this country now has a much better understanding of people's needs, their wants and their dreams. Accordingly, the Government now has a much better foundation on which to build solutions that will benefit all the people in our beloved three Islands.

Although the main thrust of National Assessment of Living Conditions is social development, the Government intends to take this far-reaching initiative



beyond that. Specifically, we will start true national development planning rather than just focusing on managing growth. This goal is also shared by His Excellency the Governor, the Members of Cabinet, the Government on a whole and, I firmly believe, the residents of these Islands. Because it is incontrovertible that development to date has affected the social situation, we foresee NALC being used as a strong base for effective policies and action plans. This, in turn, will more reliably ensure sustainable future in our Islands for each and every person.

Madam Speaker, our approach to sustainable development revolves around three major goals. Firstly, the NALC results demand strengthening of institutions and services including areas such as disaster preparedness, education, the labour market, family and community, interests of the Sister Islands, infrastructural development and sound fiscal management. We have to consider all of these areas individually and collectively in order to achieve balanced development in our society.

Madam Speaker, we clearly see the relevance between the nine priority areas of the Government and the Final Report of NALC.

Secondly, we want NALC to help us provide better opportunities through which our people can develop their abilities and talents. We want to support high achievers as well as those whose progress may tend to be marred by inherent or environmental disadvantages. And because the NALC approach affirms Government's belief that public policy must be properly researched, the last major goal is to increase the use of social research as the foundation for sustainable action.

Madam Speaker, we must accept that addressing social issues is directly linked to the economic future of the Cayman Islands and vice versa. Therefore, with this long-term perspective in mind, we can grow and prosper only if as a country we work together to secure an enhanced quality of life for all of us without exception.

To put NALC into a larger perspective, many of the issues it highlights were captured in Vision 2008, and, indeed, we see these documents as being complementary. With some of these issues Government ministries and departments have long been working toward solutions. The National Assessment of Living Conditions has given us many things, but one of the best gifts is the opportunity to identify what we have achieved and where we need to improve.

In terms of the former, NALC has spurred the update of Cayman's consumer price index (CPI), which definitely benefits both the public and the private sectors. In my Ministry, issues like affordable housing and sustainable agriculture are key concerns addressed by both NALC and Vision 2008.

The NALC Report often gives credit to the ways that Government is addressing the problems that the report describes. It also recognises developments that have taken place since the survey period

last year. The report also points out areas where Government may be able to develop more targeted and effective strategies.

To build on the remarks of my colleague, the Honourable Minister for Health and Human Services, NALC validates that not all residents who want to own a house are able to afford one. In addition, NALC provides numbers on households with inadequate construction or materials, such as plywood walls, metal roofing and poor plumbing.

Madam Speaker, the National Housing Development Trust, which falls under my Ministry, is constantly working to provide affordable housing. In addition, the European Union grant to the National Recovery Fund is being used to make low income accommodations more weather resistant. The NALC data will help us to refine these initiatives in order to make them more effective.

The report also refers to agriculture and fisheries as an important opportunity for Caymanian entrepreneurship. The Agriculture Department has for years afforded assistance to such entrepreneurs and is committed to continuing its efforts. For Cayman Brac and Little Cayman, NALC articulates the need to devolve more power to local officials so that they can proactively pursue development.

And, Madam Speaker, climate change has long been an important subject globally. And the people of Cayman through NALC have firmly said that they want that to stay on our priority list. The subject is relevant across the ministries areas of remit as demonstrated by the attendance of the Director of Planning this year at a seminar on biodiversity and climate change hosted by the European Union. Our intention is to further develop this area.

Again, referring to the statement from the Honourable Minister for Health, all ministries are reviewing their work plans in light of the NALC findings. But it is now up to the people and all of their representatives to decide whether and how they want to apply or expand on the report's recommendations. If we all do our part charting the future together, Madam Speaker, I daresay the possibilities are limitless. This is what we hope to achieve by encouraging the utmost transparency through the process and by encouraging strong continued public participation.

I just want to take this opportunity to commend the National Assessment team for their thorough and hard work. I also wish to thank the Caribbean Development Bank for funding vital components of this study.

Thank you for allowing me to speak a little bit to that NALC report, Madam Speaker. I just wanted to show how important that report is going to be as we chart the way forward in all of the areas of priority and the data that has been collected will certainly help to guide us to be more effective in the outputs and outcomes that are sought.

Madam Speaker, I listened as best I could to all of the contributions to the debate. I want to thank

everyone for their contributions. There are some issues which I feel compelled to address and I would like to take a few minutes at this point in time to simply speak to a few of them.

I do not wish to start with the “Inventor”. The Inventor is the Second Elected Member for West Bay. He is the Inventor, Madam Speaker. I am going to begin with the “Guru”, the Third Elected Member for West Bay.

Madam Speaker, when the Third Elected Member (I will get to the Inventor, don't fear!) for West Bay (whom my colleagues have most aptly named “the Guru”) spoke on this matter, one of the things that he was very quick to speak to was . . . and you will forgive me, Madam Speaker, but with your permission I am going to have to quote a few sentences from the unedited *Hansard*.

**The Speaker:** Honourable Leader, I have no objection, but there is no copy of that unedited *Hansard* on this desk for me to ensure that you are quoting correctly from that *Hansard*. So, if you would give me one minute until I can get a copy . . .

**Hon. D. Kurt Tibbetts:** Certainly, Madam Speaker. And I know that it is not a matter of lack of trust, it is just a matter of procedure. I certainly understand.

**The Speaker:** I can certainly ensure you of that, sir. Procedure is my middle name as long as I sit in this Chair.

[pause]

**The Speaker:** Honourable Leader of Government Business, you may continue now.

**Hon. D. Kurt Tibbetts:** Yes, Madam Speaker.

I am quoting from page 6 of the unedited *Hansard*, the second to last paragraph down, or from the bottom. I should say the date, being 12 December [2008].

I quote [the Third Elected Member for West Bay]. He says, referring to the Honourable Minister of Education, “**Madam Speaker, we go back to the financial industry. What we have seen again . . . and surprise, surprise . . . [He is speaking like Santa Claus now. He says] That is the same Minister that has responsibility. We have seen a decline in our international rankings as a financial centre. I think we went from number 5 to . . . one of the reports had us down to twenty-something! That is the same Minister who gets up and talks about his track record.**”

Now, Madam Speaker, his colleague and dear friend, “the Guru's” colleague, the Third Elected Member for West Bay's colleague and dear friend is the Second Elected Member for West Bay, “the Inventor”, who is a chartered public accountant by profession, and who understands all of these things. And the way

the Second Elected Member for West Bay speaks, I would normally assume he understands also . . . the Third [Elected Member for West Bay], rather. Forgive me.

No, I wasn't going at the Second [Elected Member for West Bay]; forgive me. I am glad somebody corrected that. [It is] the Third Elected Member for West Bay.

Madam Speaker, I normally assume that he understands these matters. When I finish what I am saying about this, I am going to be left with one of two choices: to either believe that he is not quite as much as I thought he was; or that he is as much and he is speaking with forked tongue. The nice word for that is being “disingenuous.”

But, Madam Speaker, if he understood what he was saying and was deliberately misleading, risking the reputation of this country, it is worse than disingenuous—it is dangerous! I am going to show you.

Madam Speaker, when I quoted him, he referred to international rankings and us seeing this great decline from number 5 to number 20-something. He is mixed up or has purposely mixed it all up. I just want to explain where he got number 5 from.

Madam Speaker, as at June 2008, the Cayman Islands ranked 6<sup>th</sup> in terms of assets, that is, US one trillion, eight hundred and twenty-six point two billion dollars, and 5<sup>th</sup> in terms of liabilities, that is one trillion, eight hundred and twenty three point four billion [dollars]. For instance, in those rankings, the United Kingdom is number 1 when it comes to assets; Germany is number 2; France is number 3; the United States is number 4; Japan is number 5; the Cayman Islands is number 6. Next are the Netherlands, Switzerland, Belgium and Ireland.

When it comes to the liabilities, the UK is also number 1; the United States is number 2; France is number 3; Germany, number 4; [number] 5 is the Cayman Islands.

So, Madam Speaker, that is his 5<sup>th</sup> that he is talking about.

The 20-something that he tried to compare the 5<sup>th</sup> and 6<sup>th</sup> with . . . notice the dates that I quoted, Madam Speaker, June 2008. I am going to explain something. This 20-something business he refers to is known as the Global Financial Centres Index (GFCI).

Madam Speaker, the City of London's Global Financial Centres Index was first produced for the city of London in March 2007. The report ranks each major financial centre in the world in terms of competitiveness. In the fourth of such reports covering 59 countries, dated September 2008 (just three months ago), the Cayman Islands ranked 21<sup>st</sup> out of those 59 countries in terms of competitiveness. It actually moved up four places in its ranking and gained 27 points in the ratings from the previous report dated March 2008.

Madam Speaker, the picture he tried to conjure about moving from 5<sup>th</sup> to 21<sup>st</sup> . . . he is taking an apple and an orange and squeezing it into one glass

and expecting you to have milk. In fact, this business about 20-something just allowed me the opportunity to show, since these ratings began in 2007, where we have moved up the ladder.

And if I did not have the opportunity to clarify that today—just for his own or their own political expedience, they would have the rest of the world that was listening in to believe that the Cayman Islands are slipping. Madam Speaker, that is dangerous! That means that he (and by association, they) would risk the whole country and its future towards political expediency because the election is coming up.

Madam Speaker, if that were the only instance, it would not be so bad. I truly hope, not because I am wicked and evil . . . The world knows I am not that. Some of them would like me to be more wicked and evil; but nothing about that, Madam Speaker. It irks me and in a way frightens me when I know that I have colleagues in this Legislative Assembly who are prepared to go to those lengths, either not realising the danger they create, or fully realising it and still moving ahead with it because of their own selfish wishes. What else would they do, Madam Speaker? What else would they do?

Madam Speaker, this has been said before also. My colleagues have mentioned it, but if that were the only sporadic bit of danger in the last several days in this Legislative Assembly, it really would not have been too bad. But then his leader, the Leader of the Opposition, who purports in his sleep to care about this country and the people of this country so much; who puts on the best show I have ever seen . . . I have seen none better!

Madam Speaker, I heard my colleagues, the Minister for Communications and the Minister for Education, both speak to his public utterances of trying to tell people that the reason why Government was stopping some of the capital projects was because we could not get the money to borrow.

Madam Speaker, let me tell you and the entire country this: No one told me he said that because when the Minister for Education said he said it, he blabbered across the Floor of this House, “I didn’t say that, I asked a question.”

Madam Speaker, my name is Darwin Kurt Tibbetts. I have no impediment with hearing and I heard him with my own two ears. He was his usual reckless self and the reason why . . . I won’t even say the rest of the stuff he was saying because it might assist him in his quest. The reason he was like that was because he did not have a clue anyone was listening.

I will tell you what happened. I was about to go through the door and when I opened it I heard his voice and froze. There was a wall between [where the] door [was] and where he was speaking to the press, and I simply held the door open, froze, and listened to him rattle on. That is when I heard what he was saying and nothing could be further from the truth.

The Moody’s ratings are still at triple-A. Even now in these turbulent times, globally, they look forward to visiting the Cayman Islands because it is one of their easiest jobs, [that is,] Moody’s. Perhaps the Third Elected Member for West Bay and the Leader of the Opposition might not quite know who they are, but I am certain their colleague, the CPA—the Inventor—can explain to them who Moody’s is.

**The Speaker:** Could we just refer to these Members in their positions?

**Hon. D. Kurt Tibbetts:** Yes, Madam Speaker, I will call him the Inventor no more!

So, Madam Speaker, I use those two examples to ask: Where does it end? Where does it get us? [Is it] just to have people say this Government is no good or to have [inaudible]?

Madam Speaker, let me tell you something, they can send me home. And I do not say this because I do not revere and respect the confidence people have bestowed on me to allow me to be one of their representatives. I do not do this because I want to be somebody and I am not going to relegate myself to downright untruths to stay where I am!

It is unfortunate, Madam Speaker, that we have those in our midst who will do that, not only to stay where they are, but to get where they aspire. It is not hurting Kurt Tibbetts. Every night [when] I go home I sleep with a clear conscience. It is hurting the country! As a result, it is hurting the same people they say they love so much. What is the sense in that? And it did not end with the Third Elected Member for West Bay. (I will not call him the Guru anymore either.)

Madam Speaker, here is how much the Third Elected Member for West Bay understands about the budget process and the Public Management and Finance Law after eight years in this Legislative Assembly and being almost joined at the hip with his colleague, the chartered accountant. Talking about law, I would urge his colleague to tell him to study a little bit more accounting instead of all the time he is spending on law and he might get to understand a little bit better.

Madam Speaker, in the [unedited] 12 December *Hansard* on page 2, the right-hand column in the middle of the first paragraph, beginning with the sentence, “But we acknowledge.” [Quoting what the Third Elected Member said in 12 December 2008 *Hansard*]

**“But we acknowledge that capital works projects by the Government will provide some stimulus, albeit very small. Madam Speaker, it would have to be that there is more need for that during the actual acknowledged recession time than when the recession was only looming.**

**“Now, Madam Speaker, maybe there is reason for that. There is some logic. But if the Government had come out and said to us that they just did not have the money and that was why they had to stop the project, but they are expecting a**

**\$23 million surplus, they are stopping the projects, and they are also cutting back on services to the tune of some \$10 million. . .”**

I am not going to read any more, Madam Speaker. I just quoted what he said, but let me tell you what he was talking about in a nutshell. He was simply speaking to why the Government would stop certain capital projects if they were expecting to have an operating surplus of \$23 million at the end of the 2008/09 year. Why not take some of that operating surplus and continue the other projects that we have put on hold? That is what he is saying.

I will tell you what he is intimating, Madam Speaker. He is saying that we project a surplus, but he is questioning that when he talks like this and he is trying to do two things in his usual underhanded fashion with that little smirk on his face that belies innocence. Yeah, innocence.

Madam Speaker, what he is saying is that these figures do not look so real to him, that we have this operating surplus and we are cutting back these projects. Because if we have an operating surplus projected, then we should go on with the projects since we said the projects are needed to stimulate the economy. He is totally forgetting about what the Public Management and Finance Law calls for. It calls for one fact. Firstly, you cannot operate in a deficit, which means you have to have a surplus even if it is a dollar. That is what it is saying, generally speaking. It also says that the country must have 90 days' operating cash in reserves. That is what it says.

So, Madam Speaker, for us to comply with what the Law says, a part of those 90 days' reserves must be whatever the operating surplus is. We figured out the best projections possible, given the tracking of revenue and everything to the end of October and part of November. Based on the projected revenue for year end we knew for 2008/9 exactly what percentage . . .

Because that total revenue is one thing, but you then [have to] look at what the total projected expenditure is (it is simple, Madam Speaker) and divide that by 365 days and you will get what it costs to operate for one day. You multiply that by 90 and you will get the figure that you have to have in reserves by Law. Some of those reserves are the \$23 million operating surplus. Therefore, we could not expend any more of our general revenue on capital projects plus the borrowings without leaving that \$23 million, otherwise we would not meet this legal requirement.

Madam Speaker, are you going to tell me he does not understand that?

Again, Madam Speaker, one of two things: either he does and is devious; or he is dumb and I think he is smart. Either one of them is no good.

Madam Speaker, when he speaks, you know, I mean, it really amazes me. He speaks with authority! This is Bible, like when he goes to church on a Saturday.

Me? I believe he understands. But he somehow has this twisted belief that that is just the nature of politics and you can lie as you please and that nobody else is going to figure anything like that out, only his CPA friend that he is joined at the hip with, that is . . . No, I won't.

Madam Speaker, although I do not speak the accountant language, I know that the Second Elected Member for West Bay understood every single thing I just said because even half asleep he was nodding. And he wasn't nodding sleeping nod; he was nodding saying, yes, that's how it is. That is what he was doing.

I cannot believe that his colleague does not understand that. But, Madam Speaker, that is just an example—

*[inaudible interjection]*

**Hon. D. Kurt Tibbetts:** —of what they are prepared to do, all in an effort. . . And, as I said, Madam Speaker, I do not mind so much if it is a matter of making the Government look bad. And there are certain lines we have. I know that. But, Madam Speaker, you draw the line a certain distance because when you risk your country it cannot be any good, either in your actions or in you. Madam Speaker, little things, little baby things.

On page 23 of my delivery I said in the very last paragraph: **“Last January, in response to clear signs that the global economy was heading for a nose-dive, the Ministry of Tourism convened a strategic meeting of tourism stakeholders for the purpose of reviewing and revising the destination's marketing and sales strategies.”**

Madam Speaker, those same ones opposite me, I heard two of them . . . to suit their argument, because it was an argument of time span; they took last January to mean January 2007. And they know better!

He is sitting down there looking at me, laughing now, because he knows better! Sure they know better! But they are prepared to publicly make those statements for the public to believe that is what I said when they know better!

Where do we draw the line, Madam Speaker? What in reality is Opposition? And it begs the question: What is *constructive* Opposition?

Do you know what, Madam Speaker? I remember very well in my early days. I remember a former political adversary. Not a personal adversary. We are friends. The former Minister of Education. And Madam Speaker, you and I were sworn in the same very day in this House in November 1992, and the Minister for Health. The three of us were sworn in for the very first time on the same day.

Madam Speaker, you know the battles we had. But I would never, never stretch the truth to expect this country to believe me about any of his actions that were not so. I would not do that, because it is wrong to do that! It is possible to make a mistake,

Madam Speaker, and I accept that. And I have had that happen on occasion. Not only did I apologise personally, but I apologised over the microphone. Not this [microphone], the one I used on the other side where I used to sit. And you have heard me do that. I am not afraid to do that.

I am not comparing me as a goody-goody, Madam Speaker. You hear them over there talking about I think I am Lilly white. I know exactly what colour blood runs in my veins. But while I may seem to be taking extra time with this specific issue, I need to say this to you, Madam Speaker, and to this country. This is important, because if we allow the elected Members of this legislature to consider those types of actions the norm, God help us in the future.

Madam Speaker, the real point that I want to make about this . . . God knows I am not trying to retaliate because of what was said. I am not trying to gain back points because I figure they gained some points in the eyes of the public by what they said. I am saying, Madam Speaker—and I am going to say it loud—that that is not what we are about. Opposition is opposition. And the Opposition must be seen to be giving a different perspective that they believe is either an alternative or complementary to whatever Government policy is.

I know the nature of the business. The nature of the business is that the Opposition wants to be . . . or compares themselves to a government in waiting, and whenever there is an election they are going to do everything that they possibly can to be the government. I understand those principles, Madam Speaker, but there are lines unseen that we should draw.

Do not tell me that we do not realise that what we say and do decides the actions of John Public. Madam Speaker, I am certain not one single one of them . . . all of them have children. Some of the children are adults, some of them are young adults, and some are babies. None of them would wish for anyone to mislead any one of their children. None of them would wish to do it.

**Mr. Rolston M. Anglin:** Madam Speaker, on a point of order.

#### Point of Order

**The Speaker:** May I hear your point of order, Second Elected Member for West Bay?

**Mr. Rolston M. Anglin:** Madam Speaker, I would draw your attention (and I know you do not have a copy) to the unedited *Hansard* of my contribution on the SPS, which clearly shows that on this point, which the Honourable Leader of Government Business is making quite a mountain out of, I did indeed catch myself and refer to January 2008. And, Madam Speaker, I will pass this to you so that you . . . because, Madam Speaker, what the Minister is saying that I said is not what I said.

**Hon. D. Kurt Tibbetts:** I did not call anybody's name!

**The Speaker:** Honourable Second Elected Member for West Bay—

**Mr. Rolston M. Anglin:** Well, Madam Speaker, if he did not call anyone's name, I would rather he said who he is quoting because he is just using a wide-sweeping brush, which does strike to the core of—

**The Speaker:** Could I have your point of order?

**Mr. Rolston M. Anglin:** Madam Speaker, I am rising to say that I, the Second Elected Member for West Bay, did say that he would have been referring to January 2008. The point that he is making is that the Opposition misled the House and, by extension, the country in saying that it was January 2007.

**The Speaker:** Honourable Second Elected Member, I cannot draw a point of order. If you had gotten when he referred . . .

*[Addressing the Honourable Leader of Government Business]:* He has sat down.

*[Addressing the Second Elected Member for West Bay]* So you have given a clarification. I have to say that I, as the Speaker, brought to your attention that it was last January 2008, and you did correct yourself.

*[inaudible interjection]*

**The Speaker:** Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. And I do not have a problem with his point of elucidation; but he certainly did not have a point of order, and I am so glad.

**The Speaker:** Honourable Leader—

**Hon. D. Kurt Tibbetts:** Yes, Ma'am, I am moving on.

**The Speaker:** Thank you.

**Hon. D. Kurt Tibbetts:** Thank you, very much.

*[inaudible interjection]*

**Hon. D. Kurt Tibbetts:** Madam Speaker, I did not just say that.

**The Speaker:** Honourable Leader of Government Business would you direct your conversation to me and the country and ignore the crosstalk from across the way? Thank you.

**Hon. D. Kurt Tibbetts:** Right.

Madam Speaker, first of all, I had gone beyond that point. And I know that you realised that, but just because . . . I understand how life is. I do not have a problem.

Madam Speaker, my point was a general one and he certainly did not win any distraction on my part because all he is doing now is make me go all over it again.

Madam Speaker, I am responding to my contribution to the SPS that was tabled in this House. I moved a motion and then spoke to the motion. The rest of them have given their contributions to my initial debate, and now I am responding.

**The Speaker:** You are responding to their contribution to the motion.

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

I am saying once more that they—forget about last January. They—all of them! Not one, not two, not three, not four—five of them! So make him understand that now. He is not excluded. He can argue about the 7<sup>th</sup> of January, but that's it.

All of them, Madam Speaker, in their own way every one of them, with their own choice of words for them to score points, go beyond the line they should go. Not because it frightens me because they can score points and I don't. If they send me home, I will not die! My God is the same God they profess to have, some of them.

*[inaudible interjection]*

**Hon. D. Kurt Tibbetts:** Same God. No different one.

I will tell you what, Madam Speaker, none of them have any more fear of Him than I. None of them!

Madam Speaker, the examples that I just used (and there are a few more, but not only am I not going to bore you with the specific examples, I have used enough) . . . I have proven my point beyond a shadow of a doubt that they are unreasonable in their line of debate, they are irresponsible in many of their contributions, and in instances they are downright dangerous; reckless to this entire country and to you and me.

And I was using the example of children, not to P-R-E-Y on the innocent, but to show why we should not, because let me tell them, Madam Speaker, they do not have the luxury of saying what they say here and then going home and saying to their own children, *Listen to me carefully. When you hear what I said, that is not how it is, you know. Let me tell you the truth how it is. I only said that for the rest of them.* They do not have that luxury. None of us have that luxury.

Madam Speaker, when you get like that I can tell you, because I have watched it happen too many times. They get into the habit and say things, not only on the Floor of this House, but in other forums. They

say things and they cause people to do things that cause all kinds of problems. I fully understand it.

You know, Madam Speaker, many a time, many, many a time I have heard, *why don't I do this, why don't I say that, because so-and-so said this.* And, Madam Speaker, it is the same reason I am talking about now that many times I do not do that—because I do not know who might listen. I do not know what it might put in their head, and I do not know even when I don't know what I will be responsible for! That's how important our job is as legislators!

Madam Speaker, God knows there is no disrespect meant, but there are more people who listen to us than listen to the preachers. Statistics will prove that, because there are fewer people who go to church than the number of people who hear us on the radio.

Do we understand the strength of our influence?

*[inaudible interjections]*

**Hon. D. Kurt Tibbetts:** Madam Speaker, I can only hope that the point I just raised, I raised my voice cleanly. I was not mad. I was not incensed. Madam Speaker, we need to stop it. We need to stop it.

I know we make jokes in here. I know that. But I can tell you, Madam Speaker, because I have seen it more than once—not counted on one hand or two—the times when what we have said in here has influenced the actions of some members of the public.

So, while one may think the examples I used really do not matter, let me give you a scenario, Madam Speaker. Because the taxi driver who listens to this garbage—the lies the untruths—believes in that *person*, he naturally believes what the person says. You can't blame him for that. And then he has six or eight tourists and they ask him how the economy is doing. Do you know what he says? [He says], *'Boy, I don't know, you know, because I hear so-and-so say the government can't get the money to borrow for these capital projects.'*

What is the tourist going to think? What opinion does that group of tourists form then? They go back home and they say, *'Listen, you know we've been coming here for many years, but it looks like slowly but surely they are becoming another "Banana Republic". So, when we start to make our plans next year, we better go somewhere else because we don't know what it's going to be like down there next year.'* That's what it does!

It does worse than that. And we talk about our tourism product. Then we speak about the strong, strong pillar in our economy, the financial services sector—the one the CPA wallows in (and I do not mean that disparagingly, Madam Speaker)—and the kinds of statements that you hear them say. Again, he, the Second Elected Member for West Bay, is respected within the industry. I know that. He is fairly young, but he is respected for his ability. And even

when he does not say it (because I know he won't say that), his colleague says it. And because he is a part of that, and is respected, they believe what his colleague says because if it were not so, he would get up and say it is not so. But he does not get up and say it is not so, even when he knows so.

I am just simply saying, Madam Speaker, that we never know the damage we cause with our actions—because we think those actions are politically expedient—what the further ramifications are and how far-reaching the effects can be. And the crowning situation to refer to is those same poor innocent people who believe in these people and listen to them and take their lies for truth.

**The Speaker:** Can we just refer to untruths?

**Hon. D. Kurt Tibbetts:** And take their untruths for truths, Madam Speaker.

They go and repeat those untruths (which they think is the truth) elsewhere, and it just goes on, and on, and on, and the poison spreads like AIDS. That's what happens.

And then, just to be able to get up on the Floor of this House and say, I told you this Government was not any good . . . yeah. And some of them have been here longer than others. And the longer some of them have been here, the better they have become at it. I have to wonder sometimes if they have convinced themselves that they do not have to think of right and wrong anymore; they just look to what does best for them.

Anyway, Madam Speaker—

**The Speaker:** Honourable Leader of Government Business, would this be a convenient time to take a 15 minute break?

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

**The Speaker:** Proceedings will be suspended for 15 minutes.

**Proceedings suspended at 3.33 pm**

**Proceedings resumed at 3.54 pm**

**The Speaker:** Please be seated.

Proceedings are resumed. The Honourable Leader of Government Business is exercising his right of reply.

**Hon. D. Kurt Tibbetts:** Madam Speaker, thank you.

I want to speak for just a short while on education. The Third Elected Member for West Bay and others of his colleagues went to great lengths—and I am so glad that at least one of them is coming back into the Chamber, Madam Speaker—to say that the Government has delivered nothing in the area of education. Nothing! Especially the Third Elected Member

for West Bay: “Nothing” was his favourite word in those few paragraphs.

Madam Speaker, the Minister of Education spoke at length outlining the physical plans, even when he had to sadly give notice that the start of construction on the Beulah Smith High School in West Bay had been deferred, and also the start of construction for the new George Town Primary School. Of course, they chose at that point in time to do the usual “we told you so”.

Madam Speaker, if they had even come with the line which we all do at times, and said, ‘we just had a feeling, that's why we told you so’, I could accept that quite readily than the foolishness, the utter rubbish that they tried to use as logic to say, I told you so.

Madam Speaker, here are the facts: Two new high schools are well under construction. Funding is in place. The only reason why it happened to be the Beulah Smith High School that was deferred was because that was the one where the contract had not been signed yet. Neither had a contract been signed for the construction of the George Town Primary School. And, Madam Speaker, let me say this, because I know before we finish there will be more time to speak at length, as they are going to make sure we have to speak at length about Cayman Brac.

When [Hurricane] Paloma hit Cayman Brac, the moment we visited the next day we knew that there were going to have to be millions of dollars poured into Cayman Brac. Cabinet has agreed that whatever has to be done in Cayman Brac will be done. But, Madam Speaker, when we knew of that . . . and I do not want to sing song about this. But let me tell you, Madam Speaker, that when it comes to these tribunals that are being called, and these investigations, when the Minister of Communications spoke about the cost to this country (by the time all of those are over) being well in the range of \$10 million, he was not exaggerating.

Madam Speaker, in a very, very short time over the last two months the Government has realised that just those two unforeseen circumstances—unforeseen! First of all an act of nature; and, secondly, the other one promulgated by forces other than ourselves—but understanding full well that the Government of the Cayman Islands will face the responsibility for it. We knew that was added burden. And when you put all of that together along with the uncertain times, we are simply acting with prudent thought with regard to fiscal management.

Madam Speaker, sad to say even today there is going to be hundreds of thousands of dollars of additional expenditure having to purchase a new tub grinder with what happened in the Brac sometime between the hours of last night and this morning.

So, when we take all of that into account, it is sensible—and they know it! But what I said here are the facts, it is not just these facts I am talking about. They are talking about schools, Madam Speaker . . .

It is only the Second Elected Member for West Bay in the Chamber now on the other side. And I really do not know if he attended both of these performances, but the previous government had two great performances: They broke ground for the Beulah Smith High School with the golden shovels; they broke ground for the Clifton Hunter High School in Bodden Town with the golden shovels and very nice signs, and asked the Minister of Education, when we took office . . . ground had been broken just before the elections as a signal to the country that construction was about to start on those two projects. Madam Speaker, they did not even have a plan drawn!

When the Third Elected Member for West Bay is going to speak and tell the Minister for Education that he has done nothing because nearly four years later no school has been completed, he does not understand that from the time that same conference, which all of them talked about, in December 2005 at the Mary Miller Hall, with all of the educators and other stakeholders being there—

*[inaudible interjection]*

**Hon. D. Kurt Tibbetts:** I am being reminded that the Second Elected Member for West Bay was there smiling ear to ear.

Madam Speaker, after that, all the ground-work had to be laid. All the plans had to be drawn. And it was not done in a vacuum. The Minister has spoken at length about the new curriculum that is in place, about the IB Programme (International Baccalaureate) and about the way the whole transformation of education is taking place and the design of the schools. You know, Madam Speaker, I will tell you something else.

When they start to get loose and talk their ordinary talk just so they can get loud and brawly (I call it), and talk about this whole pile of glass windows in the schools and that kind of stuff, Madam Speaker, those schools were not designed by the professionals just for looks. They were designed to create an environment that is most conducive to learning by years of experience and historical data and tracking the success of programmes.

So, Madam Speaker, how can they speak to all of these “failures” when their only success was the two theatrical performances they had with the golden shovels and the big smiles?

Madam Speaker, I know that the Prospect Primary School was built, and that was good. But, the fact of the matter is, one year after the opening of that school—one year—it was filled to capacity. So, if they expect us to say that we are going to build one school for every four-year term, Madam Speaker, [when] in two or three years the children will be out underneath the Guinep trees again for their classes. . . And somebody might ask, ‘*What’s wrong with that? That’s what we did.*’ Sure that’s what we did; but we used to go barefoot too. Tell them to go barefoot now.

We used to do a lot of things. Some of us didn’t have long pants until we were way up in our teens. And the first one you got was a hand-me-down if you weren’t the oldest one. And that was fine. Life is just not like that nowadays, Madam Speaker. So, I do not want to hear all of that foolishness, because they know its foolishness.

Madam Speaker, I want to go back a little bit to focus on all that Ministers and other Members have talked about. It all comes up in sum total to the Government accepting the responsibility and doing everything within its means to make the lives of our people better, to create more opportunities for our people, to create the type of living that gives people self-esteem to want to succeed.

Madam Speaker, if I stand here this afternoon and tell you that we do not have any problems, I lie . . . or I am untruthful, to be parliamentary. But I have never said that, and I will not ever say that because the challenges are daily.

This morning, before I could come out of my backyard, the tub grinder was burning and everybody was screaming and hollering. The net result of that, while all the plans had been made to continue working throughout the holidays with staff who were quite committed for the cleanup in the Brac, now it has had to be suspended. I guess they will blame me for that too. I am not suggesting, I am just saying, Madam Speaker, because you never know.

Madam Speaker, I am with absolute certainty that that does not equate itself to the people of Cayman Brac. Whoever that individual is or those individuals are, that is the exception not the rule. But look at the damage it causes. Madam Speaker, I am going to be very guarded in these comments, but I am going to say once more that we must understand and appreciate how important it is for us as legislators to think before we speak, because we do not know what we say will cause. We do not know.

In winding up, I want to reiterate once more, that while we understand and accept that we are in challenging times, we will weather the storm and weather it well. I remember hearing the Opposition, when they heard me speak positively in my initial contribution. Some of them actually went to the point of making a joke out of it.

Just before I actually close, Madam Speaker, there were also some very pointed remarks made by the Opposition regarding the Strategic Policy Statement itself, the document and the revenue forecasts in that 2009/10 document. They were trying their very best to use the most eloquent words within the Queen’s English to cast doubt on the projections. Those comments, Madam Speaker, actually questioned the veracity of the revenue forecast contained in the Strategic Policy Statement document. Before I close, I want to speak to that for a couple of minutes.

The Portfolio of Finance and Economics did not produce the revenue forecasts on its own, but in consultation with major revenue-earning agencies



within Government. As I mentioned earlier, there is a frequent and regular robust review of these revenue forecasts, meaning that the revenue forecasts are not cast in stone. They never can be. The Second Elected Member for West Bay will quite understand that, given his professional qualifications and practice. From time to time they will have to be, as they have been in this instance, adjusted.

Just to illustrate this, Madam Speaker, when the 2008/9 SPS document was presented in this Legislative Assembly on 30 November last year, the revenue estimate for the 2008/9 year was \$539 million. When we presented the 2008/9 Budget on 30 April 2008, some five months later, the revenue forecast for the same year (that is, the 2008/9 year) was revised downwards to \$528 million, as compared to the figure in the SPS of \$539 [million].

In late October of this year, when we received details of the actual revenues for the period 1 July 2008 to 30 September 2008 in Cabinet, those actual revenues, along with consultations with the major revenue earning agencies in the Government, caused another downward revision to the revenue forecast for the 2008/9 year to \$513 million, which is a fall off of \$15 million from the revenue estimate figure of \$528 million contained in the 2008/9 Budget, which was approved.

In the SPS for 2009/10, tabled last week Wednesday, we revised the revenue forecast figure for the 2008/9 year upwards from \$513 million to \$525 million. The reason for that is purely because of technical adjustments to properly account for waivers of Government revenue. I would very much like if the Second Elected Member for West Bay could listen first, and then understand carefully so that he can explain this to his colleagues lest they get on with their wayward ways again.

Madam Speaker, prior to this change, whenever there was a waiver of Government revenue (for example, a waiver of import duties) the revenue received was accounted for on a net basis, which simply means that revenues were recorded in Government books net of the duty waivers. The proper way to account for such matters is to show the revenues on a gross basis, that is, to record the revenues at their full amount without any reduction arising because of the waivers and record the amount waived as part of the expenditures. So, in almost layman's terms, at the end of the day it is a revenue neutral transaction. But instead of not recording on the revenue side the amount of dollars and recording on the expenditure side the amount of the waiver, we were not doing that before. We were made to understand by the qualified technocrats that that was not the proper accounting treatment.

Now, Madam Speaker, we in Government (that is, the elected arm of Government), did not do that. That just happened to be the way it was being done. When everybody was made aware of it, now they are doing it the correct way. It does not change

the picture. It just simply says, for instance, in this instance (where we had \$513 million forecast in late October 2008 for the 2008/9 projected revenue), in this SPS it shows \$525 million, which is a \$12 million increase in revenue. But what it will also show is a \$12 million increase in expenditure because that is the amount of the Government waivers which, before now, was not being recorded on both sides of the books.

I am sure that the Second Elected Member for West Bay has a very clear understanding of what I am saying. He is smiling. He will not allow himself to nod, but he will smile to give me the same signal, 'Yes, I do.'

Madam Speaker, I want to stress that so we do not hear anything about [how] in these challenging times with the global downturn in the world economy we are projecting revenue to increase. We have not projected the revenue to increase. It is simply an accounting treatment.

You see, Madam Speaker, the Second Elected Member for West Bay also understands that revenue forecasts are not static. They cannot be static. The figures are continually monitored and revised appropriately where there is a need for change, whether up or down.

I want to repeat again, Madam Speaker, the Government cannot operate legally with an operational deficit at any year end. By virtue of the Public Management and Finance Law, the Government has to make a surplus, as I said before, even if that is a dollar or even, for that matter, if it is one cent. So, if the revenue forecast needs to change, then expenditure levels must also change to ensure that we are not operating ultra vires the law.

Madam Speaker, I took two or three minutes to explain that simply because I know how they will go on again. They will try to pretend like we have fixed the books by way of increasing revenue. And I hear the Second Elected Member for West Bay kind of like smirking. Now, he is not going to get up and publicly state that because he knows that the good things we think about him will all disappear. But there are others to whom it matters not. And, besides that, Madam Speaker, the truth is, his professional ethics would not allow him to do that, and I know he respects that. I am sure, being surrounded by so much of it, the temptation must get there. I am just glad that he continues to resist.

Madam Speaker, they have also been asking about the Government's readiness in these challenging times. I hear questions being asked about who we are partnering with. As the Minister for Education (who also has the constitutional responsibility for international financial services) stated in his contribution already, we are in constant contact and collaboration with private sector stakeholders to ensure that the Government is doing what it needs to do for us to stay on the cutting edge, especially in these times, by being responsive to the needs by way of any legislation

that is needed or collaboration from the point of view of making contacts or representation overseas.

We hear talk about the incoming US political administration. And there are worries about what their stance might be regarding jurisdictions such as ours. Madam Speaker, our people are on the ground in Washington as we speak. As I mentioned, when the time is right, in short order, we will be making our jaunt over there knocking on the doors and making sure that we are dealing with the facts and doing everything we possibly can to let them understand the facts, to let them know that we are allies, not a hindrance, not the enemy; not a jurisdiction that wants to hide tax money; nothing like that. Our business has, by and large, transformed itself in the large majority to institutional business, Madam Speaker. And that institutional business is almost the lifeline of the US economy when it comes to the volume of business.

It is jurisdictions like ours, Madam Speaker, that allow US companies to be able to be competitive in the global marketplace. Without jurisdictions like ours, many of those companies would not be able to be as successful as they are globally and they would not be able to report as large a profit as they do, which means more tax money that they pay.

That is what everyone needs to know—from the top to the bottom. And we have been transmitting that message, and the other messages, the robustness of our regulatory regime. We have been doing all of that. I am saying to you, Madam Speaker, that we are conscious of the need for all of these efforts and the need for us to be in partnership with private sector.

You know, Madam Speaker, a lot of people take it lightly, but when we compare this jurisdiction to any other jurisdiction in the world, we have talent here in our financial services industry in its broadest sense. We have talent here that can be judged alongside any other jurisdiction in this world. That is one of the big pluses. We are no fly-by-night. Our regulatory regime and the quality of industry is by far superior to most. And we have to ensure that that stays like that.

Madam Speaker, I simply say that to say never let it be thought or said by the Opposition, or anyone else for that matter, that we simply expect that it will get fixed by itself over night. No such thing. We are very conscious of the threats. But we also understand that we have to tread carefully. We cannot be rash in our decisions. And whatever we do must be able to withstand scrutiny from any quarter.

Madam Speaker, I will close now knowing that there is much more that could have been said, but I did not want to be too repetitive because many of my colleagues have gone over many of the issues at hand. I also could have spoken at more length about the mischievousness of the Opposition, but, again, I only chose a few examples to make my points.

Madam Speaker, I am proud to be a part of this Government. I am also very proud to have been given the privilege to serve the people of this country.

I am extremely proud of that. I cherish that. And I guard that ferociously, meaning that, because I understand and accept how heavy that responsibility is, I treat it most carefully and with the utmost respect.

You see, Madam Speaker, perhaps that is why I have never considered myself a politician, because, as the saying goes, a politician thinks about the next election; a statesman thinks about the next generation.

Thank you, Madam Speaker.

**The Speaker:** The question is: BE IT NOW THEREFORE RESOLVED that the Legislative Assembly approves the policy priorities aggregate financial targets and financial allocations set out in the 2009/2010 Strategic Policy Statement as the indicative parameters on which the 2009/10 Budget is to be formulated.

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

**Ayes and one audible No.**

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

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, could we have a division please, because it is obvious that there is a desire for one.

**The Speaker:** Madam Clerk.

**\*Division No. 7/08-09**

**Ayes: 9**

Hon. D. Kurt Tibbetts  
Hon. Alden M. McLaughlin, Jr.  
Hon. V. Arden McLean  
Hon. George A. McCarthy  
Hon. Samuel W. Bulgin  
Hon. G. Kenneth Jefferson  
Ms. Lucille D. Seymour  
Mr. W. Alfonso Wright  
Mr. Osbourne V. Bodden

**Noes: 1**

Mr. Rolston M. Anglin

**\*The Clerk:** Hon. McKeeva Bush.

**Hon. V. Arden McLean:** Absent.

**The Clerk:** Mr. Cline Glidden.

**[From the Government Bench]:** Absent.

**The Clerk:** Captain Eugene Ebanks.

**[From the Government Bench]:** Absent.

**The Clerk:** Ms. Juliana Y. O'Connor-Connolly.

**[From the Government Bench]:** Absent.

**The Speaker:** I, as the Speaker sitting in this Chair, must record that Ms. Juliana O'Connor-Connolly did apologise this morning for not being here.

The result of the division is 9 Ayes and 1 No.

Government Motion No. 10/08-09 is duly passed.

**Agreed by majority: Government Motion No. 10/08-09 passed.**

**The Speaker:** I will entertain a motion for the adjournment of this honourable House.

Honourable Leader of Government Business.

### **ADJOURNMENT**

**Hon. D. Kurt Tibbetts:** Madam Speaker, I move the adjournment of this honourable Legislative Assembly until 10.00 am tomorrow morning.

**The Speaker:** The question is that this honourable House do now adjourn until 10.00 am tomorrow. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 4.32 pm the House stood adjourned until 10.00 am Thursday, 18 December 2008.**

**OFFICIAL HANSARD REPORT**  
**THURSDAY**  
**18 DECEMBER 2008**  
**10.42 AM**  
*Eighth Sitting*

[Hon. Cline A. Glidden, Jr., Deputy Speaker, in the Chair]

**The Deputy Speaker:** I will invite the Honourable Minister of Communications to grace us with Prayers.

**PRAYERS**

**Hon. V. Arden McLean:** Let us pray.

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

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

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

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

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

Proceedings Resumed at 10.45 am

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

Apologies

**The Deputy Speaker:** I have received apologies for absence from the Honourable Minister for Health and Human Services and from the First Elected Member for Cayman Brac and Little Cayman.

**STATEMENTS BY HONOURABLE  
MEMBERS AND MINISTERS  
OF THE CABINET**

*(Deferred)*

**The Deputy Speaker:** I have been notified of the intention of the Honourable Third Official Member to make a statement, but he needs some additional time, so we want to move it to further on in the day.

Can I ask the Leader of Government Business to move a motion that we defer the reading of statements until later on in this [sitting]?

**Hon. D. Kurt Tibbetts:** Thank you, Mr. Speaker.

I so move the suspension of the relevant Standing Order to allow for a statement to be done later on during this [sitting].

**The Deputy Speaker:** The question is that we allow statements to be done later on in this [sitting]. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Statement deferred until later in the sitting.**

**GOVERNMENT BUSINESS**

**BILLS**

**THIRD READING**

**Tax Information Authority (Amendment) Bill 2008**

**The Clerk:** The Tax Information Authority (Amendment) Bill 2008.

**The Deputy Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Mr. Speaker.

I beg to move on behalf of the Government that the Tax Information Authority (Amendment) Bill 2008, be given a third reading and passed.

**The Deputy Speaker:** The question is that the Bill shortly entitled The Tax Information Authority (Amendment) Bill 2008, be given a third reading and passed. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Tax Information Authority (Amendment) Bill 2008 given a third reading and passed.**

### **Suspension of Standing Order 46(1) & (2)**

**The Deputy Speaker:** I recognise the Honourable First Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, I beg to move the suspension of Standing Order 46 (1) and (2) to enable the Elections (Amendment) (No. 2) Bill, 2008, to be read a first time.

**The Deputy Speaker:** The question is that Standing Order 46 (1) and (2) be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 46(1) and (2) suspended to allow the Elections (Amendment) (No. 2) Bill 2008 to be read a first time.**

## **FIRST READING**

### **Elections (Amendment) (No. 2) Bill 2008**

**The Clerk:** The Elections (Amendment) (No. 2) Bill 2008.

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

### **Suspension of Standing Order 46(4)**

**The Deputy Speaker:** Honourable First Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, I beg to move the suspension of Standing Order 46 (4) to allow the Elections (Amendment) (No. 2) Bill, 2008, to be read a second time.

**The Deputy Speaker:** The question is that Standing Order 46 (4) be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 46(4) suspended to allow the Elections (Amendment) (No.2) Bill 2008 to be read a second time.**

## **SECOND READING**

### **Elections (Amendment) (No. 2) Bill, 2008**

**The Clerk:** The Elections (Amendment) (No. 2) Bill, 2008.

**The Deputy Speaker:** I recognise the Honourable First Official Member.

**Hon. George A. McCarthy:** Thank you, Mr. Speaker.

This is a short amendment to the Elections Law. During the recent constitutional talks held here in September of this year, representation was made by the Government and the Opposition seeking an amendment to the Cayman Islands Constitution in order to allow for persons who will attain the age of 18 on or before polling day to be registered and allowed to vote. The Order in Council is now in force and, consequently, enabling legislation has now been prepared by way of this amending Bill.

Mr. Speaker, the amendment to the Constitution was dealt with in the United Kingdom on 10 December and was tabled in the Parliament of the United Kingdom yesterday, 17 December 2008. The necessary Order to give effect to this amendment to the Constitution was signed by His Excellency the Governor this morning and is being dealt with by way of extraordinary gazettal by the Legislative Department within the Portfolio of Legal Affairs.

Mr. Speaker, clauses 2 and 3 of the Bill amend sections 11 and 19 of the principal Law to give effect to the Cayman Islands (Constitution) (Amendment) Order 2008, as I have just referenced. The Elections Office will be seeking the Governor's approval to change the registration date to the 1<sup>st</sup> of February, instead of keeping it the 1<sup>st</sup> of January. This is to accommodate those individuals who are presently 17 years of age, but who will become 18 on or before Election Day. Every effort will be made to ensure that these persons are enfranchised during this registration drive.

Clause 4 of the Bill seeks to bring section 49A(2) in line with other provisions of the principal Law by providing that the Supervisor's power in respect of mobile polling stations are exercisable subject to the Governor acting in his discretion (rather than the approval of the Governor in Cabinet).

Mr. Speaker, in a recent amendment to the Law, that section 49A(2), which now reads: "The Supervisor, subject to the approval of the Governor in Cabinet . . ." the phrase "in Cabinet", is being sought to be removed which will allow for the amendment made to become consistent with the provisions of the Law thus allowing the Law to operate with the desired level of autonomy without consultation having to be made with Cabinet and, as I mentioned earlier, the Governor acting in his discretion.

Mr. Speaker, clause 5 contains consequential amendment to the various forms used for the purposes of an election. In form 8 the title of some columns are changed around and a new column "polling division" inserted.

Form 8 can be found in the existing Law on page 68. Members will note that the titles in the different columns have been changed. This is to facilitate this change which has been made by way of this constitutional amendment.

In Form 4, application for registration as an elector on the reverse side, which lists the qualifications of electors, deleting paragraph c(ii) of the Note of qualifications to be registered as an elector and substituting the new qualifications contained in the Cayman Islands Constitution (Amendment) Order, 2008, and that is where the age of 18 appears. It should now read 17 years of age. And form c(ii) [currently] reads, "He has attained the age of 18 years." This will now read, "He has attained the age of 17 years of age."

These are the amendments that are being proposed by way of this amending Bill, Mr. Speaker. As I mentioned, essentially there are four. I commend this amending Bill to honourable Members.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Does any other Member wish to speak?

I recognise the Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Thank you, Mr. Speaker.

We are glad that the UK has ceded to our request to get this amendment before the House as quickly as we have it in order to allow the young people who will be 18 on Election Day to be able to vote. This was an initiative that was raised, firstly, by the Third Elected Member for West Bay (yourself, Mr. Speaker), during our constitutional discussions throughout the Islands. This is one of the things people were asking, and when we raised it at the Constitutional talks it was supported by the Government and we are on all fours together on this matter. Certainly, we thank His Excellency the Governor for moving as quickly as he did on this matter.

**The Deputy Speaker:** Does any other Member wish to speak?

Fourth Elected Member for George Town.

**Mr. W. Alfonso Wright:** Thank you, Mr. Speaker.

I, too, would like to express my appreciation to all those involved in bringing the amendment to the Elections Law forward. I do personally say a big thank you to you, Mr. Speaker, and your group for first bringing the suggestion. And also to say that in times like these, when the suggestions are made or brought forward that are of real benefit to the people and to make it easier for our young people to exercise their democratic right in voting, that the Government has no problem accepting suggestions brought forward by the Opposition.

I do thank the Government for picking up the importance of the suggestion and working with the Governor to make sure that he request was sent through to the UK and, subsequently, having it completed so that we could accept it here in parliament today.

Mr. Speaker, I would also like to take this opportunity to make a personal appeal to all of our young people who now have this added opportunity to be registered to make sure that they are prepared to vote in whatever voting comes up, whether it is referendum or in the general election, that they need to make sure they get registered.

Maybe in the wrap up from the Honourable Chief Secretary we can have some verification that the Elections Office is prepared and ready to accept these new registrations.

So, once again, my public appeal is to all of our young people—and for parents to encourage their youngsters—to take advantage of this opportunity to get registered.

Thank you.

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

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

I want to briefly make a few observations about this Law. As the First Official Member has said, this Bill is here as part of the exercise necessary to enfranchise young people who would be 18 on or before 20 May, but under the present constitutional provisions and legislative provisions, are unable to register because the way the Constitution and the Law operate you have to be 18 before you can actually be registered.

The Government felt that it was an eminently sensible reasonable and progressive proposal put forward by the Opposition in some of the talks that we had to broaden the franchise and to allow young people the opportunity to vote at the earliest possible time once they gained majority. The way the present system operates, you could be 18 on the date of the election but you still would not be able to vote in that case until you'd be almost 22 years old.

So, we did whatever we could to facilitate the process. It has not been easy because of the time-

lines that are in place, because the date of the election has already been fixed. So we supported, and we urged the Governor on to have the FCO put forward to Her Majesty's Privy Council the proposed change to the Constitutional Order. Thankfully, that was accomplished in time.

There are still some serious time constraints because under the present Law the time for registration would have been the end of this month. So, we have spoken to the Governor, and the Governor has agreed, because it is within his power so to do under the provisions of the Elections Law to extend the registration period to 31 January. We would have liked if the period could have been extended beyond that because we know over this season time is going to be lost. Few people are going to be focusing on things like voter registration.

But the difficulty is, because of the claims period required for objections and so forth to registration, the necessary timelines that are already set out in the Law make it impossible to go beyond 31 January without having to move other deadlines which require more changes to the Law. No one believes—certainly the technical people—that that is right or appropriate to do.

So, I want to join voice with those who have spoken before me to urge, particularly our young people who wish to take advantage of this opportunity being provided, to do everything they can to get registered by 31 January. But I should also say that that registration period is the registration period for everyone. So anyone who does not get registered by 31 January will not have the opportunity to vote in the 20 May elections. I just want to urge everyone to take this opportunity. It is a right that has been fought for; blood has been shed for the right to be able to vote and to have that democratic right enshrined in the constitutions of countries around the world.

We take it for granted in Cayman, but just a short while ago in this House we celebrated the passage of the Sexist Qualification Removal Law because less than 50 years ago, women did not have the right to vote. So, I want young people in particular to reflect upon that and to do everything they can to become engaged in the process, to listen to what all of the people who propose to stand for election have to say, and to make up their minds who they think would best represent their country and to actually go and vote on 20 May. But in order to do that, they first have to be registered.

So, Mr. Speaker, I just wanted to add those few words to the debate on this important piece of legislation. I hope that the reasonableness and the unanimity that has emerged as we made this constitutional change can be carried through to talks which are proposed to start on the 13<sup>th</sup> of next month.

Thank you very much, Mr. Speaker.

**The Deputy Speaker:** Does any other Member wish to speak?

If not, does the Honourable First Official Member wish to exercise his right of reply?

**Hon. George A. McCarthy:** Thank you, Mr. Speaker.

This is to express my gratitude to honourable Members for their support of this Bill and the point made by the Fourth Elected Member for George Town to encourage the young people to register as electors which was underscored by the Honourable Minister of Education. This point has been made by changing the date from 31 December to 31 January, as he mentioned, for registration. So, this, combined with the efforts being made by the Elections office will ensure that information is put out advising young people of this great opportunity that has been presented to them, and encouraging them to exercise this right.

Thank you, Mr. Speaker.

**The Deputy Speaker:** The question is that a Bill shortly entitled The Elections (Amendment) (No. 2) Bill, 2008, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Elections (Amendment) (No.2) Bill 2008, given a second reading.**

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

**House in Committee at 11.03 am**

## **COMMITTEE ON BILL**

**The Chairman:** Please be seated. The House is now in Committee.

With the leave of the House, may I assume that, as usual, we should authorise the Honourable Second Official Member to correct minor errors and suchlike in these Bills?

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

### **Elections (Amendment) (No. 2) Bill 2008**

**The Clerk:** The Elections (Amendment) (No. 2) Bill 2008.

Clause 1 Short title and commencement.

Clause 2 Amendment of section 11 of the Elections Law (2004 Revision)—application to register as elector.

Clause 3 Amendment of section 19—duty of certain public officers to supply information.

Clause 4 Amendment of section 49A—mobile polling stations.

Clause 5 Amendment of Second Schedule—forms.

**The Chairman:** The question is that clauses 1 through 5 do stand part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 1 through 5 passed.**

**The Clerk:** A Bill for a Law to amend the Elections Law (2004 Revision) to make further provision in respect of the eligibility of persons under the age of 18 to be registered as electors, to make further provision in respect of the Supervisor's powers in relation to mobile polling stations; and for incidental and connected purposes.

**The Chairman:** The question is that the Title do stand part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Title passed.**

**The Chairman:** The question is that the Bill now be reported to the House. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: The Bill to be reported to the House.**

**House resumed at 11.06 am**

**The Deputy Speaker:** Please be seated.  
The House has now resumed.

## **REPORT ON BILL**

**Elections (Amendment) (No. 2) Bill, 2008**

**The Deputy Speaker:** the Honourable First Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, I am to report that a Bill entitled the Elections (Amendment) (No. 2) Bill, 2008, was considered by a Committee of the whole House and passed without amendment.

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

**Suspension of Standing Order 47**

**The Deputy Speaker:** Honourable First Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, I beg to move the suspension of Standing Order 47 to enable the Elections (Amendment) (No.2) Bill, 2008, to be read a third time.

**The Deputy Speaker:** The question is that Standing Order 47 be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 47 suspended to allow the Elections (Amendment) (No.2) Bill, 2008, to be read a third time.**

## **THIRD READING**

**Elections (Amendment) (No. 2) Bill, 2008**

**The Deputy Speaker:** The Honourable First Official Member

**Hon. George A. McCarthy:** Mr. Speaker, I beg to move that a Bill entitled The Elections (Amendment) (No. 2) Bill, 2008, be given a third reading and passed.

**The Deputy Speaker:** The question is that a Bill entitled The Elections (Amendment) (No. 2) Bill, 2008, be given a third reading and passed. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Elections (Amendment) (No.2) Bill, 2008, given a third reading and passed.**

## **MOTIONS**

**Suspension of Standing Order 24(5)**

**The Deputy Speaker:** Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Mr. Speaker, I trust that with your guidance I am going to be doing this correctly.

There is an addendum to the Order Paper that needs to be prepared. I believe it is proper at this point in time to ask you if you would suspend for a very short time so that that addendum can be prepared. Members need not leave their seats, Mr. Speaker, if you would instruct.

Having explained that, I would move the suspension of Suspension of Standing Order 24(5) to enable a Government Motion entitled "Government



Guarantee in respect of the Cayman Islands National Recovery Fund to a Financial Institution” to be moved during the current Meeting.

**The Deputy Speaker:** The question is that Standing Order 24(5) be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 24(5) suspended to enable a Government Motion entitled “Government Guarantee in respect of the Cayman Islands National Recovery Fund to a Financial Institution” to be moved during the current Meeting.**

**The Deputy Speaker:** The House will now take a 15 minute suspension.

**Proceedings suspended at 11.09 am**

*(to allow an Addendum Order Paper to be prepared)*

**Proceedings resumed at 11.39 am**

**The Deputy Speaker:** Please be seated.

Proceedings are resumed.

I recognise the Third Official Member on the statement that was deferred this morning.

## **STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET**

### **Chairman’s Statement in Respect of the Public Service Pensions Board year ended 30 June 2008**

**Hon. G. Kenneth Jefferson:** Thank you, Mr. Speaker.

Mr. Speaker, I want to express my gratitude to you for allowing me to make this statement. It is entitled “Chairman’s Statement in Respect of the Public Service Pension Board’s Year Ended 30 June 2008.”

Mr. Speaker, I will just pause for a short second while the Serjeant hands out the statement so that Members can follow as it is being read. [pause]

Mr. Speaker, the Public Service Pensions Board (the Board), with assistance provided by external professional investment managers, is entrusted with vesting the assets of the Public Service Pension’s Plan, and in doing so it identifies and pursues investment opportunities in accordance with laws, regulations, best practices and the Pension Plan’s statement of investment policy and procedures.

As an integral part of that oversight, the Board has defined management’s responsibilities to include planning, operating and reporting activities for the Pensions Plan. Subject to the Board’s approval, the

Managing Director develops and implements policies within the areas of investments, communications, integrity and control organisation and compensation and operations, and administration. Throughout this process, management ensures that the pension funds are administered in compliance with all policy and regulatory requirements.

The investment objective of the Pensions Plan is to produce returns over the long term that, at a minimum, achieve the rate of return required to cover the Pensions Plan liabilities. In this regard, the last financial year (that is the year ended 30 June 2008), was marked by tumultuous and volatile capital markets. While that financial year commenced with positive global economic growth, there soon arose pressure on central banks to raise interest rates in response to fears of rising inflation.

In addition, developments in the US housing and financial markets increased the downward pressure on global economic growth. These developments triggered a general decline in the overall investment rates of return generated by pension plans worldwide. Understandably, the Public Service Pensions Plan was not immune to this period of disruption and declined within global investment markets.

Mr. Speaker, in responding, the Board, guided by the overarching objective of meeting its pension promises and reflecting the defined contribution plans preference for volatility control over increasing returns, has implemented an investment strategy that seeks to mitigate risks while generating appropriate long-term returns at the total Pensions Plan level.

Fortunately, the Pensions Plan assets have been conservatively invested with no exposure to high risks investment vehicles or now unstable banking institutions which were commonly held within most pension plans. The Board, acting through its team of investment professionals, has secured a level of performance that leaves the Public Service Pension Plan in a favourable financial position longer term.

The Pension Plan utilises a specialised external financial advisory firm which provides portfolio performance measurement and a benchmark data. Against the backdrop of considerable turmoil within financial markets, investment returns as reported by our external advisory firm have retracted into a negative territory from strongly positive and double-digit returns generated in the prior financial year for the Pensions Plan. The Pensions Plan net assets for benefits remain relatively flat at approximately US\$273 million over the year from 1 July 2007 to 30 June 2008.

This modestly negative performance experience follows prior years of positive performance for the Pensions Plan. Notwithstanding this recent period’s negative performance, the Pensions Plan three-year annualised performance delivered a rate of return of 6.5 per cent per annum, which is ahead of the average US pension plan by 1 per cent per annum and holds a ranking at the 29<sup>th</sup> percentile of a com-

parative peer group sample universe of 101 US pensions plan. This performance translates into more than US\$7 million of additional market value appreciation than the average US pension plan experience.

Additionally, over the last five-year period the Pensions Plan return has exactly met an annualised return of 7 per cent.

In brief, Mr. Speaker, the Public Service Pensions Plan remains financially strong. Throughout the challenges of the last year the Board continued their practice of monitoring the solvency position of the Public Service Pensions Plan through a full actuarial valuation conducted by the Pensions Plan actuary. The actuary is currently in the process of completing his review of the actuarial valuation as of 1 January 2008, and that will provide recommendation for the Board's consideration.

The results of the valuation will be reviewed carefully by the Board and management to ensure that any and all necessary steps are taken to maintain the Pensions Plan growth and financial health, thereby strengthening the pension promise made to thousands of Caymanians.

Finally, in regard to the Board's commitment to provide excellence in benefits administrations over the last financial year, formal approval was given for the implementation of technological enhancements which will respond to a greater demand for more information and better services delivery to pensioners.

Reflecting on the last financial year, we are fortunate to have had in place a dedicated Board and experienced and committed staff. Their experience and continued dedication will ensure that the investment programme is well positioned to provide an above average investment programme that plan members have come to expect.

As investment markets continue to be volatile the Board and management will maintain a prudent outlook and provide the appropriate direction to safeguard current pension benefits.

In closing, Mr. Speaker, I wish to acknowledge the commitment and effort of the Board, the Managing Director and staff at the Pensions Board, for successfully achieving the performance objectives of the Public Service Pensions Plan.

Thank you, sir.

*(Addendum Order Paper)*

## **GOVERNMENT BUSINESS (Continuing)**

### **MOTIONS**

#### **Government Motion No. 11/08-09—Government Guarantee in respect of the Cayman Islands National Recovery Fund to a Financial Institution**

**The Deputy Speaker:** The Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Mr. Speaker.

I beg to move on behalf of the Government, Government Motion No. 11/08-09, which is captioned, Government Guarantee in respect of the Cayman Islands National Recovery Fund to a Financial Institution.

Mr. Speaker, with your permission I would like to read the Motion.

**WHEREAS the Government entered into Financing Agreements with the European Commission entitled Hurricane Ivan Reconstruction Efforts – part 1: Repair and Reconstruction of Houses (9 PTU CI 001) and Hurricane Ivan Reconstruction Efforts Project: Repair and Reconstruction of Houses (Part II) (9 PTU CI 002);**

**AND WHEREAS the Government awarded, by way of Grant Contracts, the implementation of the actions under the Financing Agreements to the Cayman Islands National Recovery Fund;**

**AND WHEREAS the Grant Contracts require that a guarantee be issued if the sum total of pre-financing paid under the Grant Contracts is more than €1 million;**

**AND WHEREAS section 8 of the Public Management and Finance Law (2005 Revision) specifies that “no guarantee may be given by or on behalf of the Government unless it has been authorised by a resolution of the Legislative Assembly”;**

**BE IT NOW RESOLVED that, in accordance with section 8 of the Public Management and Finance Law (2005 Revision), the Financial Secretary be authorised to issue a guarantee to a financial institution in respect of the Cayman Islands National Recovery Fund for the purpose of allowing the Cayman Islands National Recovery Fund to request the full amount of pre-financing available under the Financing Agreements and Grant Contracts for an amount not exceeding €4,851,199 for the provision of Hurricane Ivan reconstruction efforts: repair and reconstruction of houses.**

**The Deputy Speaker:** The question is: That in accordance with section 8 of the Public Management and Finance Law (2005 Revision), the Financial Secretary be authorised to issue a guarantee to a financial institution in respect of the Cayman Islands National Recovery Fund for the purpose of allowing the Cayman Islands National Recovery Fund to request the full amount of pre-financing available under the Financing Agreements and Grant Contracts for an amount not exceeding €4,851,199 for the provision of Hurricane Ivan reconstruction efforts: repair and reconstruction of houses.

The Motion is open for debate.

Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Yes, thank you, Mr. Speaker.

This Motion seeks approval for the issuance of a guarantee by the Government to a financial institution in respect of the Cayman Islands National Recovery Fund for the purpose of allowing the Cayman Islands National Recovery Fund to request a full amount of pre-financing available under the financing agreements and grant contracts for an amount not exceeding €4,851,199 (approximately CI\$5,190,783) for the provision of Hurricane Ivan reconstruction efforts: repair and reconstruction of houses.

The Cayman Islands National Recovery Fund is a not-for-profit charitable organisation utilising primarily privately donated funds from individuals, corporations, and organisations nationally and internationally to further its aims of assisting needy persons who were injured, bereaved, rendered homeless, destitute or otherwise adversely affected by natural disasters, such as hurricanes. It provides assistance for repair of damaged homes to those who cannot assist themselves.

On 8 June 2005, the Cayman Islands Government made a request to the European Commission via the European Commission delegation in Jamaica for monetary assistance for Hurricane Ivan reconstruction and repair efforts, which were to be channeled through the Cayman Islands National Recovery Fund.

The request was agreed to by the European Commission at the end of 2006. The total funds being made available by the European Commission are €7 million. The Financing Agreement between the European Commission and the Government for part 1 of the project came into force on 29 January 2007. The Financing Agreement requires that Government contribute €394,000 to the project, and that the European Commission contribute €3.7 million under part 1 of the project.

On 13 June 2007, the Government signed a grant contract with the Cayman Islands National Recovery Fund for the implementation of part 1. The Financing Agreement for part 2 of the project for €3.3 million was signed on 28 March 2008. The grant contract for part 2 of the project, which is very similar to the grant contract under part 1, is expected to be signed mid December. In fact Mr. Speaker, it was signed this morning.

Due to a number of issues both on the part of the European Commission and the Government, the first set of funding, €975,000 (approximately CI\$1.2 million) was received on 17 March 2008. The amount received was limited to under €1 million since the European Commission requires that a bank guarantee be in place for requests greater than €1 million.

Should the Cayman Islands National Recovery Fund receive a guarantee, it would be able to re-

quest the remaining pre-financing amounts under the grant contracts. The delegation in Jamaica has advised that the guarantee must include the first installment of €975,000, which has already been received, since this has not yet been reported on by the Cayman Islands National Recovery Fund and its auditors. But Mr. Speaker, that report from the auditors to the delegation in Jamaica to account for how that first tranche of €975,000 has been spent is very much nearing completion and should certainly be done either tomorrow or very early next week.

Mr. Speaker, I therefore respectfully ask all honourable Members to support the Government Motion now before the House.

Thank you, Mr. Speaker.

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

If not, does the honourable mover wish to exercise his right of reply?

**Hon. G. Kenneth Jefferson:** Thank you, Mr. Speaker.

I just wish to thank all honourable Members of the House for their silent support.

**The Deputy Speaker:** The question is: That in accordance with section 8 of the Public Management and Finance Law (2005 Revision), the Financial Secretary be authorised to issue a guarantee to a financial institution in respect of the Cayman Islands National Recovery Fund for the purpose of allowing the Cayman Islands National Recovery Fund to request the full amount of pre-financing available under the Financing Agreements and Grant Contracts for an amount not exceeding €4,851,199 for the provision of Hurricane Ivan reconstruction efforts: repair and reconstruction of houses.

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

**Ayes.**

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

**Agreed: Government Motion No. 11/08-09 passed.**

**Government Motion No. 8/08-09—Government Guarantee in favour of the Cayman Islands Civil Service Association Co-operative Credit Union Limited**

*(Continuation of debate thereon)*

**The Deputy Speaker:** This is the continuation of the debate. Does any other Member wish to speak?

I recognise the Honourable Leader of the Opposition.

**Amendment to Government Motion No. 8/08-09**

**Hon. W. McKeever Bush:** Thank you, Mr. Speaker.

Mr. Speaker, I rise to offer an amendment to the Motion before us.

In accordance with the provisions of Standing Order 25 (1) and (2), I, the Honourable Leader of the Opposition, the First Elected Member for West Bay, seek leave to move the following amendment to Government Motion No. 8/08-09 as follows: by inserting the following resolve sections at the end thereof:

**AND BE IT NOW FURTHER RESOLVED THAT the Government considers making available immediately CI\$10 million in the first instance for the repairs and reconstruction of homes on Cayman Brac and Little Cayman with an assessment to be conducted at the exhaustion of this amount to determine the outstanding needs and to make additional funds available;**

**AND BE IT NOW FURTHER RESOLVED THAT the Government establish a committee to receive applications for financial assistance or to review applications previously submitted to other Government agencies and to determine their eligibility for assistance;**

**AND BE IT NOW FURTHER RESOLVED THAT the eligibility for this assistance be open to all residents of Cayman Brac and Little Cayman and the value of the property or the income of the applicant should not exclude the applicant from eligibility, however, priority should be given to uninsured properties and the most needy.**

**The Deputy Speaker:** Is there a seconder for the amendment?

**Capt. A. Eugene Ebanks:** Mr. Speaker, I beg to second the amendment.

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

**Hon. W. McKeever Bush:** Mr. Speaker, this Motion started several days ago when the Honourable Financial Secretary introduced the substantive Motion, but it got put back for several reasons.

Mr. Speaker, the experience we all shared following the passage of Hurricane Ivan here must have equipped us to provide compassionate leadership to this country that is informed by our own life-changing experience in 2004.

Several weeks now after the passage of Hurricane Paloma, many of the residents of the Sister Islands are looking for relief and recovery from the severe damages caused by the impact of Hurricane Paloma on 8 November 2008.

At one of the recent Government press briefings, the Minister of Education claimed that the Cayman Islands Government was fully able to manage

the Cayman Brac situation internally and further claimed that his PPM Administration was demonstrating this. Furthermore, the Minister determined the full impact on Cayman Brac as miniscule as a percentage of the Cayman Islands economic activity.

Where this is likely statistically accurate, I certainly do not subscribe to the view that the damage done in Cayman Brac was miniscule, and, more and more, I think they are finding this out.

Mr. Speaker, we know the Sister Islands of Cayman Brac and Little Cayman received severe damage to their infrastructure, government buildings, commercial properties and residential homes from the passage of hurricane Paloma on 8 November [2008]. We know the Caribbean Catastrophic Insurance Programme has failed to deliver the eminent financial relief as purported by the Government at the time of the initiation of the insurance programme.

We hear the Cayman Islands Government . . . at least the Government has boasted of having in excess of \$100 million in its various accounts. We know the private sector has made a laudable contribution to the initiation relief effort and to the longer term recovery effort. We know many residents of the Sister Islands remain with damages to their homes and, in some cases, with complete destruction of their homes.

Mr. Speaker, a few days ago we witnessed the passionate call from the two foremost government persons on the ground (that is, outside the District Commissioner), that is, the two elected representatives. I listened to both of them and their call said that while something is being done [by] Government, they believed more needed to be done, from their experiences.

I don't know what is going to be said here. I await hearing what new information will come from the Minister responsible for the Sister Islands. We have heard that the Government gave, or intends to give, a million dollars, firstly. And so I wait to hear.

Mr. Speaker, the [amendment] is brought in a constructive spirit, and is hoped to receive the support of the House, especially after the pronouncement from the Government that no expenses will be spared and that the Government has the means internally to tackle the rebuilding task ahead.

As outlined in a statement by the Second Elected Member for the Sister Islands, the rebuilding of the Sister Islands must be done strategically. It is much more than simply returning the residents to their pre-Paloma state. It would be unwise not to learn from the lessons of our collective experiences and rebuild the Sister Islands even stronger and better. The long-term development strategy for the Sister Islands must emanate from the people and a systematic approach for collating such strategy should be immediately employed. The two Sister Islands' representatives should play a central role in the development of this strategy; both of them.

Mr. Speaker, housing is one of the most fundamental needs of the human race. The private sector has taken a laudable start in contributing to the rebuilding effort. And this [amendment] seeks to offer an instant injection to the recovery and rebuilding efforts by making available the financial capital needed to get people back in their homes quickly, enabling them to concentrate on other matters. We know firsthand what can happen, because we experienced it here, when people have to concentrate on living in the conditions in a house after a hurricane has hit it.

Mr. Speaker, the one thing that I worry most about is how this affects the older generation in Cayman Brac. It can't be any different than how it affected them here. We lost a good many of our older citizens after the shock and fallout of the hurricane. They just could not take the pressure. They could not take their houses and life's possessions being destroyed and lost, things that mattered to them. It is a fact.

I recall my own mother-in-law after hurricane Ivan hit. She was already sick, but I know the pressure, the stress that she went through after she lost her house. She couldn't stay there. She died in early May and was buried on the 5<sup>th</sup> (or thereabouts) of May 2005. I don't want anyone to think that I am saying that was the total cause because she was sick. But I mentioned that because so many other of our elderly citizens, when you talked to them their main concern [was] 'when am I going to get back into my house?' That was their main concern and that stressed them out.

So, Mr. Speaker, this [amendment] calls for an immediate allocation of \$10 million to be allocated to residents who have received damages to their homes or, in some cases, complete destruction of their homes. Eligibility for assistance should be determined by a committee comprised of the District Commissioner as chairman; both Sister Islands MLAs and a representative from the Ministry responsible for the Sister Islands. Collectively, this group has hands-on knowledge of the needs and can facilitate getting the assistance to the needy individuals quickly in a non-bureaucratic manner and, Mr. Speaker, that is what the Government has to be careful with; the bureaucracy that can build when Government has to give out funds. But the wherewithal is there to make it normal and, of course, all the normal and expected accountability facilities to be employed.

Mr. Speaker, there has been a drive underway on the Sister Islands to have impacted residents complete forms for loans and for assistance through the National Recovery office, and this could be the starting point for the committee's work. Wherever possible, duplication of efforts should be minimised as the residents of the Sister Islands need assistance, not additional and unnecessary duplication of paperwork.

In addition to those who have submitted assistance requests, I believe that the Department of Children and Family Services has also conducted their

own needs assessment. This would equate yet another source. The assistance received in Cayman Brac from all over, but in particular from Grand Cayman, has been impressive. Despite initial difficulties in the distribution of this relief, the efforts prove to soften the blow for the people of Cayman Brac and Little Cayman.

Although, Mr. Speaker, I was not able to be on hand personally due to medical reasons (I do recall when I got the message that I was in the hospital still), I assured the good people of the Sister Islands my heartfelt prayers were with them at all times, and, additionally, my colleagues coordinated several relief efforts. I take this opportunity personally to pay tribute to the First Elected Member for the Sister Islands, Ms. O'Connor-Connolly, for the diligence and commitment she demonstrated to the people of the Sister Islands during those trying times, and she is still doing so. That is why she is not here today.

Mr. Speaker, my colleagues were among the first officials to visit the Sister Islands. They told me that her house has been converted into a full scale warehouse. It would be remiss of me not to mention the efforts of the Second Elected Member who took a hard blow in losing his home.

Mr. Speaker, as the Sister Islands transition from recovery into rebuilding, the level of expenditure required will grow. Although the private sector has stepped forward and is contributing in this effort, it is at this time that the \$10 million is needed. People need their roofs back on and their doors repaired and their houses reconstructed. It may be, Mr. Speaker, that some of the houses that have been impacted will need to be rebuilt rather than some sort of exercise that just fixes a door or puts back in a window or just puts something back on the roof.

We have an obligation to deliver this relief as quickly as humanly possible. The National Recovery Fund excludes repairs to property of an estimated value of \$200,000 or greater. And here we have to be careful, but, certainly, eligibility for the repair of a home should not be excluded based on that \$200,000. Mr. Speaker, although the full assessment of the cost of the damages has not been determined, or let us say we have not yet been given such figures, it is widely agreed that it will be in the range of \$20 million.

I heard the First Elected Member say \$25 million. Accordingly, additional funds will be required above and beyond what I am talking about. And the [amendment] is calling on the Government to make an assessment at the expiration of this initial amount to determine the outstanding needs.

We must expect that these needs will be far reaching and as a legislature we must reprioritise the expenditure to ensure that these needs are met.

I remind this honourable House of the words of the Leader of Government Business in February of this year when I called on the Government to reduce their spending, which, if heeded, at that time, would

have prepared the country to better afford the needed recovery expenses. Indeed, he commented, "not on the best of mornings." So, Mr. Speaker, it is the good people of Cayman Brac and Little Cayman who need Government's immediate assistance.

At one of the Government's press briefings the Leader of Government Business said "The Government is going to spare no expense in rebuilding Cayman Brac." How is he going to do this? Is it a little bit here, a little bit here, a little bit here? Or is there going to be a sustained effort to take the bull by the horns and deal with the issue and fix Cayman Brac the way it ought to be fixed rather than, as I said, a little, a little, a little! His colleague, the Minister of Education, said his Government has been demonstrating this.

So I call on the Leader of Government Business and all other honourable Members to what I hear from Cayman Brac, [and that] is, Cayman Brac people want less talk, less meetings. And while I hear some people grumbling here about the calls from Cayman Brac for assistance, we should not grumble, we should not make noise because we know how much noise was made by us when we had our damage here. Let us vote the necessary money to get the job done. It is really time to, as the old adage goes, "*Put your money where your mouth is.*"

And so, Mr. Speaker, I await to hear what the Government is saying in regard to the request before us.

**The Deputy Speaker:** Honourable Members, we will now suspend for lunch and resume at 2 pm.

**Proceedings suspended at 12.20 pm**

**Proceedings resumed at 2.34 pm**

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

When we took the luncheon break we were debating the amendment to Government Motion No. 8/08-09. Does any other Member wish to speak?

The Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Mr. Speaker.

I rise to respond to this amendment being proposed by the Honourable Leader of the Opposition on behalf of the Government. Before I take the Motion itself and its resolve clauses, I just want to give a general background which will outline the state of play.

As I was saying, I just want to give a background as to the rationale in the Government's reply by way of addressing the state of play with regard to the rebuilding efforts in Cayman Brac especially, but also inclusive of Little Cayman.

Mr. Speaker, first of all, when we realised what was happening with the storm Paloma, and that Grand Cayman was not being hit with the ferocious

winds that we were expecting, and the latest information showed that indeed the system had diverted slightly, just enough to create a possible serious threat to Cayman Brac and Little Cayman, we retained contact throughout the event so that we could have a good feel, not only while things were happening but also to be able to respond as swiftly as we possibly could.

Mr. Speaker, those long hours of the morning into that Saturday afternoon kept telling us tales here in Grand Cayman that only served to bring back the horrific memories of the Ivan experience here. So, even before we had any type of windshield survey or people were able to go out to have some glimpse of what the possible damage might be like, we had a fairly good idea of what the reports were going to be.

We kept giving updates as we have moved along, Mr. Speaker, so I will not repeat myself in that regard. But immediately when we moved in to do everything we could to assist in all the NGOs, private sector help that came forth in the immediate aftermath, within days afterwards, the battle was on to get to the point where we could shed the panic, so to speak. And everyone—and I mean everyone—worked real hard to make that happen, and we were able to do that. Now we have transitioned from that point to the rebuilding mode.

Within about a week after the event, we discussed it at length at Cabinet. We did not know exactly what kind of level of funding was actually going to be needed, so what we did was we gave the commitment that whatever it took to deal with the rebuilding of Cayman Brac and Little Cayman, the Government was going to utilise all necessary resources.

Now, Mr. Speaker, that meant all necessary resources equated to funding, human resources, equipment and whatever else it took. During all of that time, the various government agencies had been mobilised—Public Works, Environmental Health, the Department of Agriculture, various other agencies that were all required, the Department of Children and Family Services, the Health Services Authority—all going through the process of making the necessary assessments and developing the action plans as to what each agency would be doing to normalise situations.

Many of those agencies were looking at the Government assets and the infrastructure over there, namely, the hospital, the schools, the district administration building, post offices, police station, and all of the [other] infrastructure that is there, which are on the asset register for all of the various government agencies to function.

In the meantime, assessments were being done by the Planning Department and other necessary agencies to see what extent the damage was with regard to private homes and other buildings. As the reports kept coming in, we did everything we could to coordinate the various relief organisations and other private sector help that was coming in along with

all the other government agencies who are still working during the rebuilding process to bring things to normal.

When the Cabinet met, as I said, not knowing exactly what we were dealing with by way of a dollar figure, in the first instance we approved \$2 million for the rebuilding process. And all the other agencies are still spending monies to do all of the other recovery efforts, all the remediation efforts that are being done towards the other government buildings and the government assets. Schools have been repaired and there are still some repairs to be done and such like.

So, we approved the \$2 million with the commitment that funds would continue to be approved as was necessary and there would simply be a continuing incremental funding of the process. That is what obtains and that is what will continue. So, in effect, there is no limit; it is simply an ongoing process and all resources that can be put are being put towards normalising the situation over there.

Mr. Speaker, I want to now take a minute and look at the amendment itself. In the first resolve section it says:

**“AND BE IT NOW FURTHER RESOLVED THAT the Government considers making available immediately CI\$10 million in the first instance for the repairs and reconstruction of homes on Cayman Brac and Little Cayman with an assessment to be conducted at the exhaustion of this amount to determine the outstanding needs and to make additional funds available;**

**“AND BE IT NOW FURTHER RESOLVED THAT the Government establish a committee to receive applications for financial assistance or to review applications previously submitted to other Government agencies and to determine their eligibility for assistance;”**

Mr. Speaker, in speaking to those two resolves, the amendment is asking us to consider making available immediately CI\$10 million in the first instance. I have just reported to you that \$2 million has been approved with the proviso that incremental amounts will continue to be approved ongoing until the process is complete.

Mr. Speaker, I am not very sure what difference there may be in what I have just explained that Cabinet decided a week after Paloma's passing and what is being sought here. The fact of the matter is that we were not sure—and we still are not sure—how swiftly the money can be used. One of the things we learned from the Ivan experience was that it was one thing to be able to have individuals get estimates for repairs to their homes and to be issuing cheques, and to be able to get the right results for those homeowners. In many instances with the Ivan experience, because the devastation was to the level it was, we had construction companies being formed over night all over the place. The truth is, in many instances the help that was supposed to be had was not realised.

I say this now because I am sure all of us are on the same page with this. We certainly do not want at any time for that to be happening over in Cayman Brac or Little Cayman, and we would be well advised not to make it happen. So, we have to be careful in how the whole process is handled.

The second resolve section speaks to forming a committee. And the mover of the amendment, the Honourable Leader of the Opposition, has outlined how they thought this committee should be formed. Mr. Speaker, the committee was formed several Saturdays ago. I cannot remember if it was three or four Saturdays ago. I met with the First and Second Elected Members for Cayman Brac and Little Cayman and we had fairly long discussions about the way forward with that. That committee is formed.

We have the—

**Ms. Juliana Y. O'Connor-Connolly:** Mr. Speaker, on a point of elucidation, if the Member would give way.

*[inaudible]*

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

Mr. Speaker, would the Honourable Leader of Government Business care to inform this House who members of the committee are, and on what basis has the committee been established?

**The Deputy Speaker:** Honourable Leader of Government Business, if you could give that information during your—

**Hon. D. Kurt Tibbetts:** Mr. Speaker, when we spoke my memory tells me that our agreement was that we would have the First and Second Elected Members for Cayman Brac and Little Cayman, the District Commissioner and his Deputy. We would need to have somebody liaison with that committee who could deal with project management to ensure that after their assessment and approval of any repairs or reconstruction, that there could be follow up to ensure that work was being done, not only on a timely basis, but to the quality level that was needed.

In discussions with both Members, we spoke to a representative from Children and Family Services and we also talked about somebody liaising from the National Recovery Fund and also from Atlantic Star with regard to their efforts to ensure that there was not duplication. That is . . .

Mr. Speaker, I am hearing that there is no committee formed and I really do not understand that because in my conversations up until yesterday I was told that the committee was formed and that they would be meeting. I spoke with the district commissioner up until yesterday morning. I specifically called him yesterday morning and asked him about it.

Now, I do not know what issue that is going to cause. What I do know is that the NRF and the Atlan-

tic Star people, as I understand it (not that I have had personal conversations with them), they would simply rather not necessarily be on the committee making these decisions, which I think makes a lot of sense; but simply there be a liaison between those and the committee so that the committee would not be approving these requests from homeowners for assistance which are accompanied by estimates from contractors and then, at the same time, those same homeowners are on a list to be done by the NRF and/or Atlantic Star. The whole idea was to prevent any duplication of efforts.

That was the need for those to be in contact with the actual committee itself. And I understand the sense in all of that in that the decision-making process for the applications need not have those inputs by way of making the decisions. That is my understanding of it. I do not know what else will be said about that, but that is how I understood it to be.

So, Mr. Speaker, I will have to hear what is not done about that side of it (if it is not done), but that was what we agreed on. The avenue has been set for the funding to be through district administration as is expected and the sensible way to go about it. Once approvals from the committee are completed by way of that process, then the cheques are issued by way of any deposits for the work to be done. And once it is signed off that the work has been done then the contract is completed by way of payment.

So, my understanding is that is the way that committee is supposed to be working.

Mr. Speaker, the last resolve section: **“AND BE IT NOW FURTHER RESOLVED THAT the eligibility for this assistance be open to all residents of Cayman Brac and Little Cayman and the value of the property or the income of the applicant should not exclude the applicant from eligibility, however, priority should be given to uninsured properties and the most needy.”**

Now, Mr. Speaker, I looked at the wording of that very carefully and I actually had a short discussion with the First Elected Member for Cayman Brac and Little Cayman to make sure that I understood its intent. As I understood it, Mr. Speaker, the committee that I speak to, are quite able within the parameters that they set, or the criteria they set, for the eligibility of individuals to make application to be able to deal with this.

I just want to use an example. And I used this example prior to this so that I could have an understanding. For instance, you may well have had an individual who had three or four apartment units as one complex, and who lived in one of those units. And that person is a retired person, but the other three units were rental units. And the entire property may have been either completely wrecked or extensively damaged.

You would wonder whether the expectation was that Government funds would restore that entire property to its original state, where the rental units

could be rented too. Mr. Speaker, that is going a bit too far, in my view. Just as I expected in the discussion, the thought was in an instance like that, which was probably not a very common situation but you may have had situations that were fairly similar, you would look to assist, to replacing or restoring where the individual lived.

And you might also find a situation like I encountered in one of my visits where you had an elderly person who is as proud as a peacock by way of wanting to be self-sufficient. She had her own little place and she also had a little place she was renting for a few hundred dollars a month. Her own little place had less damage, but the little place she was getting \$300 a month for is extensively damaged. But the truth of the matter is, what it is going to take to fix her place is less than what it is going to take to fix the rental unit.

There, you make judgment calls because that income causes her not to need to go to the Department of Children and Family Services to get help to survive.

So those are the instances where you look at the individual circumstances and you make the judgment calls and that is how I foresee that committee functioning.

Mr. Speaker, one of the other difficulties that exist, as I speak, is accommodation. What we have now is because of the many individuals within Government departments who are up there who are actually doing various tasks in the rebuilding process. Much of that is not necessarily related to repairing actual homes, but it is necessary for what they are doing. That included the cleanup and all the remediation works to Government assets. That is an ongoing process and I am thinking there could easily be 60 to 80 people up there from various government agencies doing various tasks as we speak.

We have the good fortune to be able to use two buildings of the Divi Tiara site, which were repaired and put to where individuals could stay in them. That is accommodating several people from the various government departments.

I have to say a very special thank you to Atlantic Star: they have been there from the very beginning with a crew that worked on drying in many of the homes. We have made a firm arrangement with them, Mr. Speaker, where by January 5 they will have two crews of nine up there working for the next six months. When they started off, their major focus was on houses that had zinc roofs because they felt they were the most vulnerable. Those were the homes that they were drying in. And that was with one crew working steady all the time.

Now we have an arrangement in place . . . we all know that everything is going to shut down by the weekend because of the Christmas holidays. But they are going to be back on the ground and we have procured the necessary material to have them working full time. I expect that that same committee will be in



liaison with those two construction teams from Atlantic Star. We certainly could not expect them to be working all of that time for free. So we have made an agreement with them whereby they will house all of the workers, they will feed them, and Government will simply be paying a flat fee of \$14,000 a week for those two crews with supervisors and all of their tools and everything, and we do not have to worry about accommodation, meals, or anything else. We are certainly happy because we know we could not get a better price. And they have proven to be working not only efficiently but they are doing good quality work. So we have that on board, and that is ongoing.

I have not been able to get an update today on the National Recovery Fund, but I do understand that contracts have been issued for them and that they have begun their work. We have also said to them . . . I think, Mr. Speaker, they have somewhere between \$800,000 and \$900,000 that they are starting off with in doing the work up there. We have said to them that as they get going whatever funds they need to continue until between all of the various agencies and organisations that are working complete all of the work, the Government will be funding their operation also so that we do not have them stopping when there is work to be done.

So, you see, Mr. Speaker, the plan is one that involves everybody because there is great difficulty with accommodation in getting mass working crews up there. We have the local contractors up there who are working. I do not know at this point in time how many of them are free to take on the contracts that . . . hopefully we will not get any real stumbling blocks with this committee as I am hearing now, and we can get that sorted out swiftly . . . that we can get those going so that whatever labour, and whatever the labour pool is up there that is able to assist.

It is obvious that those homes that are insured and those who are dealing with their own matters are going to need to tap into the labour pool also. I am not sure how much they will be able to do on this side of it, and will simply have to continue to have to supplement that labour pool as best we can making sure that there is place for these work crews to stay.

I was seeking to get the number of homes that have been dried in, and I have not gotten that figure yet. But I know that they have been working steadily, while there is still a lot to be done.

Mr. Speaker, from our own experiences, many of us had the same or similar misfortune to what both the First and Second Elected Members for Cayman Brac and Little Cayman are experiencing with their own homes, so we know. We feel and understand the difficulty.

I have a lot of family in the Brac and I have a lot of friends in the Brac. And I have gotten the calls and I have followed up and I have explained to them, and I do the best I can. And I know how difficult it is for the elected Members because people . . . let me put it this way: It is only fair that in these circum-

stances they are thinking of their well-being more than anyone else's. That is only human nature. But it is physically impossible to have a crew working on every single house simultaneously.

I say this once more, and I am sure that there is no argument with this. What we do not want to happen is that in our efforts to expedite the situation that we find ourselves having no control whatsoever on the quality of the labour provided for these people who are so anxious to return to their normal state. It is a difficult situation and one that we have to continue to work at and manage the best way we know how.

Mr. Speaker, what the [amendment] is calling for, by and large, is already in train. We do not have to *consider* it because it is being done. The [amendment] asks for a \$10 million amount to be considered in the first instance. I am saying to your good self and to honourable Members in this House that we have set absolutely no ceiling. Those amounts will be incrementally approved as the amounts are required.

I spoke with the Financial Secretary asking him what is the best way for us to deal with this. We are acting on the advice . . . and I am not pinning him down, but we are acting on his advice based on the way the government system works, based on the cash flow that continues. Once it gets to a point where funds are needed and the funds are not there, then there really is no difference in the effort. The same thing is being achieved.

This is not one that the Government wishes to come to the table to argue. I have just explained what the Government's position is with the various requests and the resolve sections of the [amendment]. I am absolutely certain, as I have heard from the First Elected Member off the microphone that there seems to be some problem with this committee. I will simply have to listen to that, find out what seemingly is not going right, and make sure that that is corrected if that is the case. I knew nothing about it. There was no discussion with me about it prior to this. As far as I was concerned, based on my last conversation with the district commissioner the committee was functioning. So I will have to hear what is wrong about that.

Mr. Speaker, I have explained the Government's position. It is not a situation where the Government needs to accept this [amendment] in order to act on anything. The Government is already doing what it has to do. The requests that are being asked for are being dealt with. Perhaps the method that the Government has employed differs from what the [amendment] asks for with this \$10 million amount, but anyone looking at it objectively can easily understand that there is no less benefit in the way the Government is dealing with it than in the way the request asks for it to be done.

I trust that the position has been explained and I will wait to hear what else I may not have covered. Of course, in this particular amendment I will not have the opportunity to speak, but it is part of a Government Motion to which I have not spoken and I will

simply have to wait to hear, and perhaps I will use that opportunity, with your permission, to make any response that is necessary.

Thank you.

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

The First Elected Member for Cayman Brac and Little Cayman.

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

For the record, let me first beg your indulgence for the state of my attire as the honourable House would have realised that this amendment motion was seeking to find its way on this Floor since Thursday of last week, and either by way of utilisation of suspension of Standing Orders, and even introduction of addendums, it did not find its way to the Floor until this morning.

Mr. Speaker, I called the parliament yesterday to indicate the difficulty I was experiencing getting over from my constituency yesterday in that I was not able to get any flights at all after having spent the entire morning trying to get to Grand Cayman. In fact, the only flight that was made available was for tomorrow morning, which I have already booked, sir, and paid a ticket for.

To my disappointment and great surprise (I was in the District Administration Office, having dressed this morning for the continuation of distribution of supplies to the various members of my constituency), not only was I in the meeting with the District Commissioner, Deputy, and waiting on the Second Elected Member to meet, it was then that I received word that somehow this Motion had—surprise, surprise—appeared on the agenda today.

Now, Mr. Speaker, Members would fully understand the urgency within my constituency that I would not have been here, as has been the case with the Second Elected Member who has chosen not to be here (at Parliament) for some two weeks. And although he was in Grand Cayman last Friday, did not take the opportunity to come to Parliament, I too had urgent constituency matters. But, because I had a Motion, Mr. Speaker, and amendment on this Floor that I thought, and still in fact think, was of utmost importance to the Sister Islands and to the Cayman Islands as a whole . . . because if we do not pull through this, Mr. Speaker, it will certainly affect Grand Cayman's revenue as well. So, hence the reason I am dressed casually in a T shirt, a pair of jeans and a pair of slippers.

As you know, that is not my normal attire. But when I got elected back in 1996, I did tell the constituency of Cayman Brac and Little Cayman that, at all material times they would have a voice in this House. And that is what transpired today.

Mr. Speaker, I am also wishing to place on record (before getting into the meat of this amendment) that although I was able through divine inter-

vention . . . the jet that had been chartered to go over to the Brac this evening for a very worthy cause with the partnership of the Chamber of Commerce and the Minister's Association, the Cayman Airways jet is broken down and they have had to rush around to get additional CAL Express there. As a result, when I called at 11.30 am from the District Commissioner's office I was informed that one such flight was coming back across empty.

On getting to the Airport, Mr. Speaker (so that you can understand the background and difficulties that we have in getting to this Parliament—and we do not take it lightly, nor do we take it for granted), one of my constituents who became direly sick this morning, the flight that I had booked and paid for to come on at 12.05, had to be immediately converted into an air ambulance to take out one of my constituents to Grand Cayman.

And when I say divine intervention, Mr. Speaker, when I first heard of the illness this morning, I was in much worse condition handing out water and everything else, and I was not able to go into the hospital to pray with her at that time. But as it worked out, I was able after some negotiation to ask the family if I could get a seat on the air ambulance so that I could be here today to debate this amendment. And they graciously allowed me to do so, which meant that I had a captive audience and I was able to pray for that constituent and her family.

Mr. Speaker, I say that to say that while we play around with business papers and order papers and politics and whatever else Members want to play around with, there is a real world happening in Cayman Brac and Little Cayman. Let's make no mistake about that. That is why I get absolutely passionate about that.

Yes, I too went through Ivan. I never imagined that some four years after we would be in a situation, not only from my own personal loss for my farm and my property, as is the case for the Second Elected Member, tremendous loss to his own businesses and property. But the Honourable Leader will know from our discussions, and I give him the benefit of the doubt. I really believe that he feels what is going on in the Sister Islands, however, Mr. Speaker, to play semantics with this [amendment] to say that it is the same thing and they are already doing it . . .

Mr. Speaker, we did not have conversation until after the fact. When this [amendment] was filed on Thursday last, he graciously gave me an audience. And I am eternally grateful for that day that we spent on Saturday at the Command Centre where we had various discussions, where we talked about the formation of a committee and about the long term sustainability of Cayman Brac where, perhaps, an economic study could be done. And he graciously received that, and I am looking forward to that long term planning.

But, Mr. Speaker, we are in a situation where long term planning is just for the books. We have a situation where we have need of urgent attention on

Cayman Brac. This is where the difference comes. It is not just in methodology. As I understand, as of today (unless it was sent while I was in route to Grand Cayman), CI\$1 million last Friday, I believe, was deposited for the utilisation via district administration and this committee when it is formed.

Let me say at this juncture that when we talked about the formation of the committee we talked, as the Leader rightly said, about my being included along with the Second Elected Member, the District Commissioner and/or his Deputy. We asked for, perhaps, Mr. Jonathan Jackson, and we got a reasonable explanation where he did not have a deputy in Grand Cayman and the Minister responsible for Works could not at this particular time release him. But because we had Mr. Tristan Hydes, we were convinced that they performed similar functions save and except Jonathan had hands-on experience with East End's experience with the luxury of the \$3 million from Mrs. Susan Olde. Unfortunately, we do not have a Susan Olde, Mr. Speaker, in Cayman Brac. In fact, if we do, to date she has not come forward.

I am grateful to the good Samaritans in the form of Mr. Linton Tibbetts who, I understand, has given some US\$250,000 initially to his brother, Mr. Burnard to give out to needy persons. Within three or four days, that has changed location and it has now been put into the hands of the personal assistant of the Second Elected Member, Ms. Walton, for them to distribute. And also, Mr. Steve Foster, Capt. Eldon, and Capt. Charles, have also given a generous donation to the Second Elected Member for distribution. So the private sector has and continues to do its role.

Mr. Speaker, I was not then at that meeting, neither am I now, satisfied that private sector must lead the way. Government has a moral obligation; Government has a legal obligation to attend to the needs of Cayman Brac. And I did say before, and it bears repeating, that I wish to go on record to thank the Honourable Minister of Works for what he has done. Obviously, his budget was like everyone else's—stretched in these economic times. But he has found it within his budget not only to allocate resources from the human capital perspective, but machinery . . . and he has also taken the time to come across on Wednesdays. It makes a difference when you sit down face to face.

When we sat down with the Honourable Leader that Saturday, I am here to tell you, Mr. Speaker and Members of this honourable House, that Saturday gone a week ago (it certainly was not more than three weeks ago, the Saturday after we filed our [amendment]), we got more accomplished in having eye contact and discourse at that time, the Second Elected Member and I . . . and, Mr. Speaker, the Leader got up today and said that one week after the passing of Paloma that his Cabinet got together and approved these funds.

Excellent! Kudos!

My question then is, Mr. Speaker, we are now into the 18<sup>th</sup> of December, Paloma hit the Sister Islands, and more in particular Cayman Brac, on the 8<sup>th</sup>. Is it ironic (perhaps it is) that it is now Motion 8 that we are dealing with? What has taken such a protracted lacuna between one week, seven days onto 18, for him to only get those funds—and not even \$2 million as I understand it, but \$1 million to the Brac last week.

As I stand here today, none of that money has yet been spent, Mr. Speaker, because we want to make sure we are transparent; and, yes, we want to make sure there is accountability, because, yes, there is still an office called the Auditor General. And I certainly want to make sure, in light of the facts that we were recently told that there are no accounts filed—that when the chickens come home to roost, with this substantial amount of money, not only has the committee been properly formulated either through his Ministry or through Cabinet because it is going to be dealing with a substantial amount of money.

As eager as I am to assist the constituents, I need that insurance. I was happy for the oral communication that the committee would be formed, but as I stand here today, no formal or informal communication has been made to me. As far as I understand, when I left abruptly the 12 o'clock meeting where we were going to be dealing with gas vouchers and looking at this form . . . which brings me to another important point, Mr. Speaker.

This form, entitled "Sister Islands Hurricane Recovery Fund RE: Paloma Application for Assistance" . . . actually, this is the Government's draft version. This was presented to me today. No complaints about that. But what I will make a complaint about, Mr. Speaker, is that what we used in Gustav has been in circulation by the Second Elected Member, a member of the PPM Government, since two or three days ago. Basically . . . and I wish that I'd had more notice of this meeting because I would have produced it and laid it for the public to see. This is the Gustav form that we used, a very rudimentary form because we were just dealing with a mere \$300,000.

As a matter of fact, Mr. Speaker, because of the onslaught of Hurricane Paloma, we were only able to reach less than \$200,000. Thank God. Because of that we had \$100,000 we could access for gas relief. I thank the Honourable Leader for allowing us to access that capital that was on the island because had we to wait for God knows what was going to happen with the price of gasoline and diesel there within the Islands.

Now, Mr. Speaker, not only were the amended Gustav forms . . . and no committee amended those because I made it my business to send my personal assistant to his personal assistant, which now seems to be the hub of everything including the school Christmas concerts in the supermarket. Be that as it may . . . to get a copy to see whether there had been a subcommittee, or whether there had been some other link that was missing why constitu-

ents were given . . . and lo and behold, Mr. Speaker, I discovered that not only was he using Gustav forms, but a black marker had been taken to mark out “Gustav” with “Paloma” handwritten in, knowing full well that that form was not authorised or authenticated. If that is not so, I am willing to sit down now for the Leader to get up, or any Member of his Cabinet to say that they authorised it. That is why I am asking about this committee. If I am going to be on a committee—and I am more than happy, Mr. Speaker, to accommodate the Government or anyone to serve my role on the committee . . . As a matter of fact, I would extend that appreciation to say I am grateful, I am appreciative to be a part of the committee, as was the case in Gustav, and I thought it worked quite well. However, this committee has to have more roots. It needs to be more formally established and it needs to be done from yesterday because we are talking from our amendment for a consideration of \$10 million as a first instance.

So, that gives a legitimate expectation that if and when the Government got around to making a proper financial and social analysis of the needs . . . and we know that has been started because the Honourable Minister responsible for Children and Family Affairs came and met with us with his chief officer and presented various statistics to show where just under 500 households on the Brac had been visited, house to house, and they had down priority as far as need assessments and various other categories that needed to be considered.

The forms have been completed. Statistics have been gathered. And we do not need anyone—and I do not care who it is, I make no apologies . . . my father left me no riches. But he left me a good name. And the Good Book says that a good name is rather to be chosen than riches. And if I am going to be involved in this recovery and rebuilding process, which I want to be, it must be done properly. The committee must be formulated properly, whether it takes a Ministerial Cabinet paper, whether it takes a letter from the Minister, whatever. And I need to be assured, Mr. Speaker, that it is not just left where we left it Saturday two weeks ago, that I put the question to the Honourable Leader (and so did the Second Elected Member) for various persons to be on it to ensure that we had the expertise and we had the right amount for a meeting.

We also needed to establish that there was a quorum for this committee to function properly and effectively and in a very modern and transparent and accountable fashion, which means that at the very least we needed to establish that there was a quorum of three. I would take that a bit further that if the First and Second Elected Members were going to be involved, that that quorum should comprise of both myself, the Second Elected Member and either a representative from the Ministry, which would include district administration and/or their delegate, to ensure that the Minister, the Honourable Leader, would be in

the know at all material times as to what was happening with the money, because ultimately he would have to give answers to the Auditor General or his own Cabinet, ministerial colleagues and to this honourable House through Finance Committee. But also, that we had those extra bodies to keep us in check as it were, the “Delmiras” that we requested to be there.

Mr. Speaker, that does not take an inordinate amount of time. It is now two weeks. And, to date, I have received no oral or written confirmation that that committee has been established. I am cognisant (for the avoidance of doubt) that a meeting was called yesterday for the same committee—using “committee” lightly because we are an ad hoc committee. The First and Second Elected Members, the district commissioner and the deputy sits in, but he was not an integral part of the committee, to deal with gas vouchers.

The DC intimated that we would look at this form. But as I left from his office mid-day, unless I am speaking some other language (and I am pretty good at Spanish and English), it was not my understanding that this committee had been established.

Mr. Speaker, the reason I am making so much of this is not to show up the Leader. I do not have to do that. The talk show is doing that, the public is doing it and I am sure other quadrants of the community are doing it. Once you are a politician, once you are a leader that happens irrespective of who you are. But I want to make sure that if we are dealing with millions of dollars and we already have the experience of what happened in Ivan where the Leader has indicated that people formed construction companies and their work was substandard, that we know what we are doing.

And, Mr. Speaker, the reason why the methodology is so very important, and it is not just a matter of splitting hairs, is as follows: We already have an excellent idea of persons who are in need; we have had Planning go around; we have had the National Recovery Fund; we have had Social Services go around; the Second Elected Member and I went around; and I am sure the Leader has gone around when he was there. He has had his visual presentation, he has had his technical staff there, the ones from Grand Cayman—excellent staff—working. Other ministerial colleagues have been there and I am sure [they] have reported either in caucus or in Cabinet. We know what the need is.

What we need is easy, effective access to the funds. The difference therefore is, Mr. Speaker, with what we are proposing, the Honourable Leader of the Opposition and I, and my colleagues on this side, is for an immediate \$10 million because the need that we have seen, and I am sure he has been told by his technical staff because I have been in meetings where they are throwing out figures of \$20 million. In fact, the Second Elected Member thinks it is going to be somewhere between \$25 million and \$30 million.

We see the need there. With \$1 million (although he indicated \$2 million and I take him at his word, I have no reason to disbelieve the additional

million will eventually arrive on the Brac), it means that once we have utilised that . . . and that won't take very long if we meet long enough, which could be one meeting, Mr. Speaker, because the forms are in there. And I am not talking about those unauthorised forms that were circulated this week by the Second Elected Member. Forms and information have been there from various agencies that we have to work with, because if we don't work with them we could find that we are approving money that the National Recovery Fund has approved, or this private money from the Kirkconnells, Fosters and Mr. Tibbetts have approved, and we find that the people who need it most may not be receiving it.

Mr. Speaker, I can tell you of a particular case (and I will not call the madam's name, because of her privacy and the confidential nature) but she did attend the office after realising that it had been moved for whatever reason from Mr. Burnard's General Store to the Second Elected Member and she was told that she should come to me because I had money. Now, Mr. Speaker, that is the reason why I am insisting that this committee is properly formed so that when they come we see the application based on need; we don't see the potential for political expediency, we don't see the cultural differentiation, we don't see the social demarcation, we don't see the optimism for the voters' list being extended . . . I have no time for that nonsense.

My phone is bombarded. I am sure Members' phones on that side are bombarded, either text or calls. People come knocking on my door all the time. I go out in my community as I was dressed to do with water delivery and other deliveries this morning and I see what is happening for whatever reason, Mr. Speaker.

We have been receiving more rain in the month of December since Paloma than I can ever remember. The wind has been up, and thankfully so because it will hopefully alleviate with what we are expecting to be a gigantic utility cost. We sit here and we hear about CUC and the high cost. But the unspoken word is Cayman Brac Power and Light. In fact, when the last Member for Cayman Brac had the audacity to mention it, an immediate meeting was called and they were warned that the company was going to be shut down because somebody dared to question it.

Mr. Speaker, I know, having been the minister responsible where CUC fell before, that their light poles, their lights are not insured. So who is going to pick up the tab? Is it not going to be the Brac consumers? Or are they going to make an application to the Government for subsidy? Either way, it is going to fall back on the consumers, Mr. Speaker.

So we ought to realise that it is a great difference between the \$2 million and the \$10 million. The need, we know. The Leader has acknowledged; his Government knows. And if they would come out and say, *yes, we've seen the need* . . . I believe every one of them has been there. And, Mr. Speaker, we have to

take this against the background that visitors are not being allowed to the Sister Islands. In fact, as I understand it, we are expecting a cruise ship to visit sometime mid-January for a mere two hours. They are asking for a beach experience. And we are having difficulty getting that communicated to them that, yes, they can come.

Mr. Speaker, we need to start doing whatever we can do to get our revenue back up because there is a Christmas season, but there is not a Santa Claus who is going to be pumping out money. Somewhere along the lines the chickens will come home to roost. And to get up and say that we were given \$2 million today and it is going to be open-ended . . . that is like saying we have a blank page for the Constitution, knowing full well that is not the case.

It sounds good, it's flowery language, and it would be receptive had I not been a veteran politician and know that that means nothing. What that means is that as soon as the committee is formulated and we eventually get to meet and approve the proper form for members of our community to go and fill out which is simple, transparent, is intertwined with every element in every sense of accountability, that it can be open to scrutiny taking in mind that come January we will have another transparent animal, as it were, called "Freedom of Information" where things can be asked for and they will no longer be put in a corner saying it cannot be done.

We need to make sure that it is done right, Mr. Speaker. The method that the Leader has put forward on behalf of his Government means that as soon as the \$1 million, or whenever the extra million comes is utilised, and it won't be very long, we will have to come back to him, either through a paper or through Cabinet to get it. And if that is not the case (I see the Leader shaking his head) then what is the big deal, knowing it is going to take more than \$2 million? Is it because the Government is broke? Is it because they have no money? Is it because they do not want to touch the reserve that I made a passionate plea for some days ago, some weeks ago now, that they said was put aside. Every Government has said it is put aside for a rainy day. We have had more, Mr. Speaker, than a rainy day.

I just cannot understand what it is that the Government finds so hard to get the money over to Cayman Brac. It was intimated as an innuendo when the Leader made his submission that, you know, perhaps the local labour force will not be able to meet the need. Has that been established? And, if so, Mr. Speaker, if it is established, what measures have been put in place to ensure that Caymanians . . . because out of many we are one. We are still the three Cayman Islands. There are Caymanian companies here and some of them are even Cayman Brackers. Are they available? Can they come up with a compromise with the local market where they either become subcontractors, partners, whether there is an understanding that, yes, we have more than enough

work and we need help . . . because what cannot happen. And he said a lot of things that cannot happen. But what cannot happen, Mr. Speaker, is, for this to be protracted on through 20 May, 31(sic) June, 30 November next year to stretch out the work to make sure that the local chaps are kept happy.

In a normal situation, any good politician would think that way. But, Mr. Speaker, we are in a state of emergency. Perhaps the Governor has not used his red ink pen to say that, and perhaps the National Hurricane Committee (or whatever it is now called) has stepped down because Paloma has passed. But Paloma has only passed on NOAA. It has only passed on the Weather Station. Paloma is alive and well.

As a matter of fact, my niece said last night as we were driving on the south side and the wind was picking up, "Aunt Julie, is this the tail of Paloma?" because the weather has been so uncertain since the passing of Paloma. It's Christmas. The Government has made its 'carrot' offer with the financial assistance and the seamen's bonus. That will boost things. The Chamber has partnered this evening. That will address the whole man—the mind, the body, and the soul. What is most important? Humble though it may be, affordable or not affordable, mortgaged or not mortgaged, is a person's home.

Mr. Speaker, the Leader has said that they are doing all they can. Maybe he can explain to me so that I can understand. Is '*doing all they can*,' sending up trailer homes, which are still as I speak not in a position to be occupied? After I got on Rooster, I know that a call was made to public works to take up a gallon of white paint to paint out the profanity that was on one of them which should not have even left George Town to come there. But the inside is in such a state, the electrical, the plumbing, the preparation of the site. And I am not blaming the workers. The workers are carrying out the mandate from their managers, and the buck has to stop at the Leader.

If he does not know, he needs to know what is happening there. It is adjacent to the district from whence I was born, and I visit every day unless I am in Grand Cayman or off Island. Up until last night they are still trying to work on the plumbing.

I know of families where an American couple who visit seasonally allowed one family with four children to stay in their garage. He is coming back this weekend and they have nowhere to go. And what makes it worse is that that particular family got things approved to be in one of the affordable homes. And let me set the record straight here, Mr. Speaker. I heard up until yesterday that they built six affordable homes on the bluff. Well, I found four. Perhaps since that Leader is responsible for Lands and Survey, when he gets up to respond he can tell me where I can find the other two.

Yes, it was good that they were there to house workers. But let the truth be told. They could have moved in, subject to some paper work, I am re-

liably informed, prior to Paloma. But they were waiting for a convenient time for the Leader to come to do an official opening and a walk through of the buildings. Fine; he's a politician. Let him have his day. But, Mr. Speaker, today as I speak, those properties have been vacated by the workers. I understand reliably that everything is ready except for one dryer, which is a luxury in the time of an emergency. And they could be moved in as of now. Again, they are not moved in. Can we have a opening and a walk through tomorrow so that that family can get in and not have to be looking at being homeless and joining the other statistics?

Mr. Speaker, it is easy to forget what is happening in the Sister Islands. And I say that for myself. When I come in here and I go into the common room, as I have done for the past couple of weeks, and I see the television, CNN news, and get the wonderful meals, for a split second I am tempted to forget that 90 miles away my people are suffering. I am sure they will get their foot soldiers to come up with deflectors, like the hamburger nonsense that came on the radio some days ago.

Mr. Speaker, I do not have to get up here and make speeches or respond to those imbeciles that get on and make non-factual statements, because I believe in an Almighty God. And He says vengeance is not [yours], I will repay. Today, in my respectful opinion, and nobody can hurt me for that, it was orchestrated for this motion to come on knowing full well I was in the Brac. I spoke to the Leader this morning on a constituent matter. No mention was made that this was coming up today. I had called parliament telling them I could not get a seat. If we have now gone from 8 November to 18 [December] and it was not deemed urgent to get monies over there, what would one night more matter when I had a confirmed seat today or tomorrow? But thankfully there is a God. Although I had to hitch a ride on an air ambulance, God worked it out that even though I did not have time to go and pick up a rental car for the next three hours, someone was at the airport who graciously brought me to the front of this Parliament to make sure that a voice was heard.

Mr. Speaker, I could not promise my constituents that the Government would hear and duly and positively consider what I had to say, or my honourable Leader. One thing I could guarantee them was that their position would be put forward. And when the Government votes—and I will put them on notice that I will be asking for a division . . . because this day, Mr. Speaker, must go down in the records to see that we have a Leader who is from the Brac, though not born in my constituency—many of my constituents had to go abroad for medical—but by blood, by relation, he is from the Brac. He lives and eats and feeds from the Brac. And although he runs in George Town, Mr. Speaker, there are a substantial number of Cayman Brackers who vote in George Town. He must know, he must understand, he must be cognisant that if there is no difference between what our [amendment] is bringing except the methodology, can he not, in his

articulate, logical way of thinking say, *Okay, if the money is available* (and he has not said that it is not available) . . . if the statistics are there, if the need is there, and at this stage there should no longer be the conjunction "if". He knows as a matter of fact the need is there, I am sure his honourable colleague, the Minister for Family Affairs, has shared with him the same information he shared with the Command Centre, the First and Second Elected Members for Cayman Brac, just those needs alone, Mr. Speaker, and we will have to be calling back and saying the money is finished, can we get it over.

Mr. Speaker, this is not dolly house. This is a real world. We are not playing with some Utopia. Have people not yet realised what happened on Cayman Brac? And, if not, I invite him and anyone else when you are there this afternoon for the function with the Chamber of Commerce and the Minister's Association to look into the eyes of the people. The eyes are the windows to their hearts. You will see the pain they are going through, and the suffering.

Yes, I congratulate, I am eternally appreciative and grateful, Mr. Speaker, for Atlantic Star and for all of the private sector, for those who sent all of the things they sent. The first stage is over: the food, the generators, the water, to an extent the tarpaulin. We are in the building, the construction process. Every time it rains, it gets worse and worse. It is going to cost the Government more and more money.

What I thought I was going to hear today was that the Leader had caucused with his reasonable group in his Cabinet, that they had considered that we are not that many degrees apart, the goals are the same, we want to provide for every need that is reasonable in the Brac, and that money is available. He said that he liaised with the Financial Secretary. And although we do not have public accounts, surely they know what the day to day activity is. We just had the Strategic Policy Statement. Somebody in Government must know what we have in the said expression that we have a 90 day reserve.

Reserve for what? If the Brac does not fall into the prequalification—as we were very surprised to hear it did not fall into their wonderful insurance prequalification—are we going to fall through the gap yet one more time? For what! For the satisfaction, for the indulgence, for the therapeutic, egotistical, massages that they need?

Mr. Speaker, we need to take our blinkers off. Yes, Election is 20 May. Every person in this [honourable] House who has done what he should have done in the past 4 years, the past 12 years, or whatever number of years, should not have to fear 20 May. In fact, we look forward to it because that is an expression, an attestation of the endorsement that the public will once again put faith in those Members who have performed. So why are we here wrangling and fighting over the method knowing full well that the \$1 million will be like a sponge?

We have difficulties just getting phones answered when we call from Cayman Brac and Little Cayman, [much less] getting money sent across. If it took one week, Mr. Speaker, for the Leader and his Government in this electronic age in which we now live to do a wire transfer, because I am sure it was not sent by courier (not at the time I heard it arrived at CNB), and we still have not gotten the other \$1 million deposit . . . is it going to take until next December to get the other 8, 10 or 20?

Mr. Speaker, I came not only inappropriately dressed for this parliament, which I have the utmost respect for, but I also came against the background that I do not even have a confirmed seat back to the Brac this evening, having confirmed this morning with Pastor Al that I would be there speaking on behalf of the honourable Leader making a two minute remark. But life calls for reprioritisation, and that was a decision I had to make. Somehow, somewhere I felt that the Leader would be able to convince his Government after being reminded (for the want of a better term), and after knowing that he himself will have to go there and be faced with it again, that he would call his ministerial colleagues together and say, *Look fellows, this is what we did. At the time it was the best that we could do. We thought it was the best method. But hindsight is better than what we had at the time. We now know it is going to take more. The \$10 million is not an unreasonable amount.*

Mr. Speaker, because of how our Standing Orders are, we can only say "consider". It still gives them that wonderful privilege of saying, *we have considered, we are the Government and we will now take a decision to give the \$10 million.*

When I first heard that the \$1 million had been received, Mr. Speaker, I thought maybe it was a Scribner's error and the zero had somehow disappeared in the transaction. But after hearing today, and that's against the background of our discussions and the Leader having some hesitations in accepting it. Anybody can change his mind, except a dead man and a fool, Mr. Speaker. And that Leader falls in neither of the two categories.

So, Mr. Speaker, before I sit down, I wish through this avenue, through this forum, through this honourable House, to ask the Honourable Leader, would you take a break, Mr. Leader? Meet with your honourable colleagues. Meet with the Third Official Member and say this is a situation at hand, and approve this amendment.

Fate has worked it that I was not even a mover. So that is no longer a consideration. I am just an official bystander. Yes, perhaps with a vested interest, because I live it, I breathe it, and I face it every day. What are the overriding factors preventing a positive resolution to this amendment today? Have they not yet been revealed?

Mr. Speaker, the glory will be the Government's; the beneficiaries will be the inhabitants of Cayman Brac and Little Cayman; and, yes, by indirect

beneficiary routes, curious though it may be, will be the revenue of these beloved Cayman Islands. The sooner we are given that positive jump start, that positive boost that we need now; the sooner we can once again embark upon our road to financial independence and reclaim what has made us resilient Cayman Brackers and Little Caymanians, and Caymanians in general; the pride of receiving income after hard work; the pride of being recipients of the fish and finding diverse ways to utilise the fish to supply our needs so that we don't operate in a deficit.

Mr. Speaker, knowing that we are facing dire economic circumstances, come January next year, who is to say that using Government's proposed method when we come back Government will not say revenue is down—as I am sure it is going to be, unless there is some economic miracle? But Cayman Brac will slip from six to seven, down to eight or ten.

Mr. Speaker, we cannot afford at this point in time to operate in the speculative. We know all that we need to know today to approve this most important, timely and relevant amendment. I ask my honourable colleagues on both sides of this House to do as the advertisement does, where you see the man walking behind. He gets a ticket and his car is chained up, and he gets his wonderful cushioned foot sole, and he decides all of a sudden that it's not so bad being chained up, he can now walk.

Remove whatever unseen chains, unseen shackles that are preventing Government from approving this resolution. Take a break here and now, Mr. Speaker. Re-think, reprioritise, re-evaluate and do the right thing.

We heard almost four years ago that help was on the way. And it was obvious by the majority, colossal, gigantic landside that the people bought that concept that help was on the way. Help is needed today, Mr. Speaker. It is an opportune time for this Government to show that help is no longer on the way, that help has arrived and that they are going to do the right thing.

Mr. Speaker, I have no other conclusion to make, via the process of deductive reasoning, that if the Government for whatever reason or justification or circumstance not to approve this amendment, that the needs of Cayman Brac fell on the sacrificial altar of the PPM Government for alternative motives, which I dare not even hear.

May it please you, and may God Almighty himself guide through wisdom, knowledge and understanding as we take a step back and consider what we are going to vote on here today. It is not an ordinary vote, Mr. Speaker; it is a vote that will go down in history. It is a vote that will make a difference in the lives, from young to old, rich and poor, black and white, from Spot Bay to West End, from Point of Sand to Boatswain Village, to Blossom Village, Little Cayman, one that the Leader can get on the plane this evening and proudly announce, the Government is here, your help has stepped off.

I don't even care if he mentions my name. What matters most is that when this committee is properly formalised and we can have our first meeting, which I hope could be tomorrow if the Parliament is not meeting, or Saturday or Sunday. It's an emergency time, and although Sunday is a holy day for me, I will meet because the need is there.

This calls for extraordinary action in extraordinary times. And it will take extraordinary men and women here today to do the extraordinary thing.

May it please you, [Mr. Speaker] and I thank you and honourable Members for your kindest indulgence.

**The Deputy Speaker:** Honourable Members, I have been given notice that it is being proposed that we work a bit later today to try and finish business, either this evening or tomorrow.

So, at this time, I am proposing that we take an afternoon suspension to return at 4.15.

#### **Proceedings suspended at 3.55 pm**

#### **Proceedings resumed at 4.45 pm**

**The Deputy Speaker:** Please be seated.

Proceedings are resumed. Does any other Member wish to speak on the amendment to Government Motion No. 8/08-09? [pause]

Honourable Minister for Tourism.

**Hon. Charles E. Clifford:** Thank you, Mr. Speaker.

I did not intend to debate this proposed amendment to Government Motion No. 8/08-09, but after hearing the contribution from the First Elected Member for Cayman Brac and Little Cayman, I am left with no choice but to debate the [amendment.]

Mr. Speaker, notwithstanding the fact that the [amendment] speaks directly to the repairs to homes in Cayman Brac, the debate on the [amendment] has been much wider. To those who may not be aware, it might appear to them that the Government has done little to nothing to assist Cayman Brac and Little Cayman in their recovery.

It is unfortunate that we are at this point in the recovery of our Sister Islands, because I heard commitments being made in the immediate aftermath of Hurricane Paloma from the Opposition, that they would not play politics with this issue. Mr. Speaker, what we have been subjected to this afternoon is clearly the playing of politics.

#### **Moment of Interruption**

**The Deputy Speaker:** Honourable Minister, my apologies, but we have gone past the hour of interruption. [May I have a motion to suspend Standing Order 10(2) to continue beyond the hour of 4.30?]

**Hon. Charles E. Clifford:** Thank you, Mr. Speaker.



I move the suspension of the relevant Standing Order to allow proceedings to continue beyond the hour of 4.30 pm.

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

**The Deputy Speaker:** The question is that this House do continue beyond the hour of adjournment, which is 4.30. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed. Standing Order 10(2) suspended to allow proceedings to continue beyond the hour of 4.30 pm**

**The Deputy Speaker:** Sorry honourable Minister.

**Hon. Charles E. Clifford:** Thank you, Mr. Speaker.

As I was saying, I think it is most unfortunate that the plight of the people of Cayman Brac would be used for political gains, because that is essentially what we were subjected to this afternoon.

Listening to the First Elected Member for Cayman Brac and Little Cayman, a friend of mine, I was quite surprised and taken back by the debate because I know she is aware of how much Government has done up until this point to assist with the recovery of Cayman Brac and Little Cayman.

Mr. Speaker, in the immediate aftermath of the hurricane, I took one of the first available flights over to Cayman Brac because I have, as you know, responsibility for two of the key pieces of infrastructure—the airport and the seaport—that would be necessary in order to ensure the quick and efficient recovery of our Sister Islands.

Mr. Speaker, after some inspections we were able to get the airport up and running. I was very grateful to have there with us, not just the management of the Gerrard Smith International Airport, but one of our senior captains, Captain Steve Scott, who was able to inspect the runway and determined that we had 500 feet of useable runway, which allowed us to bring in the Cayman Airways 737-300 jets late that Sunday evening.

The same was done for the seaport. We determined that that infrastructure was intact. And, although the warehouse had been destroyed, the dock itself was intact and that as soon as the weather cleared they would be able to receive cargo.

Mr. Speaker, the other thing that I did immediately was to instruct Cayman Airways that all relief supplies and cargo supplies going to Cayman Brac would go free of cost and that anyone who needed to be evacuated from Cayman Brac would be evacuated free of cost. And, Mr. Speaker, I am going on to mention more, but I am saying all of this to say that while that came at no cost to the people of Cayman Brac,

somebody had to pay for it. The Government supported those “freedom flights”.

We had other instances. We had the work that was done through the Cayman Islands Investment Bureau, through the Cayman Islands Development Bank. We made overdraft facilities immediately available for small businesses and for farmers. We immediately put in place a moratorium on all loans that were in place with the Cayman Islands Development Bank to assist and aid with the recovery of small businesses in Cayman Brac.

Mr. Speaker, the First Elected Member for Cayman Brac herself has acknowledged the work done through the Ministry of the Minister of Communications, Works and Infrastructure in terms of the cleanup. We know that we worked as rapidly as we possible could to repair the schools and to get them back in order. We have had some success with that, notwithstanding some recent setbacks with vandalism to the Cayman Brac High School.

Mr. Speaker, I am saying all of that to say that this all comes at a cost. There is a cost associated with all of the recovery so far, but the Government has not gone out there and said, oh well, we have already spent whatever the sum is on the recovery for Cayman Brac and, therefore, we are going to put that out there are some public relations exercise. We are not going to play politics with the situation of the people in Cayman Brac and Little Cayman. They deserve better, Mr. Speaker.

When you look at the [amendment] that speaks to the Government making available this \$10 million for repair and construction of homes in Cayman Brac, that process has already commenced. That too comes at a cost, and the Government is picking up the tab for that.

The Government has indicated that we are actually prepared to go further than the [amendment] has suggested, because all this [amendment] is about is for somebody . . . and, certainly the First Elected Member for Cayman Brac and Little Cayman would be one of the first to say, *Hey look what I have done for you all. I got \$10 million for you all to aid in the recovery.* The Government has said that we are prepared to go further than that. We have said that there is no ceiling on the recovery efforts for Cayman Brac. We understand how important it is for the recovery of Cayman Brac to take place as quickly as possible. So we have said that whatever the cost is, the Government is prepared to fund it. But we fund it on an incremental basis on an as-needed basis in the same way, Mr. Speaker, that was done immediately following Hurricane Ivan.

There was no \$50 million or \$60 million approved in one fell swoop; it was approved on the basis of what was required. And at the end of the day, yes, there was a total tab. Of course, there's always a total tab at the end of the recovery. But you do it on an as-needed basis.

So, while this [amendment] speaks to an immediate amount of \$10 million, we are simply saying that we are prepared, and we have said from the very beginning that we are prepared to do more than \$10 million if that is what it takes. Therefore, Mr. Speaker, we see the [amendment] for what it is, which is simply a motion to play politics with the plight of the people in Cayman Brac and Little Cayman.

Mr. Speaker, I do not know what the Opposition is expecting from the Government, but we also know what transpired in the immediate aftermath of Hurricane Ivan in Cayman when there were amounts of money, again on an incremental basis, but amounts approved and sent out with no plan and absolute chaos existed and there were all sorts of issues and allegations of corruption. We do not have to be reminded of the MC Restoration issues and all of those issues.

Mr. Speaker, we must learn from our mistakes. Why would the Government want to go down that road again? Why? When we have in place now, following Hurricane Ivan, not just a Hurricane Preparedness Plan that we can be proud of as a country, but a Hurricane Recovery Plan that we can be proud of as a country. So, Mr. Speaker, why not follow that plan in an orderly fashion in the way the Government is doing instead of using the ad hoc approach that was used in the past with all of the associated issues that came with that.

Mr. Speaker, I want to assure the people in Cayman Brac and Little Cayman as I did when I visited there following the hurricane that they would not be left alone to do this recovery and that the Government and, indeed, the people of Grand Cayman would be with them every step of the way during the recovery process. Mr. Speaker, we have proven that so far, and we are going to continue with our efforts to do so. All I ask, as we asked from the very beginning, that in circumstances like these it is not the time to play politics. We have an election looming. The election is in May 2009. There will be plenty of time to play politics, and perhaps the Opposition is warming up for that. But I would suggest to them that they should not use the situation in Cayman Brac and Little Cayman to start their political games. It is unacceptable, Mr. Speaker, and the Government will not engage in it.

Suffice it to say that the Government is going to fund the recovery of Cayman Brac to the extent that we need to fund it. In other words, whatever it is going to take to ensure that Cayman Brac and Little Cayman recover, that is what it is going to take and that is what the Government is prepared to fund because either way you look at it, the Government will have to pay the cost. At the end of the day, there is a certain amount of subsidy that would be required to support our Sister Islands and we understand that, and we have always done it.

Mr. Speaker, with that brief contribution, I would hope that the political games with respect to the situation in Cayman Brac and Little Cayman will not

be used any longer for these political games. And I say "we" because I include all of us. And the Opposition has taken the position they have today, but I would just ask them to remember the commitment that they made to this country immediately after Hurricane Paloma and that is that they would not play politics with this issue. I ask them, Mr. Speaker, to honour that commitment.

Finally, I too would like to pay tribute and extend gratitude to the private sector for all of the contributions they have made in respect of the recovery of Cayman Brac and Little Cayman. Mr. Speaker, in any major disaster, such as this, on an island, whether it is Grand Cayman, Cayman Brac or Little Cayman, it is necessary for the public and private sectors to come together to make sure that the recovery is efficient and rapid. And that is what we have seen in Cayman Brac as we did in Grand Cayman following Hurricane Ivan. We have to continue to be grateful for that type of collaboration between the public and private sectors.

Now, Mr. Speaker, let us move on with the business of the country and rest assured that Cayman Brac and Little Cayman will continue to be supported right through the entire recovery effort and beyond.

I thank you, Mr. Speaker.

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

If no other Member wishes to speak, would the mover of the amendment wish to exercise his right of reply?

**Hon. W. McKeever Bush:** Mr. Speaker, thank you very much.

I did not want to begin by having to answer the crap, the foolishness that I just listened to when the little Minister always likes to get up and talk about corruption. MC Restoration, Mr. Speaker, was audited. There is an audit report that says it was a good thing and cleared the whole air and cleared every charge that people like him made during the campaign.

What he has to understand is that that campaign is gone, and he has now to prove himself. But that is what is happening to them that they cry politics, because the people have found out what the likes of that Minister are like. They have proven him. When they see the truth, they fall over it and get up and walk like nothing happened.

Corruption? He likes to talk about that. I will tell you where corruption is: Check what is going on in his Government and you will see a lot of corruption. But the Auditor General cannot get at that now. That's the problem, because no accounts can come and you all believe that you have dug the little holes and made the little holes so small that people cannot see through it.

I don't think I'll bother with him any more than to say that what we did was to give committees of civil servants. Money was allocated for civil servants in charge, and also the Development Bank. If he wants to say that they have done some corruption, but they were not guided by any Minister other than what they found the people making requests to them. But it was a good thing we did that or else we might still be there pulling CUC lines out of the road.

He wants to talk about something about Ivan? People are still waiting on the National Recovery Fund to assist them. And this Minister has the audacity, as small as he is, to talk about what? We wasted the money? Just think how much you have wasted running up and down getting nothing done! He cannot get up in front of anybody to speak, Mr. Speaker, except that he knows that I had the right to wind up. Outside of that, he would have waited us out too.

But to come here, every speech he has made to talk about corruption, when, if you want to find it, look closely around you and perhaps look in the mirror because when a senior civil servant does what he did and when a court of law could prove it, Mr. Speaker, then, Mr. Speaker, then you have the worst kind of corruption!

*[inaudible interjection]*

**Hon. W. McKeever Bush:** Yeah. Just wait, because they may find something on you! There won't be anybody over here to find anything on. That will be another sing-song for you next time, but, oh, you have a record and that record is not too good, Mr. Speaker. The Member will be found wanting, has already been weighed.

Mr. Speaker, because we raised this issue of funding and because the Member who has to live it, who herself received extensive damage to her house and as someone in Cayman Brac has told me because her house is like a warehouse, and because of the work that lady has done in Cayman Brac, because she comes now and dares open up some of this, it is politics? Have you experienced it? No!

When you went to Cayman Brac what happened? People could not see him. People are at her door every day. Because that Member experienced the things that she is experiencing up there it is politics to come here and voice it? Where else should she have voiced it?

Some nearly six weeks later, Mr. Speaker, the Minister responsible for the Sister Islands, and Leader of the Government, has still not brought a comprehensive report to this honourable House, or even to the country on what obtains in Cayman Brac. We have to piecemeal, and as you speak it is happening (as they are so fond of saying), and this committee that has not yet even been given formal instructions, and they dare come here and talk about politics.

I want to thank my colleague, Mr. Speaker, for her debate and for her articulation of the problems as

she is finding it in Cayman Brac. As I said, she has to live it on a day-to-day basis. She did not say that Government did not do anything; what she is concerned about—and rightly so—is the lack of effective management. But what she should have said was that she lays it completely at the feet of the Leader of Government because he is the Leader of Government and because he is responsible for the Sister Islands and for all that is happening there.

Mr. Speaker, I have listened to the reply by the Leader of Government Business, the Minister responsible for Cayman Brac. When they talk about problems, here is the problem: The problem is that he is playing far too much politics with that matter, and playing the waiting game, waiting for an opportune time when they can benefit most politically. That is the problem of the PPM Administration—everything has been timed to happen now. And I am not going to say the full administration because there are Ministers, like the Minister of Communication and Works, who stepped up from day one and got things done and removed obstacles where he needed to remove them.

But the problem of this Administration is that they have waited until the very last minute to get things done so that they can say to the people of this country, "See? Don't tell me I am not doing something."

Mr. Speaker, if you are starved for three and a half years, if your business went bad for three and a half years, if there is so many other things wrong in the country that everybody else is talking about for three and a half years, you think on the twilight of their hour that the people can just understand? And that is the problem with that Minister, waiting for the opportune time when they can benefit most politically and all that while people suffer.

Far too many things are not right with the recovery effort in Cayman Brac. Far too many things. We cannot sit down, as the Minister loves to do, and do it in drips and drabs so that every time he has to give \$1,000 it is shown in the papers with the Minister giving another half million dollars, another three hundred thousand dollars. That is what they are waiting on, Mr. Speaker, so that every time they have to give it will be in the papers from now until the election. That is their problem.

Six weeks later, the Minister . . . and I thought, Mr. Speaker, that when we came here, that when this House opened as was done after Ivan when we had that session so that everybody could have their say, and the Government could bring their reports, I thought that was what was going to happen. But up until today, the Minister responsible and the Leader of Government Business have not brought a comprehensive report to this honourable House telling us what and where things have been done.

There is no limit, he says. This is an ongoing process. Two million [dollars], he says, has been approved on incremental amounts. He says he does not know what the difference is from what we are asking

and from what he has said they are doing. But I believe the difference, the debate of the First [Elected] Member [of Cayman Brac and Little Cayman] today and the debate of the Second [Elected] Member [of Cayman Brac and Little Cayman] a few days ago, is saying there is a difference.

And I am going to tell you this. Get the *Hansard* again, and read what the Minister for Communications and Works said. Read it!

I cannot believe that that Minister came here with the lame excuse he did to talk about construction companies, and that's the reason why they cannot rush, because there are bad construction companies. Mr. Speaker, there is a law—they ought to know that, they brought the law!—dealing with bad companies. So the bad companies should not be able to get in, in Cayman Brac. And that should not be the worry or problem why such funds cannot be given to Cayman Brac at this time.

Take the confusion that exists: He says there is a committee set up. Confusion speaks to exactly the manner in how things have been handled in Cayman Brac. Look at the Government's bright hope, despite the pronouncements of the Government that all is in hand and being managed effectively. I have heard from many people in Cayman Brac, and I am not satisfied with the efficiency and effectiveness of the response to date by the Government. This view is based on the large number of residents who still remain with no permanent solution to their housing needs, the large amount of debris remaining within the various neighbourhoods on Cayman Brac, significant residents I guess still without electricity, and damaged infrastructure left unattended.

Mr. Speaker, I want to look for a minute at the Government's insurance because that was the Government's bright hope. And when they talk about politics, Mr. Speaker, the people of the Sister Islands should not be subjected to the political maneuvering during this time of hardship, nor should they have undue suffering resulting from a Government that has found itself unprepared, I guess financially, because I think that is the problem for such contingencies. Nor should they suffer because the Government subscribed to the Caribbean Catastrophic Insurance Fund without a proper understanding of the triggering mechanisms of the policy and the weighted average payout computation method, which combines the wind factor of the hurricane and the economic impact including the population.

Oh, they knew how to fix Cayman all right—the big promise. They knew how to do everything right. They were the good managers. Good managers, yeah. When you look at the World Bank documentation on it, it reveals a clear and concise understanding of how this calculation is made, and it is highly unfair and unjust that this honourable Legislative Assembly and the entire Cayman community was led to believe that relief money would be eminent and automatic and only determined by the wind factor of the hurricane.

The Leader of Government Business told this honourable House that up to \$55 million would be made available within 14 days of a passage of a hurricane. Now, the flurry of excuses and blame shifting does not provide the relief that is needed. Where is all the brain power of the Government? The flurry of excuses and blame-shifting, the lack of research and, what I perceive as incompetence of the decision-makers who signed up the Cayman Islands that under no possible conceived circumstance would result in the Sister Islands ever being qualified for meaningful assistance.

No, Mr. Speaker, the people of the Sister Islands should not have to suffer because of these poor decisions. And that Minister from Bodden Town has the audacity to get up here and want to point fingers? Do you think this is the only mistake he made? This is the same Government that got the education in a mess up at the Community College when they hired [Hassan Syed] . . .

*[inaudible interjection]*

**Hon. W. McKeever Bush:** I already told you that you cannot tell the truth. The whole world knows it by now; it is on record.

*[inaudible interjection]*

**Hon. W. McKeever Bush:** I have seen . . . yes, I understand that Mr. Syed was hired as a teacher, but not as a professor and president of the college. He was not hired by the UDP, but you think you are going to fool people with that too, by telling them half truths. The truth stares you every day in the mirror my son, and you do not even see that.

I have seen the World Bank presentation . . . Mr. Speaker, I am sorry that I am called off course a little by the rumbling from the Minister who spoke a while ago, the Minister of Tourism. I have seen the World Bank presentation demonstrating how the rated average index is calculated. This presentation is likely the same as what the Government would have received before signing up the Cayman Islands to the policy. I say they had to see it. And, for certain, it was available to all who concerned themselves to review the policy before committing the people of this Country to \$2 million initial capitalisation and \$2 million per year. But you are not hearing anything about that. Uh-uh, that mistake, when they should have checked at the least.

But it was the same thing with the helicopter. Mr. Speaker, they do not seem to check anything. That never had the floatation devices. All that took was for one of them to go up there and see what the helicopter looked like. They did not even do that. And they have the audacity to talk about people.

Mr. Speaker, the Government is not managing the problem right in Cayman Brac. The National Recovery Fund has over 100 people for housing. Social

Services have over 400 people. That's over two weeks ago that Social Services had that. Now they should have updated that. There are at least 15 trailer homes in Cayman Brac—and no one in them yet! This is what you call a Government that is doing its best? Well no wonder the people are hurting!

This is just not good management, and the fault must rest at the feet of the Leader of Government who is not just the Leader of Government, but he is the Minister responsible for the Sister Islands, and the Minister responsible for housing.

They do not want to give this money now because that committee that we suggested would be up and running and getting the work done. What they want to do is hand it out in drips and drabs. And every time the *Caymanian Compass* would be there, and the *Cayman Net News* would be there to take his picture handing it out and another headline "The Minister Gives" right up until the elections.

Mr. Speaker, while I do have my concerns too about the NRF, because while it is an agency that we use, the agency still has not been able to deal fully with the matters pertaining to Ivan. That is my understanding from many people across the board. Yet, we are depending on them to deal now with Paloma too. This means that something is going to suffer.

I pose the question again: When can we expect to have Ivan and Paloma cleared up? Surely, Mr. Speaker, those people in the Sister Islands cannot wait another three to four years, as they have had to do with Ivan. They cannot. Why should they?

I would have liked to have seen the long term plans. Mr. Speaker, I heard the Minister say that we (the last Government) did not have any plans. You know, that's a joke, when he was the one responsible for not putting the plans in place; when he refused, because he knew he was going to run for election, to get it before the Cabinet. And he thought he could run and hide forever. We did not have plans, when we did get it to Cabinet it was rejected by [Governor] Dinwiddy who was a great friend of the Opposition at the time.

But that Minister who spoke played his cards well for the election. Everything that he did he did it right—he smeared me, he stopped the work in the Ministry from getting done, and on, and on you can count. And that court that found him guilty, that court, Mr. Speaker, listed it.

**Hon. Charles E. Clifford:** Mr. Speaker, on a point of order.

#### Point of Order

**The Deputy Speaker:** Honourable Minister, can I hear your point of order?

**Hon. Charles E. Clifford:** Mr. Speaker, the Leader of the Opposition just made reference to a court finding me guilty. There was no court. I was not charged with

anything, And, Mr. Speaker, I ask you to ask him to withdraw those remarks because they are simply not true.

**The Deputy Speaker:** Honourable Leader of the Opposition, unless you can show that it was a court of law, can you refrain and move away from that?

**Hon. W. McKeeva Bush:** Mr. Speaker, I am calling it . . . I mentioned a court. I will withdraw that and say that it was not a court but it was a very lawful institution. It was a commission of enquiry that found him guilty!

**Hon. Charles E. Clifford:** Mr. Speaker, on a point of order.

**The Deputy Speaker:** Go ahead with your point of order.

**Hon. Charles E. Clifford:** I have asked, Mr. Speaker, for you to direct the Leader of the Opposition to withdraw the remarks. He starts by withdrawing it and then proceeds to repeat it. Mr. Speaker, with respect, he needs to behave better than that in this honourable House. What he has said is not true and he needs to withdraw it unconditionally.

**Hon. W. McKeeva Bush:** Mr. Speaker, get the report from the Commission of Enquiry to see if they said that all that he did wasn't what he said it was. In other words, he wasn't telling the truth about what he did. Get the report.

I said I withdraw the remark that it was a court. It was not a court; it was a commission of enquiry—quasi judicial institution.

Now, may I carry on, Mr. Speaker?

Mr. Speaker, we hear about plans. I do not know that this hurricane plan that he says the Government has that we did not have. He says that it is doing so well. Where is it? Hurricane hit Cayman Brac and nobody seemed to have known that it was going to hit.

I do not know if that was such a great plan. No matter how quick it came. If you are prepared as a country that just cannot come down one minute from the Central American shores and come across here and you do not know that it is going to hit and people can be better prepared. Well, I am not going to castigate any plans or work that people did during that time. No, I am not going to do that. But do not come bragging about what you have because up until now we are still not hearing about what is going to happen with the shutters that so much noise was being made about. Where is that?

And that Minister gets up here, Mr. Speaker, and wants to point fingers at the last administration? We hear about plans for the Sister Islands. What the Sister Islands needs is those long term sustainable plans, yes. There is a plan existing, done by Deloitte. And they said, 'Oh, the plan was no good.' But do not

tell me they could not have improved on it. That meant they could have improved on it from the beginning four years ago. And they are still coming back now saying there is a plan.

There was another plan done by Urani. Cayman Brac was moving in the right direction, but if you leave it as is now you are not going to get anywhere. And what is going to happen to the Sister Islands is they are going to find themselves burdened down and stuck for months. And if you leave the Government alone, as they are saying . . . I know even if they do not accept this [amendment] they are going to have to move in that direction. Oh yes. They will have to.

But I encourage them. They must move so that the island of Cayman Brac can get to the place that its own revenue is coming back. That is the big concern that I have on the long term basis for Cayman Brac. Cayman Brac development is not easy. It took a lot of hard work, Mr. Speaker, to get the kind of tourism that was going in to Cayman Brac. That was not easy. It took a lot of hard work. I can say that our administration played a big role in it. But it has been going on for several years.

Now, if we leave things as is, where people's minds are not focusing, where people are under stress and where people have to be under plastic in the rainy weather as the First Elected Member for Cayman Brac noted is more than usual, what do you think it going to happen? It is going to be a different scenario, Mr. Speaker, if we leave things as they are.

All I am saying is that the Government needs to do better than what it has obtained. It needs to do better. The management needs to be different. That is what the First Member said when she debated, that is what the Second Member said when he debated—two of these Members cannot be wrong!

And if the [Second] Elected Member for Cayman Brac says that it takes—at one point it was \$25 [million], maybe he is saying it is \$30 [million], I am not sure. But I know he mentioned to me it could be up to \$25 million. And the First Elected Member for Cayman Brac is saying let's put up \$10 [million] (that is what our [amendment] is saying), and then you have opportunity to come back once you get to a stage and everything has been checked out, then that cannot be politics. Two of them are on opposite sides. One is the Government's party and the other is Opposition. It cannot be politics that is being played. It cannot be, Mr. Speaker.

Certainly it is not coming from this side of the House. What we see are needs and we believe that those needs should be met differently than they are being met today.

Mr. Speaker, the Minister responsible mentioned the insurance. But what we are saying there, Mr. Speaker, it means that if a person has some insurance, but came up with a payout that is actually less than what their cost to repair or rebuild is, Government could assist them if they do not have the means. And a means test could be available for them.

The important thing is helping people get back to their houses.

Mr. Speaker, if the Government is going to do what is necessary to support Cayman Brac and Little Cayman it cannot be in the way that they are headed, that they are managing. It is just not good enough. And while I have not been able to visit there myself, my colleagues went. We get a regular update from the citizens of Cayman Brac, and we get an update from the First Elected Member for Cayman Brac. And she does not come and just tell us; she also makes her report to this House.

So, Mr. Speaker, we do not know the Government will not accept the [amendment]. But we believe that what we have done is the right thing to do for the people of Cayman Brac.

**The Deputy Speaker:** The question is: AND BE IT NOW FURTHER RESOLVED THAT the eligibility for this assistance be open to all residents of Cayman Brac and Little Cayman, and the value of the property or the income of the applicant should not exclude the applicant from eligibility, however, priority should be given to uninsured properties and the most needy.

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

#### Ayes and Noes

**Ms. Juliana Y. O'Connor-Connolly:** Mr. Speaker, may I have a division please, sir?

**The Deputy Speaker:** Madam Clerk, a division please. It sounded to me like the Noes had it, but Madam Clerk, if you will go ahead and call the division please.

#### Division No. 8/08-09

##### Ayes 3

Hon. W. McKeever Bush  
Capt. A. Eugene Ebanks  
Ms. J. Y. O'Connor-Connolly

##### Noes 9

Hon. D. Kurt Tibbetts  
Hon. V. A. McLean  
Hon. C. E. Clifford  
Hon. G. A. McCarthy  
Hon. Samuel W. Bulgin  
Hon. G. K. Jefferson  
Ms. Lucille D. Seymour  
Mr. W. Alfonso Wright  
Mr. O. V. Bodden

**The Deputy Speaker:** The result of the division is 9 Noes and 3 Ayes. The [amendment] has failed.

**Amendment to Government Motion No. 8/08-09 negated by majority.**

**Government Motion No. 8/08-09—Government Guarantee in favour of the Cayman Islands Civil Service Association Co-operative Credit Union Limited**

*(Continuation of debate thereon)*

**The Deputy Speaker:** Debate on Government Motion No. 8/08-09 continuing.

Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] If no other Member wishes to speak, does the mover of the Motion wish to exercise his right of reply?

**Hon. G. Kenneth Jefferson:** Thank you, Mr. Speaker.

On behalf of the Government I wish to thank all honourable Members of the House for their contributions to Government Motion No. 8/08-09.

The contribution which I am now going to make mainly refers to the comments made by honourable Members in relation to the substantive motion. The best way of addressing the points raised in Members' contributions is to summarise the key features of the loan programme.

The point was made that there was a need to re-examine and perhaps relax the terms under which the loan programme operates. The repayment terms are agreed to by the loan applicant when they seek the loan. Briefly, what are these repayment terms? The repayment period is up to five years; that is five years to repay the loan principal borrowed. Applicants are free to, and they have exercised the ability to state to officials from the Portfolio of Finance an affordable repayment period. Therefore, if an applicant seeks the maximum possible loan of \$10,000, and asks for a repayment period of five years, their monthly repayment amount is \$166.67.

Mr. Speaker, as of 4 December 2008, 254 loans have been approved for a total value of \$1.6 million. And 108 of those 254 loans, that is 42.5 per cent, have the maximum possible repayment period of five years. This represents the wishes of the loan applicant.

The repayment of the principal does not start until February 2009. And importantly as well, Mr. Speaker, the loan interest is not paid by the applicant, but is paid by the Government to the credit union. Mr. Speaker, we therefore respectfully feel that the loan programme is appropriately relaxed at the moment.

A point was also made in respect of debt servicing type analysis not being applied to the loan programme. Normally a financial institution will not approve a loan if the applicant has a certain debt service ratio that is beyond the institution's threshold for that institution to consider a safe or reasonable level of debt servicing cost by the applicant.

Mr. Speaker, such analysis is not applied to the loan programme in existence for public servants in Cayman Brac and Little Cayman. But that is not to say that the Portfolio of Finance officials do not inquire of loan applicant's existing commitments. We do make those inquiries.

If the applicant states that he can afford the repayment amount, which the loan applicant himself

will specify, the loan application will be considered and a decision made without reference to a particular debt service ratio percentage.

Mr. Speaker, we also heard honourable Members state that there is a need to revisit the number of times officials from the Portfolio of Finance visit the Brac to progress the loan programme. Just let me provide some information on a number of visits by officials of the Portfolio of Finance to the Brac.

The first visit occurred on 17 November at which 70 applications were approved for a total value of \$496,500. They also remained there the next day (18 November), at which 60 applications were approved for a total value of \$341,000. The officials returned again on 27 November, at which time 24 applications were approved for a total value of \$106,100.

And even though the Portfolio of Finance officials may not physically be present on the Brac, the loan programme continues by loan applications being sent from the Brac to Grand Cayman by plane. They are considered on Grand Cayman, approved or declined, and the results communicated to the Credit Union. The Portfolio intends to continue with periodic visits to Cayman Brac to consider loan applications.

We were also made aware that some successful loan applicants were spending the funds on unintended purposes. We too, in the Portfolio, have heard of such use of funds for unintended purposes. And while there is not foolproof method of preventing this from occurring, we do try principally by [SKIPS] loan applicants what the intended use is of the loan funds. We do try to ensure that individuals spend the loan funds on proper purposes.

We are, however, dependent on the honesty and integrity of persons to honour their promise to use the funds on purposes they state. More over, we have every reason to believe that the vast majority of loan applicants do spend their loan funds in a manner that is appropriate.

Let me briefly provide some information on the number and value of unsuccessful loan applications. From the inception of the loan programme to 4 December, 41 loans were declined. And the total value of those loans is \$274,400. The number of loans approved, as I said earlier, to 4 December is 254, with a value of approximately \$1.6 million. When we combined successful and unsuccessful loans together, we find that to the 4<sup>th</sup> of December, the 41 unsuccessful loans represent a declined rate of 14 per cent. The value of those declined loans represents 15 per cent of the value of all loans considered to 4 December.

All of this indicates that we are aware that some inappropriate applications are being made; but the percentage is relatively small and we will continue to be vigilant in our consideration of the loan applications.

Mr. Speaker, the point was also made that re-consideration ought to be given to the criterion being applied to the \$10,000 loan facility and that it be moved away from a household basis to more of a re-

laxed per public servant basis. Mr. Speaker, that is a point that can be considered and will be considered. But let me say quickly that the intention of applying the loan programme to a per household basis was to ensure that as many households as possible received the benefit of the loan programme.

Our only concern with the situation in which, say, four public servants approached and sought loans for \$10,000 each, and therefore the total of the loans being applied for in respect of a single property would be \$40,000, is that there is, indeed, \$40,000 of damage that needs to be remedied in respect of that property. And if the damage to the property is assessed at, say, \$30,000, then we would wish to restrict the loans to a total of \$30,000. Therefore, we do apply the loan programme on a per public servant basis, but at the same time we also believe that it is appropriate to link the application being made with the value of damage or discomfort that is desired to be remedied.

Mr. Speaker, in conclusion I wish to thank all honourable Members for their contributions to this Government Motion. The Government sincerely wishes to extend its gratitude for the quick and efficient response from the Credit Union. Loans have obviously been issued without the guarantee having yet been approved by this House, which is now the purpose of this Government Motion before the House. So, loans have been extended by the Credit Union without having the guarantee from the Government in hand. That, Mr. Speaker, is a commendable stance by the Credit Union.

Thank you, Mr. Speaker.

**The Deputy Speaker:** The question is: that in accordance with section 8 of the Public Management and Finance Law (2005 Revision) the Financial Secretary be authorized to issue a guarantee on behalf of the Cayman Islands Government to the Cayman Islands Civil Service Association Cooperative Credit Union Limited for an amount not exceeding CI\$6 million for the provision of hurricane recovery assistance loans to public servants who have personal and real property on Cayman Brac and/or Little Cayman which has been adversely affected by Hurricane Paloma.

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

**Ayes.**

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

**Agreed: Government Motion No. 8/08-09 passed.**

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### Private Member's Motion No 8/08-09—National Hero

**The Deputy Speaker:** I recognise the Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Thank you, Mr. Speaker.

Mr. Speaker, I beg to move Private Member's Motion No. 8/08-09 standing in my name which reads as follows:

**WHEREAS Honourable Ministers and Members are already aware of the necessity to build national pride and to establish—**

*[inaudible interjections]*

**Hon. W. McKeeva Bush:** Sorry Mr. Speaker, there seems to be some confusion on the Government side but . . .

*[inaudible interjections]*

**Hon. W. McKeeva Bush:** There seems to be some confusion, so let me begin again, Mr. Speaker.

**WHEREAS Honourable Ministers and Members are already aware of the necessity to build national pride and to establish role-models which our people, particularly our youth, can emulate;**

**AND WHEREAS one of the qualities we would seek to encourage is service to our country and, in particular, service to those most vulnerable, such as young children;**

**AND WHEREAS we all desire to nationally recognize the contribution women have made in these Islands;**

**AND WHEREAS it has been some time since this Honourable House designated an individual as a National Hero;**

**BE IT NOW THEREFORE RESOLVED THAT the designation National Hero is bestowed on Miss Mary Evelyn Wood, Certificate of Honour (1900-1978), a nurse, community worker, church leader and the first woman to be elected to this Honourable House as a Member of the Legislative Assembly;**

**BE IT FURTHER RESOLVED THAT the late Mrs. Joyce Hylton, MBE, a social worker and advocate for the rights of women and children, widely considered the founder of our modern Social Services, the late Miss Beulah McLaughlin, a nurse and midwife at the Cayman Islands Hospital, and the late Mrs. Almira Tomlinson, a mid-wife in the Sister Islands, are also recognized by designating on them the highest Caymanian honour this Honourable House can give—that of National Hero.**

**The Deputy Speaker:** Is there a seconder for the Motion?



**Ms. Juliana Y. O'Connor-Connolly:** Mr. Speaker, I beg to second the said Motion.

**The Deputy Speaker:** The question is: BE IT NOW THEREFORE RESOLVED THAT the designation National Hero is bestowed on Miss Mary Evelyn Wood, Certificate of Honour (1900-1978), a nurse, community worker, church leader and the first woman to be elected to this Honourable House as a Member of the Legislative Assembly;

BE IT FURTHER RESOLVED THAT the late Mrs. Joyce Hylton, MBE, a social worker and advocate for the rights of women and children, widely considered the founder of our modern Social Services, the late Miss Beulah McLaughlin, a nurse and midwife at the Cayman Islands Hospital, and the late Mrs. Almiria Tomlinson, a mid-wife from the Sister Islands, are also recognized by designating on them the highest Caymanian honour this Honourable House can give—that of National Hero.

The Motion is opened for debate. Does the Member wish to speak thereto?

**Hon. W. McKeeva Bush:** Thank you, Mr. Speaker.

Mr. Speaker, I am honoured to put before this honourable House Private Member's Motion No. 8/08-09 for the establishment of four national heroes for these Islands.

Mr. Speaker, just 60 years ago the Cayman Islands was a very different place physically, socially and politically. This was before the building explosion on Seven Mile Beach, before the multistory buildings in George Town, and before we enjoyed the comforts of the built environment that we have today.

Socially, Cayman was different too. Life centered around family and the church. Many of our men were on the high seas earning their living as seamen, sending home the remittances which kept the Islands' economy vibrant. On the home front we were all our brothers' keepers, sharing what little we had looking after our own, and sometimes our neighbours as well. From this tradition emerged many examples of iron men. There were iron women too who were leaders in their community and in these Islands. Iron men and iron women.

Politically, we had an embryonic party system with the National Democratic Party headed by the late and feisty Ormond Panton, OBE, and supported by another stalwart, the late Warren Connolly, OBE, and the late T. W. Farrington, CBE, JP, who led the Christian Democratic Party.

Complementing the men who were out in front on the political scene we had a strong voice coming from the women of the Islands who put forward the petition. Although this just recently received a fair airing in this honourable House, for these purposes it deserves repeating. I quote that petition:

**"We, the undersigned, residents of the District of George Town, having examined and obtained Legal advice on the Constitution of the**

**Cayman Islands, find nothing therein which denies women the fundamental Human Right of taking part in deciding who shall govern us.**

**"Therefore, we declare that it is our intention to exercise our Constitutional Right to vote today, August 19<sup>th</sup>, 1948, according to our conscience, in the Election of Vestrymen for the District of George Town.**

**"Should this privilege be denied us by the Officials in Charge of the Election we shall demand the Government give just reasons for making of no effect the laws it has sworn to uphold."**

As we have heard before, this was signed by 24 women from George Town. While their petition fell on deaf ears and no woman voted in 1948, nine years later seven identical petitions from seven districts were placed before the legislature. These petitions were signed by 358 women from all across Cayman. These petitions led directly to the famous Sex Disqualification (Removal) Bill, which was introduced in the Assembly and passed into law on 8 December 1958—50 years ago.

And, as I said, Mr. Speaker, we just had a celebration of that. It was worthy to be mentioned again here this evening.

Mr. Speaker, every once in a great while, a country must do as we are attempting to do here today; it must pay the highest tribute and give its highest honour to those who gave of their entire selves, their entire life in service to mankind. And for Evelyn Wood, Joyce Hylton (nurses), Beulah McLaughlin and Almiria Tomlinson, duty, honour, service to country and mankind was their hallmark.

Mr. Speaker, we are moving this Motion today and asking the Government to agree to it and make the declaration in time for National Heroes Day on 26 January [2009], a time when women are to take centre stage for that celebration.

Mr. Speaker, one of the signers to the 1957 district petition for the district of Bodden Town was one Mary Evelyn Wood, a nurse and community worker. Nurse Evie (or Miss Evie as she was called), went on to stand for election as a candidate under the National Democratic Party. In 1962, at the age of 62, she became the first Caymanian woman to be elected to the Legislative Assembly of these Islands.

Ms. Evie was a fighter for human rights and for constitutional change, but that is not the main reason why my colleague and I have put forward her name as a national hero. In a time when we must give respect to those among us who exemplify service to their fellow man, nurse Evie was a shining example of a woman who put country before self.

As a young woman growing up in Bodden Town, she started a small school in her father's house. Later on she decided to become a nurse. She was trained under the late Doctor G. N. Overton, a Jamaican physician who worked in the Cayman Islands for many years. This vocation stood the Islands in good stead in the late 1930s when Grand Cayman

was hit by a typhoid epidemic. Nurse Evie worked tirelessly throughout Grand Cayman in that time, especially in the district of West Bay.

In 1939, she left Cayman to work at a girl's orphanage, Pringle Home, in Jamaica, which was and is still run by the Presbyterian Church (now the United Church). Coming back to Cayman ten years later Ms. Evie threw herself into the work of her church and community. She took part in all of the church activities in her day—Sunday school, Christian Endeavour, the Women's Guild, the Girls' [Guildry], and as an elder in her church in Bodden Town.

In the community she established the Bodden Town Players, an amateur theatrical group, and wrote and directed many of their productions. Mr. Speaker, I don't know anything about it, but from what I hear, while they say it was amateur it did put on many professional productions that many people from all over the Islands attended and it became one of the famous dos of that era.

She was also one of the cofounders of the Bodden Town Cooperative and Social Centre where people in the district could meet for social events, sewing groups, and share their arts and crafts skills as well as to buy and sell goods they had produced. We see a group of women, now headed by Mary Lawrence (and various other ladies from Bodden Town) who has started that up and, I will tell you, that it is something else to behold, Mr. Speaker. And don't try buying one from them because it is like pulling teeth.

The last child of six children of Charles and Julietta Wood of Bodden Town, Ms. Evie never married. As was the practice in those days, she made her home with her married sister, Alida, and her husband, Lionel Jackson, where she was beloved of her numerous nieces and nephews and many, many patients whom she nursed both at home and in the hospital. "Service before self" was her motto, exemplified by this strong Christian woman who stood up for what she believed in and left a legacy in these Islands, which today we seek to honour and preserve.

I move now to Ms. Joyce Hylton. Mrs. Sybil Joyce Hylton nee Russell (better known to most of us as Ms. Joyce or Ms. Hylton), was born in George Town, Grand Cayman, on 25 August 1913. She was the only child of Mr. and Mrs. Edward Russell of George Town. Ms. Hylton spent the early years of her life in Jamaica as her father was a seaman with the Webster Shipping Lines and wanted his family to be near him. When she was ten years old her father stopped going to sea and moved the family back to these Islands.

When she completed her formal schooling in Grand Cayman, where she was successful in all the Jamaica local examinations, her parents sent her back to Jamaica to relatives where she became interested in the field of probation and welfare. As her interest grew she spent more and more time in the study of this subject. She took courses from Benet's College in England, which included the study of juve-

nile law and gained diplomas in both social welfare and psychology. Later she was made probation officer for the Cayman Islands and sent to Jamaica on an observation tour of the probation and childcare departments there. Her keen interest in social work continued and she threw herself into the activities of the community.

Shortly after she returned to Grand Cayman she paid an impromptu visit to the courtroom and witnessed the trial of a juvenile in open court and his treatment as an adult criminal. The general opinion in those days was that this would teach him a lesson that would last the rest of his life. In a small community such an ordeal, regardless of the triviality of the offence, was difficult indeed to live down for people never forgot and the facts would crop up to haunt one on the least provocation.

However, Ms. Hylton wasted no time in writing a strong protest on the matter to the Commissioner (as the Queen's representative was then known), and began a relentless campaign to change this procedure and effect other needed social changes as well, including talking to Government officials and other prominent members of the community on the subject every chance she got.

Years later, in 1963, she was asked by the Government to set up and operate the first probation department. Welfare was tacked on, naturally, as Ms. Joyce quoted: "You couldn't have really one without the other since the problems of youth are the result of problems in the community itself."

What may not be so well known, Mr. Speaker, is that even after government officials agreed to her recommendation for young offenders, they disagreed as to how those recommendations should be carried out. Some people thought the work of supervising youngsters who had misbehaved would be rough. They wanted a man for the post. No suitable man presented himself and it gradually became clear that the most qualified person was Ms. Hylton herself.

Most of the early cases to come her way involved childcare and protection. It entailed a lot of voluntary supervision, visits to homes, talking to people winning their confidence, and going to schools talking to students. Later, with the passage of the Juvenile Law in 1964, a juvenile court was established to handle young offenders.

Disturbed by the lack of reading material available to children and adults in the outer districts her department set to work organising a mobile library using volunteer drivers in a van that was especially fitted out by an interest group in Canada for the purpose. She managed to implement this idea.

Probation work was only a part of the wide range of services provided to the community over the years. They assisted indigent persons needing relief. Requests were also received for medical help, both locally and overseas, as well as optical services. The department also dealt with truancy problems and problems concerning pre-schoolers and persons

wanting to give their children up for adoption. Because of the growing number of the latter and the problems of protecting the rights of these children as well as the number of adults who became involved, the Adoption Law was brought into effect in 1967.

In 1967 a second officer, Ms. Gay Jackson, was appointed. Together the two women carried out all the work, including the clerical and office side of it. In 1974 they were joined by another probation officer, Mr. Steve Smith.

When Ms. Joyce retired on 31 January 1982, the department consisted of three probation and welfare officers in Grand Cayman, one in Cayman Brac, and one secretary. Their work in the previous year included supervision of 94 juveniles, as well as adults on probation; 141 persons who required counseling; 364 who applied for one kind of assistance or another, from glasses and school books to financial aid for the elderly and burial of paupers.

After retirement, Ms. Hylton continued her community involvement in her own way. She had served on the committees that set up the National Council of Social Services in the 1970s. She stayed on as an active member even after it became the National Council of Voluntary Organisations. Other entities that benefited from her energy and talents include the Pink Ladies Volunteer Corps, the Garden Club, the Agricultural Society, and the Cayman Orchid Society, which she helped found in 1986. She was an active member of the United Church since her early youth and played her part in its work as well.

Ms. Hylton was also very involved with the youth in the area of scouting. While in Jamaica she had taken an interest in scouting, particularly the younger age group known as the Cubs, and she trained a leader. Later, she took additional training courses in London in this field at the international headquarters for scouting, gaining her Gillwell Beads there in the 1940s.

She was the district commissioner for cubs in the Cayman Islands for many, many years. In 1968, Ms. Hylton was awarded the Cayman Islands Certificate and Badge of Honour and was put forward to be a member of the Order of the British Empire in 1978.

Mr. Speaker, this is one lady out of the four that we put forward that I had personal contact with. I know of her work and her unstinting service. I know the time that she had to come to talk to me, all because I used to run out of school. And home not being far away from school, I took the chance when it afforded me to just abscond from school. So, my mother (who could not understand why I was doing this) went to Ms. Hylton. All you had to say those days was, *'I'm going to put Ms. Hylton on you.'* And that made you tremble in your shoes and go under the bed for a few days.

But when Ms. Hylton came to talk to me she said, *'Come young man. You're not a bad young man, why are you doing this?'* It was then that she found out that I could not get any assistance with my home-

work that was given to me by certain teachers at that time. My poor mother (of course, working until night-fall) just did not know how to assist. But I used to run out in defiance of it.

Ms. Hylton took it on and when she did get the remedy, she put those teachers to shame . . . And this is a time also for praise and not a time to criticise, so I won't do so here. But when she did get it, it was too late for me for high school. I had to be subjected to the Secondary Modern School, a system that I said the other day, that the late Mrs. Theoline McCoy and the late teacher McHale, both of them fought against. But Ms. Joyce fought a hard battle in social work.

When I took over Social Services and fought the first election and lost, she said, *'You have to fight again'*. That's all she said. And when I won she called me up and said, *'Now that you have won, all those things that you complained about in social development . . . get to work'*. And she was one great encourager for me when I was Minister of Community Development and Culture. She was the encourager for the Young Parents Programme, and that is why we named the Centre, the Joyce Hylton Centre.

This country can't really pay back this kind of work. We owe this person, in fact, the four of these, a great debt of gratitude.

Ms. Hylton passed away on Sunday, 1 October 2006, at the age of 93 years after a lifetime of service to her community and these Islands. I had a talk with her adopted son and she left some instructions for him, and that will come to be known later on.

The late Ms. Beulah McLaughlin, better known as nurse Beulah, was born on 17 October 1894. Ms. Beulah's first job was that of a school teacher. She was trained locally and in Jamaica where she taught for two years. She returned to Grand Cayman where she taught in East End. Nurse Beulah continued her teaching career for a number of years before taking up nursing. She began taking nursing classes with the doctor in George Town and left Grand Cayman and went to Montego Bay, Jamaica, for further studies. She also attended nursing schools in Honduras where she also practiced for some time after completion of her studies.

Nurse Beulah was one of the first nurses to be trained, if not the first in Cayman. On returning to Grand Cayman she continued her nursing career, mainly midwifery, throughout the Island, beginning in East End where she lived. She also taught nursing courses to many students in her district and some of them went abroad to continue their studies and qualify in this field. Nurse Beulah would often have to go to peoples' homes on foot from district to district to care for the sick, as many could not get to town to the doctor. In those days there were very few who owned cars and the doctor only visited the district once every month.

She was taught how to dispense medicines as well and assisted the doctor and dentist in dispensing. Nurse Beulah made a significant contribution to nurs-

ing in Cayman in those early and very difficult times. She did much of her nursing without charge to the patients as many persons in those days, of course, could not afford to pay. She worked tirelessly for many, many years, and I feel she deserves to be recognized as one of our national heroes.

The late Mrs. Almiria LeBertha McLaughlin Tomlinson, 1882-1974, is another person we believe qualifies to be so designated. Almiria McLaughlin Tomlinson was one of Cayman Brac's outstanding midwives. She was the granddaughter of one of the first settlers on the Brac, William Scott.

Almiria's mother, Rachael McLaughlin nee Scott, and her grandmother, Mary Scott, were also midwives. Distinguishing qualities of this great woman were her skills as a midwife, her perseverance and her love for her patients. She had great skills, although she had no formal education or training. She never lost a mother and lost only one baby, despite delivering many premature babies, as well as some that were breeched and others that had the umbilical cord wrapped dangerously around their neck.

It is recalled that there was a lady who had her first pregnancy at age 42 but the baby would not be delivered. Mr. Lawrence who was then the pharmacist and the only representation of a doctor, and his wife, also a nurse, all gave the mother and baby over to die. Eventually the baby died. The baby was stillborn.

Mrs. Almiria and her husband, Daniel, who was also knowledgeable in midwifery and who delivered his last child when the midwife was too late in arriving, by taking over the situation decided to make something like a forceps to deliver the stillborn child. They went to Mr. E. A. Carter's store and bought an extra large hook, sawed off the beard of the hook and used it to securely pull the baby out. It was a very crude way of delivery, but through their ingenious idea they saved the mother's life. That was the only baby Mrs. Almiria ever lost. With Mrs. Almiria's care that mother returned in good health and later gave birth to two bouncing baby boys.

Once she heard of a mother in need, no sacrifice was too great to reach the mother and provide care. She often had two patients at a time, sometimes one in Spot Bay and the other in Watering Place. She would get up early in the morning, attend to mother and baby, leave an assistant with that mother, walk to Spot Bay, attend to the other mother and baby, sleep that night with them and early the next morning attend to their needs, leave an assistant with them, walk back to Watering Place, doing this for nine days, as in those days that was the length of time a mother stayed in bed after her delivery. There were times that she did not see her home for 27 days going from one patient to another.

She delivered babies all over Cayman Brac and Little Cayman. She was petrified of the sea, but when a call came to go to Little Cayman to deliver a baby she would lie on the bottom of a Catboat with a

calabash as a basin, vomiting as the boat traveled along, sometimes in very rough weather. But if the woman was to be delivered of her baby—no matter how difficult—Mrs. Almiria would be there.

She delivered her first baby at age 23 and continued practicing as a midwife through the age of 80.

Once in an emergency, Mr. Bert Foster offered to take her to a patient on the carrier of his motorcycle. Mrs. Almiria did not like the idea because to her the motorcycle sounded like something that would explode at any time, but to get to her patient she would try most anything. On hopped Mrs. Almiria and rode away with Mr. Bert. A little way down the road the motorcycle, Mr. Bert, and Mrs. Almiria skidded and fell to the ground. Perhaps Mrs. Almiria's large frame had overwhelmed the motorcycle.

Mrs. Almiria jumped up and brushed herself off and took off walking towards her patient never stopping to see how Mr. Bert fared. When he caught up with her, no amount of persuasion could get Mrs. Almiria on that motorcycle again.

Despite the long hours and challenging conditions she had a deep-seated love for her patients. She delivered hundreds of babies from Spot Bay to West End and on Little Cayman. Her payment was often in the form of fish, ground provisions or days of gardening by the father. And if some mother could not pay she still gave to them the same love and care that she gave to all the other mothers.

Through rain or sunshine, cold northeasters or northwesterners, long journeys by foot, Catboat rides over rough seas, or, as she grew older being plagued by arthritis, she still gave to them her love. It never kept her from her passion of delivering babies.

She always said that the cry of a newborn baby was like music to her ears, and to know with God's help she had helped another life safely into the world and the first leg of their journey was immensely fulfilling. She gave of herself unselfishly to her people. God gave Cayman Brackers a Florence Nightingale and they loved her in return. She is gone, but will never be forgotten. We believe she should be so designated a national hero.

Mr. Speaker, we have chosen those four persons after we looked at many, not to say that there are not others who could not have been chosen as national heroes. Of course, we can't so designate everybody. Hopefully, people will see these as standing in stead of others.

Mr. Speaker, some mention was made about designating more men as national heroes. Well, I see nothing wrong with that. There are people, men whom I would recommend. Sir Vassel Johnson, service to country; the late T.W. Farrington for service to country, Mr. Andrew Powery for service to mankind, Mr. Warren Connolly for service to country, Mr. Ormond Panton for service to country.

There are others but, of course, we cannot recommend everybody. While we would love to be

able to do that, we cannot. But we could recommend these if at any time it was pleasing to the Government.

Mr. Speaker, I ask the Government to support the Resolution before the House. We ask them, as I said earlier, to make that designation in time for National Heroes Day on 26 January [2009], a time when women are to take centre stage for that celebration.

**The Deputy Speaker:** Does any other Member wish to speak?

Honourable Minister of Education and Culture.

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

Mr. Speaker, I start my contribution to this Motion brought by the Leader of the Opposition and his colleague, the lady Member for Cayman Brac and Little Cayman, by saying to both of them they're late. Nevertheless, welcome to this party.

You see, Mr. Speaker, on 6 September last year [2007], the Third Elected Member for George Town and the Fourth Elected Member for George Town brought a motion to this House entitled Recognition of Contributions Made by Women in the Cayman Islands. It was a motion which was carried, a motion to which I and other Members of the Government and, indeed, I believe the Opposition, responded. It was carried unanimously.

Mr. Speaker, during my contribution I outlined to the House and the broader community the steps that this Government, through my Ministry, was taking to ensure that the immense contributions of women through the years in this country were aptly, appropriately, acknowledged and praised. I outlined the steps that we would be taking during this important year and early next year to pay tribute to the struggles, the achievements, and the aspirations of women of these Islands.

Just a short while ago, 8 December [2008], in what I regard as an appropriate ceremony, we honoured the women who have been elected to public office in this country and we honoured also and celebrated the passage of the Sex Disqualification (Removal) Law, 1958, on its 50<sup>th</sup> Anniversary of passage by the predecessor to this House.

And, Mr. Speaker, I announced back in September of last year our intention as a Government and my determination as the Minister with the responsibility for Culture and, by extension, for Heroes' Square, to produce and unveil a monument to the struggles, achievements, and aspirations of women on National Heroes Day 2009.

I said that while obviously a principal element on that occasion and at that ceremony would be a tribute to the women who spearheaded and ultimately achieved the grant of the right to vote, the franchise to women, that that would not be the only basis of the celebration, that would not be the only component of that ceremony; and that what would be celebrated and that what would be memorialised would be the

achievements of women, the struggles of women, and the aspirations of women, generally.

Mr. Speaker, it is a pity that when National Heroes Day was established under the auspices of the Leader of the Opposition, who now so glibly speaks about the need to honour women in a more significant way, that no special attention was paid to their contributions when the day and park itself was established. In the years that followed—while he led Cabinet—they considered numerous persons as national heroes. Some of them were even plastered across the front pages of the *Caymanian Compass* as possibilities, but nary a one was named.

Now, Mr. Speaker, you could say with the passage of time and more reflection that the Leader of the Opposition now realises and recognises the need to pay special attention to the contributions of women. Or, you could be cynical and say that this Motion is motivated principally by political considerations because the Government is taking the steps which it is taking to honour women. Mr. Speaker, you could say that. But, Mr. Speaker, I will let all who hear and read about this particular Motion draw their own conclusions.

The need, desire, intent and determination to honour the contributions of women are things which this Government and this Minister shall see through.

Mr. Speaker, there is a fundamental problem with the Motion. Even before I get into the issue about naming four national heroes in one fell swoop and what that does and so forth, and the politicisation of this process, there is a fundamental problem with the Motion. Unless the Leader of the Opposition amends it, there is no way that it could possibly be accepted. Or, if it were accepted by the House there is no way it could have any legal effect. And that is this: I believe, in fact I am fairly certain, that it was under the auspices of the Leader of the Opposition that the National Heroes Law was passed (Law 11 of 1993). Maybe I am wrong about that so I am not really making a big point, but it certainly was during his time. And I know that he was a big contributor to the whole initiative, and for that I give him all credit. It ought to have been done years before that.

But the problem with the Motion is that the Motion seeks to have this House bestow on various women the highest Caymanian honour this honourable House can give—that of National Hero.

Mr. Speaker, the problem with the Motion is that the House back in 1993 delegated that responsibility to the Governor in Cabinet by passing legislation which says, and I am quoting from the Law, section 3(1): **“The Governor, may by Proclamation published in the Gazette, declare a man or a woman he considers to have [and the Governor means the Governor in Cabinet] provided exceptional and outstanding service to these Islands and the people of the Islands to be a National Hero.”** So, that is a function, as a matter of law, which can only be exer-

cised by Cabinet. So, this House has no power to bestow national hero on anyone.

So, Mr. Speaker, my invitation to the Leader, if he wants the Motion to proceed at all, is to invite him to amend the Motion to say that the House *recommends*, or that the House *nominates*, or that the House *calls on Cabinet*, or something. But the House cannot bestow national hero status on anybody.

Now, Mr. Speaker, more substantively, there is no question that the women outlined . . . I knew all but one of them. I did not know Ms. Almiria Tomlinson. Truthfully, I did not know and do not know very much about her at all, although there was an impressive biography read by the Leader of the Opposition when he spoke to this Motion. But I knew the other three.

In fact, Mr. Speaker, Beulah McLaughlin is my great aunt. She lived a long time, almost 102 years. I attended and spoke at her funeral not so long ago. I know a little bit about her struggles, her contributions.

Ms. Joyce, I knew her almost from the day I can remember. I know a lot about her contributions.

Ms. Evie, I didn't know. But I know a lot because my family on one side is from Bodden Town. No question at all, she was the first woman elected to this House, a tremendous contributor to the development of this community.

And the Leader of the Opposition did concede in his winding up, Mr. Speaker, that there is a long list of women who have contributed hugely to the development of these Islands. Off the top of my head I can think of at least six more that I would put in the same category as the four who are named here.

Why has he left off Miss Annie Huldah Bodden? No woman has yet served the length that she has in this House. Why should my aunt Beulah (as much as I loved and revered her) be a national hero and not Miss Annie?

He mentioned another one, Mrs. Theoline McCoy. Why is Mrs. Islay Connolly not on the list? And you could take a poll of all of us in this House and all of us would come up with another name.

I say all of that, Mr. Speaker, to say this . . . But before I say that, I don't think anyone in this country doubts my commitment to honouring our people. In the face of major criticism—by the Leader of the Opposition, principally—I have pushed for National Heroes Day to become the pre-eminent celebration of our people in this country.

The women in my family . . . I have a long line of what I call overachievers in my family who are women, going back to my great grandmother. So, no one needs to think that I lack any commitment to or desire for honouring women, their place, their role, their contributions, their struggles, their achievements, their aspirations.

But the great danger that we run, if we allow this process of naming a national hero to be perfumed by political agendas and considerations, is that we devalue that particular honour. We cannot, we should not dispense national hero to any and every person

who has made a major and significant contribution to the good of this country. We have a wall of honour with 500 names and there are still people I know who legitimately, justifiably, complain that some relative or other deserving person has been left off that wall.

We ought not to name as national hero just any person who has made a major or significant contribution. It must be something that is out of the ordinary that stands head and shoulders above what any other person has done. And the great danger of that determination being made in the House of politics should be obvious to all of us.

Do you think that it would not be an impressive thing for my family to know that my aunt Beulah is a national hero? But no right-thinking person would believe that this is the place that that ought to be done.

Mr. Speaker, what I want to say to this House and the broader community is this: This is an issue with which I myself and the senior staff in my Ministry have been wrestling for about two years. How do we deal with this issue of the choice of national hero? If it simply becomes the case that every government that takes office decides all by themselves without any contribution from the broader community that they are going to name this one and that one a national hero in very short order, the designation will mean little or nothing. It will become commonplace.

So, we name four this year and next year following the elections we name four more. We will have more statues around George Town than they have in London in a few years. And the designation will mean less and less as more and more people get added to the list. And each government that comes will feel it as part of their bounded duty to name more national heroes.

And so, Mr. Speaker, after a long and careful consideration I have decided, with the support of my colleagues, to establish first a National Heroes Advisory Committee and to give that committee authority by amending the National Heroes Law so that nominations for national hero are considered by the national advisory committee who will have terms of reference and who will make recommendations to the Governor in Cabinet. Now, this committee will comprise at least one member of the Government and one member of the Opposition as well as representatives from civil society.

I am not trying to suggest, Mr. Speaker, that somehow we completely insulate this process from politics. That's not possible, nor do I think it is even what we should do. After all, we are representatives of the people and we should have some insight into this as well. But what we must seek to do is to avoid becoming party political, to the extent that that is possible, so that the decision-making is not seen to be, *oh yes, they made her a national hero because she was Alden McLaughlin's aunt. That's why she got national hero.* Because when we do that we completely undermine the exercise in itself. It means little or nothing.

ing. It will be perceived that people have been named not because of what they did, but because of who they were connected to. And I am determined to do everything I can to keep that from happening.

So, the plan is that in February of this year coming we will propose the necessary amendments to the National Heroes Law to give effect to the National Heroes Advisory Committee, and set out the criteria and the terms of reference by which these nominations are to be judged for the nomination, then to be recommended to the Cabinet of these Islands.

Mr. Speaker, I have been around the political process long enough to understand why motions like this come at a time like this. I commend the Leader of the Opposition and the lady Member for Cayman Brac and Little Cayman for their political acumen. But, Mr. Speaker, whatever may be said—and I'm sure lots will be said, *that the Government would not approve Ms. Joyce and Ms. Almira, and I tried so hard to get it. I even put in his aunt Beulah and he would not approve that either. What kind of man is that?*

**Hon. W. McKeeva Bush:** [Inaudible interjection]

**Hon. Alden M. McLaughlin, Jr.:** I have been around long enough, sir. I could actually write the script for how this is going to unfold.

But I do know after long and careful consideration in my heart of hearts that the route I am taking, and which the Government is supporting, is one that will inure for the longtime benefit of the people of these Islands. National hero must forever be something that is regarded and vaunted and looked up to; and we must not allow an impending elections or political fallout because we say we don't agree, to be the guiding post in the decision-making process about something as important as this.

I say to the Leader of the Opposition and to the rest of the House and broader community that I promise that on National Heroes Day, 26 January [2009], we shall do honour and justice to the achievements, struggles and the aspirations of all the women of this country. We are doing everything we can to make sure that every woman, and man born of woman in this country, every boy and girl will walk away from those celebrations on 26 January proud to be Caymanian, proud of our heritage, proud of the labour, struggles, tears, sufferings, achievements and yes, the aspirations of womankind in this country; not just for what they have achieved in the past, but for the wonderful opportunities and promises of the future which are there and available because of what the foundation builders did.

Mr. Speaker, I regret to say that the Government cannot support the Motion as currently drafted. If the Leader of the Opposition and his seconder are prepared to amend the Motion to say that the House nominates or recommends these people for consideration as national heroes, fine and good. They will join the queue because there are quite a number of

people in this community who believe that other people ought to be named national heroes as well. They will join the queue to be considered by this committee, the National Heroes Advisory Committee, and, ultimately, a recommendation (or recommendations) will go up to Cabinet for consideration.

And so, Mr. Speaker, I just want to conclude by saying that there is no doubt, there is no question that all four of the women named in the Motion have been major contributors, stalwarts in the development of these Islands, who operated all of them in the most difficult of times and circumstances and their contributions must be valued. Their contributions should be, and in many cases have been, acknowledged.

Mr. Speaker, there is a long list of women who have lived in this country whose contributions also must be valued, acknowledged in a meaningful way. We seek to do all of those things during the weeks to come leading up to National Heroes Day and culminating in National Heroes Day.

Mr. Speaker, with those few words I will close my contribution and look forward to hearing what the Leader of the Opposition and his seconder are prepared to do in relation to my offer on behalf of the Government to reconsider their position if the Motion is amended as I have indicated.

Thank you, sir.

**The Deputy Speaker:** Does any other Member wish to speak?

The Fourth Elected Member for the district of George Town.

**Mr. W. Alfonso Wright:** Thank you, Mr. Speaker.

I, too, would like to make a very short contribution to the Motion that is now on the Floor to say that I am in total agreement with the sentiments and position taken by the Honourable Minister for Culture.

Mr. Speaker, this topic of national hero is one that we have had our own internal battles with since we have been the Government. We have discussed it on many occasions. By now I think everybody in this Government has a proper understanding of how to go about nominating or declaring people national hero.

We accept that it is a very delicate and difficult decision. Since I have been a Member of Parliament, even before, many names who people think should be national heroes have been suggested. The issue is that everybody from their little section will have somebody close to them whom they think should be a national hero. The problem is that there are hundreds, if not thousands of those little pockets that think the same way.

The criterion has to be paid special attention to. I will have to agree with the Minister for Culture that it is a dangerous proposition for us to accept here today that at the whim and fancy of politicians we should be allowed to name national heroes. Indeed, the honour will be extremely watered down in a short time, and of little significance.

I would like to add that I accept and understand that there are many individuals in our community who deserve recognition for their contribution to this country over the years. I believe there is room for other levels of recognising these individuals. At the meeting before this one I submitted a motion (which I eventually withdrew because of time constraints) on the setting up of a national honours system. Right now, except for the Certificate and Badge of Honour, the majority of what we consider meaningful awards for people is subject to the Governor's office and the Foreign and Commonwealth Office (FCO).

I believe there should be a system locally to recognise our people as we know them, which does not have to depend on recommendations and the whims and fancy of the Governor and the Foreign and Commonwealth Office.

Because we were moving into the Christmas season, I did not bring the motion this time. Maybe I will have time to bring it in February. I do not know. But I do believe there is room for that, and that may cure some of the ills of people who we think have done something worthy of recognition in our community, but who fall somewhere between what we consider a Certificate and Badge of Honour and the wider expanse of national hero.

I think that is a clear alternative. And the selection of national hero needs to be something that we treat very carefully with much respect. I hope that the politics would not play a major role in how we select and name national heroes.

Thank you.

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

If no other Member wishes to speak, does the Mover wish to exercise his right of reply?

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Mr. Speaker, I am never amazed when the Minister of Education gets up because it is quite obvious that most of the time—and, given the benefit of the doubt, I would say that the majority of time—he has planned what he is going to do. But, Mr. Speaker, the people of this country have better sense than he really believes.

On which Bible is it printed; in which rule book, in which constitution does it say that if *they* do something, it is not political, but if *we* recommend something it is political? And to hear the extension cord, the fourth Member for George Town, get up and talk about politics when everything else that he has done so far is nothing but that. Do they really believe that the people of this country are fooled because the Minister of Education speaks? He just got here.

Mr. Speaker, I am going to move that the Cabinet considers the four persons recommended in

the Motion as national heroes and I am going to ask that the House accepts that recommendation.

**The Deputy Speaker:** Honourable Members, I know it is running late. I'm not sure if you need an adjournment so that he can prepare the amendment. I know it was recommended by the Minister of Education.

Honourable Minister of Education.

**Hon. Alden M. McLaughlin, Jr.:** Mr. Speaker, I was just going to suggest that . . . If he moves the amendment then there is another debate on the amendment. Perhaps if we could have a few minutes we could agree on the terms of the amendment, I hope, and if we can agree on the terms of the amendment that would avoid further debate on the amendment.

**The Deputy Speaker:** It seems like a reasonable request Honourable Minister.

I will suspend proceedings for a few moments and we will remain in our—

**Hon. W. McKeeva Bush:** Mr. Speaker, if we don't want to go through a full protracted debate, and I am doing simply what he asked earlier, and if you want to say that you are going to set up this advisory whatever you are going to call it, and you want these four persons to go to that, that is okay by me. So, what do we have to stop for now?

**Hon. Alden M. McLaughlin, Jr.:** I was going to call you Mr. President again.

Mr. Speaker, we're agreed. But I think for the purposes of the record, and so that everyone knows what it is we have decided and voted on, if we just had ten minutes to type it up so that everybody could be happy with it, that might avoid further problems. That is all I am suggesting. But I don't think there is any issue with it between us. That's fine.

**The Deputy Speaker:** Honourable Members, we will now take ten minutes suspension.

**Hon. W. McKeeva Bush:** Ten minutes for that?

**Proceedings suspended at 7.09 pm**  
(to allow the amendment to be typed and circulated)

**Proceedings resumed at 7.43 pm**

**The Deputy Speaker:** Please be seated.

Proceedings are resumed.

I recognise the Honourable Leader of the Opposition.

**Amendment**  
**Private Member's Motion No. 8/08-09**



**Hon. W. McKeeva Bush:** Mr. Speaker, in accordance with the provisions of Standing Order 25(1) and (2), I, the Honourable Leader of the Opposition, the First Elected Member for West Bay, seek leave to move the following amendment to Private Member's Motion No. 8/08-09 as follows: By deleting the first and second resolves and by substituting the following: "BE IT FURTHER RESOLVED THAT the following women –

- Mrs Joyce Hylton, MBE, a social worker and advocate for the rights of women and children, widely considered the founder of our modern Social Services;
- the late Miss Beulah McLaughlin, a nurse and midwife at the Cayman Islands Hospital;
- the late Mrs. Almiria Tomlinson, a mid-wife; and
- Miss Mary Evelyn Wood, a nurse, community worker, church leader and the first woman to be elected to this Honourable House as a Member of the Legislative Assembly;

be considered by the National Heroes Advisory Committee, when established, to be recommended to the Governor in Cabinet as National Heroes."

**The Deputy Speaker:** Is there a seconder to the Motion?

**Capt. A. Eugene Ebanks:** Mr. Speaker, I beg to second the amendment.

**The Deputy Speaker:** The amendment to Private Member's Motion No. 8/08-09 has been read. The question is: BE IT FURTHER RESOLVED THAT the following women –

- Mrs Joyce Hylton, MBE, a social worker and advocate for the rights of women and children, widely considered the founder of our modern Social Services;
- the late Miss Beulah McLaughlin, a nurse and midwife at the Cayman Islands Hospital;
- the late Mrs. Almiria Tomlinson, a mid-wife; and
- Miss Mary Evelyn Wood, a nurse, community worker, church leader and the first woman to be elected to this Honourable House as a Member of the Legislative Assembly;

be considered by the National Heroes Advisory Committee, when established, to be recommended to the Governor in Cabinet as National Heroes."

The [amendment to the] Motion is open [for debate]. Does the Member wish to speak thereto?  
The Honourable Minister of Education.

**Hon. Alden M. McLaughlin, Jr.:** Mr. Speaker, just to say that the Motion as amended finds favour with the Government and we support the amendment.

**The Deputy Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] If not, does the Mover wish to exercise his right of reply on the amendment?  
[inaudible]

**The Deputy Speaker:** The question is that the amendment to Private Member's Motion No. 8/08-09 be passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Deputy Speaker:** The Ayes have it. The amendment to Private member's Motion No. 8/08-09 is duly passed.

**Agreed: Amendment to Private Member's Motion No. 8/08-09 passed.**

**The Deputy Speaker:** So we have the continuation of Private Member's Motion, as amended, [with] the Mover exercising his right of reply.

**Hon. W. McKeeva Bush:** Mr. Speaker, the Government has prevailed in this matter. With some trepidation I agreed to this resolution, and moved it only because the Government said they were not going to agree with us in any shape or form unless we did it this way. So, the Government has gotten what they wanted and, certainly, I did not want the four good ladies to go without having some recommendation made on their part.

Mr. Speaker, let me just say here that I am really, really bothered by the fact that even on this type of motion we had to have the kind of debate from the Honourable Minister of Education, as we have had. He never lets the occasion pass when he can throw a slur, deride the Opposition and lay blame.

Mr. Speaker, if there is one thing you can say about this Government, it is a 'blaming' Government. And, Mr. Speaker, it really bothers me, as the longest serving Member of this House. I remember when I moved the Bill when I was the Minister of Community Development and Culture. We had our detractors on the outside, in fact one wrote a letter just last week that I had to answer in the papers about women and about people being alive and our making them national heroes. We had that kind of detractors. But it did not stop the House 14 years ago when we made recommendation on the last national hero.

What bothers me is this thing that it is politics. Mr. Speaker, what makes it different? What makes politics different on that side of the House from this side of the House? What makes politics different from the Cabinet or this side of the House? What makes it?

Mr. Speaker, there is no difference when the Cabinet does something, except that it is an executive order, but coming from their heart politics plays the role of this House. But the way they put it all the time is in a demeaning way, and that is the worst part of it, Mr. Speaker.

The Minister of Education and his extension cord on the other side cannot but speak unless they deride somebody—if it is not the Opposition, it is somebody on the outside. Lately, they have been taking up to the Governor. They think that is going to get them some votes now, so they are doing that.

Mr. Speaker, I have been here 24 years. And I have been here through some really rough times, and—

*[inaudible interjection]*

**Hon. W. McKeever Bush:** Twenty years too long? You better mind that your four years are not cut short.

*[inaudible interjection]*

**Hon. W. McKeever Bush:** No, Mr. Speaker, when I say cut short I mean—let me be clear when I say that to the Member who talked about 20 years too long, the Fourth Elected Member for George Town. Just let me tell him that if it is too long, then I have been here. Let him that putteth on his armour boasts not as he that taketh it off.

*[inaudible interjection]*

**Hon. W. McKeever Bush:** Mr. Speaker, I want to say that while I did ask that the House to agree on the persons . . .

You know, Mr. Speaker, I promised myself that I was not really going to pay the Fourth Member for George Town any mind because I really believe that they are deranged politically, and that everything to them is just dirty or hard politics. So, I promised that I was not going to really get in any crosstalk with him.

But while I asked that the House agrees on these persons, it does not say that the Cabinet would not make that declaration, because the Law does say that the House would agree but the Cabinet would have made the declaration.

I was surprised to hear the Minister of Education say that on the one hand we can't—and, of course, the Fourth Member for George Town picked this up with him—make everybody a national hero, yet go on to say well why you didn't do this one? Why you didn't do that one? Why you didn't do the next one? And that I had chosen somebody that was relative to him.

I have to say this: The research was done by somebody else while I was away; I did not realise that Mrs. McLaughlin (that is, Nurse McLaughlin) was any relative to him. But so be it! It could have been his grandfather who gave service to this country. Whether

or not they are related to him and they deserve it I am one of the first ones to say give it to them. That is the way I am. But we did say that everyone cannot be so designated. And, of course, we also said that there are many, many—it could be a long list—of women who have given unstinting service to this country. But we chose to do it out of those areas because of what they did, and because the Government is designating next year.

And what are they doing? I don't know all that they are doing. They say they are going to build a wall but walls are already built. Walls are sometimes built to keep people out! Nevertheless, we agreed with them at that time. So, what is this noise about they are doing this? Most ludicrous of his deranged political state was his statement—

*[inaudible interjection]*

**Hon. W. McKeever Bush:** You! The Minister of Education.

*[inaudible interjection]*

**Hon. W. McKeever Bush:** And it is a pity. And he said this: A pity . . . He's laughing now, you know, but we know what the Bible says about those that laugh in times like these.

He said that it is a pity no special attention was paid to women. Wait a minute! What kind of Minister of Education is this? Now, we know that he cannot be too far off the beaten track people like him go when he said that. How could he, Mr. Speaker, say that? "A pity that no special attention was paid to women when we were making these national heroes." That's what he said. I wrote it down.

Can you believe that?

When did Mrs. Sybil McLaughlin become a National Hero? Was it not this Minister that was the Minister who thought she should be and took the licks for doing what we did?

I'm certain the Third Elected Member for George Town remembers, whether [or not] she gives me any accolades now. But she agreed then, because she was the PS (Principal Secretary) at that time. So, she can't be disagreeing and be agreeing with her Minister of Education.

I don't see how anybody in their right state of mind can say that we did not do anything. Look at all the recognition that was paid to women during 2003, our Quincentennial Celebration. Who were the Minister and Leader of Government? Myself!

Look at all the women that we honoured for tourism who were the builders of our tourism.

Mr. Speaker, what he did go on to say was that I fought him every step of the way on making a grand National Heroes Day. Which was the first National Heroes day, Mr. Speaker? And who, in fact, piloted that Bill or made the recommendation, made it a new holiday? Who did that?

They would like the people of this country to believe that this country was just born since they became elected and took executive office. They would like the people to believe that nothing happened. I hear him talking the same thing about education. He is even blaming me asking *'what have you done in 24 years for education?'*

I was never the Minister of Education, but I certainly supported everything that came my way that was good for education.

Mr. Speaker, this country did not just rise up. They have benefited much from what other people have done, and the PPM Government cannot believe that they are fooling the people of this country. They can't believe that in this day and age. They can't! But yet they go on time after time saying these things and doing these things.

Mr. Speaker, it is not that we do not want National Heroes Day to be a preeminent day in this country. We believe it should be. That is why we took the time to designate it so. We made the day. What we have said is that we see no reason to spend a half a million dollars—and I just can't see what you are spending it on!

Why, when people don't even have a roof on their house, should we spend a half a million dollars on National Heroes Day? Yes, it is good to honour everybody; yes, it is good to have a good time; yes, it is good to have all the red banners you want; yes, to have all the beautiful paperwork, the glamorous programmes. All of that is good. It is our country. But, Mr. Speaker, we have to consider what we can and cannot do, and we must give some consideration to where money is coming from in this country. So, don't get up here and talk about that we don't support him for National Heroes Day. Who in the world does he think he is?

*Just got out of school, voted through and just get elected; mamoguisse the people and come here thinking that you made the whole world?*

*[inaudible interjections]*

**Hon. W. McKeever Bush:** Little old fop!

*[laughter]*

**Hon. W. McKeever Bush:** Mr. Speaker, I'm sorry that they believe that everything done is done for general elections. I have told the Leader of Government Business and every one of them that when that time comes I believe that the people are going to make a considered judgment, and I am not scared of it. If it is my time to go then it is my time to go.

But, oh, I believe there is going to be some weeping and wailing and gnashing of teeth on the other side, because their polls have already told them who is in trouble over there. And they can bring every one of their has-beens, has-run, and their want-to-bes

in West Bay. We are ready to take them on. I think the West Bay people will make the right judgment.

Not everything is done for politics. And it is times like these when we bring these kinds of motions that we expect that politics will not be played. But the Minister has done that quite well. Very, very considered form! Let him alone, Mr. Speaker. Let him alone. I believe that he will get a licking in due course that all fops get at some place or another.

I am sorry that their minds are so fixed on elections. Mr. Speaker, as I said, I believe that it is a good time to be naming national heroes, whether it is the House which agrees and the Cabinet would have to so designate, as the Law says. I can't understand how he can talk so much about politics, yet he is going to make an advisory body—we don't know of whom—but pass a motion.

*[inaudible interjection]*

**Hon. W. McKeever Bush:** Vote against whatever you want to do. It is my conscience! You already voted for it! Change that now! You can't change that vote until six months' time and you will be out of here, I hope, by then. You rascal, you!

*[laughter]*

**Hon. W. McKeever Bush:** Mr. Speaker.

**Hon. Alden M. McLaughlin, Jr.:** Mr.—

**Hon. W. McKeever Bush:** Mr. Speaker, he can't change his vote on this.

#### Point of Order

**Hon. Alden M. McLaughlin, Jr.:** Mr. Speaker, on a point of order sir.

**The Deputy Speaker:** May I hear your point of order, Honourable Minister?

**Hon. Alden M. McLaughlin, Jr.:** In the spirit of the Season I have been taking all of this, but I really must draw the line on being called a rascal.

*[laughter]*

**The Deputy Speaker:** Honourable Member, could you withdraw that unparliamentary statement?

**Hon. W. McKeever Bush:** Mr. Speaker, I will withdraw it in good Christian faith. I will.

*[inaudible interjections]*

**Hon. W. McKeever Bush:** Mr. Speaker, I just can't understand why it is this thing about the politics, yet they go and agree to a motion that appoints a body that the Law has not yet even agreed on. And, Mr.

Speaker, I can't understand why, if it always politics that they claim is such a bad thing and we are always doing it, and they are so lily white, why it is that they have to put an elected Member from the Government, an elected Member from the Opposition? Why?

But you see that is the way they do things they think that people can't see through it: *Oh we can do that and people will consider it the nice thing.* Just pass that up to us, our appointees. Just pass it up to us. And that is not politics, you know. Oh yeah? You think people are really that fool-fool?

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** You do whatever you want to do. You have done worst things in the past.

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** So, Mr. Speaker, as I said, I supported that with some trepidation only because I wanted those women to be included and I do not have the votes on this side to do anything but to ask you to do something. And so, in your cockamamie way that you have come and done this, I just hope that it gets done. We wait and see.

Mr. Speaker, this is a good time to have named those women, the likes of Mrs. Joyce Hylton, Mrs. Evelyn Wood, Nurse McLaughlin and Mrs. Almira Tomlinson. Their records are unblemished and they have given their lives to this country. We can say no more.

I don't believe that it is true of any government, certainly not in the past, and I just can't see Caymanians thinking that any new government is just going to appoint more and more national heroes. The last national hero was appointed 14 years ago. So, Mr. Speaker, everything that the Minister has said is a bunch of rot, and I leave it to them as the Government to do what they want to do. The amended Motion is there and I do hope that the Government will give fair hearing to the amendment.

Mr. Speaker, before I sit down, on behalf of the Opposition we want to wish . . .

*[inaudible interjections]*

**Hon. W. McKeeva Bush:** I was trying to put salve on it.

*[laughter]*

**The Deputy Speaker:** The question is that the following women: Mrs Joyce Hylton, MBE, a social worker and advocate for the rights of women and children, widely considered the founder of our modern Social Services; the late Miss Beulah McLaughlin, a nurse and midwife at the Cayman Islands Hospital; the late Mrs. Almira Tomlinson, a mid-wife; and Miss Mary Evelyn Wood, a nurse, community worker, church

leader and the first woman to be elected to this Honourable House as a Member of the Legislative Assembly be considered by the National Heroes Advisory Committee, when established, to be recommended to the Governor in Cabinet as National Heroes. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Deputy Speaker:** The Ayes have it. Private Member's Motion No. 8/08-09, as amended, is duly passed.

**Agreed: Private Member's Motion No. 8/08-09, as amended, passed.**

**The Deputy Speaker:** Honourable Members, since this is the end of the [meeting] for the . . .

Before we do the greetings, can I get a motion from the Government to defer the remaining Private Members' Motions?

#### **Motion to carry business forward to the Fourth Meeting**

**Hon. Alden M. McLaughlin, Jr.:** Mr. Speaker, I move that Private Members' Motions Nos. 9, 10, 11 and 12 of 2008/09 be carried forward to the next Meeting of this honourable House.

**The Deputy Speaker:** The question is that the remaining Private Members' Motions be carried forward to the next Meeting of this honourable House. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Deputy Speaker:** The remaining Motions will be carried forward.

**Agreed: Private Members' Motions Nos. 9/08-09; 10/08-09; 11/08-09 and 12/08-09 on the Order Paper carried forward to the Fourth Meeting of the 2008/09 Session.**

**The Deputy Speaker:** Honourable Members since this is the end of the [Meeting] we will now give an opportunity for Members to give their Season's greetings.

I recognise the Honourable Leader of the Opposition.

#### **CHRISTMAS WISHES**

**Hon. W. McKeeva Bush:** Mr. Speaker, on behalf of the Opposition Members we want to wish all Members of this honourable House and their families the very best for the Holiday Season.

Mr. Speaker, we cannot forget the hardworking staff of this Assembly that keep us going from day to day throughout the year providing for our comforts

here in this Assembly. We wish for them all the very best, God's richest blessing, good health and hopefully a more prosperous and happy 2009.

God bless you all.

**The Deputy Speaker:** The Fourth Elected Member for the district of George Town.

**Mr. W. Alfonso Wright:** Thank you, Mr. Speaker.

Mr. Speaker, I, too, would like to take this opportunity to wish all of the Members of the Legislative Assembly and their families, the staff here at the LA and, indeed, all of the constituents of the district of George Town, in particular, and, by extension, all of the people of the three Cayman Islands, a very Merry Christmas.

I do ask people to be extra careful during the Holiday Season, those who are driving on the road who may be out for a little entertainment to not drink and drive and see if we can have a safe Christmas with no major accidents on our roads this year.

I also would like to wish for everyone that 2009 would be a very prosperous and rewarding year.

**The Deputy Speaker:** The Honourable First Official Member.

**Hon. George A. McCarthy:** Mr. Speaker, on behalf of the Official Members, I would like to take this opportunity to wish all honourable Members of the Legislative Assembly and their families, all civil servants and their families, the wider Cayman Islands community, the best for the Christmas Season and a happy New Year, and that we focus on the reason for the season—which is Christ—with love in our hearts.

Thank you.

**The Deputy Speaker:** Third Elected Member for Bodden Town.

**Mr. Osbourne V. Bodden:** I would like to wish all honourable Members and their families a safe, blessed and joyful Christmas, also the staff of the Legislative Assembly who are here for our services throughout the year and who take good care of us and keep us comfortable in this Legislative Assembly.

I would also like to extend greetings on behalf of my family to my constituents in Bodden Town and, indeed, the wider Cayman Islands.

I think we all need to keep Cayman Brac, in particular, with their hardships at the moment in mind and do what we can to bring joy to those we are in contact with and what we can do on a daily basis for them.

Also those who have lost loved ones recently. I ask that we, in our time of joy and happiness and festivities, keep them in mind. Also I pray God's richest blessings on everyone for the New Year.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Third Elected Member for George Town.

**Ms. Lucille D. Seymour:** Mr. Speaker, I rise to say a few words to my colleagues as well as to my constituents in terms of a festive season.

This has been a tough year, sir. But it has had some great rewarding moments, in particular for us in this House. We have witnessed the 50 years of women getting the right to vote. We have witnessed reducing the age of our young people to be registered to vote. These are historic moments, and we must not forget it. I am glad that it was in this place and at this time that it happened.

Mr. Speaker, I would like to send my love and peace to the people of Cayman Brac and Little Cayman and to say to them that they will always be in our hearts. At the moment it might seem tough, but we ask them to have some patience, to love one another. At this time of Christmas, we know that they may not get all of the lights, but to brighten their hearts for whatever good things are to come.

Mr. Speaker, I wish to give all the kudos to the people of George Town because it is by their strength and their care that I am here. I wish, in particular for the young people in this time of festive season, that they do not go over the line and that life will be wonderful and a Christmas of peace and safety will be theirs.

Mr. Speaker, I wish you and your family well. In particular, I wish the Leader of the Opposition a healthy Christmas. I know it might be difficult for him to share in the same foods that I share in, but I will certainly keep him in my heart and hope that everything goes well for him, and that the levity we had today, barring some . . . that we will come back in the New Year and laugh and love and be happy.

Thank you.

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

**Hon. Charles E. Clifford:** Mr. Speaker, I rise to bring Christmas greetings to you, sir, and your family and all Members of this honourable House, and, indeed, the staff of the Legislative Assembly; the staff of my Ministry and all of its agencies, both locally and overseas; and, indeed, the entire Civil Service.

I also bring greetings to my constituents of Bodden Town and the people of the Cayman Islands. I wish for them a very merry Christmas and a happy, healthy and prosperous 2009.

Mr. Speaker, we know that in recent times we have lost several members of our community. It is during this time that we should take time out to remember those family members who are grieving and to keep them in our thoughts and prayers during this most difficult time.

I thank you.

**The Deputy Speaker:** The Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Mr. Speaker, on behalf of my family and me I would like to extend Season's Greetings to Madam Speaker and her family. We know this will be a different Christmas for them. To all Members of the House, all staff here at the Legislative Assembly and our public officers across the entire spectrum of Government, all the best for the Christmas, and for a healthy and prosperous New Year.

We would certainly like to extend greetings to all constituents in our district of West Bay, but, indeed, to all of the people across the Cayman Islands wherever they may be during the Christmas season.

In the spirit of the season, Mr. Speaker, as has been said, we would like for all of us to take a deep breath and reflect, for it is celebrating the birth of Christ, who is our Lord and Saviour. I would like to encourage everyone to be careful, cautious on the roads for, indeed, the life that you save may, very well, be your own (to coin a phrase).

We ask parents to be vigilant as their children enjoy the season. We know many of them will be having fireworks and other things can potentially be harmful to them. So let us just be vigilant. Allow them to have fun, but be very vigilant.

The people of Cayman Brac are in all of our prayers. So we ought to reflect on God's mercy that no lives were lost. Indeed, this Christmas it will be very different for them. Whatever we can do, whether it is just making a call to a friend over there, or saying a quiet prayer, we should do whatever we can to ensure that the Christmas season is as normal and as enjoyable as possible to them.

So, Mr. Speaker, with those few words, I wish that all of us will return with health and strength from Almighty God in 2009.

**The Deputy Speaker:** The Fourth Elected Member for West Bay.

**Capt. A. Eugene Ebanks:** Mr. Speaker, on behalf of my family and I, I would like to wish a very happy, healthy and safe holiday season for all the Members of the Legislative Assembly, their families, the staff and their families, and to the wider population of the three Islands, and especially the people of West Bay. May God's richest blessings be with you throughout the entire Season.

As the Honourable First Official Member said, let us not forget the reason for the season.

Thank you.

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

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

I wish to join voice with my colleagues in this honourable House to wish the entire nation a happy and holy Christmas and to also extend greetings and best wishes to the people of Cayman Brac for whom this will not be a bright Christmas. I urge us all, but particularly those who are going through difficult times, to reflect on the true meaning of Christmas and to understand the importance of the birth of Jesus Christ and what that meant to the world. Reflect upon and view this as a time of optimism, or renewal, as we begin to face another year.

This has been a most challenging year for the world and for the Cayman Islands as well. The year to come appears to be just as challenging. Let us take this period to reflect, to renew ourselves, to regain our strength and our optimism as we move into a New Year.

And for those of us who are better off, let us do everything we can to assist those who are most in need, even if it is not some material thing. A kind word, a Christmas greeting means a lot to people who do not have the opportunity to see other people, particularly their representatives, very often. I also urge the broader community to spend time with other people, particularly those who are less fortunate.

Mr. Speaker, I wish for everyone, particularly the Members of this House, a wonderful Christmas, a safe Christmas, and let us come back to this House and to our work in the New Year renewed, invigorated and ready to deal with the country's issues. Thank you.

**The Deputy Speaker:** Before I call on the Honourable Leader of Government Business for the suspension ...

*[inaudible interjection]*

**Hon. D. Kurt Tibbetts:** Mr. Speaker, trust me I was not trying to jump the queue with you, sir, as we all recognise that you, sir, should have the last say.

Mr. Speaker, first of all, because I do not know (and maybe let me turn the microphone off and ask first) . . .

Mr. Speaker, as we all know, Madam Speaker unfortunately could not be here today, and she has asked to extend her best wishes for the holidays to all Members, the staff and, indeed, especially to all of her constituents and the wider Cayman Islands. She has asked for us to extend those greetings on her behalf.

Mr. Speaker, to you and your family . . . and I must make special mention of your parents, they are near and dear. I certainly wish to extend best wishes for the holidays to you and yours and to them.

To all of the other Members of the House, both sides, my colleagues in Cabinet, the Official Members, and all of the other Elected Members, I certainly wish to extend Season's Greetings to each and every one and their families and them a very safe and happy time of year enjoying the fellowship of family and friends, remembering the celebration that we will

have on Christmas and its true meaning, the birth of our Lord, Christ.

To our constituents I want to say that I certainly look forward to being able to visit as many as I can during the off time. I have to admit that it will be a welcomed break for a few days (it will not be many days, but for a few days) from all of the stresses and strains.

I also wish to extend special greetings to all of my friends and the people of Cayman Brac and Little Cayman. We know many of them are experiencing some trying times. We also know that we have our own little squabbles about how to handle certain things, but I know that deep down all of us want the best for all of them. Even though we may argue every now and then (as might have happened today), we certainly are going to ensure that we join forces to make sure that we can remedy that situation as swiftly as we possibly can.

Again, Mr. Speaker, to everyone who lives and works here in the Cayman Islands, I want to extend Christmas greetings on behalf of myself and my family. I also wish to quickly mention that because it is a hectic time of year and there is much celebration for all of us, let's take care. I pray God's safety and that we do not have any sad times during this period as sometimes happens simply because of the nature of events.

So, Mr. Speaker, before I move the adjournment, I will give way, sir, for you to have the final say.

**The Deputy Speaker:** Thank you.

Honourable Members, I too would like to take this opportunity to extend to all Members on behalf of myself and my family, and to all members of staff and their families, to the good people of West Bay and of the Cayman Islands, specifically the people of Cayman Brac who we know have gone through challenging times, and wish everyone a safe, healthy and blessed Christmas and a prosperous New Year.

I look forward to coming back and continuing our working relationship next year. As you said, this has been a challenging year and it appears that next year will be just as challenging, or more so. So we have a lot of work ahead of us.

I look forward to a safe celebration. I would also like to take this opportunity on behalf of the staff of the Legislative Assembly to extend greetings to all Members as well—Merry Christmas and a Happy New Year.

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Mr. Speaker, with your permission sir, I will pause for just a second.

*[Hon. Members sang "Happy Birthday" to the Fourth Elected Member for West Bay, Capt. A. Eugene Ebanks]*

**Hon. D. Kurt Tibbetts:** Mr. Speaker we won't be here tomorrow and it is the birthday of the Fourth Elected Member [of West Bay] tomorrow. We will not ask how young he is, but we also wish for him a very happy birthday. I presume he will be able to bundle it all into one big celebration straight through into Christmas.

The only thing we wish to make sure is that all of his boats, he keeps them clean, sir.

## ADJOURNMENT

**Hon. D. Kurt Tibbetts:** With that, I move the adjournment of this honourable Legislative Assembly until 10.00 am, 6 February 2009.

**The Deputy Speaker:** The question is that this House do now adjourn until 10.00 am, 6 February 2009. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 8.25 pm the House stood adjourned until 10.00 am Friday, 6 February 2009.**

**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**11 FEBRUARY 2009**  
**10.39 AM**  
*First Sitting*

**The Speaker:** I will ask the Third Elected Member for the district of Bodden Town to say Prayers.

**PRAYERS**

**Mr. Osbourne V. Bodden:** Let us pray.

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

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

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

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

**The Speaker:** Please be seated.

**Proceedings resumed at 10.41 am**

**The Speaker:** Proceedings are resumed.

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

**Apologies**

**The Speaker:** I have received apologies for absence from the Honourable Minister responsible for Tourism, Environment, Investment and Commerce.

**Cayman Academy School Visitors**

**The Speaker:** I would like to welcome Years 5 and 6 Students of the Cayman Academy School and Teachers for their attendance in the Gallery this morning. I think this an opportune time when the Leader of Government Business makes a statement later on.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**Report and Recommendation of the Minister Responsible for Lands – on the Vesting of the filled areas of Crown Seabed on Block OPY Parcel 18 to Little Liquor Store Ltd.**

**The Speaker:** I recognise the Honourable Leader of Government Business.

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

I beg to lay on the Table of this honourable House, the Report and Recommendation of the Minister Responsible for Lands on the Vesting of the filled areas of Crown Seabed on Block OPY Parcel 18 to Little Liquor Store Ltd.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker, just a few short notes.

Madam Speaker, I wish to confirm that, as required by the Law, the details of this land matter have been published in the *Cayman Islands Gazette*, Issue No. 25/2008, dated 8 December 2008, and a local newspaper, namely, the *Caymanian Compass*, on 3 December 2008.

Also as required by Law, three (3) valuations have been carried out on the subject property. Each valuation report forms part of the overall Report and provides a general indication of the value of the property that Government now proposes to vest.

Madam Speaker, the Report deals with the vesting of filled areas of Crown seabed adjacent to Block OPY Parcel 18 to the Little Liquor Store Ltd. This property is located on North Church Street, north of the Royal Watler Cruise Terminal in George Town.



The area of the filled Crown seabed is approximately 1,215 square feet (a very small parcel), which has been filled as a result of coastal works on the parcel and the Cruise Terminal. The Little Liquor Store is located on this parcel. The purpose of this vesting is to regularise the situation that has arisen as a result of the coastal works that have been done and allow the landowner to re-establish their parcel boundaries to reflect the reclaimed area.

**Report and Recommendation of the Minister Responsible for Lands on the Vesting of Crown Land Block 80A Parcel 175, Block 80A Parcel 177 and Block 82A Parcel 81 to the Cayman Islands Airports Authority.**

**The Speaker:** I recognise the Honourable Leader of Government Business.

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

I beg to lay on the Table of this honourable House the Report and Recommendation of the Minister Responsible for Lands on the Vesting of Crown Land Block 80A Parcel 175, Block 80A Parcel 177 and Block 82A Parcel 81 to the Cayman Islands Airports Authority.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

Madam Speaker, I wish to confirm that, as required by the Law, the details of this land matter have been published in the *Cayman Islands Gazette*, Issue No. 26/2008, dated 22 December 2008, and a local newspaper, namely, the *Caymanian Compass*, of 18 December 2008.

Also, as required by Law, three (3) valuations have been carried out on the subject property. Each valuation forms part of the overall Report and provides a general indication of the value of the property that Government now proposes to vest.

Madam Speaker, the Report deals with the vesting of three (3) parcels I mentioned to the Cayman Islands Airports Authority. The three (3) adjoining parcels are located just south of the North Coast Road West in the Registration Section Little Cayman West, on Little Cayman.

Madam Speaker, this is simply an exercise by the Government to vest to the Airports Authority these three parcels where, in the future, it is intended by the Airports Authority to construct a new airport in Little Cayman.

**National Drug Council 2004 Annual Report**

**National Drug Council 2005 Annual Report**

**National Drug Council 2006 Annual Report**

**The Speaker:** I recognise the Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Annual Reports for the National Drug Council. And, Madam Speaker, with your permission, I will do them all at one time, which is for 2004, 2005 and 2006.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Anthony S. Eden:** Thank you, Madam Speaker, just briefly.

As Members of this honourable House are aware, the functions of the National Drug Council operations include coordinating the efforts to provide drug abuse education, treatment and rehabilitation, advice to the Ministry and support for drug demand and supply reduction programmes. The National Drug Council is in the process of compiling the 2007 Annual Report in order to be in compliance with the requirements of both the Public Management and Finance Law (2003 Revision), and the National Drug Council Law (2003 Revision).

On 1 May 2006 (and this is reference to the staff), Mrs. Julene Banks was appointed as the new Chairman to the National Drug Council Board. Mrs. Banks and fellow Board members, with the Ministry's support, have made strides forward in re-energising the activities of the National Drug Council. Vigorous steps have been taken to regularise the administration of the National Council and consolidate the operations of the Secretariat.

The new National Drugs Coordinator Executive Director, Mrs. Joan West-Dacres, was employed in September 2007. Subsequently, an Administrative Finance Officer and a Research and Information Officer have been employed thereby further strengthening the capacity of the National Drug Council Secretariat.

Public Education Campaign and Special Projects: The National Drug Council has been proactive in that a website has been launched that provides information to the public on the changes in life associated with the misuse of substances. The National Drug Council has utilised the local media to provide the general public with up to date, factual information about the negative consequences of substance abuse, including the possible associated impairment.

Some established public information campaigns during 2004 to 2006 included Drug Prevention in Primary Schools, the Fearless Factor Summer Camp, Purple Ribbon Bus, Designated Driver, Drug Awareness, TIPS Training, Basic Drugs Education Programme, World "No Tobacco" Day, International Day Against Drug Abuse and Illicit Trafficking, and the KEYS Foundation.

Research and Statistics: The National Drug Council plays a proactive role in terms of initiating supporting and publishing studies and reports on drug abuse. Research conducted during 2004 to 2006 include the following: Prison prevalence, Cayman Islands Student Drug-use Survey, Drug Pre-workplace Survey, National Drug Council Database.

A brief overview of the financial report: Total revenue for the year ended 30 June 2004 was \$490,397; and for the 2005 fiscal year, the total revenue was \$491,259. For the 2006 fiscal year, the total revenue was \$504,214.

During the 2004 fiscal year, fixed assets located in the offices of the National Drug Council had a net book value of \$708,000. However, due to the destruction of the offices and equipment of the National Drug Council caused by Hurricane Ivan in 2004, this net book value was written off in its entirety. Subsequently, the fixed asset value for 2005 increased substantially to \$40,675 as new equipment was purchased.

During the 2006 fiscal year, fixed assets located in the offices of the National Drug Council had a net book value of \$41,894.

Thank you, Madam Speaker.

## **STATEMENTS BY HONOURABLE MINISTERS/MEMBERS OF THE CABINET**

**The Speaker:** I have received notice of a statement by the Honourable Leader of Government Business.

### **Outcome of Constitutional Negotiations**

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

First of all, let me apologise to you for the late start (after 10.00) but the mechanics of this morning called for more than usual. So we thank you very much for allowing us to start a little bit late.

I also wish on behalf of the Government to say a very special welcome to all those who are here in the building, especially to the Years 5 and 6 students of the Cayman Academy who, with their bright little faces, are waving their hands. Welcome. And of course, the teachers did not quite trust them, so they had to attend also because they did not want them to come here unsupervised. But we would have been happy to have them. Welcome teachers. And also our good friend, the pastor who is with us (and he does not want me to call his name!).

Madam Speaker, I am reminded, and again I have to apologise. Former Speaker, Mr. Pierson, is here with us and certainly he is in his usual dapper form. We welcome him.

Madam Speaker, it is with an immense sense of pride, satisfaction and accomplishment that I rise to address this honourable House, on what is truly an historic occasion for all of us here in the Cayman Is-

lands; an occasion marked by a single achievement this past week of which every Caymanian can be proud and which is cause for celebration by every Caymanian, regardless of political or other affiliation.

Together as a nation, we are finally near the end of a long and arduous journey, a journey we started some eight years ago at the request of the United Kingdom Government. I speak of the journey of constitutional modernization begun in 2001 under the auspices of the UK's White Paper dealing with its Overseas Territories entitled "Partnership for Progress and Prosperity", a journey which was to culminate with each territory, including the Cayman Islands, modernizing its system of governance and adopting a brand new Constitution to reflect the changing times and circumstances.

The successful conclusion of constitutional negotiations last week in London represents a giant step towards getting us there. Following three separate rounds of negotiations, the Cayman Islands delegation reached agreement with the United Kingdom Government on the provisions of a modern Constitution for us in the Cayman Islands.

As you are aware, Madam Speaker, the composition of the Cayman delegation was broad-based to reflect major national interests. Representatives were from Government, the Opposition, the Cayman Islands Chamber of Commerce, the Cayman Ministers Association, the Seventh Day Adventist Church, and the Human Rights Committee.

We, as the representatives of the people, have done our duty and we have delivered. It is now for the people to give their stamp of approval in a referendum planned for May 20<sup>th</sup>. This broad-based agreement on a new Constitution is truly a magnificent achievement. It shows what is possible when we choose, despite our differences, to work together in a spirit of cooperation and compromise to advance a common goal. Clearly proving that where there is a will there is always a way, the agreement is also solid testimony of our growing maturity as a people. This, indeed, is great cause for celebration.

There is a significant lesson here. It is that if we as a people draw from this experience and apply the same consensus-building approach to other spheres of national endeavour—for example, confronting the challenges facing our economy—the result will be a stronger and better Cayman Islands for us all in the future. Isn't this, Madam Speaker, a really noble ideal worth pursuing? Something we can commit ourselves to.

As the Government, our role was to give leadership to the constitutional modernization process which we did. However, we recognized from the very outset that if constitutional modernization was to be a truly successful initiative, it had to secure the widest possible support from the population. Hence, the reason we opted for the consultative approach through which we canvassed the views and opinions of Caymanians from all walks of life, and engaged stake-

holder groups in a continuous dialogue over the last year in particular.

This was the Government's way of saying to Caymanians *Come and get involved! Shape and take ownership of the process because, at the end of the day, it is really your Constitution. Not the Government's! It is all about all of our future—not the Government's future.* The response was enthusiastic. Going around the country, it was encouraging to see ordinary folk engaging in serious discussion of complex issues and strongly making their points, which were noted by the Constitutional Modernization Secretariat and acted upon.

To ensure that the people were represented at the negotiating table by other than political voices from Government and the Opposition, we decided to include the church, the private sector and the Human Rights Committee on the national negotiating team. Compared with other UK Overseas Territories which have also undergone constitutional modernization, the approach taken by the Cayman Islands stood out for its uniqueness. As a result, the end-product of the negotiations with the UK Government is a People's Constitution firmly anchored on a national consensus.

On behalf of the Government, I wish to thank the Leader of the Opposition and his team and the other stakeholder groups for their meaningful contributions to the process and for approving the final document. Further, I invite the Opposition and stakeholder groups to join me in asking their various constituencies to say a resounding "yes" to the new Constitution when they vote in the May 20<sup>th</sup> referendum.

Yes, because the proposed Constitution represents a good deal for the Cayman Islands and Caymanians. (And, Madam Speaker, you were there. And just to add we were told that it was better than we expected.)

Yes, because it was achieved with broad-based support not just from the Government and Opposition, but also from civil society.

Yes, because this new Constitution is the key to unlocking new possibilities which will support a better future for the Cayman Islands and a better future for all of us. The new Constitution safeguards our heritage, upholds our cherished values, empowers us by allowing a greater say in the running of our country, and strengthens our constitutional ties with the United Kingdom.

Yes, because the existing 1972 Constitution is so outdated, it no longer meets our changing needs as a rapidly developing economy competing on the global stage. The time is right, therefore, to say, *Away with the old Constitution and ring in the new one.*

It is unfortunate, Madam Speaker, that the Leader of the Opposition could not be here today as he has had to be off island (as you have been notified.) Certainly, we would not wish to be all inclusive in this process. So we are proposing to hold a joint press conference involving representatives from all teams who made up the Cayman Islands delegation to Lon-

don and to provide an opportunity for everyone who was at the negotiating table to share their experiences with the general public. That, we plan to do next week; Monday, when everyone is on Island. In the meanwhile, I am pleased to inform this honourable House that we have received the final official draft of the new Constitution from London.

In keeping with previous practice, Madam Speaker, with your permission I will this morning be laying a copy of that on the Table of this honourable House and it will be widely circulated for public consideration and comment ahead of the May 20<sup>th</sup> referendum.

Before highlighting some major features of the new Constitution, I also wish to place on record the Government's thanks and appreciation to the staff of the Constitutional Modernization Secretariat (some of whom are sitting directly behind me) for their sterling work in the managing of the process. The Secretariat, falling under the Cabinet Office headed by Cabinet Secretary, Mr. Orrett Connor, was very ably managed by the Director, Mrs. Suzanne Bothwell, and her deputy Christian Suckoo, with the enthusiastic support of a small staff.

The Secretariat went out regularly into the field and interacted with the people. It ensured that there was a high level of public awareness and understanding of the issues, and provided invaluable technical support to the negotiating team. Madam Speaker, they saw it all the way through.

Thanks also to Professor Jeffrey Jowell, QC, the Constitutional Expert, for his insightful advice and guidance. Madam Speaker, I wish to say that even the UK team was very happy that Professor Jowell had been contracted by the Government as he was very useful in the entire process, including drafting a lot of the new Constitution. And I want to say a very special thank you to the media for ensuring Constitutional Modernization issues enjoyed high visibility.

Madam Speaker I will start by reading the letter received from Mr. Ian Hendry last night enclosing the draft Constitution.

The letter is addressed to me:

**"Dear Kurt,**

**RE: CONSTITUTIONAL MODERNISATION**

**"I have pleasure in enclosing a draft new Constitution of the Cayman Islands, together with accompanying draft letters from the responsible Foreign and Commonwealth Office Minister to yourself. These documents represent the political agreement reached at the constitutional modernisation talks held at Lancaster House, London, from 3 to 5 February 2009, chaired by the Minister for the Overseas Territories, Gillian Merron MP.**

**"As agreed at the talks, the enclosed documents may be published in the Cayman Islands in such manner as you see fit, to form a basis for public consultation prior to the referendum planned for 20 May 2009. The draft new Constitution will not be submitted to Her Majesty in the**

**Privy Council to be formally enacted until it has been approved by the people of the Cayman Islands in the referendum. If the draft Constitution is duly enacted, the accompanying letters would be sent at the same time.**

**“If so approved and enacted, the draft new Constitution will represent a modern and more democratic constitutional settlement between the Cayman Islands and the United Kingdom, reflecting our relationship of partnership in the 21<sup>st</sup> century, and in terms that are acceptable to both the Cayman Islands and the United Kingdom. The continuation of that relationship is a matter of mutual consent, and I believe the draft new Constitution will form a sound and modern basis for our mutual cooperation, in which there is a fair balance between greater local autonomy and the powers necessary to enable the United Kingdom to meet its responsibilities. I therefore hope that it will prove acceptable to the people of the Cayman Islands.**

**“Yours . . . Ian Hendry, Leader, United Kingdom Constitutional Review Team.”**

Madam Speaker, we agree entirely with Mr. Hendry's sentiments that the draft constitution will represent a modern and more democratic constitutional settlement between the Cayman Islands and the United Kingdom, reflecting our relationship of partnership in the 21<sup>st</sup> century.

First, it is not an 'off-the-peg' constitution but goes out of its way to reflect the traditions and culture of Caymanians. Secondly, it goes further than any other British Overseas Territories Constitution in providing new ways to achieve accountable and honest government at the local level, while building on existing institutions.

Thirdly, while not seeking independence—and I want to stress that, Madam Speaker. No one is seeking independence of the Cayman Islands from the UK. And while it does not in any way shape or form do that, it goes further than any other British Overseas Territories Constitution in placing policy-making in the hands of those who are elected by the people; holding the Governor to higher standards of legal and political accountability and transparent and open governance, and reducing the power of the Governor to make laws for the Cayman Islands to which the people have not assented.

The following is a summary of the main innovations in the proposed new Constitution.

Preamble: While a preamble is not directly enforceable, it sets the tone of the purpose of the new Constitution, guides the way it is interpreted, and resolves any ambiguities of language. The Preamble makes it clear that this new constitution is based on our abiding traditions and values.

It reads as follows: “The people of the Cayman Islands, recalling the events that have shaped their history and made them what they are, and acknowledging their distinct history, culture and Chris-

tian heritage and its enduring influence and contribution in shaping the spiritual, moral and social values that have guided their development and brought peace, prosperity and stability to those islands, through the vision, forbearance, and leadership of their people, who are loyal to Her Majesty the Queen; Affirm their intention to be:

- A God-fearing country based on historical and traditional Christian values, tolerant of other religions and beliefs.
- A country with open, responsible and accountable government that includes a working partnership with the private sector and continuing beneficial ties with the United Kingdom.
- A country in which religion finds its expression in moral living and social justice.
- A caring community based on mutual respect for all individuals and their basic human rights.
- A country committed to the democratic values of human dignity, equality and freedom.
- A community that practises honest and open dialogue to ensure mutual understanding and social harmony.
- A safe, secure and law-abiding community.
- A country that is free from crime and drug abuse.
- A country with an educational system that identifies and develops on a continuing basis the abilities of each person, allowing them to reach their full potential and productivity.
- A community that [encourages] and prepares young people to assume leadership roles.
- A country that provides a comprehensive healthcare system.
- A community protective of traditional Caymanian heritage and the family unit.
- A country that honours the sacrifice of its seafaring men who left the shores of the Islands to enhance the quality of life of their people, and in doing so established themselves amongst the finest within the global maritime community of that time and through their remittances, endeavours and experiences built the foundations of the Cayman Islands' modern economy.
- A country that honours and acknowledges the important contribution of Caymanian women who during the absence of the seafaring men of the Islands managed the affairs of their homes, businesses and communities and passed on the values and traditions of the Islands' people.
- A country with a vibrant diversified economy, which provides full employment.
- A country that makes optimal use of modern technology.
- A country that manages growth and maintains prosperity, while protecting its social and natural environment.

- A country that respects, protects and defends its environment and natural resources as the basis of its existence.
- A country that fosters the highest standards of integrity in the dealings of the private and public sectors.
- A country with an immigration system that protects Caymanians, gives security to long term residents and welcomes legitimate visitors and workers.
- A country that plays its full part in the region and in the international community.

Madam Speaker, regarding the Bill of Rights, Freedoms and Responsibilities: This section of the Constitution will be introduced over a period of three years so as to permit time for adjusting, training and education. And just to say, Madam Speaker, for those who may have a question mark in their minds regarding that three-year time period, the fact of the matter is especially with Government institutions, [there is a] need to be fully prepared so that all of the actions of those agencies are in line with the Bill of Rights. It is for that reason more than any other reason why we have agreed for there to be a time lag so that those agencies can be prepared. The Bill of Rights has the following features, some of which are unique:

It enshrines the fact that a true democracy requires all governments, even those with overwhelming popular support, to respect the rule of law and certain fundamental rights and freedoms which belong to us all.

It makes clear that this part of the Constitution does not apply to relations between private individuals and institutions, such as churches or schools. In other words, it has 'vertical' application, not 'horizontal' application.

It includes the fundamental 'civil and political rights' (such as to life, expression, fair trial, property, to be treated equally in respect of all rights, etc.), but also includes new rights that suit the Cayman Islands' traditions and aspirations (such as the right to have our environment protected and children's rights).

While some of the rights and duties are absolute (such as the right to life and to a fair trial) others may be limited where necessary to protect the rights of others or to protect the public interest. Thus freedom of speech may be curtailed to prevent pornography or defamatory statements.

It also makes clear that the right to marriage refers to a union between persons of the opposite sex and preserves the rights of churches and schools to further their particular ethos and traditions.

While the courts are given the power to strike down any decision of a public official or authority that infringes the Bill of Rights, in respect of Laws passed by the Legislative Assembly courts may only declare the offending Law to be incompatible with the Bill of Rights. While such a declaration will have significant moral force, it will still be up to the Legislative Assembly to decide whether or not to remove or amend the

offending Law so as to make it compatible with the Bill of Rights. In other words, Madam Speaker, the Parliament remains supreme, the judiciary does not.

The most controversial aspect of this entire constitutional modernization exercise has been the content of the Bill of Rights. The United Kingdom has mandated that a Bill of Rights must form part of any new constitution for its Overseas Territories. The struggle has always been to draft a Bill of Rights which would satisfy the UK that it met all its international obligations under the various conventions and treaties to which it is a signatory, while at the same time respecting Caymanian sensitivities, moral standards and values.

It has taken eight years, but we have done so. We have a draft Bill of Rights which has been approved by the United Kingdom as well as all of the stakeholders in this process among them, notably, representatives from virtually all churches in the Cayman Islands. That has been no mean feat. It has taken tremendous perseverance, forbearance, creativity, intellect and a willingness to compromise on the part of all concerned.

It is with a great deal of disappointment and regret that I have to acknowledge this morning that despite the involvement of the Human Rights Committee in every step of the process, including their attendance and contribution at all three rounds of the Constitutional talks with the United Kingdom, they are determined to campaign against the draft Bill of Rights on the basis that it does not go far enough.

Madam Speaker, obviously, they were not prepared at the end of the day to be a part of that spirit of compromise.

Madam Speaker, successful negotiations are characterized by a spirit of compromise. That has been especially true of these recently concluded constitutional talks. All parties made concessions in order to reach agreement on a document that everyone could support. The Government has not achieved everything it pushed for, neither has the Opposition, the Chamber of Commerce, the Cayman Ministers Association, the Conference of Seventh day Adventists or, indeed, the Human Rights Committee. I believe it is more than fair to say that in some instances even the UK gave more than it would have preferred to give. But that is the way negotiations work.

Having been involved in the process, having sat at the table and negotiated the inclusion of significant provisions in the draft Bill of Rights it is wrong, in my view, for the HRC to now attempt to derail the final approval of the new Constitution because they have not succeeded in obtaining all they pushed for.

Madam Speaker, let me stop for one second and say this with the greatest of respect on a personal level at all times. But when you are faced that if one side gets all that they want, everyone else is going to get up and move from the table and not continue to participate, what do you do? That is what we were faced with. So we got the best that we could get for

the majority of the people. And there will be no time in the history of this country—no time at all—when every single human being will look at a constitution that is enforced any given day and say that everything in here is what I agreed with. It will not happen because God made each one of us different. Even the octuplets that were just born will have their own differences, I can promise the world, as soon as we know enough about them.

Madam Speaker, in my view, their approach to this is doing the very cause that they represent, a disservice. They are essentially saying that if they cannot have the Bill of Rights they want, it is better to have none at all. And I am sure on this section this is not what they would wish to say or, indeed, to practise.

Cayman presently has no constitutional provision for human rights. Whatever its perceived shortcomings by the Human Rights Committee, the present draft bill significantly advances human rights protection in this jurisdiction and, importantly—importantly, Madam Speaker—it has the support of both the Cayman delegation and the United Kingdom Government.

And within that Cayman delegation were represented civil society, the Cayman Ministers' Association, the Conference of Seventh Day Adventists, and the Chamber of Commerce and the Human Rights Committee. So I have to say to the Human Rights Committee, half a loaf is better than no bread at all. Let us hasten slowly. Do not attempt to destroy the national consensus which has taken eight years and millions of dollars of the country's money to achieve.

Moving on now, Madam Speaker: the Governor and the Cabinet. Under the present Constitution the Governor is relatively unconstrained in his powers, while the new Constitution is novel in the following respects:

The Governor is under a duty to exercise his powers in the best interest of the Cayman Islands, consistent with those of the UK.

The Cabinet will consist of seven ministers, including the Premier, the Attorney General and the Deputy Governor. The Governor will chair Cabinet and in his absence it will be chaired by the Premier.

Executive power is exercised on behalf of Her Majesty not, as at present, by the Governor alone, but is split between the Governor and the Cabinet of the day. The Cabinet has primary responsibility for making and implementing policy, and the Governor has primary responsibility for defence, external affairs, and appointments and conditions of employment in the public service.

While national security is still a special responsibility of the Governor, he or she must now act in accordance with the advice of a new National Security Council unless he or she considers that giving effect to the advice would adversely affect Her Majesty's interest (whether in respect of the United Kingdom or the Cayman Islands). However, the Governor is duty-bound to keep the Cabinet informed of all matters for

which he or she is primarily responsible, and must consult the Cabinet on all of these matters. Madam Speaker, that I can say personally, is a welcome relief.

Where the Governor does not follow the Cabinet's advice, he or she must provide reasons for not doing so.

The Cabinet agenda is no longer in the hands of the Governor alone, but is set by the Governor together with the Premier (as the Leader of Government Business will in future be called).

Even the very broad overriding powers of the United Kingdom to intervene in order to preserve 'peace, order and good governance', is subject to a duty of the Governor to consult in advance of such intervention.

In one of the Governor's areas of special responsibility, external affairs, unless instructed to the contrary by the United Kingdom, the Governor may no longer enter, agree or give final approval to any international agreement that would affect internal policy, or require implementation by a Law of the Cayman Islands, without first obtaining the agreement of Cabinet.

And even in the area of the Governor's special responsibility for external affairs, he or she is under a duty to delegate or assign to a Minister responsibility for a large range of issues, such as matters having to do with the Caribbean region, tourism, taxation, finance and the regulation of financial services, and European Union matters directly affecting the Cayman Islands.

Madam Speaker, let me say this: that is more than welcome; that is absolutely necessary for this country's survival.

The Governor's existing powers to disallow laws or force a law through the Legislative Assembly is also significantly reduced.

Madam Speaker, the Premier, who is the elected leader of the country: The Premier will replace the present office of Leader of Government Business and he or she will be the individual who commands the support of the majority of persons elected to the Legislative Assembly. He or she will advise the Governor on the appointment of the other ministers.

Attorney General, Deputy Governor and Director of Public Prosecutions: In keeping with the notion that those who are elected by the people are in the best position to translate their needs into policies, the new constitution provides that although the Attorney General and the Deputy Governor shall sit in the Legislative Assembly and Cabinet and continue to offer guidance and advice to these two bodies, neither of them will have a vote.

The office of Deputy Governor is a new one and will replace the current office of Chief Secretary, or as we term it in the Legislative Assembly, the Honourable First Official Member. The holder must be a Caymanian who holds or has held senior position in the public service and is still eligible to hold public of-

fice. And even that one took a bit of craft to make sure that we captured everything, Madam Speaker, as I am sure you will remember (I see you smiling!), but we did it.

The Attorney General will be the principal legal advisor to Government and the Legislative Assembly and will no longer have responsibility for criminal prosecutions. This responsibility will be conferred upon a new Director of Public Prosecutions (DPP). The appointments of both the Attorney General and the Director of Public Prosecutions are no longer the responsibility of His Excellency the Governor solo. In making appointments to these offices the Governor must act in accordance with the advice of a newly created Judicial and Legal Services Commission unless he or she determines that compliance with that advice would prejudice Her Majesty's service.

The draft Constitution gives constitutional recognition to the office of the Cabinet Secretary. The Cabinet Secretary must be a Caymanian and will be appointed by the Governor acting after consultation with the Premier.

While the Cabinet and Legislative responsibility for finance will be transferred to a minister with responsibility for finance, the office of the Financial Secretary is also retained as a constitutionally recognized office. The Financial Secretary will be the principal advisor to the minister with responsibility for finance and will head up this office.

The new Judicial and Legal Services Commission: Whereas now the appointments of judges, magistrates and the Attorney General are made by His Excellency the Governor in his total discretion, the new Constitution provides that the Governor will in future be advised on such appointments by a new Judicial and Legal Services Commission which shall also have responsibility for judicial discipline. No longer will we have to hire this tribunal who, in turn, will hire a battery of lawyers who, in the first week of its operation will cost us more than \$1 million. I will say nothing further on that matter. Madam Speaker, the purpose is to strengthen the independence of the judiciary and provide more expertise about the qualities of the new appointees.

Such a Commission will be independent of His Excellency the Governor and consist of four senior judges, two legal practitioners (one from the government legal service and one from private practice), and two lay persons (one of whom will chair the Commission).

The National Security Council: The draft constitution provides for the establishment of a National Security Council to advise His Excellency the Governor on matters relating to internal security with the exception of operational and staffing matters. The Governor will be obliged to act in accordance with the advice of the Council unless he or she considers that giving effect to the advice would adversely affect Her Majesty's interest whether in respect of the United Kingdom or the Cayman Islands. The Council is made

up of the Governor, who will be the chair person, the Premier, two other Ministers, the Leader of the Opposition or his or her designate, two persons representing civil society, the Deputy Governor, the Attorney General and the Commissioner of Police.

Madam Speaker, the Legislature and Electoral Arrangements: The elected members of the Legislative Assembly will be increased to 18 to facilitate the proposed increase of ministers to 7. In addition, the membership of the House will include the Speaker and the Deputy Governor and Attorney General, ex officio. Further changes to the number of elected members will not require constitutional change but may be done by ordinary legislation. Any increase in the number of ministers in Cabinet must be balanced by corresponding increases in the membership of the House to ensure that the number of ministers does not exceed two-fifths of the membership of the House.

The present electoral districts will be retained with the proposed increases in membership of the House being allocated by an Electoral Boundaries Commission. Special provision is made to ensure that Cayman Brac and Little Cayman will be required to return at least two members to the Legislative Assembly, regardless of the number of voters in that district.

It will be possible in the future to convert the electoral system to single member constituencies without the need for further constitutional change by passing the necessary local legislation.

Madam Speaker, those Institutions which support Democracy: A number of bodies will be introduced so as to set standards which support and strengthen our democracy. These include:

A Human Rights Commission (which will promote the understanding and observance of human rights in the Cayman Islands)

A Commission for Standards in Public Life (which will set the highest standards to ensure the integrity and competence of those in public life, prevent corruption and maintain a Register of Interests).

Advisory District Councils which will provide guidance and advice to members of the Assembly.

A Complaints Commissioner (who will consider and report on complaints about maladministration) and constitutional recognition of the Freedom of Information Law.

With regard to people-initiated referendums, provision is made for people-initiated referendums which will require a referendum to be held in respect of any issue when Cabinet is presented with a petition signed by at least 25 per cent of the electorate. Where the referendum is assented to by more than 50 per cent of the electorate, it is binding on the Cabinet and the Legislature.

Provision is made for limits to be placed on public debt by ordinary legislation, as it is now.

The draft Constitution promotes far greater participation by the Opposition and civil society in the affairs of government. From the inclusion of the Leader of the Opposition or his designate on the Na-

tional Security Council to a non lawyer, private sector Chairman of the Judicial and Legal Services Commission, great effort has been made to create a more inclusive, bipartisan environment for the administration of the affairs of government.

Other examples include involvement of the Leader of the Opposition in appointments to key committees and councils, the ability of elected members whose districts are not represented in Cabinet to attend Cabinet and make representations to Cabinet on matters affecting their districts as well as provision for People Initiated Referendum.

Madam Speaker, in conclusion, these provisions underscore vast improvements to our system of governance under the new Constitution. They will surely contribute to making life better for all of us in the Cayman Islands. I want to say that I highly commend this new Constitution to all Caymanians. In my view, it is the key to unlocking a better and more secure future.

Voting “yes” in the May 20<sup>th</sup> referendum means seizing the wonderful opportunities being offered by the new Constitution for the further development of our country. Give the future a chance! A future of confidence, filled with great possibilities. It is within our reach to have and to hold.

*Endorse the new Constitution and it is all yours!* is what I say to the people of this country. I am extremely happy this morning, Madam Speaker, and I know that all of my colleagues in here and you are very happy to see the youngsters here with us. I can assure them that by their very presence here, they are playing a part in the history of this country. A new Constitution certainly paves a straighter path for them and generations to come.

May God continue to bless and guide us in the Cayman Islands. May we continue to grow from strength to strength under our new Constitution!

I thank you, Madam Speaker, for your indulgence. And I crave your indulgence to now read a short statement which is being published by His Excellency the Governor regarding the new draft Constitution. And just so that everyone will know, Madam Speaker, I did not wrestle it from him. He was quite happy to let me have a copy to read it.

**Statement by His Excellency the Governor, Mr Stuart D M Jack, CVO**

*(Read by Honourable D. Kurt Tibbetts, Leader of Government Business)*

**“The statement reads: Today a new draft Constitution for the Cayman Islands has been published. This was agreed at last week’s talks in London, which were the culmination of a long process going back some years including two recent rounds of talks in Cayman and, before that, extensive public consultation.**

**“I commend the proposed new Constitution to the voters of the Cayman Islands, who will**

**be asked to approve it, or not, in a referendum in May. And I also commend the hard work of many people here and in the UK to get us to this point.**

**“Up to now I have said little publicly apart from encouraging everyone to make their input through the public consultations or directly to those taking part in the talks. In the talks themselves I played a limited part: my main concern was to ensure that the specific circumstances of the Cayman Islands were factored in and that a new Constitution would be workable.**

**“In my opinion the text released today is a good one. I believe it both reflects the needs and values of the Cayman Islands and forms a solid, workable basis for the relationship between this Territory and the United Kingdom. I believe it will extend democracy and promote good governance.**

**“It will give the people of the Cayman Islands a greater say, for example over international relations, government finances, the police and judiciary. The Governor and the United Kingdom Government will be obliged to consult the Premier—the new word for Leader of Government Business—the Cabinet or new national bodies on a larger range of issues: this will regularise and extend current informal efforts at consultation. Several new bodies will be established which will be composed mainly of local people. Checks and balances will be strengthened. And the legitimate interests of the UK and its international obligations will also be safeguarded.**

**“The most controversial part of the new Constitution has been the Bill of Rights. The UK made it clear from the beginning that without a Bill of Rights there would be no new Constitution. Many people here were concerned that it would undermine local values. The text agreed last week will not please everybody—in particular some people felt that it should go further and provide for more rights. But in the opinion of most of those at the talks, including the church representatives, the new Bill of Rights is an acceptable compromise.**

**“It will give added protection to ordinary members of the public, for example in respect of the treatment they get from the police and the courts. There will be an independent Human Rights Commission that will monitor human rights in a local context. In areas which the Bill of Rights does not explicitly cover it will be for the Legislative Assembly, in other words the elected representatives of the people of these islands, to decide whether and in what form further rights should be set out in law. I strongly hope that the elected government and legislators will soon take action to strengthen the protection of women and children – some legislation and action in these non-controversial areas have been outstanding for far too long. And I hope they will go ahead with plans to provide better arrangements for young**



offenders, though I recognise that this requires resources and may therefore not be achievable immediately.

“There are three other new features of the proposed Constitution that I particularly welcome. [And, Madam Speaker, just for those who may listen later on, “I”, in this instance, is His Excellency the Governor.]

“First, a National Security Council chaired by the Governor and composed of the Premier, two other elected Ministers, the Leader of the Opposition and two representatives of civic society as well as the Deputy Governor, the Attorney General and the Commissioner of Police. The Governor will normally be expected to follow its advice on policy matters. But the wide membership and the exclusion from its remit of operational and staffing matters mean that the police will not be subject to undue political interference. That means, for example, that the Police Commissioner, not politicians, will continue to decide which police officer does which job.

“Second, a Judicial and Legal Services Commission chaired by a lay member and composed of local and overseas judges, local lawyers, and members of the public. This will ensure that people appointed to be judges and to a few other key positions such as the Attorney General, and the standards expected of them, are both of a high professional calibre and suit the circumstances of the Cayman Islands.

“Third, a Commission for Standards in Public Life chaired by and composed of local people outside politics and the public service. This independent body will have a wide-ranging remit to ensure high standards in the Legislative Assembly, Cabinet, and across the public service.

“In several other respects the new draft differs from the current Constitution, which goes back to 1972. It is also important to note some of the things which the draft does not do. It does not push the Cayman Islands towards independence, though that option remains if the people of these islands so chose in the future. It does not oblige the Territory to recognise gay marriage: as British Ministers have repeatedly made clear, it would be for the Legislative Assembly to decide on such matters. Nor does the new draft restrict the right of civil servants to stand for elected office. [Those are His Excellency’s words, Madam Speaker.]

“Probably no one around last week’s negotiating table in London is 100% happy with every detail. But I am sure that the text is the best that could be agreed now or in the foreseeable future.

“I hope that voters will look at the new draft Constitution carefully and judge the overall package on its merits. Doubtless people will express differing views in the coming weeks, including candidates in the general election. I hope that

you, the voters, will not let your decision in the referendum get too mixed up with your decision on how you will vote in the elections to the Legislative Assembly, which will take place on the same day. The country’s Constitution is a matter of long term national importance and should rise above short term party politics.

“There is one key question for voters in the referendum: is the proposed new Constitution better for the people of the Cayman Islands than the present Constitution. I believe it is.

“The Draft New Constitution of the Cayman Islands reached at the Constitutional Modernisation Talks, Lancaster House, London 3-5 February 2009.”

*[Applause]*

**The Speaker:** Honourable Leader of Government Business, I need you to lay a copy of the First Draft Constitution on the Table so that it can now become a public document.

**Hon. D. Kurt Tibbetts:** Madam Speaker, you are such a good Speaker! Thank you very much.

I beg to lay on the Table of this Honourable House a copy of the new Draft Constitution.

**The Speaker:** So ordered.

**Hon. D. Kurt Tibbetts:** Thank you.

**The Speaker:** Proceedings will be suspended until 1.30 pm

Proceedings suspended at 11.53 am

Proceedings resumed at 1.36 pm

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

## OTHER BUSINESS

### PRIVATE MEMBERS’ MOTIONS

**Private Member’s Motion No. 10/08-09—Cayman Islands Sports Hall of Fame**

**The Speaker:** I recognise the Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Madam Speaker, I beg to move Private Member’s Motion No. 10/08-09—Cayman Islands Sports Hall of Fame, which reads:

**BE IT HEREBY RESOLVED** that the Government consider establishing a National Sports Hall of Fame.

**The Speaker:** Is there a seconder?

**Ms. Juliana Y. O'Connor-Connolly:** Madam Speaker, I beg to second that Motion.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

The Motion is, by design, kept brief. In my mind it is a rather simple and non-contentious one, one that I do not believe requires a lot of debate.

Madam Speaker, I will probably take only 10 to 15 minutes to do two things: I want to give the rationale and reason behind my moving the Motion; and, secondly, by way of example, I want to offer up a few suggestions revealed in some of my research as it relates to establishing a national sports hall of fame.

Obviously, the Government (if they accept the Motion) would have to go through that process themselves, through their technical staff, and come up with the policy that would underpin the creation of this sports hall of fame. There are various ways and means by which the Government could achieve that, so that would be the remit of the Government. I am not going to venture too much into that territory.

I think all of us would agree that for a long time in the Islands we have struggled to come up with formalised ways and institutions by which we pay honour to our own people who have achieved much in whatever sphere of life they excel in.

Over the years we have come up with a number of laudable initiatives. For a number of years now we have had a sports person of the year. That is something good and fitting. We know that the criteria for receiving awards from the Queen could be stretched to include persons' contributions in varying facets of life which could potentially be, obviously, sports.

But, Madam Speaker, when we look at trying to capture our national history of sports and achievement in sports across all sports, I believe there is a vacuum. The truth is, other than things like naming buildings and fields and there being some new initiative of a particular government that forces us to conjure up and recollect persons who contributed in a particular area, we do not have the type of framework necessary to really allow us to capture our outstanding sportspersons and persons who have been outstanding in the field of sports.

First of all, I want to make it abundantly clear that in every sport I have looked at in my research there is the possibility for not only the sports persons, the athletes themselves to be so honoured and inducted, but also persons who have contributed greatly to sports should be recognised. So you have the possibility for not only persons who have been long time

contributors, sponsors and advocates of a particular sport to be inducted, but also notable writers of sports columns, sections, et cetera, and also commentators of sports.

Given our size, those latter two areas (except for persons who have sponsored and have been heavily involved) when it comes to sports writers and commentators, we do not necessarily have a lot of scope for that in Cayman in my mind. But it is still one of the areas in which a person could be inducted into a sports hall of fame. We need only think about regional sports and the regional experts and commentators involved in some of those sports, the voices . . . as soon as you hear that voice you automatically think of a particular sport because you know they have been doing the commentary for so many years that they become as big as some of the sports figures themselves. When we think more globally and look in North America and Europe, the same thing holds.

Madam Speaker, if you look to some of the more notable examples in the media, in particular from a Cayman perspective, you certainly do see a lot of persons who get inducted into specific sports halls of fame in the United States. For example, the National Football League Hall of Fame; the National Basketball Association Hall of Fame; boxing, et cetera. However, when you look at the institution of sports halls of fame from a more global perspective, you do see that the majority of countries have national sports halls of fame and even within a lot of countries they have regional sports halls of fame where those particular provinces or states actually induct and honour the people who in their more confined area have made a significant contribution.

Cayman is very small and that is the reason I have looked at this from a national perspective. After all, we are only fifty-something thousand people. We are a very small country. I do not believe there is the sort of scope or necessity to have it on any sort of district level at this particular juncture.

Madam Speaker, a number of things have to be done for this to be achieved and well thought through. Firstly, every hall of fame needs to have a mechanism by which the nominations can take place. I think that hurdle is rather easy to overcome in the sense that the technical people can come up with the criteria, the standard form that people can easily access and go through the nomination process.

The second bit is a little trickier in that you do need to have a selection committee. Some body of people has to make the choice. What I found in my research is that typically the selection committees are wide. In other words, they are usually large in number. What is suggested is that you do want to have a lot of minds looking at a nomination and ensuring that the widest input and thought go into it because it is, indeed, a significant achievement and a significant honour to bestow upon a nominee.

Obviously, another issue would involve not only the nominations and selections, but information.

How and where do you place information? Every sports hall of fame that I looked at in the various countries had wonderful websites that you could access. You could see the actual inductees, their picture, their bio and what they have achieved. That is obviously a very important way in which to disseminate information in this age.

However, the slightly more tricky bit would be the whole issue of where would you physically house a sports hall of fame. Usually at some point in time you would want to have some designated place, physical space that the general public can go to and actually tour. In some instances they do statues; in a lot of others they do a picture of the person with a short bio under his name along the walls of the particular building.

Madam Speaker, at this point in time I would not be advocating for Government to necessarily look to build anything that is purpose built specifically for this function. I do believe that if Government looks carefully at its existing facilities there is potential scope for using a hall as a starter location in the interim to double up as a hall of fame.

It might very well be that initially the view will be taken that there is no suitable physical location and that for right now we will develop a very good website that has all the information that would be linked to the central government website with all of the forms for nominating, the selection committee, all of the inductees, their profiles, pictures where available, et cetera. Certainly, I think even that would be a good first step.

I think the most important thing about the exercise is the recognition we are paying to our own people for their achievement in sports, whilst the long term desire would be to have some specific space in which the general public could physically tour and see our own Caymanians in action who have made these significant contributions and have them framed forever because they have been so significant. That would be the long term goal.

Madam Speaker, the terms we use will have to be something we decide upon for Cayman. But typically, you have the athletes who themselves have achieved something outstanding or extraordinarily successful in sports. I also found (and this was rather revealing) that in a number of countries not only have they looked at athletes and their life's work as a standard reason for nomination, but they have also looked at significant specific achievements.

Let us just say, for example, you have an athlete who for whatever reason may not be involved in a specific sport for a very long period of time, but they actually achieved a singular success which itself was extremely important. For example, let's say a person was a gifted sprinter and wound up running the one time race of his or her life, or jumping the one time jump of his or her life. Let's say that in Cayman we had an outstanding high jumper, and he did well. But if we looked at his entire body of work over his entire career we might be saying to ourselves, *Well, I am not*

*100 per cent sure if that entire career is worthy of the hall of fame.* But he had the one jump. He went to the one meet, had the one jump and set a world (under whatever age) record.

What I found in the criteria for nomination in a lot of countries [is that] they do account for those single events where a person, for whatever reason, never really wound up being great, but they had the one run, the one jump, the one swim that was singularly so significant that it should and ought to be recognised for its impact on the sport from a national level. That was an angle of this whole thing that I never contemplated when I first thought of the Motion. I really thought more about body of work, that long career where in whatever sport you were involved in there was that long unequivocal contribution made, where it was a long time sponsor, where you sponsored a team for a decade and you were known as Mr. Football, Mr. Basketball, and you were not the athlete. Or, you were an athlete and you had that long well-established career.

As I thought about this, the other thing that struck me that would pose a challenge would be how you would put together a selection committee. That, in and of itself, is not something easy. The truth is that this is a serious matter, so you do not want it to wind up being the type of institution that people do not honour. You want this to be an institution that when a person is inducted, whether he or she played for your favourite football team or not, anyone looking on objectively will quickly say, *Yes, that career was worthy of that type of recognition.*

As with all things, you are going to have nay sayers. You will have some. This happens in every country where someone will be inducted and someone will say, *Well, I am not sure.* Or, they may compare it to someone else who did not make it and ask, *Why did this individual make it versus another individual?* That's human nature. You are never going to have that sort of meeting of the minds across the board. However, you do want to ensure that when putting together the selection committee, that these people will be objective, so removed from the emotive side of this where a person coming before them who is maybe somebody they are really a big fan of, but they are really being objective because the reality is (certainly from what research I have done) that most national sports halls of fame allow the public to actually execute the nomination.

In some other sports, as in specific sports in the United States where it is much more competitive and sophisticated, they have a different type of screening process. That screening process is used by a wide array of persons who have been writers and commentators in a sport over a long period of time and they themselves get to cast a ballot and decide who is going to make it to the finals for induction. Whoever makes that final cut is then voted upon and, once you get X amount of support, you then make it.

The example I am thinking about is in rough terms how the National Football League in America does it. However, I think we need to get away from that line of thinking when we think about what we are trying to achieve. What we are trying to achieve is persons who have either as athletes or as builders been individuals who make outstanding and extraordinary contributions.

Those are the two ways that I like to describe the two types of scenarios that I described earlier. To my mind the outstanding would be the person who had the long body of work, a long career in whatever sport and we honour them and recognise them with induction through the process. The extraordinary contribution could come in and fall under the category where a person has that real one-off, singular type of achievement that itself, on its own merit, would warrant admission.

Madam Speaker, there is another category that some countries also use, which is induction of a team. That can become a little trickier, but it certainly usually would involve team sports that would involve relay pairs. For example, double tennis, rowing, sailing, sports where when we think of a team it is a fairly small body of people we are talking about.

For example, if Cayman were to produce a good, solid, 4 x 100 relay ladies team that went off to a World Games championship or an Olympic championship and ran that relay of a lifetime and medalled, that would be one of those single extraordinary contributions that could be looked at as worthy for contribution.

Madam Speaker, obviously in looking at this issue I fully recognised that it is not as simple as first meets the eye. There are a lot of complexities and there will be a lot of work, and there will have to be the establishment of some real credible and extremely objective bodies.

One of the things that a lot of the larger countries have the benefit of is millions of people so they can spread their selection committees geographically and across different spheres of sports. One of the things that crossed my mind was whether or not in our efforts we might not also draw upon very experienced commentators and persons who were adept at being not only objective but recognising true achievement from perhaps a regional perspective. You could easily see where in our selection committee we might think about whether or not we want to have a few representatives on our selection committee from outside the Island who, themselves, would be persons of stature in sports who would be very objective and could lend more credibility to what we try to achieve. I do not think anyone would have a real issue with that, because the reality is that we only have about 50,000 to draw from. And that is a very small pool.

It has been done. If you look at Canada, for example, they have a certain number of tiers of sports halls of fame. They have their national, provincial and even within that they have some regional sports halls

of fame. I found a small town in Canada, for example, that had a sports hall of fame and they are not necessarily that much bigger than Cayman. They used principally (from what I could gather) local commentators and persons who made up their selection committee. So that is not something that necessarily has to be done. I just threw it out there because it was a thought that ran through my mind.

Madam Speaker, how we come about the actual election and what numbers is another very important aspect of this. What I found with all of them is that there is always a cap. There is a cap each year as to the number of people that get elected, period. So you could easily have a year in most of these countries where by just the luck of the draw you have a plethora of worthy individuals who in their own right would make it to the hall of fame.

They have a cap, but once a person has been nominated they are automatically rolled into the next year. There is usually a defined period of time. I found in a lot of instances where it is two years. So, if you were nominated in 2009 and did not make it, for whatever reason, you are automatically reconsidered in 2010 and 2111. That is in obviously safeguard for the scenario I just spoke to, which is a year in which a large number of worthy candidates are put forward but, because you have a cap in place for a maximum number of people who can be inducted, all of them simply cannot make it.

Madam Speaker, the other way I have seen that cap work is that they actually have an overall maximum cap but then within the various categories of eligibility they even have individual quotas. For example, I have seen where they say you can only have a certain number of athletes, a certain number of builders for the year, a certain number of teams, and then you take each of those categories and, once you add them together, the sum cannot go above the overall quota for the year.

For example, let us say that Cayman's cap for the year is eight. And the maximum number of athletes and/or teams is seven. And the maximum number of contributors could be four. Well, seven and four would be eleven and that would go over the cap. The selection committee would then have to decide who those eight finalists will be. The three that did not make it in that example would then be carried over automatically for two years for reconsideration along with whatever other nominees were to come in.

Madam Speaker, I promised to be short. I did not want to get into too much of the technical detail, but I thought that I had better offer up some brief thoughts. Certainly, I think the overall spirit is that we want to create an institution that establishes in our permanent memories in our permanent history in sports, people, teams and individuals who have made a significant and/or extraordinary contribution to any and all areas of sports in the Cayman Islands.

Madam Speaker, I thank you and I look forward to other Members' thoughts and contributions.

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

Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

As one of only two athletes left in this House, I guess I am entitled to speak—unlike Mr. Anglin, whose athletic days were very fleeting. The Second Elected Member for West Bay, I should say.

Seriously, Madam Speaker, the Motion on the Floor by the Second Elected Member for West Bay is one that is worthy of consideration. I think that the Government of which I am a part will find no difficulty in supporting his proposed hall of fame idea. Whether it comes exactly in the format that he has proposed is another matter, because he did go into quite some detail. I do not propose to go into that detail. I propose to look at the substance of the Motion.

We are at a time in our history that is calling for us to recognise our people and promote our people. We just had our National Heroes Day which gave due recognition to the women in our society. We have recognised people through our Quincentennial Celebrations, and we continue to recognise those who have done well in the Caymanian society.

A sports hall of fame at this time in our history, whatever format it takes, I think is something worthy of consideration. First of all, it gives recognition. And it also gives something for one to aspire to.

In a time when Government is spending hundreds of millions of dollars on new facilities, new schools, new sporting facilities where we are surely going to be reaping the benefits of greater athletic prowess and greater athletes down the road, it is something that we will certainly have need for in due course.

Even if that were not the case, Madam Speaker, as the Second Elected Member for West Bay said, the Cayman Islands (although small in size) has produced some world class athletes. Not only world class athletes, but people who have stuck around the athletic scene and worked with those athletes over the years, promoting, managing and doing all the things that made it possible for them to compete and succeed. I think due recognition is certainly something that is a no brainer.

We have to pay tribute and recognise that even as a small island nation we have our pride and joy. In this day of much negativity and much crying down of all that is happening all around us, we still have so much to be thankful for. Right now, on the athletic scene we have the likes of Cydonnie Mother-sill, and Kareem Streete-Thompson before her; we have young Ronald Forbes, from North Side, and many others. I could never go into all the names, but just look at some of the elite athletes. Charles Whittaker, who continues to fight and who will hopefully, get a world championship fight here in Cayman.

Madam Speaker, these are by no means small accomplishments; these are significant, map-setting goals that many, many people have worked hard for. In their own way they have put the Cayman Islands on the map.

Then we have athletes who may not have had international fame or recognition. But we all know people locally who we could look to and say, *Well, these guys, these ladies, contributed so much to this particular sport, or played it so well and deserve recognition.*

We think of the likes of Lee Ramoon. Reynard Moxam did play pro for a while, and Lee did play semi-pro. And we think of others. Over the years, the Frankie Colemans and . . . the Minister from East End is looking at me and patting his chest. He was a good referee. But seriously, we did have those of our athletes who may not have made the big world stage, but on the Cayman sports scene they certainly did their part to promote sports, played fairly and led by example for many youngsters to follow and to aspire to.

Right here in our own parliament we have the likes of the Third Elected Member for George Town who has been involved with the sport of netball all of my life. And, while her playing days are over, I know she continues to be an administrator for the sport. So, we have people like that that we are talking about, Madam Speaker. This is not a case of looking within, it is just an example. We have many, many people.

When you look around, especially the sport of football in Cayman (which I played for many years), and think about all the great players, we had with no facilities, [they played] with the bare minimum of facilities. We were running on fields, Madam Speaker. Sometimes we would disappear to our waists in holes! Sometimes there were just clouds of dust. Now, what we have are wonderful facilities. Just yesterday evening I was up at the Annex watching 15- and 16-year old youngsters playing on a beautiful Astro turf pitch.

Seriously, without the proper facility you cannot play the game the way it was intended to be played. I am using football because I am versed in it and because it is one of my favourite sports. But this applies to any sport, Madam Speaker. Anyone who plays sports and remains involved in sports knows how important it is to the wellbeing of any society. It gives younger people in society . . . and the middle-aged and older people are playing sports now, not necessarily at the same pace, but they are certainly involved in sports, a healthy lifestyle throughout the world.

Therefore, Madam Speaker, we want to do whatever we can as a Government to encourage people to be involved in sports. When you create something such as due recognition . . . because sometimes even a small article in the press after a game makes a big difference to a player. You can just imagine when there are awards nights an individual can say after his long hard journey in whatever sporting arena that he is now a hall of fame inductee.

We recently had the Scuba Hall of Fame inductions at Pedro Castle, which we have every year under the Ministry of Tourism. I am sure that is something that people aspire to. You want your name to be up in lights; you want to know that you played your part and were recognised for it. Therefore, Madam Speaker, the Motion as brought by the Second Elected Member [for West Bay] for Government to consider creating a sports hall of fame in these Cayman Islands I think is one worthy of note. I think that whatever we can do in this day and age to promote our own people and put them on a pedestal when they deserve it is something worthy and very well deserved. It creates, as I said, an aspiration.

All of those young athletes out there will say, *One day I want to see my name up there alongside the others who will certainly lead the way.* We see the lights of Ed Bush who has a field named after him; Jimmy Powell, who has a cricket oval named after him, and all those people who promoted sports and played the sports and played them at such a high level.

When young people can say they aspire to be recognised one day as an athlete or be involved in the sport of their choice at whatever level (whether managerial, coaching or whatever), Madam Speaker, I certainly have no problem with the Motion. I am sure that when it comes time for the Minister of Sports to speak, he will also lend his support to the Motion.

Madam Speaker, with those few words (unlike what the Second Elected Member [for West Bay] does when he says he is going to have a few words) I will sit down and offer my support for the Motion.

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

Third Elected Member for George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

I rise to give a few words of support to the Motion submitted by the Second Elected Member for West Bay, establishing a national sports hall of fame.

Madam Speaker, I do not profess to be a fast athlete by any means, although through my lifetime I have been involved . . . you and I have our names etched as being high jumpers and runners, and you and myself in netball.

But I do have a very, very long memory of the establishment of sports in the Cayman Islands. While we like to spend our time looking at people who are in this era, I think we might have to go beyond that to do a lot of research to see how, in particular, the national associations were formed. I must say that I myself have been a founder of two, which are the CIAAA (as a founding member), and the Netball Association. I also introduced cricket and soccer in the education circles.

Whilst I am not batting to be in the halls of fame, I certainly would like to be asked to use my

memory in terms of persons who have gone before. We must remember Mr. T. E. McField. We must remember people like Mr. Arthur Ebanks, Mr. Benson, all of those who made . . . and Mr. Derek Wight. I sat down very quickly and wrote 16 persons either dead or older than all of us inside here that have contributed.

In terms of women, I notice we have not really called any. We have to remember people like Ms. Sybil McLaughlin, who spent an inordinate amount of time in the development of tennis, Ms. Valerie Street, Mrs. Veronica Dilbert, who was the epitome of netball. Certainly, Madam Speaker, this is about nation building.

As I get older I realise that we live for the day. And that is sad that we live just for the day and we only remember the day. We have to remember our history, and we have to write it down. We have to remember that there were people who went before us and it is not just about the instant of the age; it is about who went before us and made life beautiful for us.

I know nobody has mentioned the Leader of Government Business, but he was (I might say) some athlete having been in soccer and in cricket.

This is a good motion, Madam Speaker. I like to support motions that are going to elevate this country and give us the ability to look into our history in terms of nation building. Today sports is about young people. A lot of people tell us that we do not do anything for young people. But in my lifetime and quite recently we have spent an inordinate amount of money on sports.

I rarely see any old people running on the road. I rarely see any old people kicking football. I rarely see any old people playing netball. Sports to me, as it is now, is about the young. So there has been a lot provided for them. But they too, although they are the action part of it, must remember that somebody went ahead and paved this for us.

We have to give a lot of credit to our Jamaican teachers (although some of us may not remember) that came here, particularly in the 1950s and 1960s who really helped us to develop sports in our country and who were very athletic minded. And also people like Mr. Winston Skinner, Mr. Eric Spooner [deceased], Mr. "Lenny" [Leonard] Hew, Mr. Bill Bissell [deceased]. Those are persons who helped us in sports development. I dare say it is going to be quite fit when the Minister establishes the committee for us to go into the history of this so that we do not omit anyone, not just from the hall of fame, because I think you might have to be putting people into that year by year. But this will help us to honour the people who have . . .

Madam Speaker, I remember as a young girl in the 1950s that George Town was no match for athletes in East End, North Side and Bodden Town. In George Town, we had the playing field; they did not have it. They had the streets. The roads in those days

were hard pieces of sand or rocks and they were tough athletes. Some of the fastest runners I think we ever had came from North Side. People like Goodman Powery, those kinds of people, Lorenzo Berry. Those are people I remember who did very well. Ernie Boden. I do not think anybody . . . and I remember my old schoolmate too, the Honourable Anthony Eden (whether or not you believe it) was also an athlete.

[The Second Elected Member for West Bay] has touched a lot by bringing this Motion. It is going to be quite fun and quite interesting for the school children of this country to recognise that we too have our own beautiful nation builders and we do not have to look at the sports channels all the time to find them. They are here.

I want to thank the Member for bringing this.  
Thank you, Madam Speaker.

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

The Honourable Minister responsible for Sports.

[pause] [inaudible comment]

**The Speaker:** I am sorry, but the Minister caught my eye standing on his feet.

Are you giving way to the Second Elected Member for Cayman Brac and Little Cayman?

[pause]

**The Speaker:** Second Elected Member for Cayman Brac and Little Cayman.

[Inaudible comment]

**The Speaker:** Second Elected Member for West Bay, would you direct your questions through the Chair?

**Mr. Moses I. Kirkconnell:** I thank the Honourable Minister for giving way.

Madam Speaker, I stand to support Private Member's Motion No. 10/08-09, brought by the Second Elected Member for West Bay, and the First Elected Member for Cayman Brac and Little Cayman.

This Motion is a feel-good motion, I believe, for everybody in this House. I believe it is one that we can all support and understand how it will help individuals as they start early in their lives and take advantage of sports programmes made available to them. Throughout the world sport is a common denominator that brings people together. Sport is something that breaks down all types of barriers. When you step onto the field it is a skill that you have and it proves who the best team or individual is that day.

Madam Speaker, some of the previous contributors talked about nation builders. They talked about what the sports programmes have done. I would like to also let us remember that fishing is a

sport, and when we talk about the hall of fame that we include all of the sports that take place in the daily lives of Caymanians. Something as special as fishing will, I hope, be considered. It should certainly be provided for in the hall of fame.

Madam Speaker, when you think of somebody who has reached that level of the hall of fame (a hall of fame, as they say), it brings one to an elite skill level. But when you find the person with that elite skill level you are going to find a person with plenty of dedication who has good character, has provided for themselves through hard work a level of sophistication and accomplishment in their lives that very few people reach. I think acknowledging someone in your country that has done that is very important, as we have such a young history and we move in the direction of recognition.

Madam Speaker, when we talk about individuals as mentioned, we must not forget the athletes of Cayman Brac. We know that on a daily basis when the youth meet for netball or football or the other programmes, some have competed abroad (such as the First Elected Member for Cayman Brac and Little Cayman and the famous *Barefoot Brigade* that used to travel) and are not mentioned. But a hall of fame or a place where recognition could be given would provide that for the youth.

When you have the sports banquets on a yearly basis and the athletes that have competed in the Olympics and the athletes that have played sports at all different levels come to Cayman Brac, the youth themselves look forward to what they are going to hear and how they are going to act.

I would like to tell you about a coaching clinic with some of the national team players that was provided a couple of years ago for one of our youth leagues. One of the things that impressed me was that this was one of the best players in our country at that time. What the youth were exposed to was not only the quality of the play and the level of skill, but when they were walking off the field . . . I will never forget. There was a Coca Cola can and a pretzel bag and the player bent over, picked them up, looked at the youth and said "you must always remember to respect the field." That stuck in my mind and I believe it stuck in a lot in a lot of the minds of the youth there that day.

Madam Speaker, in supporting this Motion I must also bring a vision of what I think it will mean to Cayman Brac and Little Cayman. But I speak specifically about Cayman Brac because of the youth there that would aspire to be put in this category and would make use of it by having the history told of the athletes that have gone before and who have been so successful.

If you think of the National Football League Hall of Fame in Canton, Ohio (and I am sure the Second Elected Member for West Bay thought about that when he was doing his research), . . . that is a smaller town. That is a town recognised for having the Hall of

Fame. It is recognised for the festival that is there on a yearly basis to accept and acknowledge what national football league players have done.

And as I thought about that, what better place to have a purpose built centre than Cayman Brac to have the hall of fame being talked about? It would do a couple of things: It would provide a yearly event for Cayman Brac itself. It would also provide role models. It would also be placed on the calendar of Cayman Brac. As we look at how we market the island and move that into the years ahead of us to such a better place, what better time to build a purpose built building as we rebuild after Paloma with the help and support of the Government and how we tool ourselves to go forward?

The Minister for East End agrees with that. I am sure there are many more people in this House that agree with that, Madam Speaker. I ask consideration from the mover and seconder, which I am sure there will be support. Some of the—

*[inaudible interjection]*

**Mr. Moses I. Kirkconnell:** You were doing good.

Madam Speaker, I can hear by the side comments that there is a lot of support for this, and I thank them all.

But as you think of what the hall of fame will do for moving us as a nation forward, I compliment both the mover and the seconder and I am happy to stand and make a few comments in support.

Thank you.

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

The Honourable Minister responsible for Sports.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

I wish to thank the mover and seconder of this Motion for bringing such a unifying debate to this honourable House in what is the last Meeting of this term. It demonstrates that on a number of matters (and we saw that earlier today in relation to the Constitution) there is significant agreement across the Floor of this honourable House. I think that bodes well for the future of this country. It bodes well for the type of campaign I believe will occur in the coming months.

Madam Speaker, the whole question of facilities for sports and the recognition of sporting figures and people who have contributed significantly to sports has been one to which I have turned my attention ever since I had the honour to take the oath of office as Minister with responsibility for Sports.

Over the course of the past three and a half years, we have rebuilt, repaired and renovated every single football facility in these Islands. We have installed three artificial turfs in Cayman Brac, West Bay and George Town, we have rehabilitated the natural

turf fields at Truman Bodden Sports Complex, in Bodden Town, in East End and North Side, and we should shortly be able to reopen the three latter facilities.

Madam Speaker, we have reopened the Truman Bodden Sports Complex and the Ed Bush Sports Field and we are playing on the George Town Field, which is known locally as the Annex. That is a multi-phased development project of which we have phase 1 now completed and phase two underway (phase 2 being the construction of a number of stands on the east side of that facility).

We have completed the construction of a players' pavilion at the Jimmy Powell Cricket Oval and other work is underway there as well. We have replaced the track at the Truman Bodden Sports Field. We are building a boxing gym at the Truman Bodden Sports Facility.

The reason I raise all of these matters, Madam Speaker, is to say that sports has received considerable attention over the course of this term. I also raise it to say that in building these facilities not just the Government of which I am a part, but governments which have preceded us have taken the opportunity to recognise significant contributions of many persons to the development, organisation and operation of sports throughout the years.

The Jimmy Powell Cricket Oval is named after a long-time cricketer and supporter of cricket. In West Bay the Ed Bush Sports Stadium likewise, in relation to one who contributed greatly not so much in terms of his playing ability but to his promotion of the sport of football in West Bay. There is the Donovan Rankine Sports Field in East End, another person who perhaps had not made quite so notable a contribution to sports. Nonetheless, they have played a role in the overall development of facilities in the Cayman Islands and have also had their names appended to various sports facilities.

In relation to the boxing gym under construction, when we broke ground on that some months ago I announced then that that would be named the Dalmain Ebanks Boxing Gym in honour of that great supporter/contributor/developer of boxing, who was also for many years a Member of this House.

While perhaps more could have been done and more should be done, we have in some significant way, I believe, paid attention to the contributions of a variety of not just athletes but persons who have supported sports over the years when we've actually built facilities.

Now, Madam Speaker, in the development of the National Sports Policy and the broader thinking about where we take sports in Cayman, we have been looking at how we remember, how we record for posterity the contributions of the many, many people who have contributed to the development of various sports across these Islands. And [we have also been looking at] how we develop criteria by which we choose those who have been exceptions, who have gone way above the average in terms of contributions, achieve-



ments, or both. A part of that plan is at the Truman Bodden facility in George Town, the Ed Bush facility in West Bay, and the George Town Annex which I should say, Madam Speaker, we are proposing to name after a significant contributor to football and cricket in these Islands when that is reopened I hope in another month or two as soon as the stands there are complete.

We are proposing to develop something akin to a wall of honour in which we detail the various teams. Those of us my age or a bit older will remember some of the really famous football teams through the years in the days of *Sapriisa* [from George Town], *Lions* from West Bay, *Blocks* and *By-Rite* and *East End United* and the range of teams who have played organised football since the late 50s, early 60s.

It is important, particularly for younger people, to understand that this did not just happen; that while we now have a multi-million dollar turf on which to play, it was not always this way. The development of football, in particular, has been long, arduous, and difficult. It is important that we recognise those who have gone before.

Many of the players are part of the lower football. When you talk to some of the middle-aged and older players there are many, many stories they recount about; very, very special games, very, very special players through the years. It is important that we pay attention to that. As I said, Madam Speaker, part of it also is to pay a special tribute in a way that is seen and noted and permanent to those truly outstanding sports people in all sports.

The idea would be that particular attention would be paid to track and field athletes at the Truman Bodden facility, which is essentially the national stadium and the location of our track. Obviously with the advent of the boxing gym up at Truman Bodden as well the area around that gym would also be the location for whatever tribute, whatever form of monument (or whatever you want to call it) is established in honour of those who have contributed significantly to the development of boxing in these Islands.

Madam Speaker, the netball courts are also in that vicinity. We would make similar arrangements there in relation to people who have contributed significantly to netball.

Right across the way, on the new John Gray campus which is being developed, if anyone has been up there recently (I went there yesterday evening) you will see that the double gymnasium is coming along quite well. That facility there could really become the home of the net sports in these Islands. So that would lend itself to both netball and basketball. In due course similar arrangements could be made and similar monuments established for key players, key contributors to the development of those two sports.

The reason for this thinking is that it is important that whatever we do in terms of recognition of these people, that it is put on display where people will see it on a regular basis so that one does not have

to travel to a dedicated building with the purpose and intent of seeing who is in the hall of fame. That is not to say that a hall of fame would not be established and that that is not a good idea. Indeed, Madam Speaker, a hall of fame in relation to football is part of the plan for the redevelopment of the premises on which the George Town Primary School now sits. When the new primary school is completed (in September 2010 is the plan), the newer buildings on the George Town Primary School site would be retained, the older buildings demolished, the modulars removed, and those would become community facilities. Part of what is now the canteen has been proposed as the basis for the football hall of fame.

Madam Speaker, I say all of this to say that the Government accepts the spirit and intent of the Motion proposed by the Second Elected Member for West Bay and the First Elected Member for Cayman Brac and Little Cayman. How we reach the objective put forward by the Second Elected Member for West Bay, very well I think, is by the recognition of the contributions of our athletes and recognition for those who have helped to develop sports across these Islands. How that quite comes out at the end of this exercise is something that I think is still a bit unformed, a bit malleable at this stage.

I think we are all conscious that elections are looming, that this House will be dissolved on 24 March, and that there are still a significant number of projects underway which need to be finished. I think we are all also deeply conscious of the financial constraints that obtain at this time and the uncertainty of the future generally, given the world economic situation.

With all of those possibilities, uncertainties, contingencies, we accept the Motion. Government does consider the establishment of a sports hall of fame as laudable. We think that what is being proposed fits very well into this Government's determination to recognise the achievements of our people in a tangible, permanent way, and that we take every possibility we can to remind the people of this country, particularly the younger people, that the Cayman they live in now and the privileges, pleasures, and opportunities they enjoy have not just magically appeared. They are there because of the immense contributions of generations who have gone before them who have worked in most difficult and played, for that matter in terms of sports, in most difficult and untenable circumstances to provide the foundation for what is enjoyed today. It is our duty, it is our honour, it is our privilege to build on those solid foundations and to make the opportunities of the next generation and generations to come that much greater, that much brighter.

Madam Speaker, the Government is pleased to accept this Motion brought by the Second Elected Member for West Bay and seconded by the First Elected Member for Cayman Brac and Little Cayman.

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

If no other Member wishes to speak, does the mover wish to exercise his right of reply?

Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

I thank all Members who have made a contribution and those who have not. I take that as an indication of their support nonetheless.

Madam Speaker, let me just address a couple of very quick points and give my thoughts on them. One of them was brought forward by the lady Member for George Town. She did not come out and say it this way, but I think this is what she meant. When you start looking at an exercise like this you ought not to be restricted by quotas. I think that was the spirit of what she was saying, and I agree with her wholeheartedly.

I think the initial exercise has got to be one about looking back and making sure that the panel evaluates across all sports all those people at that point in time. So the quota would then apply going forward. That would make sense in the way to go about doing things. Certainly, I hope that would be the way in which . . . and from the sound of the Minister that is the way that they are going about it, certainly for the specific sports that he mentioned.

Madam Speaker, again, when we look at Cayman and how we are going to decide to go about the physical structures, as I said during my presentation that is something that we need to think about and how it would work best for Cayman. I still believe, though, that even within all of that (however we establish electronically) via the Internet, from my research I see that as a good central place that you can have persons' names, profiles, et cetera, so that when we are looking from a national perspective as to who has made it to the hall of fame . . . in fact, most of the websites that I have seen allow you to sort by name, by sport, et cetera. I believe that would be a very good cost effective and efficient way for us to have a central place where persons can look and know what teams, what contributors have made their mark, their contribution to sport.

During my presentation I purposely stayed away from any names. I am not criticising Members who have because, obviously, names bring to light the very essence of the spirit of the Motion. Needless to say, from listening to all those who contributed, the initial work is going to entail a lot of work and research, a lot of consideration. I think it is going to be incumbent that we have good solid criteria that is well thought out. I said during my contribution that anyone who makes it into the national sports hall of fame is indeed worthy to be elevated and has reached that level.

The Second Elected Member for Cayman Brac and Little Cayman brought up a point that I did not cover, and I did not cover it purposely—the whole

issue of what is going to be considered sports. I think that is one that the Minister, his Ministry and his technical team, have to look long and hard at. However, having said that, in my view they ought to also bear in mind that any area or activity that may be borderline, those specific activities usually in Cayman have some form of national association anyway. So nothing stops them as an association from forming their own hall of fame.

In other words, the Second Elected Member for Cayman Brac and Little Cayman mentioned fishing. That could cause a lot of problems, for example, to come up with criteria that fit sports. I mean, is it the guy who could catch the most squabs on Northwest Point rocks? Or was it the guy who caught the biggest Blue Marlin? And is it fishing from . . . that one is a difficult one.

I would suggest that perhaps there will be activities that Government ought to engage and encourage those associations to also go along the same pathway the Government is embarking upon for those specific activities so that you do recognise people in activities that perhaps might not quite make it.

I saw one Member pointing at me and talking about you'll never get in a sports hall of fame for talking. Perhaps debate might wind up being one of them . . . there may be a debate association at some point that puts forward a hall of fame!

I say all of that in jest, Madam Speaker, to say this: The bottom line is that any activity where an association is established, if that association sees fit to honour their own participants, they establish their own hall of fame for that activity.

I thank the Third Elected Member for Bodden Town because it hit me that as the Second Elected Member for Cayman Brac and Little Cayman spoke to fishing my mind automatically turned to the fact that we have established in Cayman an international Scuba Hall of Fame. So, I do not think there is any activity that itself and its individual association . . . but I think Government needs to be careful where it goes that it is indeed something that all people will quickly acknowledge that, yes, that is a sport.

Madam Speaker, some of the work that the Minister updated the House on which is ongoing and in train, I think will itself, certainly for the interim, allow us to overcome that hurdle as to physical location where people can go and actually see names on a specific wall or plaque or what have you. Certainly, as things stand, that is probably the safest route to go. But I do encourage the Government to establish some sort of central place where across all sports people in the community can go to. I would advocate for some form of website that has the information so that that recognition is able to be accessed quite readily, quite easily.

The reality is, as other Members have said, particularly the lady Member for George Town, that there have been many pioneers who have come through and done great work. When she started talk-

ing back to her frame of reference, I automatically started thinking about when I was in school and the contributions of, for example, Jerry Harper, to athletics, et cetera. I am not going to name many more names because I know that's a dangerous thing when you mention one and you inadvertently forget another very important person that made significant contributions.

The last point I want to make, and a couple of Members touched on this, is the whole impact that sports have on young people. Certainly, as we now become more formalised in the way that we honour, respect and recognise our own sports persons, that in and of itself is going to provide yet another target, another bar for young people to aspire to. When you are a young cricketer and you see who is on the Cayman Islands Sports Hall of Fame website for cricket, that is going to provide that person the extra incentive to say, *I want to make such a contribution so that one day my name will be there as well.*

It provides incentive. There is absolutely no doubt about that. It provides great incentive for persons.

One Member (and I do not remember who it was) started comparing a person's contribution and mentioned that the person's contribution may not have been to a world class level in a particular sport. I think that is exactly why we set our own criteria for our national sports hall of fame, because it is for the Cayman Islands. These persons are being recognised for the contributions they made to that sport in the Cayman Islands. Yes, these footballers may not have been Pelé, may not have been Maradona, but they were our Pelé, they were our Maradona. That is the most important thing of this exercise. We are looking for our Michael Phelps.

Well, I am just reminded . . . I better go on.  
[laughter]

We are looking for our equivalent of a world class athlete. The good thing is that we do have, and we have had over the years, persons from Cayman who have performed at that level. So, it is good that some of the people that I think will be honoured at some point in time will make it into the Cayman Islands Sports Hall of Fame. We are going to be proud to have it said and written in their bio that what they achieved was indeed at a world class level. That makes it even more inspiring for all of us to be proud, but inspiring for younger people coming through to exceed those that came before. That is how a nation gets better. That is how all of us get better, through natural competition, trying to get better.

I know mention was made by the Second Elected Member for Cayman Brac and Little Cayman (and I do not want to embarrass my colleague the First Elected Member for Cayman Brac and Little Cayman who seconded the Motion) . . . but certainly I can remember as a youngster hearing about the barefoot brigade and . . . were there any young men?

I am being told that, indeed, there were young men as well. But I clearly remember the young ladies because two of them grew up with me up at Northwest Point.

Madam Speaker, so much has gone before us. That is why what the Third Elected Member for George Town said is so crucial—the initial work to ensure that we do unearth and remember those who have paved the way.

I will end off with this: Certainly, I would encourage the Government that we do not need to be restrictive in terms of the recognition and whether or not a person might make it named as an individual and by their performance into this actual sports hall of fame. But, certainly, significant contributors. It is very important for us to pay credence to persons who reached that bar and for us to remember them.

Madam Speaker, I am happy that, as the Minister said, we were able to debate a motion that allows all of us to come together and talk about things Cayman and ways in which we can honour our own, elevate our own, and inspire those to come.

**The Speaker:** The question is: BE IT HEREBY RESOLVED that the Government consider establishing a National Sports Hall of Fame. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Private Member's Motion No. 10/08-09 passed.**

**Private Member's Motion No. 9/08-09—  
Establishment of an Historical Research and  
Documentaries Commission on Members of the  
Legislative Assembly**

**The Speaker:** I recognise the Third Elected Member for George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

I would like to present Private Member's Motion No. 9/08-09—Establishment of an Historical Research and Documentaries Commission on Members of the Legislative Assembly.

**The Speaker:** Is there a seconder?

Fourth Elected Member for George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker. I beg to second the Motion.

**The Speaker:** The Motion is duly moved and is open for debate. Does the mover wish to speak thereto?

Third Elected Member for the district of George Town.

**Ms. Lucille D. Seymour:** Madam Speaker, perhaps I made an error. I should have included the “whereas” but with your permission I will do that now.

**The Speaker:** Honourable Member, you can if you care to, but it is not absolutely necessary that you read the entire Motion in your introduction. It is just a procedure that people care to follow. But if you wish to read it, go ahead.

**Ms. Lucille D. Seymour:** Madam Speaker, for the benefit of the listening public, and for us to revisit why this was put forward, I will so do.

**WHEREAS the Legislative Assembly is a pillar of democracy and the Members who serve in this hallowed institution strive to make significant contributions to the strengthening of this democracy;**

**AND WHEREAS the efforts and wisdom of the former Members of the Legislative Assembly have led to Cayman islands becoming and remaining a true and viable democracy;**

**AND WHEREAS that political stability has led to the economic success that has made this country the fifth largest financial centre in the world;**

**AND WHEREAS these acts of selflessness and love for country should form part of our historical records and act as means of motivating present and future generations to become proud, law-abiding and productive citizens;**

**BE IT NOW THEREFORE RESOLVED that the Government consider setting up a Commission to oversee research and the production of documentaries and other methods of storing information on former Members of the Legislative Assembly to be made available to Caymanians, residents and visitors through the National Archives, the Public Libraries and the various Educational Institutions of the Cayman Islands.**

**AND BE IT FURTHER RESOLVED that the Commission be comprised of:**

- Current Members of the Legislature; and
- A representative of the National Archives.

Madam Speaker, the Motion itself is quite self-explanatory and I will not be too long in my comments. But the whole Motion shows that when the Government talks about transparency it is willing to go all the way in unearthing anything that our representatives have done in these hallowed halls and the corridors of power.

We need to build on the experience and wisdom of past and current legislators. This is for our social and economic development and so it will be good governance. We have had outstanding leaders. I was reading today the *150 Years of Parliamentary Government*. It is amazing to see what people, who perhaps did not have a lot of vision that some of the younger politicians have today, in particular in the

technological and advanced economical era, have done to make this country.

Madam Speaker, this is important for nation building. All of what we have done here today is about nation building. When we pick up our newspapers, when we read other books about Cayman, it is the new people who have made contributions that take front stage. It behoves us as a Government and as a people to record the important information that our people have contributed in this country.

Plaudits must also go to the Honourable Minister of Education who started this with the last government to look at our national heroes. Madam Speaker, it was quite impressive, very audacious to say the least in some respects, to see the faces of people on National Heroes Day when their mothers were named and they looked on the plaques and the pillars and they saw [the names of] their mothers, their sisters, their aunts. You should have seen those men taking pictures by those plaques, and by the *Lady of Aspiration*.

This is the beginning of a new Cayman. This has to be important to our young people. And our young people must demand that we record the best history of our people. They must demand it! But we must also have the insight in these hallowed halls to do so. We can spend money on all sorts of things. Millions of dollars. And I will not stand here today to name what we have spent money on, but, surely, we can go back to whatever era we want to unearth the names of our politicians—whether they have been vestrymen or legislators.

Madam Speaker, what was appalling to me when I came into the House . . . and I am very sad about it. I did not know that I had an uncle who was a vestryman until I came in here. As a matter of fact, I did not hear it here. Perchance I went to the Elections Office and I was told that Austin Seymour was a vestryman in 1932. I did not know that, Madam Speaker. I was in my 60s before I knew that. That is appalling, Madam Speaker!

Even if we cannot find any history on them, we should have those names written somewhere so that our children and the people who visit our shores, know who these people were, what they have done, who were vestrymen, et cetera.

Important times, such as 1959 when we had our first Constitution, must be recorded somewhere in the Cayman Islands. It is not just about developing parks (no offence to the Minister of Works), but we must talk about the life and the work that our people have contributed.

When you read this document, Madam Speaker . . . and I would ask us to go back and read this. I think it was put together by the Hon. Sybil McLaughlin. It gives us a time of what people have done. When you go to the Archives to talk about Ms. Annie Huldah Bodden, if you get two pages that is all! That is not good enough!

Madam Speaker, I hear everybody in here saying what Ms. Annie did [including] you, yourself, Madam Speaker. Surely, we must get people who are good at writing and extracting information so that we can write some sort of biography on Annie Huldah Bodden, or any other Member of the Legislative Assembly. Surely, Madam Speaker.

This is very important to me as a Caymanian for the young people, in particular, who we want to live to be Caymanians to understand Caymanians, where we are coming from, the hard work [by] people [who] sat at the Town Hall, under the trees—wherever they had the Vestry—what they did to make this Cayman that others have come and enjoyed. And they have their names and pictures up before those others. That is unfair, Madam Speaker. That is grossly unfair.

Of course, a prophet is not honoured in his own country. I know it's Biblical, but we must do better than that. We must start when this Motion is accepted to set the people . . . and, Madam Speaker, what is even important now is that we have just launched a film commission. It is expensive, but here is a body that the Government has launched that could assist also the other bodies to even film fictitious things on the whole development of democracy in the Cayman Islands.

This is apropos because we have just tabled the Draft Constitution of the Cayman Islands. This is apropos, Madam Speaker. Not that we are fighting for ourselves . . . and I suppose one day somebody will call our names. Of course they will call your name. They will call everybody's name inside here. But the people who went before us must be remembered.

It is not good enough, Madam Speaker . . . we had two of our heroes die in December. Two who have represented our country. It is not good enough to get, as my mother would talk about, *scrapsies*, on these people. We need proper writers, proper persons who can unearth information on these people. And, Madam Speaker, Caymanians know a lot of things, you just need the right people to go and find it. We are very good at relating things verbally. Madam Speaker, as I said the Motion itself . . . I did it that way so I would not have to talk a lot.

If we do not record our history it means that we are not progressive. If we can only record the history of those who have just come here, whether they are new Caymanians or they have just arrived as indigenous Caymanians, if that is all we can do, we have done a disservice to this country. Madam Speaker, the Cayman Islands have gone through a lot in my lifetime and in your lifetime. We have the Archives, but the Archives is where we can archive information.

Madam Speaker, I have been to schools and I do not mind them calling me Mrs. Moyle, but they certainly mix us up. They have called me Mrs. Moyle, and perhaps they call you Ms. Seymour. That is perhaps because they do not have anything on us, except our pictures. And even that they interchange.

They need to know that this is Parliament; this is where the laws of the land and the destiny of the people start and end. This is where the people of good intentions come to work for the benefit of their country. So, when a person leaves here, either by attrition or by a default in the election, their history must be recorded. Whether or not we think we should, that is not our personal choice. But it should be recorded here. It should be put in our school system. It should be given to the transient population we have so they understand who we are. You, yourself, Madam Speaker . . . I have seen people mistake you for others.

Even our police force has not recognised you, Madam Speaker, which is sad. Not that I am hinting to anyone, but this is a pet peeve of mine. It is from where I sit and where I come from so that the great things that people do will not die with them and be interred with their bones, but that it will be written and that the children and grandchildren, the visitors and all who come here will know that, yes, the Cayman Islands has had a history. And part of that history is the democratic process of the people who have been part of it such as the vestrymen and legislators.

Thank you.

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

Fourth Elected Member for George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I rise to support the Motion. I did second it along with the Third Elected Member for George Town. I agree with the content of the Motion and I would like to say that I am always grateful to work along with the Third Elected Member for George Town. We have moved and seconded quite a few motions together. Her motions are always thoughtful, very important, and in many cases they are all about recognition of our people.

While this Motion may be about Members who have served in our Legislative Assembly or as vestrymen, it is nonetheless extremely important to who we are and where we have come from.

I know that one of the problems we have in the Cayman Islands is exactly what she said. We seem to have a problem with recording important facts, with actually putting down in writing things that are important to us. We leave a lot of things to memory. The way life has gone on, Madam Speaker, those memories, those important things are leaving us as soon as the older generation passes on. That is with everything including things like recipes and craft-making and those kinds of things.

I do believe that a Motion like this should serve well in other areas of Caymanian life right now. I dare say that it would probably be correct to say that it is easier to have a child in our schools research the history of an American politician and get more information than he could for a Caymanian politician. That

is because they have recognised the necessity of putting things down for posterity where we can always go back and find things and even build on some of those things.

I am in support of the Motion, Madam Speaker. One thing I do here on a regular basis is take time to look at photos of the Members who served before. I never tire of doing that. Most of them have names, but a lot of them do not even have the dates that they served. I am not saying this is a problem from today; this has been a problem for years. It is difficult. And we have talked about finding ways to remedy this situation. I am extremely glad that the Third Elected Member for George Town has seen fit to bring this Motion because the longer we leave this the worse it is going to get.

I do not believe I can say too much more. The mover of the Motion made a fantastic presentation. I believe Members of the House will see it necessary to support this. Unfortunately, again, it is one of those things that is going to cost money. But it is a part of our history that we must preserve. We must do something about recording it. Generations to come will look very unkindly on us if we continue to leave it this way and not make proper recordings of what has happened in the very important section of the lives of our politicians.

I am in support of the Motion and trust that it will see safe passage.

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

Honourable First Official Member.

**Hon. George A. McCarthy:** Madam Speaker, I rise on behalf of the Government to indicate acceptance of this Motion. This Motion is very timely. The Third Elected Member for George Town should be commended for bringing this Motion at this time.

Like the Fourth Elected Member for George Town, I often times look at the photographs of the persons on the walls inside the passage and in the foyer of the Legislative Assembly. The information that is there on these individuals is often times restricted to what we know of these individuals and their contributions. But there is no record that provides detailed information in terms of the very significant contribution of these individuals.

We know that the history of the Cayman Islands is very rich and will show that over the past several decades quite a number of individuals at great sacrifice, many of them who have gone before us, and some who are presently in our community, have made significant sacrifice. As a result of that, today the Cayman Islands are the envy of the Caribbean region for its accomplishments.

We are a very safe community. We are a God fearing community. We are an orderly community, a modern community, and a community that is tolerant of other people. This did not come about by accident,

but by the investment of time and energy by those who have gone before us and those who are here with us at this time. Orderliness in any society is not something that comes about by default. It is as a result of concerted effort to achieve this. We can see in terms of the recent talks on constitutional issues the voices that were raised in terms of ensuring that the culture of the Cayman Islands is protected and known for what it is.

As a result of that, what has been tabled in the Legislative Assembly today is a Draft Constitution that has received consensus on both sides and in the wider community, a document that the community at large can be proud of.

These individuals the honourable Third Elected Member for George Town is saying a commission should be set up in order to capture and accurately reflect relevant information concerning them, are the individuals that have really in their contributions made the Cayman Islands community into what it is known to be today. And it is imperative, Madam Speaker, as she has ably pointed out, that this information be recorded and be made available at our National Archive, to our school children and at the library.

One of our Honourable Ministers reported an unfortunate event. He was coming through the Customs Department less than three months ago. He was in the line that has been established for air crew and Ministers and Members of Government. He was asked by a member of the Customs Department to leave that line and go elsewhere. He stepped back and looked up, and apparently this person (I don't think the individual is mean-spirited) did not know who the Minister of Government was. Madam Speaker, that is quite unfortunate to encounter this situation in our community.

This type of civic awareness is something that should be the norm of the day. When you step into one of our schools or anywhere in the Cayman Islands, everybody should know, Madam Speaker, that you are the Honourable Speaker of the Legislative Assembly, or the Honourable Leader of Government Business, any of our Ministers, the Honourable Leader of the Opposition, or any Member of this Parliament. Madam Speaker, it should be known.

And if the current Members of the Legislative Assembly are not widely known in terms of who they are in the community, this in itself underscores the need as to why information in terms of the contributions of the individuals who have gone before us, and some of whom are here, that this information be recorded for posterity.

As the honourable Member pointed out, two of our stalwarts passed towards the latter part of last year—Mr. Warren Connolly and Sir Vassel Johnson. We are aware of the contributions of these individuals.

Madam Speaker, the Motion in itself, in fact the wording of the Motion distills the substance as to the significance of having this information captured, properly recorded. I am not sure in terms of the me-

chanics as to how this can be done, but I will be seeking the advice of one of our senior members in the Portfolio who has very good experience with the Archives as to how best we can go about setting up this commission. In fact, he was the director for quite some time.

Madam Speaker, on behalf of the Government, I am quite pleased to add support to the acceptance of this Motion.

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

The Honourable Minister responsible for Education, Culture and Sports.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I wish to say a few words about this important Motion.

Over the course of I would say the past 10 years or so, there has been an increasing awareness among our people of the need to recognise the contributions of what we have come to call the nation builders of this land. I think that the highlight of that awareness came during the Quincentennial year and the Quincentennial celebrations.

In my lifetime I have never known an event—it was not an event, really. It was a celebration (I will have to call it that) which lasted a whole year—which so galvanised the people of this country. There are many stories I could recount of just simple exchanges with people, particularly the older people, and particularly the very young. The older ones were completely overwhelmed by the fact that the country had finally come to recognise the contributions of their generation and the generations before them. And the younger ones were in awe because, hitherto, they did not know that any such thing had occurred because when you are very young there is a tendency to believe that what you were born into is the way it has always ever been.

Madam Speaker, when I was in school (and I am not that old!) there was no history of the Cayman Islands taught in the schools. There were four or five small volumes of the notes of Commissioner Hirst that were in my home, which I read many times as a youngster. But that was the extent of the collected information about the birth and development of this nation.

When you grow up in a historical vacuum, you tend to believe that there was nothing there of any consequence. That is why it was never written about. That is why no one was ever honoured for contributions, because there was not much to contribute to, there was not much in terms of contributions made. That is the impression. That is what I remember from my school days. We read about all of the heroes of Europe, the United States and further a field. I studied at advanced level American and European History.

That is important, Madam Speaker, because we need to understand and appreciate that we are a little country in a much bigger world. It is important for

us to have perspective and to understand world history. Not for one moment am I saying that that is not the case.

I have always had a deep and abiding love of this place where I was born and of its people and their contributions. My family on both sides come from eastern districts. I am the sixth generation on my father's side to be born on this little rock. So, my family's roots are deep, deep, deep in this soil, and the bones of many generations of my family are interred in the cemeteries in East End and Bodden Town.

Whether it is because of that, or simply because of how I am made up, I have always felt a deep sense of dissatisfaction at how little is said, how little is written, how little regard has been paid to the forebears of my generation of Caymanians, how little attention and regard has, until recent times, been paid to the struggles and achievements of those people in the most difficult of circumstances at a time when this place was little more than a mosquito-ridden backwater unnoticed by most of the world.

They strove, they struggled and they built the foundations of this modern Cayman. And one of the greatest privileges I have ever had is to have been made Minister with responsibility for Culture, and to have been able to inspire the regeneration of National Heroes Day and to be involved in building that to become the most significant national celebration in these Islands. That is not for me; that is to celebrate the nation builders of this land. While there are those who have, and those who will continue to, criticise what we spend on something like National Heroes Day, I say every penny is well spent.

Madam Speaker, I cannot tell you how angered I was to see the comments on the front page of one of the local papers by certain business people within the precincts of this Legislative Assembly and National Heroes Park who complained bitterly about the loss of Saturday's business—it was only that day!—because this area was closed to vehicular traffic so we could set up a National Heroes Day.

Not only angered, but saddened because I have to say I did not recognise a single name there. But these days that does not mean they are not Caymanian, so I will not say that none of them are Caymanian. But what it did tell me was how little importance they pay to the celebration of National Heroes Day. We are getting to a place in this country where the slightest inconvenience (forget about sacrifice) is not tolerated. It is all about *me* and *my*; not about *us*, *our* and *we*, because that is what National Heroes Day is about.

Madam Speaker, in my view we cannot do enough to record the contributions, achievements, and the history of the people of this land. We cannot do enough. In the celebration of National Heroes Day I took the policy decision that we want something more than just a grand occasion that makes us all feel good; that we want something tangible, something that is lasting, something that people can come back

to and say, *I was there when that was done. This is what this stands for; that a mother can explain to her child, That's your grandmother's name there. That's your auntie's name there. This is what they did.*

Madam Speaker, in the last two National Heroes Day celebrations we developed the concept of a booklet which would set out details, important, accurate, historical information relating to whatever the theme for National Heroes Day is; something that can be taken home so that the next generation, and even in many cases this generation of people in Cayman who did not know about these things will have a permanent record of it; something we can take into the schools which can be used as teaching tools so that the children in the schools understand that they did not just come as a people, as Caymanians from nowhere—that generations of Caymanians worked to build what we have.

That is why last year when we celebrated, the theme was about our seafaring traditions and we celebrated the Caymanian creation/invention—the Catboat. We had a book prepared called *Heart and Sails*, which talked about how the catboat was developed, what it was used for, what it meant to Cayman. In real terms it was, as Jerris Miller described it in the past, the “pickup truck of generations past.” It was used for everything from transporting ground provisions to transporting dead bodies. It was the pickup truck of the times.

We have those things recorded. They are now in a book which can be referred to by anyone who wants to. This year, in praise of our women the book was entitled *Steps to Equality*, setting out the struggles, achievements and aspirations of women across generations—from the time before women were able to vote, to the aspirations of this generation of young women who are pursuing university degrees. It is all set out. Perspectives.

It may not mean so much to people right now, because we are in the here and now. But I know that in time to come, when my bones too are dust, people will look back and be able to say, *Well, we didn't know that. It's a good thing that someone had the foresight to prepare . . .* because all of that information will be lost in a few short years from now. In the grand span of time, 25, 30 or 50 years is neither here nor there.

While I believe my chances of being around another 50 years are pretty good, 50 years will be gone in a flash. Madam Speaker, it is important while we are here, while we are able, that these things are recorded, for that is, in part, our contribution to nation building.

So, Madam Speaker, if it were left to me, if I had the wherewithal, if they leave me here long enough there will be lots of monuments to the achievements of Caymanians spread around this entire country. That is the way it is remembered the world over. And we do not have to cast about to make up things that our people did or write fiction, there are

great stories of tremendous struggle and achievement on the part of our people.

Madam Speaker, next Heroes Day I have already decided that we will celebrate the contributions and achievements of our veterans and their struggles and sacrifices in the various wars that they fought on behalf of Her Majesty's Government. We are already working on how that theme is going to evolve.

Now, of course, Madam Speaker, I won't be so presumptuous. The electorate might intervene and say I should not be around. But I am not proceeding on that premise at all. And if I am around, God willing and the electorate willing, that will be the theme of the next Heroes Day.

Madam Speaker, this important Motion brought by the Third Elected Member for George Town and seconded by the Fourth Elected Member for George Town, is important in that context. On 8 December last, we honoured, acknowledged and celebrated the contributions of the first women . . . well, not just the first, but all women who have served in public office since the passage by this House of the Sex Disqualification (Removal) Law 50 years ago. There is a plaque on the outside of this Chamber marking that occasion, honouring and recording the names of those women. Fifty years from now, few will remember who they were unless it is recorded somewhere for posterity.

Those things are important to nation building, important to our peoples' sense of who they are and what they are worth. It is about national esteem building. If you perceive that you came from nowhere, it is difficult to find a compass, difficult to find a sense that you mean anything if you came from nowhere. If you came from a country and a people whose achievements were little or nothing, unless you are able to completely divorce yourself from that and adopt some other national and social standing and pretend to be something else, it is difficult for you to find your way, to find your place, to find your purpose in this world.

We must do things . . . and I am not talking about making up things. We must do things which cause our people to appreciate that they came from good stock, that they did not just wash up on the bay one day; that this was not just magically created by people who came from somewhere else and brought all of the wealth and trappings that we have come to take for granted in this country. That is what this exercise is all about. That is how I see this. It is beyond the particular day in question. It is the impact that makes on the nation and the psyche of the nation now, but more than now, in time to come; what it does to young people and their perception about who they are and the people of whom they are a part.

So, Madam Speaker, this particular Motion, which speaks to the need to record and to promote the achievements of the generations of legislators, representatives who came before us, is a critical part of that overall exercise.



As I think the Fourth Elected Member for George Town said very well, it is far easier to Google an American politician representative of the past and get reams and reams of information than it is to find out anything about the generations of legislators that have gone before. We have had 150 years of parliamentary democracy. Many of those people are completely forgotten or unknown because in those days the Vestry consisted of many . . . it was truly representative government because I think when the population of these Islands was only 6,000 people there were 66 representatives. I always scratch my head because I have never been able to understand how all of them would get packed in to the Town Hall or the Court House or wherever they were meeting. I guess they didn't all show up at the same time.

All of those things, the history of how all of that worked would be an important and interesting part of the research that needs to go into how we develop these sorts of historical records in relation to the development of our legislature and the important contributions of those who have gone before.

So, Madam Speaker, as you might have gathered if you did not already know, I am quite passionate about these things. And yes, it costs money. I do not know what in this world, aside from salvation, does not. But this is important. It is important because while it is not about putting food on your table, it is not about building buildings, it is about feeding the country, feeding the appetite of our people for this knowledge. It is about building a nation.

With those few words, I offer this Motion my full support and look forward to its safe passage.

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

Third Elected Member for Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

I would like to offer my support to this very important Motion brought by the Third Elected Member for George Town and seconded by the Fourth Elected Member for George Town. I have to pay credit to the Third Elected Member for George Town at this stage, because she always seems to find these motions (as my friend and colleague, the Fourth Elected Member said) that are thought provoking and soul searching and, certainly, about recognising the worth of our people. And that is great! It is good to have someone amongst us who specialises, as it were, in that area to ensure that we stay on top and give the proper recognition in the areas that we need to.

I know that these couple of hours of debate will be looked at by some critics [who will say], *Oh, they have been up in there beating their chests about themselves.* But, Madam Speaker, that would only come from shallow minded individuals. This is about recognising the contributions of those in our young democracy. Thank God it is quite young because the

task ahead will be less arduous, although it will not be easy. It will take quite a bit of research.

Like others before me I, too, enjoy looking at the photos in our gallery, which is really not open to the public, but in the halls where we walk each day when we are here. We look at all of those, some nameless, some dates are incomplete and some are missing. Madam Speaker, I would love to see that, whether electronic or physical, where I could spend the time to learn about the history of these Cayman Islands and those who served as vestrymen and as legislators who played their part in our arrival at this great point that we have reached and who paved the way for us to be here.

It is certainly an honour to serve behind many who have gone before. I do not need to call all the great names because a lot of us will know. But, certainly, those who come to our shores would not know and our young people would not know.

Just this past summer I went on a family vacation to Washington DC. I had never been. And it was a great honour for me to go around the US Capital and see all of the history there. It pretty much is all wrapped around their legislators, the great presidents. You see Jefferson standing there in what I would call, a huge gazebo (they have another name for it), but he's inside there, a massive statue. He's looking in a certain direction. I think he's facing towards parliament, if I am not mistaken. There is Abraham Lincoln. You read on the wall there about Abraham Lincoln.

*[Inaudible comment]*

**Mr. Osbourne V. Bodden:** Yes, a coliseum. That is what past president Jefferson is in.

In one way or the other they are all recognised and put on a pedestal for the world to see and for people to come to the country and learn about US history.

Madam Speaker, when we give recognition like that, it says to those who have come along lately that this is not just a Cayman Islands that is all about money and a place where you come and enjoy a life in the sun and you do well for yourself and your family and you move on. This has not always been a transient society. That came along after our economy started to outstrip our population. But we have people of soul and people of the soil, people who contributed and worked hard and beat away the mosquitoes, did all of the necessary things, did the turtling and the seamanship and took care of the kids. All of that is what we are talking about. That's what these motions are all about, Madam Speaker.

This Motion is not unlike the one that proceeded it on the Sports Hall of Fame where we are looking to recognise people in the sporting arena because, similar to people in the legislative arena, they too have played their part in shaping our history.

Madam Speaker, I remember my good friend the Minister of Education was very keen on history

when we were in school. I hated it, in fact! I regret that now, I must say, but I was more into geography. He would be going off to history class and I wanted nothing to do with it. I was much more interested in how things were formed and where people lived and what they did and whatnot currently.

But I remember the reason I was not in tune with history and did not think it was important or valuable to me is because it was not about me. At the time, if I had been told that I was going to study West Indian history or Caymanian history, I can assure you that I would have been in tune and would have wanted to learn. But I did not want any part, although those histories are important to understand and play their part in our development. And at this stage in our lives we need to know about other people.

Thank God, I must say that is one good thing about our people. We always seem to know a lot more about other people than they do about us, because we have that quest for knowledge and we are small fish in a big pond. Because we had seamen who travelled widely and brought back their stories and experiences we are well versed with the world, I must say.

Madam Speaker, in terms of this Motion and all that it asks for, yes, like anything it will cost money and will take some time. But I believe that if we do not do these things now we are losing the people who have a lot of the knowledge that we need. We are looking at people who are probably in their 80s and 90s. Some have gone on, unfortunately. Therefore, it is important for us to capture whatever there is out there because those people, like us now in midlife, know to a certain extent back. But those older than us will know that much further back, once their memory holds. It is important that we capture all that they have to tell us about our traditions, our crafts, capture the knowledge they have of our forefathers so that, yes, whenever our young people Google (or whatever other technology will come to be) they will be able to pull up [information] about us, and where we came from, about the people that got us to the point where we are.

The truth is, party politics aside and all of the other politics aside, when you look back at the classes of legislators we have had in this country, we have a lot to be proud of. You do not see us jumping up like you see in those Asian parliaments where they pelt handbag, table, desk on a daily basis. Even the British parliament . . . we fall under the UK, but look at the British parliament and see how confrontational that is. And you wonder.

We here in the Cayman Islands have always had a sense of decorum. Yes, we fight on issues and we often times fight during the campaign trail and all that, but the politicians of the Cayman Islands, if you look back in general, they have been people that you can hold your hand up to and say these people have put in a lot of time. I can tell you, Madam Speaker, that anyone who thinks that this is an easy job has

another guess coming. It is a thankless job, Madam Speaker! People who do this, whether for a short time or a very long time, deserve the respect of others.

I notice that the latest thing now is the new breed of prospective politicians saying they are going to be "full time representatives from 9 to 5". Well, that is the best joke that we have had this year because this life is not about 9 to 5, I can tell them that up front. Madam Speaker, we pay our dues. Therefore, research is due on the past as well as the current class of legislators.

I want to pay credit once more to the mover of this Motion for her foresight in continuing to develop and allow others to have knowledge of where we are coming from and where we are going because if you do not know where you came from, you cannot know where you are going.

Madam Speaker, with that, I lend my support to the Motion and thank you.

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

Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Madam Speaker, I rise to offer a few comments to the Motion. I would first ask for one bit of clarification when the mover is winding up.

In looking at the first resolve and the title of the Motion, it speaks to Members of the Legislative Assembly. The reason I point that out is that I presume the intended reach of the Motion was not restricted to what would have been MLAs proper, but perhaps going back to elected vestrymen, et cetera. So, we need to ensure that whoever actually gets this Motion and uses it as a basis for moving forward clearly understands that it is just not Members of the Legislative Assembly that we are talking about.

Madam Speaker, this exercise certainly for the persons who have gone on, especially when we go back into the era of elected vestry, et cetera, back in the 50s and 60s, will be one that will perhaps take some time and would involve quite a bit of research and work. However, the one thing I would encourage as part of the process is that we come up with a very standard approach to how we are going to deal with this.

In other words, we have basic parameters to which every single person would have the information gleaned—what office they held and the tenure. And then, if available (because I am not sure how much will be available and what some of the processes would have been back in the days of the vestry) . . . I know in our days we can speak to Private Members' Motions and that sort of thing. I do not know precisely what the order was and how the business of that particular institution was carried out.

Certainly, from our perspective, if we talk about what obtains now, I could easily see there being a very standard profile for all of us who have our

names, the offices we held, the terms we served, and then perhaps link to—because as I understand, the *Hansards* are now online on our current website. So, it is not beyond technology today for us to be able to link that person's profile to their body of work. That is perhaps a safe way for us to proceed, certainly for current Members in very recent times.

If we start trying to develop subjective profiles about what a person did or did not do, then we are really getting into someone having to sit down with a person to try to subjectively create a story of the person. I see a much safer way for us to proceed, certainly as I said for the Members who have sat in this House and who have had to abide by the rules that we operate under and for which there is *Hansard* available, the ability to link that profile to what they have done.

So a student could go online, or anyone could go online and pull up a person by name and up would come the person's picture, that very standardised bit of information that is not biased or painted or tainted in any way, shape or form, and gives one a plain history.

If we also envision that we are going to start recording in more of a less formal way a person's bio, that is something that I think we need to be careful about. I am not suggesting that the Motion is not important. But we want to ensure that everything there is completely factual and is plain as possible about an individual and is not painted one way or the other. I am sure a lot of people when they look back at themselves will say, *I stood for X. I stood for Y.* While it is easy to say that, what did they do when they were here? What motions did they bring? How did they vote? And what is the real history of their work? I think that is what we are trying to capture.

So, if that is what we are trying to capture, I think that some of this exercise is not going to be as difficult or as arduous as the House may believe. I do not think it is beyond—I know it is not beyond technology to be able to do that.

There are a couple of very interesting parliamentary websites currently online that we can look at, and I believe this committee should look at for thoughts and ideas as to a way forward. I think when we look purely at what the Motion speaks to directly, this is going to be a much more difficult exercise when we look back, especially at institutions like the Vestry. I think perhaps one of the things that could help in assisting this would be that we agree where this is going to be housed.

I am not trying to downplay the importance of the National Archive. I know that we live in a digital age. The reality is that as much as we can put on electronic media means that it is going to have relevance, it is going to be accessible and people are going to use it. I think that is the outcome we want out of all of this.

If that is the outcome, we need to try and decide where we are going to house this. From what I

have seen already on the Legislative Assembly's website, I think that's a perfect platform to build from. However, I do believe that we need to make sure that it is made clear how each era operated so that when people hear about elected vestry, there is a brief synopsis of how one became eligible, how one became elected and what the system was. If we do that for each of the different eras, I think that makes it very easy for people to follow that political development, that social development in Cayman in one place, and have the information readily accessible to them.

I think if we use that as part (and I am sure there are many other tentacles to this that I am not thinking of while I am on my feet) . . . but if we use that sort of approach I think it will make the exercise a lot easier.

In looking back at the Vestry and people who were elected in those days, like everything, the further back you go the more difficult the whole exercise becomes. I think that is where we will start to get into what this Motion speaks to where a person or persons will have to make a judgment call and say *Vestryman/woman X, was elected*, and have a date. And when you come to that bio part of it, it will have to potentially be created and have wording that is in the form of a summary.

Madam Speaker, if I could just cover the points. I think that if we start talking about current and going back into the not-too-distant past, my view would be that we do not need to get into someone trying to summarise any of our body of work and what we have done. I think we should have a very standardised approach and simply have the links that will allow persons to access that person by name and pull up what they did while they were elected and let our work and all prior members' work and what we did and what we said on motions and bills in this Legislative Assembly speak for itself.

Then, as we move back further where the system was slightly different and the information is not as readily available and is not perhaps in an easily accessible form, then we really need to come up with an accurate and an objective as possible summary of each person. I think even going back we could use that standard approach, what office they held, the time, the district, the term, if some terms were interrupted by not being elected, then being re-elected, and the district one represented. I think if we go that route we can end up with a product.

At the end of the day I think we all want as far as possible, recorded simply, accurately, accessible [information] on what we have all done. Once that is available to all of us, then it is quite easy. As other Members who have spoken have said, it is quite frustrating today as we walk through the hall in the Legislative Assembly to see a picture and not know who the person was and what office they held, the term they held it. That does not allow us to really appreciate where we are and how we've gotten here. I think that

is the crux of the exercise we are looking to undertake.

We want to allow the people of the Cayman Islands and, for that matter, anyone . . . that's why I advocate using what should be our central legislative website as the tool for anyone to look at us from a legislative standpoint and be able to access as much detail as possible about where we came from, who the players were and what we all did and what we all meant in the whole realm of things.

I think when we go into another exercise where we talk about significant contributors, and certainly we would have people like national heroes, et cetera, that we do need to ensure that we commission the type of work necessary to provide the detailed background as to what those people were—what were they really like?—so that again we can look back and say here is a person that is a national hero of the Cayman Islands. Here is who they were and what they did during their lifetime so that anyone today or at any point in the future can look and really appreciate where the Cayman Islands have come from and what contributions people made.

Madam Speaker, I commend the mover of the Motion. She has certainly brought a number of these types of motions (as other Members have said), that are real introspective and reflective motions that allow us—force us . . . let me not say allow. We have always had the ability to do this, and we have talked about a lot of these different things over the years, certainly in the short eight years that I have been here. But she has brought motions that are forcing us to really take a hard look, pull the information together and really appreciate the fact that while we are small we do have a very rich, but in large measure unknown, not readily accessible, history.

Thank you.

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

If no other Member wishes to speak, does the mover wish to exercise her right of reply?

Third Elected Member for George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

First of all, let me thank my colleagues who have made many treatise in support of this Motion, and all the various input they had. To listen to the passionate treatise of the Honourable Minister of Education and to say that as the Minister of Culture he certainly will have a hand in this to see that it goes a long way.

I would also like to thank the Second Elected Member for West Bay for his input and looking at how it should take shape. I must remind him that the First Official Member did give his assurance that he would get an expert in his office to look at it. Perhaps because we have asked for Members of the Legislative Assembly as well as other persons to be involved we

could really look to see who from this bench would be selected to be on it.

Madam Speaker, the change to come is enough. With the exception of my friend and colleague, the Honourable Minister of Health, and myself, [you are all] extremely young people. Madam Speaker, I did not refer to you at this moment because you are the Speaker. I would not be so bold to do so. But I am saying why say the change to make is in us. And for the last four years that I have been here, every time we make a Motion, whether it is from the Government side or the Opposition side, it is about the human capital building and us as bridge-makers from one generation to the next, whether it is forward to backward, or backward to forward. We have tried to do that.

Madam Speaker, that is good. You have applauded all the activities of the current President of the United States, Obama, and everybody else has done that. It is amazing how we are all so excited about him, and know so much about him. Even the school children in our country. We must be the same way about our own legislators as well, whether they are dead or alive.

Perhaps I will say here that we also need to look at respectability of the posts in terms of how we make the country see legislators. They [need to be seen as] not just persons that you can swear at and say the worst of things [about] on the talk shows. They are lawmakers and the watchdogs of the Government's purse. Parliament is supreme. Whatever we do in here is for the good of the country, at least the majority of it must be for the development of people. And therefore although we are going back through the historical records to bring all the profiles and activities of those who have gone before, from this point forward we must allow our country to respect the office, Madam Speaker, to respect this office, including our school children.

Madam Speaker, I cannot over-emphasise how important it is in our schools, whether private or Government, to know the life and history of parliament. I would ask, Madam Speaker (and perhaps I am moving a little bit from the subject at hand), that parliament also insist that when the new Constitution is completed that we develop a small booklet for the schools called "You and Your Parliament" (something like that), which indicates the whole structure of Parliament: who your legislators are; what they do; who are Backbenchers; who are the Opposition; and what is the role and function of legislators. So that our children can understand that and when they want to go into politics they do not think that politics starts at the top, like if you are a gravedigger. Politics starts in the community.

I would like to say to my colleagues here that our political memory has been wiped out. We had a 1975 fire at the old Government Administration Building which wiped out a lot of our records. We had [Hurricane] Ivan, which wiped out a lot of our records. We

had [Hurricane] Paloma, which wiped out a lot of our records. So we have to look at strategies as to how we can get factual, accurate information on the subject at hand.

Madam Speaker, I would like to close by saying that we must give unto Caesar the things that are Caesar's, and unto God the things that are God's. We must give respect and honour to former legislators. There were great orators in this honourable Parliament. I can remember one: the great Haig Bodden. Our children must hear those voices somewhere. They must hear them somewhere.

I have been asked to say that also the former Minister of Education, the Honourable Roy Bodden, also had oratory skill. Madam Speaker, we have to honour our people. We have to put a halo on their head. Halo must not just be given . . . Madam Speaker, and I have to couch this in the correct way.

Madam Speaker, we seem to think that the halo must only be given to the person who is the head of state in our country. Madam Speaker, I think that we have misunderstood in our country the authority of people. We have misunderstood the authority of our Attorney General, the authority of our Financial Secretary, the authority of our Chief Secretary, the authority of our Ministers, the authority of the Speaker of the House. We have misunderstood that.

I saw the other day when the Serjeant was rallying around you and people were looking in awe how the Serjeant could be doing that. We do not understand the role of the Serjeant.

All I am trying to say in succinct form is that we must leave no stone unturned to bring to the fore the honour of our people who have served us and who are serving us to make for the betterment of this country.

Thank you, Madam Speaker. I want to especially thank the Honourable First Official Member who said that he thinks it is timely. I look forward to his input, his ipso facto in this subject.

**The Speaker:** The question is: BE IT NOW THEREFORE RESOLVED that the Government consider setting up a Commission to oversee research and the production of documentaries and other methods of storing information on former Members of the Legislative Assembly to be made available to Caymanians, residents and visitors through the National Archives, the Public Libraries and the various Educational Institutions of the Cayman Islands.

AND BE IT FURTHER RESOLVED that the Commission be comprised of:

- Current Members of the Legislature; and
- A representative of the National Archives.

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

**Ayes.**

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

**Agreed: Private Member's Motion No 9/08-09**

**The Speaker:** That concludes the orders of the day. I will entertain a motion for the adjournment of this honourable House.

Honourable Minister for Education, Culture and Sports.

## ADJOURNMENT

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I beg to move the adjournment of this honourable House until 10.00 am, tomorrow.

**The Speaker:** Honourable Minister, is tomorrow Thursday?

**Hon. Alden M. McLaughlin, Jr.:** Yes it is, but there is no press meeting tomorrow.

**The Speaker:** The question is that this honourable House do now adjourn. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 4.27 pm the House stood adjourned until 10.00 am Thursday, 12 February 2009.**

**OFFICIAL HANSARD REPORT**  
**THURSDAY**  
**12 FEBRUARY 2008**  
**10.27 AM**  
*Second Sitting*

**The Speaker:** I will ask the Honourable Minister for Communications, Works and Infrastructure to say Prayers.

**The Speaker:** I have received apologies for absence from the Fourth Elected Member for West Bay.

**PRAYERS**

**Hon. V. Arden McLean:** Let us pray.

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

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

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

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

**The Speaker:** Please be seated.

**Proceedings resumed at 10.29 am**

**The Speaker:** Proceedings are resumed.

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

**Apologies**

**Prospect Primary School Year 4**

**The Speaker:** I would like to welcome to the Gallery this morning the visiting Prospect Primary School, Year 4. We do apologise for the late start. I will ask for the indulgence of the House to suspend before you leave so that you can come into the Chamber and mingle with Members for a few minutes and maybe get a photograph taken.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**National Housing Development Trust Financial  
Statements for the year ended 30 June 2008**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, I beg to lay on the Table of this honourable House the National Housing Development Trust Financial Statements for the year ended 30 June 2008.

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

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

Madam Speaker, I will not speak at length regarding the Report as I believe its title and contents will speak for themselves.

Honourable Members will note that on page 3 of his Report the Auditor General offers the following opinion: ". . .the financial statements present fairly, in all material respects, the financial position of the National Housing Development Trust as of 30 June 2008, and of its financial performance and cash flows for the year then ended in accordance with International Public Accounting Standards."

I would crave your indulgence, Madam Speaker, to allow me to take this opportunity to update this honourable House on the status of the various programmes of the NHDT.

As honourable Members will be aware, the NHDT has four main programmes which are tailored to meet the different level of needs of its clients. For those first-time Caymanian homeowners who have the financial means to service a market mortgage, but

are finding it difficult to save the down payment, the NHDT offers the Government Guaranteed Home Assisted Mortgage, or "GGHAM", programme. Qualified applicants in this programme have a portion of their mortgage guaranteed by Government. As they build equity in their home the guarantee falls away. This programme, launched in November 2007, has been successful well beyond our initial expectations.

Members will have heard that just a few weeks ago, in January of this year, many of the private sector partners in this programme doubled their commitments to this scheme making an additional \$25 million of financing available to qualified first-time homeowners. Since its launch a mere 14 months ago, some 125 successful applicants have achieved the dream of home ownership through the GGHAM programme, and this number is increasing every week.

It would be remiss of me not to acknowledge our private sector partners in this important programme. I am very grateful to the participating banks for their commitment to this programme and for partnering with us to give a helping hand to the clients of the GGHAM programme. The participating banks are: Butterfield Bank, Cayman National Bank, Fidelity Bank, First Caribbean Bank, Royal Bank of Canada, and Scotiabank & Trust.

Another programme of the NHDT (which I have described to Members in my past statements) is the "Build on Your Own Land" programme. This programme is designed for those qualified Caymanian applicants who own land but need some assistance to build their home on their land. Under this programme, the NHDT provides a choice of house plans and essentially gives the applicants bridge financing to help build their home. To date, two homes have been constructed through this programme. I have had the pleasure of handing over the keys to one of these homes, and I can assure you, Madam Speaker, that it was a very rewarding feeling to know that Government had helped this young Caymanian family to build their own home on their own land.

The "Helping Hands" programme is still in its development stages and has not yet been launched. The NHDT has identified this programme as a necessary tool in providing financial counselling and guidance to help those Caymanians who may not yet qualify financially for the NHDT programmes identify ways and means to restructure their financial situation and work toward improving it to a level where they can qualify for one of the NHDT's housing programmes.

Finally, I would like to update the Members of this honourable House regarding the NHDT's affordable housing construction programme.

As Members will likely be aware, the NHDT's existing stock of affordable homes has depreciated and deteriorated far more rapidly than was anticipated when they were constructed. They, quite simply, have not stood the test of time, as short as that time has been. While the existing homes have certainly met a need and provided some much-needed affordable

housing, the situation is such that they will likely need to be replaced in the very near future.

With that in mind, and recognising that there are still a number of clients on their waiting list, the NHDT set out to identify sites for the construction of affordable homes in each of the districts in Grand Cayman.

In East End, the NHDT acquired a 9 acre parcel off John McLean drive, and has received planning approval for the subdivision of that land into 59 single family lots. The contract for the site works for the first phase has been awarded and work on the site will be underway next week. It is anticipated that these first 18 lots will be ready to be built on before the end of the second quarter of the year, and that by Christmas there will be a number of families enjoying their first holiday season in their new homes.

Madam Speaker, I would like to digress, if I may, to mention that these new homes will be structurally substantial homes constructed of concrete block. I am confident that they will stand the test of time. These affordable homes will be somewhere people will be proud to call home.

In North Side, a parcel of land has been earmarked for acquisition. I am hopeful that this will progress fairly soon and that the construction of affordable homes on that site will follow very closely on the heels of its acquisition. And I can say to you, Madam Speaker, that Tuesday of this week in Cabinet, the process for compulsory acquisition was approved and is well underway. That site, Madam Speaker, is the site that envelops the original site identified for the home for the elderly and that will give that site sufficient property for that project also.

As Members will be aware, Government has vested a property in Bodden Town to the NHDT for the development of affordable homes in that district. When fully developed, this site will provide 55 lots, the majority of which will be single-family home sites, with a few sites designated for multi-family development. The subdivision application for this site will be submitted to the Planning Department for consideration by the Central Planning Authority in the very near future.

One of the hold-ups for that Madam Speaker, was, because of the way the site was, there had to be a land swap. The other owner has finally agreed for that land swap and as soon as the Lands and Survey Department completes that subdivision and combination of the property, then it can be approved.

The NHDT property known as "Fairbanks" in George Town has received planning approval for a 71 lot subdivision, and survey work is currently underway. It is expected that the site works for Phase 1 of this subdivision, which includes 20 lots, will be tendered very, very early in the near future.

Members will be familiar with the NHDT's site on Eastern Avenue, which is currently developed with some affordable homes. The NHDT has been investigating the feasibility of various redevelopment scenarios for that site, and is in the process of finalising the

drawings to be submitted to Planning. It is planned to redevelop this site with predominantly multi-family units, including a mix of 1, 2, and 3 bedroom units.

The West Bay district has an existing affordable housing development; however, an additional site has been identified off Boatswain's Bay road, near the Lighthouse. This site was vested to the NHDT by Government, and planning approval has already been obtained for the 50-lot subdivision on this new site. It is expected that the tendering for the phase 1 site works, which will include 15 lots, will be done by March.

I know that on the surface, without the benefit of the update I have just given here, it would appear that little has happened with regard to providing additional affordable housing in Grand Cayman. I am hopeful that the Members of this honourable House now have a better understanding of what actually obtains. A tremendous amount of work has been done in identifying and securing sites, preparing subdivision plans, seeking planning approval for the proposed subdivisions, evaluating the most efficient way to phase the developments in the various districts to meet the needs of as many clients as possible, and starting the tender process for the various site works.

I am confident that we will all be seeing some very concrete and tangible results of these behind-the-scenes efforts in the very near future, and that we will find that the new homes were well worth the wait.

In closing, Madam Speaker, I would like to note that once this Report (the Audited Financial Statements for the National Housing Development Trust 2007-2008 financial year) has been tabled, the National Housing Development Trust will be fully up to date with their financial reporting.

I would like to thank the Chairman, Mr. Leonard Ebanks, and the General Manager of the NHDT, Mrs. Maxine Gibson, for their diligence and efforts in getting the National Housing Development Trust's financial house in order and up to date.

Thank you, Madam Speaker.

**Report and Recommendation of the Minister Responsible for Lands on the extension of the Lease over Crown Land at Registration Section West Bay Beach North Block 11D Parcel 1/11 to the Proprietors, Strata Plan 12 (Villas of the Galleon)**

**The Speaker:** I recognise the Honourable Leader of Government Business.

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

Madam Speaker, I beg to lay on the Table of this honourable House the Report and Recommendation of the Minister Responsible for Lands on the extension of the Lease over Crown Land at Registration Section West Bay Beach North Block 11D Parcel 1/11 to the Proprietors, Strata Plan 12 (Villas of the Galleon).

**The Speaker:** So ordered.

Does the Honourable Leader of Government Business wish to speak thereto?

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

Madam Speaker, I wish to confirm that, as required by the Law, the details of this land matter have been published in the *Cayman Islands Gazette*, Issue No. 26/2008, dated 22 December 2008, and a local newspaper, namely, the *Caymanian Compass* of 18 December 2008.

Also, as required by Law, three (3) valuations have been carried out on the subject property. Each valuation report forms part of the overall Report and provides a general indication of the value of the property that Government now proposes to vest.

The Report deals with the lease extension of the Lease over Crown land at West Bay Beach North Block 11D Parcel 1/11, to The Proprietors, Strata Plan 12 (Otherwise known as the Villas of the Galleon Condominium complex). The parcel is approximately 4.264 acres of Beach Front land along Seven Mile Beach, and is part of the Benson Greenall lease properties which includes a number of Crown properties, such as the Ritz Carlton site, the Westin hotel, Safe-Haven and Regatta Park.

Honourable Members will be aware that the original 99 year leases, which were granted in 1950, have less than half their term left prior to expiry, and that many of the leaseholders have opted to extend their leases back to 99 years.

This is the situation with the Villas of the Galleon, whereby their strata executive committee approached Government several years ago to seek an extension of their lease back to the full 99 year term. Protracted negotiations have occurred between Government and the Strata, with the result that in mid-2006 Cabinet approved in principle the lease extension as outlined in this Report. Members will note that 2006 has been used as the valuation date in the valuations in this Report, and that the proposed vestings will extend the original lease to expire 30 June 2105 (approximately 96 years from today) for the consideration of a premium of CI \$4,500,000.

Thank you, Madam Speaker.

**STATEMENTS BY HONOURABLE  
MINISTERS/MEMBERS  
OF THE CABINET**

**The Speaker:** I have received no notice of statements by Ministers or Members of the Cabinet.

**OTHER BUSINESS**

**PRIVATE MEMBERS' MOTIONS**



**Private Member's Motion No. 12/08-09—  
Establishment of Commission for the Elderly**

**The Speaker:** I recognise the Third Elected Member for the district of George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

Madam Speaker, I wish to move Private Member's Motion No. 12/08-09—Establishment of Commission for the Elderly:

**WHEREAS the Cayman Islands has enjoyed unprecedented growth in its economy and its standard of living during the past 25 years;**

**AND WHEREAS this robust economy is based on the sacrifices and efforts of previous generations;**

**AND WHEREAS many members of previous generations did not live long enough to benefit from the growing resources of this nation;**

**AND WHEREAS this category of Caymanian citizens are experiencing a range of challenges which they or the state did not anticipate and for which they did not make adequate provision;**

**BE IT NOW THEREFORE RESOLVED that this Government consider the setting up of a Commission for the Aged whose initial remit shall be a scientific socio-economic study of the elderly resulting in an Action Plan and legislation to bring hope for the future of Seniors in the Cayman Islands and give them opportunities to live with dignity and not fall through the safety net into abject poverty and humiliation;**

**AND BE IT NOW FURTHER RESOLVED that, due to the current economic meltdown and likely recession, the Government consider revisiting the retirement age with a view to deciding that retirees who are trainable and able and have special expertise are allowed to remain in the workforce by way of contract in both the private and public sectors.**

**The Speaker:** Is there a seconder?

The Fourth Elected Member for the district of George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

Madam Speaker, I consider it a privilege to have been asked to second this Motion—Establishment of Commission for the Elderly.

**The Speaker:** I will suspend proceedings at this time for 15 minutes to allow the Prospect [Primary School] Year 4 [students] to mingle with Members of this House in this hallowed Chamber.

**Proceedings suspended at 10.47 am**

**Proceedings resumed at 11.00 am**

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

The Third Elected Member for the district of George Town continuing her introduction of Private Member's Motion No. 12/08-09.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker,

Madam Speaker, this country was built on the persons whom I am referring to in this Motion. They have slaved themselves. Some of them died very early, and those who are alive do not get the best life sometimes; either their families have not attended to them as they should or because of the kind of country that we have evolved. Until now, we have spent a lot of time on what we would call acquiring things and not too much on the whole question of the social landscape in terms of our elderly.

Madam Speaker, never in the history of the world have there been so many senior citizens. These persons were perhaps born after World War II or before. In many respects they are Baby-boomers. Some of them are older, but most of them are Baby-boomers, but not Baby-boomers in the sense that we have on Wall Street and related to the economic crisis at the moment. These persons whom I am talking about are the aged. And when I speak of the aged I am looking at persons who are perhaps late 50s or 60s.

As you know, Madam Speaker, 60 is the new 40 (so they say). So, it means that this is a good time for these people. But at the end of the day because of our laws or our practices some of them will have to leave their work. Some of them will not get any work; some of them never put away anything for the rainy day.

And also, our country never looked at putting away anything in terms of pension until perhaps 1998. What we give is what we call ex-gratia financial assistance, or we give to veterans and seamen. Madam Speaker, that is not sufficient, to my mind, to help the aged. We need to have them as comfortable as possible. It is what we can afford at the moment but it is not what we really should be giving.

And I must say that I understand that someone said that this is not a necessary motion. [I have] to say that this is coming from professional people. It is unfortunate that people can make those kinds of comments.

You see, Madam Speaker, in this world today I think it is better for a young person to make it in this Cayman Islands today than an old person. Especially old persons 65 and up who have never had the benefits as the young people have today of going to university, acquiring lovely jobs, great opportunities we have in our country. They never had that. They slaved, worked hard, did everything they could, and made this place a peaceful, loving place where everybody and his sister or brother comes to live and send remittances home so that their families can live.

Madam Speaker, I want to also applaud the Minister of Health and Human Services for the year-man work that his staff, particularly the Social Services . . . A lot of people criticise the Social Services. But thank God we have them, particularly in this time of global issues, because they can go to the Social Services and get at least half a loaf of bread. So, I want to applaud the Minister and his staff for all they have done in terms of assisting the elderly in this country.

But, Madam Speaker, the country needs to understand that when a person reaches the age of 60, life does not stop. As a matter of fact, some of our men get married at 60 and start having a family. And, Madam Speaker, we need to look into that. That is not a crime. That is the way they want to live their life and if they feel that they are up to it . . . but at the end of the day they have reached 60 so how are they going to look after their offspring? How are they going to do that, Madam Speaker? There has to be some support system in this country to ensure that they don't fall through the net.

Madam Speaker, the 60-year olds, the aged and senior citizens don't really want handouts, yuh nuh. They are an independent set of people. They don't want to know that they have to be climbing the steps up in Micro Centre (I'm speaking of George Town and the other districts as well) to go and get handouts. They don't want that. They want to be an independent set of people. And it is unfortunate that it was not until now in the last perhaps four or five years that we have really focused on the elderly. It is unfortunate, Madam Speaker, because they were pioneers; they were heroes. It is an insult to give them handouts. They feel that they are the forgotten generation.

They feel strongly that we bring immigrants—I want us to listen to what I am saying—to do jobs that they could do. Okay, they have retired from their labour of love which was their work for 30 years or 40 years. They have not amassed the material things or money in order to give them another 20 years, but they can still work. They feel strongly that we are bringing in cashiers on work permits, people to work in supermarkets. They feel strongly about those things and that they now have the ability to work.

And, Madam Speaker, I would ask the Government, when they are considering this commission, that this commission looks into things like that: Do we really need to bring in all of these cashiers? Do we really need to hire them, or can we hire some of our retirees; some of our people who have reached the age of 60 and had to leave work? Some people are more skilled so they would get other things. But I am talking about people who really did not benefit from the formal education that a lot of us have benefited from inside here.

The rising standard of living and the related cost of living have forced older Caymanians to want to work, as I said. And they too, Madam Speaker, want to live that Caymanian dream. They too still want to

drive their little car. They want their little house. They want to be able to look after their grandchildren and give them—you know, Madam Speaker, how it goes with your grandchildren. They want to be able to offer them this and that. So, Madam Speaker, they want to be able to work. And there is a hue and cry in this country about senior citizens.

I am not trying to protect myself because we have an efficient Government [where] when you work for the Government they have an efficient pension system. That is why I am very adamant that it must be Caymanians who must work in the Government, so that they can benefit from that type of pension. It must be our Caymanians. And I am not dropping any stones, Madam Speaker, I am just speaking directly.

In our Civil Service when we put people in there we must know at the end of the day that their life is going to be better. We know at the end of the day when they retire their life is going to be better than the ordinary citizen. I can tell you. I've been there. Therefore, we need to ensure that our civil servants, particularly those at the end of the rung of the ladder who have retired, can also get back in the system to do something to have their standard of life a little better, Madam Speaker. And I will appeal to this and if I am back here in the next time I certainly will be on the heels of all those people to ensure that in the Civil Service—Madam Speaker, I am very passionate about this—that it must be Caymanians [in totality] who work in the Civil Service, so they can benefit off the fat of the land.

Madam Speaker, when we bring immigrants here they have an opportunity to send remittances to their families. Regardless of whether it is \$100, it is still \$100, and [converted] it could be more. They are able to help their children and old people out there, but we don't have that benefit here. So it is the Government, regardless of which party is in, it is the Government's responsibility to take up the slack to ensure that nobody falls through the net.

It is the Government, and more so now it is the PPM Government who in their *Manifesto* said, **“Caymanian Society has been under so many challenges due to rapid growth that the traditional role of children and/or extended family looking after the elderly has been severely eroded. Many younger people find it difficult enough just to look after themselves and their own children. In addition, on average people are living longer. Many older people simply do not have the means to live decently as they have inadequate pension or income. They need proper access to health care and often need financial assistance.”**

And that is true, Madam Speaker. That is true. That is very wise of the PPM Government, and so this Motion will only substantiate and enhance what it says here.

All I am asking through this Motion is to enhance the quality of life for senior citizens in this country. And if there is a rebuttal from the Opposition they

should not say, *well you know it is you all that made it so*, as they echo all the time. Madam Speaker, this is cumulative.

When you read the Cayman Islands National Assessment of Living Conditions (NALC) it tells you about our elderly. One group which stands out that needs are our elderly. So, Madam Speaker, this Motion to me is timely. This commission of the aged is absolutely necessary. They can write their terms of reference but this is not to replace the Minister's Social Services Department. This is to encompass all the needs and services that aged would require, like an advocacy for the aged. This is what I am asking. I'm not asking to replace the Government's arm of Social Services. I'm asking to support the whole public—private and public sector—to support an advocacy group, a commission similar to what we have for the youth (the Commission of Youth).

Whereas the aged are now wondering about getting an extra job, the Commission would help them to find jobs, help them to get discounts and do all these things. This is what I am talking about.

Madam Speaker, I know that there are others who will come and make comments. I have stayed away from writing the terms of reference for this commission because the Minister has an able staff through the Social Services and his Ministry to sit down and write terms of reference for these things. I don't have to spend time here doing that. My interest in this is to ensure that the people who made this country, the people who made me, who made us here, whose shoulders we stood on to be here, who took their hands and lifted us to be here—the change is here. The change is right here in these hallowed halls and we must believe that we can make a difference for the aged in this country.

Yesterday somebody referred to my hair and said, *Oh, I like your grey*. And then the person said, *You know when I go to Jamaica and those places, oh, you should see the men now, they are letting their hair grow grey*. And that is wonderful, Madam Speaker. That is a journey. No comments on anybody. I'm not touching anybody with 'Just for men' or 'Just for women'. I'm not doing that. What I am saying is that the aged and the elderly and the senior citizens have a part in this country. They are living longer. They are our people and we need to ensure that their standard of living is as good as the young people. And we need to be bridge makers.

We need to have the young people understand that *there you will be in 30, 40 years*. I'm sorry that I was not able to speak in front of the young people so that they would understand that life is not static; that there is a journey of life where you move from small to medium and to big and live a life. If you don't die you must get old.

You know when I was about 20 years old—my sister is about 10 years younger than me—she looked at me and said, *You're old*. Now that she is what we call the new 30, I wonder what she thinks. But,

Madam Speaker, I used to wonder myself what it would be like to be 60. How do you feel? Are you old? And now that I am there it is like 40. And that is the kind of feeling I would like for us to put back in our aged.

Revisit the Pines and make sure that they get exercise. And these are the things that the Commission will look at. These are the things, Madam Speaker. Our aged [people] are important in this country and we . . . I'm very emotional about this because I walk around this George Town, particularly where you have most of them, and my life is spent with them almost trying to make their lives better. And you know the thing that bothers me and really irritates me is that I was born poor. A lot of those people who I visit, to me they were wealthy people. When I was a young child they had acres and acres and hundreds of acres of land and for some reason their children and other evil people have taken away their land. Their children, Madam Speaker! And you know they have to be beholding to Social Services because they have no land; they have [nothing] because their children have taken it and squandered.

So, Madam Speaker, we have to be bridge makers for the young people to understand what their role is. What the role is as young and old and the intergenerational relationships. They must understand that. And why I am the way I am and you are the way you are, and most of us are the way we are in here is because our parents made us work with old people. My job every Saturday was to go and shop for them and I could not write it down, I had to remember it; that's how they taught me—you *must remember this*. *You are going for five items, remember those five items*. And that was my job. You went and raked their yards and that is how your parents taught you.

And when Christmas came you would write your little list. I still do it up until today. Write your list—it has gotten longer now, they think that I have a little more money—and you give them.

Madam Speaker, in many countries of the world, like Japan and such, the aged and the seniors are held up in high esteem. What impresses me when I come out here and see the people who are off of the cruise ships is that they are the old people who I see. When you go into George Town and see two George Towners with grey hair at the Post Office that is plenty. You don't see them. This is what the Commission will do. The Commission will ensure that people see them and they see people.

Madam Speaker, I perhaps will have to pause here because I know the other Members are anxious to get into this topic because it's interesting. I am eager to hear what each one has to say in how they can change and formulate for the benefit of the Minister who most likely is going to accept the Motion, how they can formulate a terms of reference. So, I am hoping that my leader will get up and help us to formulate this commission for the elderly.

Thank you, Madam Speaker.

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

Fourth Elected Member for the district of George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

Madam Speaker, this is probably a mistake coming after the Third Elected Member for George Town, but she is calling everybody out and so she should. Maybe I will call a few out myself.

In all honesty, Madam Speaker, this is truly another wonderful motion. Again, I want to commend the mover of the Motion who, as I said yesterday, is always able to find these motions that are meaningful, that bring benefit and recognition to our Caymanian people. And I dare say, Madam Speaker, that regardless of all the negativity that goes on, on a daily basis, and the new amount of rumours we hear every day about our legislators, God knows there seems to be a lot of idle people in our community. And there is so much to be done.

Some of these same individuals who seem to enjoy (and I would dare say in many cases make up) these rumours, some of these individuals could be spending their time doing better things like looking out for our elderly. More than likely many of them have neglected elderly family members whose lives could be made a whole lot better. But we don't live in an ideal world.

So, those of us who are in a position to enhance the lives of those we love so much and consider dear should do the best we can. We have to acknowledge that in this world, this life, and this Cayman Islands, that there are good and evil people.

Madam Speaker, we are here. The things that we enjoy and have come to accept as normal parts of our lives, many of the things we take for granted are because of the many sacrifices that our now elderly have made on our behalf. In years to come our generation could well become a burden on governments of the future. If we continue to let the trend that we are now experiencing slide, it is incumbent upon all of us to understand, acknowledge and accept that we have a problem and start to do something about it.

We must acknowledge that while the Cayman Islands have become a very affluent society, we were quite a distance behind the other developed countries and things like proper social security programmes, pensions, health insurance and things of that sort are relatively new to us.

I remember having a conversation a year or two ago when we moved another motion in here. Somebody asked, *Well, you know what is this going to cost government again?* I answered at the time that in a few years when pensions kick in in earnest that we should expect that the burden on government on the Social Services Department should begin to decrease. That is a hope. But if we do not put the proper mechanisms in place, Madam Speaker, where we assist our workforce now to properly prepare for

themselves and to acknowledge that our elderly, those who are now out of the workforce, are not being properly taken care of, then that timeline I spoke to will only go on further.

Once we understand all of the things I just said and the many points made by the mover of the Motion, we can easily understand that because of the lack of the pensions and social security and the . . . even the US is having great problems with that at the time. So we all acknowledge that care for our elderly is a problem. But, Madam Speaker, provided we realise and understand that many of the people who we are talking about now that need help were hard working contributing citizens of this country who, many of them, never had an idle day in their lives. Many of them went to work at an age where many of our generation would take for granted should be time spent in school. But many of these people were 9, 10, 11 and up. We had men in this country going to sea at the age of 14—some younger than that—to the Mosquito Cays, and so on.

Most of these individuals we are talking about now were not idle people. I dare say that the percentage of idle people in our country now and what it was back then, from what I understand, Madam Speaker, is just too far a gap. There was no time for idleness back in those days. So, these are contributing citizens who have toiled, laboured and sacrificed everything for the life that we are now enjoying. And I can only say, *why not?* Why should we not be able to make whatever sacrifices we need to make for them at this age? They paid their dues, now it is time for us to pay ours.

Our elderly, Madam Speaker, are a dignified set of people. People of our generation, people who are younger than me, people who are in my same age group don't mind right going to anybody and asking for a handout, some even when they don't need it. But our elderly people are too proud to ask for help. So, because they may not ask us, many of us don't know their struggles and sufferings. It is up to us as a government, as a people, as a country, to be able to acknowledge that and seek them out and understand what they are going through.

I understand and appreciate the \$550 that we give and the contributions that we make to the seamen, Madam Speaker, but in many cases it does not go far enough. It does not go far enough. I know individuals who can't even pay their medication bills for the month with that amount. And they have to eat, pay utilities, and while many of them may have families, a lot of those families too are struggling. And we can all admit that it all has a lot to do with not preparing for your later days.

I sold insurance for a while. There was a common saying within the insurance industry, and I'm sure it still is, that there were two things in life you had to be mindful of when you thought about life insurance. One of them was dying too soon, and the other was living too long. Meaning that you can live beyond your

economic means where you can no longer take care of yourself because you did not prepare for those later years. So, financially you live too long where somebody else now has to take care of you, or you die too soon leaving a young family and nothing behind to take care of them.

Life insurance is one of the things that I mention, but many of our people back then did not even know what that was. Many of them could not afford it. But that only kicks in when somebody dies. If you are still around, then you still have to have accommodation, [you need to] eat and live a comfortable life.

Madam Speaker, I have had many occasions and opportunities, since I have been an elected Member in particular, but also my 30-odd years as a member of service clubs in this country. I would also dare say that the emergence of service clubs throughout the world was basically caused by individuals recognising that mainly elderly people in their respective communities needed help.

There is no magic to this. There is no formula or anything that we have just uncovered that is telling us today that our elderly people need help. This has been recognised throughout. We are just a bit behind. And while we have acknowledged some of it and have gone on to doing the monthly contributions, I believe that there is need for some scientific research to understand exactly what is happening with us and how we should help them prepare for their later years; and [for] those who don't, how we can help them live out a dignified life.

I believe that all of us have experienced going to visit our elderly or having conversations with them. In recent times I have had one tear-jerking experience with a lady I visited, Madam Speaker, in trying to see if there is any way we can assist her because of her living conditions. And this lady was . . . Well let me just say this: When I explained to her why I was there and why I had taken the other individual along with me to look at her condition, her words to us were, *My sons, there are plenty worse off than me. I appreciate any help I can get, but you don't need to worry about me if there are more people out there that you need to help.* And the individual who was with me looked at me and I could almost see tears in his eyes, Madam Speaker.

When we left, he just could not believe that there were people left in the world like that because she is not living in very accommodating conditions. But I said that to say that that is usually the state because if you met her on the road and asked her how she is doing, she is going to say, *I'm fine, I'm alive, I'm great.* She would have never said to you, *You know, life is difficult. My home is not in the best shape. I'm having problems getting food on a regular basis. You know my doors are not locking properly; my windows are broken.* They are not going to tell you all of those kinds of things, they are just too proud.

I believe that we need to pull off the main road a little more often and drive into the small roads and

visit and see what is really going on because the majority of these people are off the beaten track.

As a government, must also understand . . . and I agree with the mover of the Motion who continues, not just in this Motion, to champion the fact that we need to understand that our employment practices are in some ways hurting our own population, and that there are many senior citizens in this country, Madam Speaker, who are able, capable and willing to work. They want to work! But we force them out of the workplace at a time when they are not prepared or financially able for it; when their pension (for those who have it) has not reached that stage where another couple of years, three, four or five years would give them a little bit of a better income when they finally retire.

We don't take those things into consideration when we are laying people off or when we are deciding that they have come to the end of their term. We simply look at it as, *you are now 60 or 55, it is time to go.* We don't take the time to look into the average individual and what that might mean to their financial stability after work.

So, this is an all-encompassing motion. I believe that the Government needs to make that distinction. Government needs to lead the way in dealing with that and look very closely at what we consider mandatory retirement age, and encourage the private sector to do the same thing.

Yes, Madam Speaker, we must make way for our younger Caymanians coming up, but in many cases we are replacing our elderly with work permits. And you know one of the harshest criticisms that I have come under in this Parliament, Madam Speaker, is that I am anti-expatriate. And I get that label because I stand up and speak for what I think is the rightful place that Caymanians should be able to take in their community.

I have nothing against expatriates. Many of them are very good friends of mine. But we must first look out for our people. And those individuals who criticise me . . . They have said so about quite a few of us, in particular my two backbench colleagues, the Third Elected Member for George Town and the Third Elected Member for Bodden Town. We have been championing that cause where we believe that we ought to be looking out for Caymanians a bit more.

I do believe that we have to take that into consideration because, Madam Speaker, like the mover of the Motion said, if Government's practice is to move elderly Caymanians out and move work permit holders in, then those earnings that would accumulate in this country and become a part of their pension fund are more than likely going elsewhere.

When I brought another motion to this House, I spoke about the importation of labour and the exportation of wealth. We bring labour in and we send money out. We need to understand what is happening with and that we need to retool our people to help prepare them for the jobs in Cayman and understand

that we must continue to employ our elderly people if they are able and willing to work.

There are many 65-, 70-, 75-year old individuals in this country that I know. You can't believe their age until they tell you because they look so well and they are in such good health. I believe that we have to be mindful and take note of that, and allow those individuals, instead of them having to go to the Department of Social Services or sit down somewhere, lose their homes because many of them still have mortgages, for whatever reason.

Many of our elderly people have saved for the rainy day only to have had some of their children become ill and [they have] had to spend all of their savings. Again, nothing of their doing. Some had to re-mortgage their homes to take care of other medical problems for their families, and those individuals end up living their lives out in poverty.

I'm just saying that government can't fix everything. We must acknowledge that. But I believe that we do owe it to the people who have built this country and set the pace that the trend does not continue. We must also acknowledge that we have to find ways to reduce the cost to government. That must be understood. And so we should not always look at what government can hand out but how government can prepare our people to better look out for themselves. And I believe that that is the spirit of this Motion and what the mover is asking for.

She also spoke about our elderly population increasing, and thank God modern medicine has caused that to happen. But what do we want? Is that not what we want? We all want our parents and grandparents to be with us longer and God knows medicine has given us that opportunity. So, let's not support the development of better medicine and do nothing, once medicine has given them the opportunity to live longer, about allowing them to live that longer life in dignity.

Madam Speaker, that is my contribution. I trust that this Motion will have safe passage through this honourable House.

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

Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Boddén:** Thank you, Madam Speaker.

Madam Speaker, let me once again congratulate the Third Elected Member for George Town for another one of her soul-searching, far-reaching motions. I also congratulate the Fourth Elected Member for George Town, and both of them for the very good platform that they have laid on this important debate.

Madam Speaker, I envisage the people we are talking about are those over the age of 60 and up really, because there are varying degrees of poverty, varying situations when we look at the people in that

age group. The Caymanian society has developed in such a way that we have wide disparity in wealth. The old Cayman Islands saw the families take care of their loved ones and remain a tight unit until death did them part. Unfortunately, [in] the new Cayman we now see where elderly people are either put in a retirement home or sometimes left to their own devices. We still have those who have been good enough and lucky enough to have their loved ones with them.

I have had quite a few experiences since I have been elected, Madam Speaker, to also deal with the Caymanian who is still quite able to contribute in the workforce and would wish to do so in one form or the other; who still has a lot to offer, who carries himself in a very professional and dignified manner; who has good work ethics; who has a lot to pass on to people coming behind. But, as has been said by my colleagues, these unfortunate people find themselves retired with no possibility of getting any other job.

The sad part about that is that it would not be so bad if they did not have financial obligations, Madam Speaker. I know of two particular instances in my own district that I was intimately involved with where the individuals involved are very capable, very able, but simply—and I am talking about married couples, both finding themselves in this situation—having serious obligations. Kids have moved on and have their own obligations and these people are financially strapped.

So, I concur fully with the Fourth Elected Member for George Town when he speaks about looking at the . . . And I dare say a motion has been passed in this honourable House before this on this very topic. I think it was also brought by the Third Elected Member for George Town sometime back for us to look at the whole issue of retirement and how we deal with these individuals who can contribute in the workplace. They still have a lot to offer but also have their own commitments and pride and do not want handouts. [They] want to be able to look after themselves. We have to find a way, Madam Speaker.

When I was looking at this Motion I was trying to envisage exactly what the Third Elected Member [for George Town] had in mind as a commission, because I know that we do have a vibrant Children and Family Service unit under the Minister for Health and Social Services. They have been doing a sterling job, Madam Speaker, and I wondered just how the commission would fit in. But as I've sat, listened and read the Motion over, I can now see where we are looking for some sort of umbrella organisation, and that is the commission that would pull together the very different facets of the senior citizens' lives; look at their needs, what they have to offer and operate as a coordinating body.

You see, Madam Speaker, we have in the community (which has been alluded to before as service clubs) district groups, social services, and many other NGOs (Non-Governmental Organisations) that everybody is doing something for the elderly at spe-

cific times, especially at Christmas and other International Senior's Day and that type of thing. There is always a lot going on.

Since I have been a part of the PPM Government I can proudly say that this Government . . . and I speak firsthand for the district of Bodden Town of the amount of effort that we have put into our seniors, I can say quite clearly without contradiction—unprecedented. We have a group of women in Bodden Town and their names have been called on the Floor of this House before. But the likes of Ms. Josie Solomon, Mrs. Mary Lawrence, Mrs. Agnes McCoy, Mrs. Ellen Eden, Mrs. Betty Wood, those folks know who I am talking about. I will be forgiven for names I don't call. They, themselves, are nearing the age where they will need assistance. But you know they have done a sterling job in our district to stimulate our seniors, bringing them out to the Nurse Josie Senior Centre to have events for them many, many times during the year.

And people like Ms. Heather Bodden and others who, in the Savannah area, continue to work so hard with the seniors uplifting them and showing appreciation for them. That is all good. That is tremendous. I am proud to have been a part of that over the last two years.

There are times, however, when this stuff is not happening and these people become forgotten souls, because they get in some cases a little lunch from maybe Meals on Wheels or some other organisation, group, loved one or an interested party. But a lot of times they sit there and are lonely. They are sad.

You know you can judge a country, Madam Speaker, by the way it cares for its young and elderly, and also the way it takes care of its graveyards. Those three things, I've been told, tell you a lot about a people. Therefore, anything that we can do to enhance what we are already doing—and with this population becoming an increasing one because of medical science, it is something that we have to be cognizant of. We have to take the bull by the horns, as it were, and we have made strides in that area. But given the next term—and we will be back here as a government the next term, I'm pretty confident of that with the people behind us and with God's help—we will put in place what [is necessary] I'm sure, of what this Motion is calling for.

Madam Speaker, we have to show the respect and love for the people who brought us to where we are today. Yesterday, again with some motions, we were discussing this very thing—paying tribute to those who have paved the way. And our National Heroes Day and all of the other things that we are doing at the moment are all about nation building and uplifting our people.

Madam Speaker, as I said earlier, this commission will be a coordinating body, in my mind, and we don't have to get into the details of the terms of reference and how this will work. I'm sure the Ministry will deal with it through its various agencies. But,

Madam Speaker, yes, these things all cost money but there is no price too high when it comes to dealing with our elderly and our young people. We need to make sure that they have a decent, honourable development, and, in the case of the elderly, a decent respectable dignified exit from this world after they have worked so hard and paved the way for us to be here to stand and talk about them as we are doing today.

These people, Madam Speaker, have a lot to offer. They are a memory bank in itself. They have all of the old crafts, all of the old wisdom and knowledge to pass on to the young people. And there is nothing more beautiful than a group of elderly people sitting in an environment with our young people and seeing the awe and the interest and light in the eyes of the young as they listen. Madam Speaker, having been a young person many years ago I know how important that was to me.

We had an old man in Bodden Town, called Uncle Bill. Madam Speaker, I would sit for hours because one of his favourite perches was on my Mother's porch and by our gas station as well he had his seat there. I spent a lot of time in the company of this old man. He was a Bodden Town institution in itself. He had been some of everything, from police officer to customs, to I don't know. I guess his title went on and on because he buried the dead and brought the young ones into the world as well. In those days we did not have all of the segregation of duties we have now.

But Uncle Bill was an institution and he had the stories of his days in Cuba and growing up in Cayman. I never tired of sitting and listening to Uncle Bill. The only thing I had to do to pay for that was I had to clip his fingernails and bring him a glass of water. He would say, *Now, come on young man, get that water out here and try not to be like your uncle. Don't be lazy.*

*[inaudible interjection]*

**Mr. Osbourne V. Bodden:** Yes, in these days with all the things that Uncle Bill did he would have been called a multi-tasker. He was something else and was known and loved by all. And, you know, people like him exist today.

There are fantastic stories and wisdom amongst those elderly people that we have and we have to capture that, Madam Speaker. Like I said, we have debated many times on the Floor of this House [the need] to preserve the many things these folks have to offer. And this is another motion in relation to them and is probably the one that will drive some serious action in this regard. A commission will look at the elderly, look at what we can do to keep them occupied, I would imagine; and look at how we can utilise their expertise and talent.

Certainly, Madam Speaker, I would like to once again congratulate the mover and seconder of

this important Motion and look forward to the support of this honourable House and safe passage through.

Thank you, Madam Speaker.

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

The Second Elected Member for Cayman Brac and Little Cayman.

**Mr. Moses I. Kirkconnell:** Thank you, Madam Speaker.

I rise [to make] a few comments on Private Member's Motion No. 12/08-09—Establishment of Commission for the Elderly. I would like to compliment the mover, the Third Elected Member for George Town, and the seconder, the Fourth elected Member for George Town. I believe the words that I have heard so ably brought forward by some of the previous speakers is timely.

Madam Speaker, with your indulgence I would like to support that comment with a few words from the National Assessment of Living Conditions (NALC) Report which was just released. It says on page 154, **“Elderly respondents also believe that they are discriminated against because *“society makes you feel like you are not recognised . . .”***

Now, how could this be more timely when there has just been a national assessment? **“A sense of disappointment, pain and hopelessness could be detected in the comments such as *“you feel useless; you have no luxury”*. The level of hopelessness sometimes escalates to feeling suicidal. Overwhelmingly the respondents felt bad about their situation and to some extent depressed”**.

I believe, Madam Speaker, the timeliness of this shows that it is our obligation as legislators and as a country itself to respect the issues that now fall upon our elderly. The Assessment does not stop there though. It says (and this shows the character of the elderly of this country), that the elderly reported that they felt ashamed of having to depend on others for assistance. But at the same time (this is the true Caymanian spirit) blessed because they still had something to eat.

Madam Speaker, this was an assessment that was done in every area of our country. I think it speaks volumes for the timeliness and the idea of why we do need the establishment of a commission for the elderly.

I also believe that it is incumbent upon me to say a few words because the district of Cayman Brac and Little Cayman which I [represent] in this honourable House is an ageing community. And the community itself is one that faces the issues that have been raised by the previous speakers, not on a daily basis, but hour by hour. And let me assure you that since [Hurricane] Paloma, they have raised their heads minute by minute. And it is an issue that starts very early in the morning and ends very late at night. These are

people who were the nation builders of Cayman Brac and Little Cayman.

I just want to give you an example that, when you think about it, shows the type of character and dedication they have to life. The statement was made that a lot of people in Cayman Brac did not have insurance on their houses. Now, Madam Speaker, with a little bit of sophistication we know that if you don't have insurance on your house it means you don't have a mortgage on your house. That shows that the elderly of Cayman Brac who lost their homes had worked so hard most of their lives to put themselves in a position where they did not have to depend. They had used what they had worked for to have their own home—a home that carried forth an extended family with it and gave them a place where their family met on weekends, especially on a Sunday afternoon. And to think that that has been taken away from them makes me very, very cognizant of the fact that we have to do everything in our power to put them back in a position where their families have that home again, where they have the roof over their heads and where we honour what they have done, and honour what they have given us to carry forward.

I hate to say it this way, Madam Speaker, but in Grand Cayman you found after [Hurricane] Ivan that deaths rose months after that. Unfortunately, in Cayman Brac, during the last three months we have seen (I believe I'm safe in saying) 16 people pass on. It takes them to a point where they basically have no hope left.

We are [trying to do] everything we can, but we must do more to make sure they know that relief and help is coming to them. As they see people [working on] their houses and the community standing with them, as they see the private sector from all over the Cayman Islands coming to do what they can, standing together side by side as brothers and sisters of this country, [they will feel] honoured and respected for what they have done for us. We need to put them back in a situation as good as—or better—than they were before Paloma hit our shores.

Madam Speaker, I just used that example to support the timeliness of this Motion and to talk about some of the issues that we now have available. The veterans and seaman's benefits and the indigent benefits and some small retirement funds are simply not enough. And I don't say this just for my district, I say this for the whole Cayman Islands. We have to be realistic and understand that the day and age of living off an indigent's, veteran's, or seaman's small pension has passed us by. Not because of anyone's fault of their age or anyone's fault of this country, but because of world economic pressures and what has happened to the cost of living here and abroad.

So, Madam Speaker, the commission that is spoken about, I believe if I could use some examples and carry forward rather than saying we would allow the commission to draw their own terms of reference, I believe that we can be creative and look at this as a



cash neutral situation. We can look at this and brainstorm and say a retirement age of 60 may be good in some parts of the labour industry, but it is not acceptable when there are healthy vibrant people going forward that still have a lot to offer to their community.

Think of a simple example: Tourism is one of the legs of our economy. Now, Madam Speaker, I can tell you that people return to these shores because of the ambassadors they meet, the elderly of this country when they have the opportunity to meet them. And how do they meet them? They meet them in a very unstructured or unplanned way. They meet them by going to Church when they are here; they meet them at a restaurant, at a bar, not as much as they did before, but they still meet them around a hotel at some juncture of their stay.

So, if we look at this from 'let us spend good dollars and not bad dollars' in a structured way, that the commission comes together and says, *You know we have an opportunity here to build our tourism product, to encourage our elderly to respect them and give them dignity back.* As the Third Elected Member for Bodden Town said, if you enjoy stories, Madam Speaker, you will certainly enjoy an elderly Caymanian.

I have the good fortune of being from a family of ship captains. There is not a more delightful way to spend an afternoon and evening than talking and listening to the events and experiences that they have been through all over this world. And, Madam Speaker, I can assure you that when I see the tourists who come to Cayman Brac and Little Cayman enjoy the stories and personalities and understand the character that built these Islands, it gives them a message to take home. And the most important part about it is when you look at building your tourism product and want to make sure that it is built on repeat business, the repeat business is built through the elderly ambassador.

So, that is just one example of how this can be a cash neutral situation for the commission and for this country. As has been said, we need to be creative in the ways. Government cannot be put to the task of just expecting to solve problems with money. A good government is put to the task of solving problems in a prudent way. And I put the position forward that in being prudent we understand how we can do this and involve a partnership between all sectors of our community.

Madam Speaker, it has certainly been said that you nurture your young and respect your elderly. That speaks volumes for you as a country. I am proud to say that what has taken place in Cayman Brac in the last three and a half years is a new daycare centre for the young and a new addition onto the Rest Home for the elderly.

It is very clear that I will support this Motion because I believe that we owe it to the elderly of this country to form this commission. And I believe that this Motion will have safe passage through this

House. So, Madam Speaker, with those few words I wind up.

**The Speaker:** Proceedings will be suspended until 1.30 pm.

**Proceedings suspended at 12.07 pm**

**Proceedings resumed at 1.34 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

Debate continuing on Private Member's Motion No. 12/08-09. Does any other Member wish to speak?

Honourable Minister for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

It is with a full heart that I stand to respond and accept on behalf of the Government this very special Motion brought by my school colleague of a few years ago. And as I look at the very second "WHEREAS", it is one of the most important areas that I have talked about over and over, and that we have all recognised and acknowledged. I will read it one more time: **"AND WHEREAS this robust economy is based on the sacrifices and efforts of previous generations."**

Madam Speaker, the entire development of this Private Member's Motion can be based around this foundation.

The fourth "WHEREAS" goes on to say, **"And WHEREAS this category of Caymanian citizens are experiencing a range of challenges which they or the state did not anticipate and for which they did not make adequate provision."**

I would posture, Madam Speaker, that in the era in which they lived and were brought up, the way they treated their elderly was completely different from how some of us treat our elderly today, and that is by doing the right thing by taking proper care of them and treating them with dignity and respect.

As I speak for the Government in support of this Motion, it is calling for action on a subject that has been a priority for my Ministry. The deployment of a commission should bring a fresh energy and clearer focus on the subject. It should also provide a context for a broader community awareness and response to the position of the elderly. This should actually facilitate one of our objectives as a Ministry, which is to develop a national strategy for the elderly. And, Madam Speaker, to that end we have recently started the operations of separating the Department of Children and Family Services into two distinct operations. One of them is the greater focus on the elderly and then the focus on the children.

We have just recently received the Final Report for the National Assessment of Living Conditions, which was tabled in this honourable House back in

December. The findings, as alluded to earlier by one of the previous speakers, have complemented some other routinely collected data. But it has also confirmed the need for further study as we expected it would.

The usefulness of this existing core data is that it provides a good starting point. We already see a clear suggestion from the data that the elderly are the poorest segment of the population, and that the female elderly seem to be the most negatively impacted by the factors which create disadvantages.

As we all know, Madam Speaker, following through on the NALC the Cabinet Office is to take the lead to develop a national poverty reduction strategy. It already seems clear that as one of the most vulnerable groups, strategies for the elderly should be a priority, thus bringing this commission to fit right in with what we will go forward with. Again, a commission for the elderly should augment this process. I would anticipate that it could be a facility for harnessing the various areas of private giving, support and care by the non-governmental organisations, churches, and of course, the key—the commitment of families.

The Motion says that the dignity of the elderly must be secured and that an effective safety net must be available to catch the needy. Indeed, this is the basis on which we have proceeded for some time. Services for the elderly have been accrued over time. Some have been extended and others added through social work, community development work, financial assistance and medical coverage.

And, Madam Speaker, just for a bit of history: As you remember, when we came in here in almost 17 years ago, our elderly were getting a measly sum of about \$50. With your support and all of us working together it gradually moved up to \$200, \$400, and now it is up to \$550 a month. And it was so wonderful for us in the last two Christmases, which is a crucial time for our elderly, to take that opportunity to add an extra month to their December money. That meant a lot to them. And this is the commitment, Madam Speaker, of this People's Progressive Movement Government, to continue to look and deal with our elderly in a dignified manner.

Much has already been done. It is literally in the millions of dollars. But we do know that our responsibility for how we deal with the aged must be addressed systematically and on a sustainable basis. This is why we have been moving through improved facilities and programmes towards a national strategy. It is against this background that we accept the Motion, stressing that with all we are already doing best use must be made of existing resources. But we must also acknowledge that there are problems and those who are involved must not be spared the scrutiny.

I take no pride in having to say that it has been brought to my attention how badly some persons treat their older family members. Fortunately, this is not yet commonplace. Madam Speaker, I venture to say that we need to look much closer at proper legis-

lation that will protect these the very vulnerable of our society from abuse sometimes by their own family members. Many of them own their own land, and through whatever opportunities were given to children and other family members when these people really needed it there was nothing for them to fall back on.

Such situations have to be looked into on the basis that neglect or abuse of the elderly will not be tolerated or excused, whether it is a lack of physical care or it is failing to take care of their debts; then, in some cases, coming along to claim property after the person passes on (which is what I alluded to earlier). Such practices occur, and they are unconscionable. I sincerely hope that starting today there will be no occasion for any further such report.

Let me in fact urge that, to the contrary, we reverse what seems in danger of becoming a social tendency to involve the elderly less and less to lose the many benefits that ought to come from continuing to call on them to play a useful role, as was alluded to by the mover and my other three Backbench colleagues.

Madam Speaker, I was touched and moved by the Third Elected Member for George Town. This seems to be a pattern of motions she has brought to this House which affects those that are at times vulnerable; those that are in need. As I listened to the support she got from my other three colleagues on the Backbench, the Third Elected Member for Bodden Town, the Fourth Elected Member for George Town and the Second Elected Member for Cayman Brac and Little Cayman, Madam Speaker, the passion that came out really made my heart full, because they share the same feeling and passion that you, the Leader of Government Business and I have felt, who have been here going into 17 years now. We have always, with God's help, endeavoured our best to make life better for our elderly. This is what it is all about, and it is no less than the right thing to do.

A grey head is like money in the bank to a community that knows its values. Integrity and moral values have formed the foundation for our Cayman Islands and brought us to one of the most blessed and successful nations on earth. And once again, I take this opportunity to thank our elderly. We have been such a community, let us not lose it.

I know my Bodden Town colleague, the Third Elected Member, mentioned a couple of names in our district—Uncle Bill, as many of us called him. I also reflect on the 90-year olds in our district and we have a number of them: Ms. Vernice and other people whom I enjoy visiting; Mr. David and [his wife] Veta, in Gun Square; Mr. Frank Scotland, who never ceases to impress me, even at his age, with the knowledge that he has retained. We all know that he was the pioneer of electricity in the Cayman Islands many years ago. But he is still an active ham operator, Madam Speaker.

It is impressive just to sit down (you know we really need much more time than we have on occasions) to visit with them. Ms. Reina, 90 years; Ms.

Lorna, the mother of the Third Elected Member for Bodden Town; just recently Ms. Julia Hydes from West Bay who we all know celebrated 100 years of dedication; Mr. Bert Watler, a former Serjeant-at-arms of this House. It is incredible when you visit with them and see the struggles they have been through but, Madam Speaker, still very positive and it behoves us all . . . There is Ms. Ariel Christian, partially blind but always positive and so glad when anyone visits her and in Cayman Brac, Ms. Ellen Yapp.

*[inaudible interjection]*

**Hon. Anthony S. Eden:** I'm being informed that she was 100 [years old] just yesterday. Absolutely incredible!

When I visit her at the Senior Home in Cayman Brac it is amazing the love and feeling that she [possesses] it is just absolutely amazing.

My good friend, not quite in the 100<sup>th</sup> year, Captain Paul, just to listen to him on the radio and visit with him at his house it is amazing the knowledge Captain Paul can share with many of our young people, and I just wish more of us . . . And this is not to exhaust or go on and on with it, but when you leave from visiting with them you feel so upbeat.

There's a feeling in your heart like 'Wow this was Cayman, the Cayman that you and I and many of us were raised up in'.

Ms. Nell Connor, a real tourism ambassador: you go there and she just keeps talking and you just don't want to leave. There are so many more throughout all districts in our Islands that I feel sure this Motion will make things easier; it alleviate some of their difficulties. And as the mover said, it is not something that is going to cost lots of money, but the benefit which will be derived by our elderly . . . you cannot put a monetary amount on it.

Madam Speaker, as we continue to go forward, this Government is in the process of total renovation of the Golden Age Home in West Bay. There are plans for the East End Sunrise Centre, and I am pleased, as I mentioned to you yesterday, Madam Speaker, [that] we are close to finalizing a location for the North Side Senior Centre that you have championed, Madam Speaker. . .

**The Speaker:** Wow!

**Hon. Anthony S. Eden:** . . . for many, many years.

The Kirkconnell and Tibbetts' Senior Centre for our elderly in Cayman Brac. My colleague for Bodden Town spoke on the continued development of the Nurse Josie's Senior Centre at Bodden Town. I too would like to take this opportunity to thank that group. It is so touching when you go there and see them doing their arts and crafts and whatever. This is actually chaired by Ms. [Florence] "Flo" Wood, but she has a cadre of people behind her; people who can relate to the way they were raised in assisting the elderly and

keeping them proud and dignified; and our continued funding and assistance to The Pines Retirement Home in George Town.

Madam Speaker, the proposed commission should enable us to properly assess and plan for the needs of older persons and think ahead with regard to the next age cohort and the realities they will face—and some of those people will be us here, Madam Speaker!

We continue to do this in light of the economic downturn throughout the world, and eventually it is coming to the Cayman Islands, but we will always put our elderly as a priority of this PPM Government. I look forward to working with my colleague legislators on this and making life better for our elderly. We should do no less. They have built these Islands and it is time for us now to support them and make life as easy as possible for them in transition.

Once again, Madam Speaker, I take the opportunity on behalf of my Government to offer full support to this Motion and to credit and say how timely it was by the mover and seconder, and all of those who have so far spoken on it.

Thank you.

**The Speaker:** Does any other Member wish to speak? If no other Member wishes to speak, does the mover wish to exercise her right of reply?

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

Madam Speaker, I am going to be quite brief. I would like to say to the Honourable Minister, thanks for his commitment. Not only did he say, yes, but he went at length to offer ways and suggestions, in particular, having a national strategy for the whole question of the aged. I think that is very, very good.

I also would like to thank my colleagues for supporting this, particularly the Fourth Elected Member for George Town who ably assists me in whatever I do. He is always there with me, for me, by me, and not only protects me from some of the others, but—

*[inaudible interjections]*

**Ms. Lucille D. Seymour:** Not the others in here [laughter] but he never says no to these sorts of things. He is always willing to do research. Also, Madam Speaker, it is not just that, I think he is touched by it. He has spent 30 years in the Lions, one of our noble service clubs that does a lot for the elderly. He understands this quite well, therefore he knows, in particular, the whole of George Town and where the vulnerabilities are. I want to thank him so much for always being there with me.

Madam Speaker, I just want to say to the Honourable Minister, in terms of when we are looking at the commission, that there are a lot of elderly persons who have difficulty even with the \$550 that we give them in acquiring medication for some of their

illnesses. Even if they are on CINICO, I know for a fact that some of the medicines are not at the hospital and they have to go to private pharmacies to get them and they are quite expensive. I've gone with them and assisted them and they are quite expensive. So, research on that is something that could be a part of what the commission can do.

Madam Speaker, I also want to say that although the Government gives \$550, this is what the Government can afford at this time. This is not what really should be given to those persons. That too, Madam Speaker, I would ask that the commission look at to see whether or not with the next wave of economic success that we could look at increasing that. You will notice I said, 'with the next wave of economic success' because they would have had scientific information on what the cap or the limit should be.

Madam Speaker, this commission will allow public/private partnership and that is what we wish for the private sector to be in terms of social responsibility. I think that the commission itself will broaden the relationship and input by the private sector.

In my final point I would like to say that we ourselves could look at tourism—and I'm sure that the Minister of Tourism has expressed this in some way—that some of these same seniors we have, those who are more affable and quick on their feet could be tourism ambassadors in our country. They could be at the airport, the port, we could find different things, a whole cadre of them that are hired by the Government in order for them to be tourism ambassadors, because that is a pillar of our economy we really need to ensure that it remains top quality and is strengthened.

Madam Speaker, [Hurricanes] Ivan and Paloma have taken away a lot from the aged and we are lucky that we have not lost more of those people. But we have to give them hope. This is where the change is, here in the hallowed halls; this is where it is. So, we have to give them hope that they can live out their next twenty years.

I have been fortunate enough to be a part of a family that has produced a centenarian, and I feel great to know that it is part of my genealogy to have that in my family. I am so happy! At the same time, Madam Speaker, if we want people to live to 100 years we also have to make the provisions for them and this commission, which is to facilitate the standard of living and quality of life for the aged, is certainly going to be a wonderful thing.

I want to thank the Government for accepting and thank you for your patience, Madam Speaker.

**The Speaker:** The question is: BE IT NOW THEREFORE RESOLVED that this Government consider the setting up of a Commission for the Aged whose initial remit shall be a scientific socio-economic study of the elderly resulting in an Action Plan and legislation to bring hope for the future of Seniors in the Cayman Islands and give them opportunities to live with dignity

and not fall through the safety net into abject poverty and humiliation;

AND BE IT NOW FURTHER RESOLVED that, due to the current economic meltdown and likely recession, the Government consider revisiting the retirement age with a view to deciding that retirees who are trainable and able and have special expertise are allowed to remain in the workforce by way of contract in both the private and public sectors.

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

**Ayes.**

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

**Agreed: Private Member's Motion No. 12/08-09 passed.**

**The Speaker:** That concludes the orders of the day.

I will entertain a motion for the adjournment of this honourable House.

Honourable Leader of Government Business.

## ADJOURNMENT

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

With your permission I will just explain what will follow on.

The House will not meet tomorrow, Madam Speaker, and on Monday, as I said yesterday in my statement, there is a joint press conference proposed with the Opposition and the NGOs regarding the recent successful conclusion of the Constitutional talks.

So, I move the adjournment of this honourable Legislative Assembly until 1.30 pm on Monday.

**The Speaker:** The question is that this honourable House do now adjourn until Monday at 1.30 pm. All those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 2.02 pm the House adjourned until 1.30 pm Monday, 16 February 2009.**



**OFFICIAL HANSARD REPORT**  
**MONDAY**  
**16 FEBRUARY 2009**  
**2.07 PM**  
*Third Sitting*

**The Speaker:** I will ask the Honourable Leader of Government Business to say Prayers.

**PRAYERS**

**Hon. D. Kurt Tibbetts:** Let us pray.

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

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

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

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

**The Speaker:** Please be seated.

**Proceedings resumed at 2.09 pm**

**The Speaker:** Proceedings are resumed.

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**Oath of Allegiance**

*By Mr. Donovan W.F. Ebanks, MBE  
(administered by the Clerk)*

**The Speaker:** Mr. Ebanks would you come to the Clerk's table? May we stand?

**Hon. Donovan W.F. Ebanks:** I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II, her heirs and successors according to law so help me God.

**The Speaker:** Mr. Ebanks, you may take your seat. Please be seated.

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

**Apologies**

**The Speaker:** I have no messages or announcements.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**Sex Offender Register Bill, 2009—Consultation  
Draft**

**The Speaker:** I recognise the Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Sex Offender Register Bill, 2009, as a discussion draft for public circulation.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Anthony S. Eden:** Yes, Madam Speaker. Thank you very much.

Madam Speaker, first of all I would like to thank the honourable Second Official Member for assisting in the preparation of this Bill. I need not go into the history and background of it.

And just to read from the Memorandum of Objects and Reasons: "This Bill seeks to establish a Sex Offender Registry which will manage and maintain a register of sex offenders to be known as the Sex Offender Register.

**"It provides for the requirement of notification by sex offenders of personal information upon registration such as full name date of birth, residence and place of employment; and thereafter the re-registration of the sex offender on the anniversary of the initial registration for the pre-**

scribed registration period. There is also a requirement to report and notify the Registry of any subsequent change to any of the personal information provided.

“The Bill also provides for the taking of photographs, fingerprints and DNA samples at registration.

“Provision is made for the notification of the Registry of any intention to travel outside of the Islands. There is a requirement to notify the Registry where a sex offender intends to travel within the Islands but away from his usual place of abode or residence for any period in excess of 24 hours.

“Provision is made for restricted access to the Register.”

And just to add to this: there has been some consideration of a suggestion made that it not only be limited to sex offenders but for other categories of serious offences in this Register, which I am made to understand is similar to what happens in other territories. We would look at having this as a public discussion draft out for 60 days. Thank you very much.

## STATEMENTS BY HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

**The Speaker:** I have received no notice of statements by Honourable Ministers or Members of the Cabinet.

That concludes the orders of the day.  
Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** On a matter of procedure, Madam Speaker.

### Point of Procedure

**Hon. W. McKeeva Bush:** Madam Speaker, it seems that the Government has some legislation. We understood that, [but] why are we not having more than just this item of business for today?

**The Speaker:** It was my understanding, Honourable Leader of the Opposition—and I am certain that the Leader of Government Business can clarify this—that the persons who were moving the two Bills and the Private Member’s Motion were not ready for that to happen today.

Does that satisfy your [question], or would you like the Leader of Government Business to answer you?

**Hon. W. McKeeva Bush:** Madam Speaker, we proceeded . . . I do not know if we had a business committee today or when we had it. Maybe it was on Friday when I was not here. I do not know. But I would have thought that some business should have been ready because we are cutting ourselves short in rela-

tion to certain business that should be done before the House is dissolved. Anyway, Madam Speaker, I am not here to hold up the Government, I am only trying to help.

**The Speaker:** Honourable Leader of Government Business.

## ADJOURNMENT

**Hon. D. Kurt Tibbetts:** Madam Speaker, there are several Bills which have not been put on a Business Paper. They are awaiting completion. It is imperative that they are dealt with during this last meeting before the House is dissolved. They are being worked on and we anticipate the vast majority of them to be down to Members before the week is out.

There is also the Referendum Bill which is coming to Cabinet tomorrow and then on to Members. And there is one Private Member’s Motion left, and the mover was not quite ready for delivery today. There are also another few Bills which are on Business Paper, but these were not ready to be delivered today.

So, I am going to propose that we will get the business to Members as swiftly as we possibly can and will resume, after adjourning today, on Friday morning at which time we will gain consensus as to which of the Bills are to be dealt with, and will continue on to conclude this meeting by next week. We will have to work with it in that fashion.

While I know that we are going to have to suspend Standing Orders, what I would not like is to bring the Bills down and Members do not have an opportunity to peruse in order for them to give fair debate. So, Madam Speaker, I move the adjournment of this honourable House until Friday, 10 am.

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

**Hon. W. McKeeva Bush:** Madam Speaker, is there any intention by the Government to work late, because, if so, they need to make Members know so everyone can set their timeframe.

I am still interested in the matter of the Order Paper, Madam Speaker.

**The Speaker:** What matter, Honourable Leader of the Opposition? *[pause]*

The question is that this honourable House do now adjourn until 10 am on Friday. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**At 2.18 pm the House stood adjourned until 10 am Friday, 20 February 2009.**

**OFFICIAL HANSARD REPORT**  
**MONDAY**  
**23 FEBRUARY 2009**  
**10.40 AM**  
*Fourth Sitting*

**The Speaker:** I will ask the Honourable Leader of the Opposition to say Prayers.

**PRAYERS**

**Hon. W. McKeever Bush:** *Eternal God, our heavenly Father, we are gathered here in this place of great decisions to do business for our people. As you have directed the affairs of men throughout time, we seek your guidance today. What we say here, what we do here, ever let it be for what is right, for what is pure, and what is acceptable in your sight. These matters, these constitutional matters, Lord, have hounded us for years. Now, Lord, you know the desires of our hearts. You know where we stand. You know our weaknesses, you know our strengths. We know that in your word it says that there is a power of darkness, for the Devil moves to and fro on this earth and so we desire your wisdom now that the Devil be denied and what is done be an extent of glorifying you by lifting our people in a more secure country.*

*Help us, O Lord, to do what is right; say what is right. Even so, Lord, let it be. We ask, O Lord, that you would 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. And so we pray for the Governor of our Islands, the Speaker of the Assembly, Official Members and Ministers of Cabinet, the Opposition and other Members of the Assembly, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for in Thy great Name's sake.*

As we 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.*  
*And so Lord, bless us and keep us, make your face to shine upon us and be gracious unto us. Lift up the light of your countenance upon us and give us peace, now and always. Amen.*

**The Speaker:** Please be seated.

**Proceedings resumed at 10.45 am**

**The Speaker:** Proceedings are resumed.

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

**Apologies**

**The Speaker:** I have received apologies for late arrival from the Honourable Minister responsible for Tourism, Environment, Investment and Commerce, and from the [Second and Third Elected Members] for the district of West Bay.

**STATEMENTS BY HONOURABLE  
MINISTERS/MEMBERS  
OF THE CABINET**

**The Speaker:** I have received no notice of statements [from] Honourable Ministers or Members of the Cabinet.

**GOVERNMENT BUSINESS**

**MOTIONS**

**Suspension of Standing Order 24(5)**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker.  
I move the suspension of Standing Order 24(5) to allow two Government Motions to be dealt with during this Meeting.

**The Speaker:** The question is that Standing Order 24(5) be suspended in order to allow two Government Motions to be dealt with during this Meeting. Those in favour please say Aye . . .

Honourable Leader of the Opposition.

**Hon. W. McKeever Bush:** Madam Speaker, there are two suspensions on the Order Paper this morning. These are fundamental items before us. I hasten to say that we are not going to object to either one.

When we were the Government, we had to suspend Standing Orders often because we had so many crises to deal with. I hasten to say also, the Opposition then (the Government now) saw no value in it; they gave us no pity, nor did they give us any support. And it was used against us. But this is Government. This is how it happens.



People have come to me asking, *What are you going to do?* I am going to do what is best for the people of these Islands, and that is [to] carry through these arrangements today in as orderly a manner as possible and in the best way suitable, ensuring that our people have a constitution that helps them.

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

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

**Ayes.**

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

**Agreed: Standing Order 24(5) suspended to allow two Government Motions to be dealt with during this Meeting.**

**The Speaker:** Instead of suspending proceedings for us to break and get back into the Chamber . . . I think all Members have received a copy of the addendum to the Order Paper.

Madam Clerk, could we just hand out the addendum in order to allow us to go straight into the debate on this Motion?

We will remain in our seats until the Serjeant returns with the addendum to the Order Paper.

*[pause while Government Motion No. 13/08-08 and the Addendum Order Paper were circulated]*

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Government Motion No. 13/08-09—Referendum on Constitutional Modernisation**

**Hon. D. Kurt Tibbetts:** I beg to move Government Motion No. 13/08-09, entitled Referendum on Constitutional Modernisation. With your permission, I will read the Motion:

**WHEREAS** the Government announced in December of 2007 that it intended to restart the Constitutional Modernisation process;

**AND WHEREAS** the Government published its initial proposals for Constitutional Modernisation on 12<sup>th</sup> January 2008, in two companion documents entitled: “The Cayman Islands Constitution: A Reflection of Who We Are”;

**AND WHEREAS** since the publication by the Government of its initial proposals for Constitutional Modernisation on 12<sup>th</sup> January 2008, the Constitutional Modernisation Secretariat established by the Government has held and/or facilitated dozens of meetings, public and private, hosted radio talk shows and television call-in shows to promote public feedback and education

on the issues involved in Constitutional Modernisation;

**AND WHEREAS** as a result of the extensive public education and consultation exercise carried out since January 2008 the Government has received and considered public feedback and concerns;

**AND WHEREAS** on 22<sup>nd</sup> May 2008 the Government published a new document entitled “Revised Proposals for Constitutional Modernisation”;

**AND WHEREAS** a constitution delegation “the Cayman Islands Constitution Delegation” made up of the Government, the Opposition, the Human Rights Committee, the Chamber of Commerce, the Cayman Ministers Association and the Seventh Day Adventist Cayman Islands Conference held two rounds of talks with the United Kingdom Government in Grand Cayman from 29<sup>th</sup> September to 2<sup>nd</sup> October 2008 and from 13<sup>th</sup> to 16<sup>th</sup> of January 2009 and a final round at Lancaster House in London in the United Kingdom from 3<sup>rd</sup> to 5<sup>th</sup> February 2009;

**AND WHEREAS** a political agreement was reached between the Cayman Islands Constitution Delegation and the Government of the United Kingdom on the 5<sup>th</sup> February 2009 and a draft Constitution was received from the United Kingdom Government on 10<sup>th</sup> February 2009 and laid on the table of the Legislative Assembly on 11<sup>th</sup> February 2009;

**AND WHEREAS** the Government committed by way of its manifesto during the election campaign leading up to the 2005 General Elections to the holding of a referendum on any proposed changes to the Cayman Islands Constitution;

**AND WHEREAS** section 29(2) of the Cayman Islands (Constitution) Order 1972 provides that a law may make provisions for the holding of a referendum amongst persons qualified as electors in elections to the Legislative Assembly, on a question declared by resolution, adopted by a majority of the elected members of the Legislative Assembly, to be a matter of national importance and specified in such law;

**BE IT NOW THEREFORE RESOLVED THAT** the following question be declared to be a matter of national importance:

“Do you approve the Draft Constitution which was agreed by the Cayman Islands Constitution Delegation and the Government of the United Kingdom on 5<sup>th</sup> February 2009 and tabled in the Legislative Assembly of the Cayman Islands on 11<sup>th</sup> February 2009?”

**AND BE IT NOW FURTHER RESOLVED THAT** the said question be specified in a Bill and brought by the Government to this Legislative Assembly for debate and disposal in accordance

**with the provisions of section 29(2) of the Cayman Islands (Constitution) Order 1972.**

**The Speaker:** The Motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, while the Standing Orders allow for debate on motions in general, the fact of the matter is that the Government Motion and the Bill are inextricably linked. I will be dealing in my contribution with both of them together when the Bill is tabled.

Others are free.

**The Speaker:** Honourable Leader of Government Business, I do believe that you need to speak to the Motion in order that Members may reply and debate your contribution at this time. Then you can link it into your Bill at a later point.

**Hon. D. Kurt Tibbetts:** Madam Speaker, I will certainly bow to your suggestion, but the Motion itself is self-explanatory. And reading it, it is crystal clear. But I hear what you have suggested.

Madam Speaker, the Motion outlines the various steps this Government has taken to come to the point where the Government Motion is before us and the Referendum Bill to follow.

The Constitution itself is not the concentrated effort in this Motion; it is simply a matter of allowing the Government Motion to be approved and, hence, allowing a Referendum Bill to be brought and debated in the Legislative Assembly. The Referendum Bill is the first of its kind since the 1972 Constitution was brought into force and, certainly, it is not only a very important day for this country but it is one in which I hope all those who are on the list of electors pay close attention to and make sure they are in an informed position by the date of the referendum.

The Government Motion itself resolves that the question that I read in the Motion be declared to be a matter of national importance and thus allowed to be the question in the Referendum. The question itself be placed on the ballot paper. There are other interests who would seek variations to the question that is in the Government Motion. We have listened for long to all concerned.

Madam Speaker, we have had to make some decisions which were not easy decisions but, nevertheless, decisions which had to be made. Madam Speaker, we believe firmly that given all of the circumstances and all of the contributions made by the many stakeholders who have aired their views, that this Government Motion is the best that can be done and, certainly, it is in the best interests of the people of this country.

So I commend the Motion, Madam Speaker, and if there are others who debate, then I certainly will respond.

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

Honourable Leader of the Opposition.

**Hon. W. McKeever Bush:** Thank you, Madam Speaker.

I was concerned that we were having the resolution at the same time that we had the Bill for a Referendum here. I am concerned somewhat by the committee stage amendment which says that—

**The Speaker:** Honourable Leader of the Opposition, that will be taken at the time the Bill is being debated and not at the time of the Motion, please.

**Hon. W. McKeever Bush:** Madam Speaker, I am not going to debate that. But the motion for the law cannot work unless it has that particular section in it. I am not even objecting to it. I am drawing reference to it. There is a committee stage amendment before us, which has been tabled, and which says that there should be not more than 50 per cent—

**The Speaker:** Honourable Leader of the Opposition, the Member moving that amendment has not introduced it as yet. So would you please just move back to the actual Motion?

Thank you.

**Hon. W. McKeever Bush:** Madam Speaker, I do not know why you are trying to give me a hard time on it because I am only drawing reference to it and I believe I can do that under Orders. I cannot debate it. I am not going to debate it from that perspective.

**The Speaker:** I have asked, would you please move on from that item to the Motion?

**Hon. W. McKeever Bush:** I know what you have asked, but I do believe that I have a right to draw reference to it and that is what I did. And I do not want the listening public to believe that I do not have that right, Madam Speaker, because I do.

Madam Speaker, the Referendum Motion which will bring in the Referendum Law is one that is a first time for these Islands. I have said in a press conference, and I have said at a meeting, that we do not intend to make the Constitution the centrepiece of the election campaign.

The House will be dissolved in a matter of weeks. The election campaign must be about the issues that affect the people of these Islands. From our perspective, [that is] the economy, the economy, the economy, crime, how people are faring and the Government actions or inactions. The expenditure of

funds must be the main discussions of the election campaign, amongst others, of course.

I was not a fan of a referendum. I have paid attention to referenda in other territories. In our governmental makeup, the Westminster form of Government, there have been referendums on matters such as countries going to independence. But I have been convinced that it is a way of involving the people in what they want.

The Constitution is important. Madam Speaker, we want the Constitution to be one that can do, or will do what we all intended. To get there, if this is the way, then so be it.

I was concerned on the matters before us. As the Leader of Government Business said, they are all intertwined—so linked that we cannot separate them. If you have a small turnout, the will of a majority would not be determined if you had 50 per cent of 7,000 people voting, because you might only have 3,500 people agreeing to the referendum.

However, Madam Speaker (and this was drawn to my attention by many people in the community), we know that the interest in general elections here has always run high. Our people have not failed to come out at all times. I do not think it has dropped to any less than 75 per cent or 80 per cent. We have always had a high turnout. In some constituencies, it has been a 90 per cent turnout.

I know West Bay runs high at times, over 80 per cent. So, I do not believe . . . mind you, I would have preferred that something else were done just in case something happens and we do not get that turnout, because what we want in the end is a Constitution that is agreed by the majority. But we hope and pray that nothing untoward will happen—no inclement weather or any such thing that will stop people from getting to the polls—and that there will be the usual high turnout. I believe there will be that high turnout because the issues are too big. And the people are waiting their turn.

Madam Speaker, the Motion before us and the Referendum Bill are so linked that you can hardly debate one—I will agree with the Leader of Government Business—without trespassing on the other. I intend to stop here and say (to ease your mind, Madam Speaker) that we want the debate and the matters here to be dealt with as expeditiously as possible so that if we need to get other business done we can do it, and we do not need to take all day on these matters. So the less you interrupt me the quicker we will get business done.

**The Speaker:** Honourable Leader of the Opposition I would not have to interrupt you if you were abiding by the procedures as I interpret them.

Does any other Member wish to speak?  
[pause]

If no other Member wishes to speak, does the honourable mover wish to exercise his right of reply?

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

It seems that there need not be any lengthy debate on the Motion itself. I do not think there was any specific issue brought forward by the Leader of the Opposition which required a specific reply that would not be fleshed out in the debate on the Bill itself. So, Madam Speaker, I just wish to thank Members for their support of the Government Motion.

**The Speaker:** The question is: BE IT NOW THEREFORE RESOLVED THAT the following question be declared to be a matter of national importance: “Do you approve the Draft Constitution which was agreed by the Cayman Islands Constitution Delegation and the Government of the United Kingdom on 5<sup>th</sup> February, 2009 and tabled in the Legislative Assembly of the Cayman Islands on 11<sup>th</sup> February, 2009?” AND BE IT NOW FURTHER RESOLVED THAT the said question be specified in a Bill and brought by the Government to this Legislative Assembly for debate and disposal in accordance with the provisions of section 29(2) of the Cayman Islands (Constitution) Order 1972.

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

**Ayes.**

**The Speaker:** The Ayes have it. Government Motion 13/08-09 is duly passed.

**Hon. D. Kurt Tibbetts:** Madam Speaker, just for safety sake, I am not so sure how I heard. I would like a division please.

**The Speaker:** Madam Clerk.

#### Division No. 9/08-09

**Ayes: 11**

**Noes: 0**

Hon. D. Kurt Tibbetts  
Hon. Alden M. McLaughlin, Jr.  
Hon. Anthony S. Eden  
Hon. V. Arden McLean  
Hon. Donovan W. F. Ebanks  
Hon. Samuel W. Bulgin  
Ms. Lucille D. Seymour  
Mr. W. Alfonso Wright  
Mr. Osbourne V. Bodden  
Hon. W. McKeever Bush  
Capt. A. Eugene Ebanks

**The Speaker:** The result of the division is 11 Ayes, no Noes. The Motion is duly passed.

**Agreed: Government Motion No. 13/08-09 passed.**

## BILLS

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

**The Speaker:** I recognise the Honourable Leader of Government Business.

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

I move the suspension of Standing Order 46(1) and (2) to enable the Referendum Bill to be read a first time.

**The Speaker:** The question is that Standing Order 46(1) and (2) be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 46(1) and (2) suspended to enable The Referendum (Constitutional Modernisation) Bill, 2009, to be read a first time.**

## FIRST READING

### Referendum (Constitutional Modernisation) Bill, 2009

**The Deputy Clerk:** The Referendum (Constitutional Modernisation) Bill, 2009, first reading.

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

### Suspension of Standing Order 46(4)

**The Speaker:** I recognise the Honourable Leader of Government Business.

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

I move the suspension of Standing Order 46(4) to enable the Referendum Bill to be read a second time.

**The Speaker:** The question is that Standing Order 46(4) be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 46(4) suspended to enable to The Referendum (Constitutional Modernisation) Bill, 2009, to be read a second time.**

## SECOND READING

### Referendum (Constitutional Modernisation) Bill, 2009

**The Deputy Clerk:** The Referendum (Constitutional Modernisation) Bill, 2009, second reading.

**The Speaker:** I recognise the Honourable Leader of Government Business.

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

When this Government decided to give high priority to bringing closure to the protracted issue of Constitutional Modernisation, we took a conscious decision. It was that we would take a fundamentally different approach from what had transpired previously.

Instead of leaving it practically to Government to determine the form and substance of our new Constitution, we considered it of paramount importance that the people's voices should be heard and that the people should ultimately decide whether a new Constitution was indeed desirable for the Cayman Islands.

The newly released draft of the proposed new Constitution is the product of the most extensive public consultations ever held in this country. Every opportunity and avenue was provided by the Constitutional Modernisation Secretariat for Caymanians of all walks of life and, indeed, residents to fully express their views on the subject and to state clearly what they wanted and did not want to see in a new Constitution. Their views were noted carefully. The information was collated and later acted upon.

The Government did not stop there. After sounding out the population we then allowed the people through carefully chosen representatives to participate at the highest level of the process, namely, the formal negotiations with the United Kingdom. To ensure that the people had a voice at the table, the Government invited organisations representing a wide cross-section of the community to sit on the national negotiating team along with the Government and the official Opposition.

I hasten to say, Madam Speaker, that at the end of the day the Government had five representatives, the Opposition had five representatives, and there were NGOs from the Cayman Islands Chamber of Commerce, representatives from the Human Rights Committee, the Cayman Ministers' Association and the Cayman Islands Mission of Seventh Day Adventists.

Madam Speaker, the Chamber of Commerce represented a broad cross-section of businesses and they did their own internal surveys with their membership. The churches did their widespread consultation. The Secretariat did what it had to do. The Opposition had their consultation and the Government had myriads of small, large and medium size meetings with various stakeholders. Against this backdrop, it is reasonable Madam Speaker—more than reasonable—to describe this Draft Constitution now before the country as a "people's Constitution".

Madam Speaker, our people can feel a true sense of ownership because it can be said that the new Constitution was fashioned by the people for the people. It was not imposed by the Government as so often happens to be the case elsewhere. In fact, this Government's role in the entire process was largely that of a facilitator.

Even when we introduced the process in January 2008 with the two documents that are referred to in the Government Motion, Madam Speaker, those two documents were simply the starting point from which to get the electorate involved. We managed the process to allow full participation by the people. I am of the firm belief that Caymanians can take pride in what we have accomplished together.

Through this Bill that I am bringing before the Legislative Assembly today the Government is moving to give further expression to the voice of the people. This Bill seeks authorisation for the holding of a referendum on the 20<sup>th</sup> day of May to allow the voting public to determine if we should proceed with adopting the draft new Constitution as a supreme law of our land.

Madam Speaker, I just want to pause for a second to speak to that. Even when we were in London, many of us were receiving text messages dealing with specific issues and parts of the Constitution that we were debating. Even up to this morning, some of us are receiving messages or getting telephone calls. Madam Speaker, I dare say that if we continue the process until next year this time that would still be happening.

The simple explanation for that . . . and I am not blaming anyone. Not for one minute am I trying to castigate anyone. But the simple explanation for that, Madam Speaker, is that there are many people who are interested in not only the new Constitution, speaking generally, but in specific areas they have their own specific views and they want to make sure that those views are heard.

Madam Speaker, the Government is saddled, and has been saddled with the situation where we have to do every single thing possible by way of taking all positions into consideration, taking that mix of expressions and views and making one document that satisfies the majority of the people.

Madam Speaker, if we take two individuals or two groups of stakeholders, or two entities, two organisations, two anything, it is almost physically impossible that every single section of that Constitution at its stage now, or when a new Constitution comes into force, that both of those entities will agree with every single section in the Constitution. People need to take a grip of that and appreciate that. It is not going to happen.

I dare say, Madam Speaker, that if we took the 15 elected Members, and even if we included the three Official Members of this legislature, and each of us were to go through the Constitution word for word and give our specific views, there would be no two of

us that were exact in those views. Madam Speaker, I am taking a few minutes to speak to this issue because it is important that people appreciate that fact.

So, if the Government listens to every single view that is expressed by an individual or an entity, and makes an attempt to get that into the Constitution, then all we do is take that into consideration and wait until the next morning when people who are opposed to that view hear that. Then they are going to come back and say, *You cannot put that in. You have to take that out. This is what you have to have in.*

If we just allow that situation to continue on, and on, and on, and on, and on, we will never have a new Constitution. Again, Madam Speaker, I say people need to appreciate that. We have extended the process as long as we could have. We extended deadlines more than once. And we are taking it to the point now where the people will have the final say by way of this Bill that is before the House.

Madam Speaker, when we had intentions initially to hold the referendum, the initial thought at that time was May of last year. It is now going to be held in May of this year. While people may not pay any special attention to that and some of them will say, *Well, make it stay until next year—whenever—until we get it right . . .* Madam Speaker, what is right? Do you know what right is? Right is what is right in your mind, for you! That is what right is. As I said, we have to take all of those thoughts and make one document with the thought being to satisfy as many of the majority as we possibly can.

Madam Speaker, just to close off on that point, the fact of the matter is that even to this day—meaning today—I have heard people say, *So, and so, and so, and so, and if you don't change it to so, and so, and so, I am not supporting the Constitution.* And that person may very well support the vast majority of points in the Constitution. Madam Speaker, I would urge those individuals to re-think their position because I want them to know that to satisfy them there will be others who, if they had the same frame of mind, would be saying, *Since you put that in, I am not supporting the Constitution either.*

We have to appreciate the process, Madam Speaker. And we have to understand. . . I believe it is fair to say that what we have achieved—and I say “we”, Madam Speaker, I am claiming no glory for this Government. “We”, meaning the people of this country. That is who I am referring to when I say what we have achieved—what the people of this country have achieved, Madam Speaker. And it has been said without it being a public utterance, but just a statement of fact. What we have achieved is a Constitution based on our relationship with the United Kingdom as a UK Overseas Territory. We have achieved a Draft Constitution that is better than any other Overseas Territory including all of them! The Brits themselves acknowledged that.

Do you know why, Madam Speaker? Because our arguments were so persuasive that we massaged them and they slipped a little in their chairs, and did not even realise when they were slipping and they went a little bit further than they thought they should have. And by the time they realised it, they had already agreed. That's why! And that is not to do with me or any one of my colleagues, that's to do with us. And they were actually appreciative of the way the three rounds of negotiations went.

Madam Speaker, you were there. Several of us who are here today were there. In fact, the majority of us were there. There were points raised. The Government had an initial position. The Human Rights Committee brought another position, which we had not thought about. There were aspiration rights which are now in this Draft Constitution which were not included originally. Not because we did not want to, but no one professes to know it all, hence, the all-inclusive process.

The Opposition brought points to bear. And we worked the situation out to where we found consensus that we could agree on. The Government brought their own points. The Minister's Association brought their own points. The Chamber of Commerce brought their points. And we worked through that entire process with the leader of the UK team, Mr. Ian Hendry, facilitating the process, and with Professor Jeffery Jowell, as the Government's constitutional advisor assisting us. All of those efforts and all of those skill sets and with best endeavours that is what we worked through, Madam Speaker.

And, Madam Speaker, people cannot expect—or I should say, people should not expect for us now to rehash that whole process again. It just is not right. A tremendous amount of resources have been poured into this exercise, both financial and otherwise. I want to give at this point in time (because I do not often say it, and sometimes I wonder if they think I do not care)

. . . But my colleagues, Madam Speaker, every single one of them spent countless hours, Saturdays and Sundays, nights, going through this entire exercise airing their views and doing all that we could to bring about a document that everyone can be satisfied that, while it is not perfect for many, is the best that together we could all bring. And that is what we have.

Madam Speaker, this Draft Constitution is meant to replace the existing 1972 Constitution which, as certain recent experiences show, no longer effectively addresses the present needs and aspirations of the Cayman Islands. The proposed referendum is historic. As I said before, it is the first ever to be held in the Cayman Islands. It represents democracy in action, democracy (I dare say) being taken to the highest level.

As you are aware, attempts have been made since 2001 . . . in fact, there were other attempts before if we go back. If I remember correctly, there was

an attempt in 1991 to modernise the Constitution. But the most recent (starting in 2001) was in response to a request from the United Kingdom Government to all of its Overseas Territories. And this request was contained in a White Paper which was published by the UK Government in 1999. It was entitled "Partnership for Progress and Prosperity." That document set out the basis for a new relationship between the United Kingdom and its Overseas Territories in the context of a changing global environment.

Much has happened since then. Most of the other UK Overseas Territories have completed the process and have already enacted modern constitutions. Ours was not complete. So Constitutional Modernisation was one of the items of unfinished business this Government inherited when we assumed office in May 2005. It had been abandoned after it had been started, and it remained in limbo until the Government decided to see the process to its end.

Madam Speaker, we knew all of the difficulties. We wrestled with it. I am going to lay it open. We wrestled with it for quite some time, Madam Speaker, because we realised that to do justice and to see this thing through to the end, the timing was not going to be the best. There was a general election due in May 2009, and there were those who consciously said we were not acting in our best interests politically. They may have been right, Madam Speaker. I do not know. What I do know is that we did what was right. And we have done what is right. We know that what we have done is what is right.

Now, Madam Speaker, the people will decide. That too is right, even though it is risky.

Madam Speaker, you were a part of us from the beginning. I am not trying to draw you into anything. I am just saying that you know for a fact that a big part of us getting together was doing what was right, not just playing the game of politics as is usual. So, Madam Speaker, we are here where we are.

The importance of a Constitution, and specifically this new Constitution, lies in the fact that the Constitution happens to be the supreme law of a country. Seen from this perspective, Constitutional Modernisation was an issue with obvious far-reaching implications for the future of this country. If I am to be very frank, it was an urgent matter which we as a country could not afford to postpone or ignore any longer. That is why this Government gave high priority to restarting the process and finishing the unfinished business of updating the country's Constitution.

Today, Madam Speaker, as I reflect on the experiences of the past year I am pleased to say that we have just about completed the task. We (the Government) are satisfied that we have fulfilled our responsibility by ensuring that the Cayman Islands has the Draft of a modern Constitution which is long overdue, a Constitution which represents a vast improvement over the existing 1972 Constitution. It is now up

to the people to give the green light for this new Constitution to be implemented on their behalf.

Madam Speaker, while it is not a perfect document, the Draft represents the best results that could be reached at this particular point in our history. It is based on a national consensus involving all the stakeholders who sat with Government at the negotiating table, with the exception of the Human Rights Committee. It also has the concurrence of the United Kingdom Government. And this is an important consideration, Madam Speaker, because the UK—and we have to appreciate this—is an equal partner with us in the process. And besides, the people of the Cayman Islands have made it abundantly clear that they wish for us to remain a United Kingdom Overseas Territory.

So far, the Chamber, the CMA, and the Seventh Day Adventist Churches have endorsed the Draft Constitution and recommended it to their respective constituencies. Madam Speaker, I trust that my understanding this morning from the Leader of the Opposition was that he was saying the same on behalf of the Opposition.

*[inaudible interjection]*

**Hon. D. Kurt Tibbetts:** The fact that the Opposition has signed on—and I just want to emphasise that they did so of their own free will after we sat around the negotiating table—clearly suggests to any right-thinking person that just as all of us at the end of the day they concluded that they could live with the new Constitution even though they did not get it exactly as they wanted it.

But then, Madam Speaker, no other stakeholder—including the Government—got everything that they wanted. Such is the nature of negotiations which always produce agreements based on compromise.

Madam Speaker, this is exactly what happened in this case. During the negotiations the Opposition repeatedly called for politics to be taken out of the Constitution. And for its part, the Government committed all along to keeping politics out of the process. That is why we repeatedly made it clear that the new Constitution was not about the Government alone, but, rather, about the country as a whole. We took the high road and placed the interests of the country first because, Madam Speaker, as I said before, it was the right thing to do.

History will be the judge. But I believe that history will be kind to us in that regard.

Madam Speaker, this new Constitution represents a good deal for the country. It safeguards our heritage, upholds our cherished values, gives us a greater say in the running of our country, and strengthens our relationship with the United Kingdom. It improves the system of Government and makes the Government more accountable to the people. It is a

unique Constitution because its scope goes beyond what the other UK Overseas Territories have obtained through their respective constitutional modernisation processes and exercises.

Considering that the Constitution is a living document, what we have represents a good foundation on which we can build our future as the country continues to evolve. We have a lot to gain, and really nothing to lose from this approach.

With regard to the Bill before us, Cabinet approved on 16 February a paper on a Draft Referendum (Constitutional Modernisation) Bill for transmission down to the Legislative Assembly for debate and eventual passage into Law.

This Bill, as we are all aware, replaces another Bill which was circulated to Members earlier on last year. This new Bill is in accordance with section 29(2) of the Cayman Islands (Constitution) Orders 1972 through 2008. This section 29(2) allows for a law to make provision for the holding of a referendum amongst persons qualified as electors in elections to the Legislative Assembly on a question declared by resolution and adopted by the majority of the elected Members to be a matter of national importance and specified in such law. So, the passage of this Bill will allow for the holding of a national referendum on the issue of constitutional reform in the Cayman Islands.

The intended purpose of the referendum is to provide a means by which the Cayman Islands Government and the United Kingdom Government may assess the views of electors on the agreed Draft Constitution tabled in the Legislative Assembly on 11 February. The holding of this referendum, as I mentioned earlier, is integral to the process of Constitutional Modernisation which was formally re-launched in January last year.

Major features of this Bill are as follows: The Bill allows for the holding of a referendum with the procedures set out as I read in section 29(2) of the existing Constitution. The Bill will cause the holding of a referendum upon direction received by the Governor in Cabinet. The Bill provides, for the purposes of guiding persons concerned, a referendum shall be held about whether electors agree with proposals for constitutional modernisation, particularly the Draft Constitution agreed at Lancaster House in London, 5 February last and tabled on 11 February in the Legislative Assembly. The question I read in the Motion.

The Bill also makes provision in respect of the ballot paper, the form which is prescribed in Schedule 1 which provides specifically that the Governor in Cabinet may, by order, add items to part 2 of that Schedule at any time before the issue of the notice appointing a day for the holding of the referendum. The Bill confers entitlement to vote in the referendum upon those persons who are entitled to vote as electors in an electoral district.

Madam Speaker, the Bill prescribes functions of the Supervisor of Elections, the Deputy Supervisor

and various other officials for the purpose of the referendum, save for any modification of function, which is outlined specifically in the Bill. It enables the appointment of persons to observe the conduct of the referendum, the verification of the ballot paper accounts, and the counting of votes.

Madam Speaker, there are other areas of the Bill itself which are specific. For now I will go no further with the introduction. I certainly commend the Bill. I will wait to hear what other Members have to say and then I will respond.  
Thank you.

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

If no other Member wishes to speak . . . The Fourth Elected Member for George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I would like to make a contribution and offer my wholehearted support to a Bill for a Law to make provision for the holding of a referendum on the proposals to modernise the Constitution of the Cayman Islands; and to make provisions for incidental and connected matters.

I believe this to be one of the more significant and meaningful pieces of legislation that [has] come to the Floor of this honourable House during this administration. The process to modernise our Constitution has been a long and arduous journey. I dare say that many Caymanians young and old have been bombarded with information and talk of constitutional matters over the last decade in particular [to where] some of them know the Constitution inside and out better than some of us in here. That is a good thing.

On the other hand, some of have really taken up the cause and will simply leave it to legislators or be persuaded by others as to how they should go. I for one feel as if all the hard work, the extensive hours of preparation of debating, preparing, negotiating in some form or the other, has been time well spent. Never before in this country has there been a more extensive public relations programme on any item. But I also believe that there is no better topic for the amount of time and money than that same document that we call our Constitution.

I am grateful to the people of George Town and the entire country for the opportunity to have been here during the last three-plus years and having had the opportunity to take part in the process and to be here today to see a Referendum Bill being tabled—an historic moment, to say the least.

The referendum is a tool by which Government puts the power where it should be—in the hands of the electorate. Many have said how appreciative they are of the process and they appreciate Government taking the chance. Many see it as taking a big

chance in allowing the public to make these decisions for themselves. I believe that any Government worth its salt should be in a position to explain to the public what needs to be done and give the public the power to make those decisions on their own.

One of the main cornerstones of the PPM campaign in 2004/5 was the promise to everyone—including those who did not support the party, Madam Speaker—that referendum would be our legacy; that referendum would be a tool that we would ensure the public would get. Like many other things that we promised, we have come to deliver yet again.

Regardless of what we believe as legislators—and we do support the Draft Constitution and the thought of introducing a referendum—you take the chance to depend sometimes on whichever direction the wind blows at any particular time on any topic. The public can blow hot or cold. They can either accept or reject and sometimes not in the best interests of the Government. And I dare say at times the general public can be persuaded to do things not in their best interest as well.

Madam Speaker, we have to ensure that we do our best to educate the general public that the decisions they make, when given this type of power, will always be in the best interests of the country and not necessarily in the best interests of special interest groups who may at the time have the ability to persuade, to sweet talk and otherwise, emotive subjects and topics and help to persuade the general public in one direction or the other.

Madam Speaker, we encourage our people to take time to listen to all of the views during the process of putting this Constitution together to the point where we now have a Draft Constitution. I dare say that there were times when things were uttered that at the time of their utterance we may have believed that they were not necessarily the best thing. But when you take the time to understand and [when] the topics are articulated properly many times one can have a change of mind, or you can find something in what may have seemed an impossible suggestion. You find a way to pull something positive out of it. And many of those things have happened during the passage of time with this Constitution.

The point I am making, Madam Speaker, is that we need to listen. But we need to understand things for ourselves and understand the ramifications of our decisions so that we are simply not persuaded by the sweet talk and make our decision based on what other people say rather than on what we took time to understand.

I am grateful. I am proud. I would say that having been able to travel to London for the third round of talks and to listen to the Member in the UK Parliament responsible for the Cayman Islands and the Overseas Territories was a very enlightening and important moment in my life. I was able to witness that day when she spoke the words that we had reached



an agreement and that the Cayman Islands would have a new Constitution.

I do not know what the future holds for me or anyone else; but that moment will never be taken away from me. I dare say that many of my colleagues at the time, some nearly drawn to tears understanding that all the hard work, the many sacrifices, the many arguments, had been for a worthwhile cause, and all the hard work had not been in vain.

Again, I am grateful for the opportunity and the many experiences that I have had over the last couple of years dealing with the Constitution matter. I am grateful to my Government that they had the wisdom—even when they were in Opposition—to invite NGOs to be a part of the constitutional process. At the time this was questioned by many. Even the inclusion of the [Conference] of the Seventh Day Adventists in addition to the Cayman Minister's Association was questioned by many people as to why that was necessary. But each day as I sat and listened to the contributions of every one of those NGOs, I understood that they all played a distinct and important role.

The inclusion of the Seventh Day Adventists in the delegation at the negotiation table was, I believe, an excellent idea and brought much to the table from a very large portion of our community whose views were well articulated by those who represented them.

Comments were made in my presence by people from the UK delegation that saw the inclusion of these NGOs as novel. It simply had not been done anywhere before. But at the same time, they acknowledged the tremendous benefit it brought to the table where we simply did not get political views from politicians all the time, that civil society was well represented and they stood firm. They stood their ground and they understood the art of negotiation and compromise and were able to help us to help the Government team to understand a little bit better what their constituents wanted in a Constitution.

I can only say that while the decision to include them in the first instance was when current members of Government were in the Opposition at that time, it is clear to see that these individuals had the interest of this country at heart and were forward in their thinking, preparing the country for what was to come. Although many people at the time did not understand the importance of that inclusion.

The Constitution is clearly and truly the people's Constitution. The wide level of consultation that took place is truly represented in the final document. Many of us have had some moments during this passage when we ourselves had doubts as to where we were going and where we would end up.

I will say to you, Madam Speaker, that I saw many depressing moments, many depressing days, especially during what I considered unnecessary delays in the process. But what I will also acknowledge is that even during those darker days when it looked

as if the process might be derailed or abandoned completely, that many good things, many new ideas came out of those delays because it gave us time to reflect on a lot of things. It gave us time to examine our own ambitions and the goals that we set and what we thought was right at the time.

We took advantage of those delays. In every instance we were able to add something positive to the process and to the Constitution. So much so that while we talk about the process being prolonged over such a long period of time I will readily admit that what we have now is a far superior document [to] the Draft Constitution we were given in 2002/3.

I will not get into what was right and what was wrong at the time, only to say that for everybody involved we simply did not sit idly by and pick up that same document we had before and say, *Let's run with this*. We took advantage of those delays and added value to what we now have as a Constitution. That is what we should have done.

I understand that many of our people are happy with the final product. There are those who are still unhappy and up to this moment expect changes to be made. A Constitution is a living document. I will say at this point that one of the points brought to the table by the Opposition . . . and I do not recall. Although it was said a couple of times since that third round of talks in London that the notion of a constitutional commission had been brought up prior to the third round of talks in London, I have no recollection of that. I will not say that it was not brought up, but that is the only time that I recall the talk of a constitutional commission.

The matter was brought forward by the Opposition and the Government in its wisdom saw merit in it and asked that it be included. I am making the point that we all contributed, whether Government, NGO or Opposition. But to also make the point that the inclusion of a constitutional commission where year-round observation of constitutional matters will be done, that it will be an easier process from here on to make changes to the Constitution, and for us not to expect that this document is the be all and end all, and that whatever we have here now cannot be touched for another 25 or 50 years. That is not the case.

We will never have a document that every person in these Islands will be 100 per cent happy with. We have to acknowledge that. Some are going to win, some are going to lose. But our goal, which I believe we have accomplished, is to have a document suitable to the majority of the people.

If we continue to make changes at the request . . . and I am not saying that the changes being suggested are not good, but if we continue doing that we will never ever get a new Constitution. We have to acknowledge that. But we need to prepare ourselves that the changes being mooted right now are noted, and become a process of the constitutional commis-

sion that will fall in place provided we do accept and vote yes for the new Constitution come May 20.

**The Speaker:** Honourable Member, is this a convenient point to take the luncheon break?

**Mr. W. Alfonso Wright:** Yes, Madam Speaker.

**The Speaker:** Proceedings will be suspended until 1.45 pm.

**Proceedings suspended at 12.11 pm**

**Proceedings resumed at 1.54 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

The Fourth Elected Member for George Town continuing his debate on Government Motion No. 13/08-09 on the Referendum Bill.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

Just before we took the luncheon break, I was making a few comments about the provision in the new Draft Constitution on the Constitutional Commission. I was making the point of its importance to the whole process, making sure that I gave the Opposition the credit they deserve for bringing that provision to the table. And to also say, Madam Speaker, that it is a provision that allows us to look at updating the Constitution all the time, in that we are always mindful that there is a group of individuals looking at what needs to be done to the Constitution on an ongoing basis. At the same time, we also want to bear in mind that we would not want to be a country that looks at constitutional change every year, for instance. But we take note of the things and whenever necessary there will always be referrals that can be made to the Government from this Commission as to what needs to be done, and the Government can then take advantage of that opportunity.

While there are things now that many members of the public are not happy with, I do believe we should be grateful that we now have this new provision in, so as to make representation and know it will be recorded somewhere so that when the time comes again for us to take a meaningful look at making any substantial changes to the Constitution nothing would have been missed along the way. And I dare say, Madam Speaker, that we have quite a bit to start off with. I do not believe that we should delay the process any further by holding back what we have now crafted to make additional changes as the process will only go on and on and on.

I believe, Madam Speaker, that we should make haste cautiously. We have worked long and hard on what we now have and, rather than trying to make hasty changes at this juncture, we ought to ac-

cept and proceed with what we have, and, like I said before, look at those provisions in time to come.

I would also like to say, Madam Speaker, that we decry our Caymanian people all the time. We always talk about their inability to produce—a notion that I do not agree with. But we hear it all the time from some of the companies in this country who continue to strive for work permits in favour of hiring Caymanians as to their inability to focus and be very productive in the workplace. And, Madam Speaker, I have had many occasions when I have been extremely proud of my Caymanian people. Many, many times.

I have been so proud, so happy, and so overwhelmed to be Caymanian, and to have been able to witness the performance level of the Constitutional Secretariat—young productive Caymanians who have given their heart and soul; who have been so conscientious, supportive and so deliberate. Some refer to them as being partial. I hear that comment coming from the Opposition Bench right now, Madam Speaker.

I believe, however, that sensible Caymanians will understand and appreciate the contribution of the members of the Secretariat. They are all young, qualified, competent Caymanians who have done a sterling job against the odds. They have put up with insults from all sorts of people from all walks of life, but they stuck to their task and completed the project at hand.

Talking about being focused . . . Madam Speaker, I hope that at some point in the near future this set of young Caymanians [will be] recognised for their contribution to this important process that we have just gone through. Too many times, too many of our people, especially our young Caymanians, go the extra mile and we fail to recognise them. And I do ask that the Government find a way to recognise these individuals.

I also will take this opportunity to speak to the contribution made by all Members of the Government and those who have sat on the Opposition. I have already spoken to the contribution made by the NGOs (Non-Governmental Organisations) and also that of Professor Jowell, although an individual that the country has paid for his services but again, money well spent.

I do believe that special acknowledgement needs to be made to the Honourable Minister for Education who took on this Constitution as a project, who has been so instrumental in the entire process. His stick-ability to the cause, his ability to articulate, to simply remember things after you have put something off for a couple of years and step right back in and pick it up exactly where he left off. It's amazing, Madam Speaker, how valuable he has been to this process [in] the detailed and technical aspects of what has gone into this Constitution. I don't know, maybe as a politician he will not be formally recognised for his efforts. I guess this is the price you pay for being a

politician. But, I believe, when the Caymanian history is updated that somewhere, some generation, somebody will recognise him properly for what he has done.

I recognise the contribution of all others: You, Madam Speaker, Minister McLean, Minister Clifford, Minister Eden, Third Elected Member for George Town, Third Elected Member for Bodden Town, the Second Elected Member for the district of Cayman Brac and Little Cayman, and, as I mentioned before, all of the Members of the Opposition have also played their role in making meaningful contributions to this Constitution.

I would venture to single out the Second Elected Member for the district of West Bay who also played a very important role in making sure that valuable and meaningful things were inserted in the Constitution. I recognise him too as a very conscientious young Caymanian. Although a politician, he does have this country at heart and has made a very positive contribution.

Madam Speaker, I also want to especially thank our Leader for the great role that he has played in this. I dare say that his job has probably been the most difficult of all, in trying to pacify everyone, and in simply keeping things together when many times he felt as if it was simply falling apart. The patience, his desire to see things through, his ability to make peace to keep people calm, to pull things back into perspective, is simply amazing. I dare say that the country as a whole should be grateful that we do have an individual like our Honourable Leader, the Honourable D. Kurt Tibbetts who led the delegation for the last couple of years on the Constitutional process and who is leading this country politically.

Madam Speaker, my plea to all of our people is to recognise the importance and the amount of work gone into this process, and on 20 May come prepared, go to the polls to vote 'yes' for this Constitutional process. And for us to acknowledge that we do have an excellent and more advanced Constitution than all of the other Overseas Territories. While ours has taken a lot longer, Madam Speaker, I dare say that it has been worth it. We do have a superior document.

So, my plea to all those who are still questioning whether or not they should support, is to understand that not everyone will be happy with the document. But, I believe, it is a good document and will serve this country well. A lot of thought has gone into it and we should all be proud and implore the people of our country to prepare themselves and to speak to those who are still not sure, encourage them to be a part of this historical moment—the first ever referendum being held in this country. It has to do with our future. They should all be proud and come out to support the document, Madam Speaker.

We all listened to the comments made by the Leader of the Opposition this morning and I take him

at this word that the Opposition will also support the Bill before us now.

I will take my seat now, Madam Speaker, and encourage all Members to offer the Bill their support.

Thank you.

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

Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, in Shakespeare's Julius Caesar, Brutus was discussing with Cassius whether or not they should move ahead immediately in the conduct of the next campaign in the Civil War which was going on between the forces of Octavian and Marcus Antonius. Cassius had been urging that they take some time to regroup and to gather themselves before the next push, but Brutus advocated pressing on with the campaign at a time when he felt that their fortunes were better and the prospect of success greater. And Brutus said:

**"There is a tide in the affairs of men.**

**Which, taken at the flood, leads on to fortune;**

**Omitted, all the voyage of their life**

**Is bound in shallows and in miseries.**

**On such a full sea are we now afloat,**

**And we must take the current when it serves,**

**Or lose our ventures."**

And that, Madam Speaker, is how I view this situation that presents itself now. This is a signal moment in the history of these Islands. Never before—ever—has this country had the opportunity to express itself by a referendum vote on a particular issue. Never before has the electorate had the opportunity to weigh in on matters of import to the country other than the occasion of a general election when they may choose their representatives. And I daresay, never before has the subject matter been more important than what they are being asked to decide upon for Cayman on 20 May [2009]—whether or not we have a new Constitution which will replace the almost 40-year old document, and which, in this year will also mark the 50<sup>th</sup> Anniversary of the Cayman Islands obtaining its first written Constitution.

Now, Madam Speaker, what I fear, and I think what a lot of right thinking and discerning people in this community fear, is that we are at risk of sacrificing what is a good document on the altar of perfection. If we listen to some people in this community—well meaning, well intention, but blinkered in many respects. If we listen to their entreaties to tear apart the consensus which was achieved in London, to throw

out of the window the political agreement which has taken eight plus years to reach, we will end up where we are now, but also back where we were when this process started eight years ago, with nothing.

Madam Speaker, I never cease to be amazed—and I have to tell you it has been now almost eight and a half years since I have been an elected Member—how it is that some of the most intelligent people I know get locked on to a course and a trajectory, prepared to sacrifice the overall good of an exercise, and in this case, of a country, because of one particular point they believe is right.

On matters of principle they say there can be no compromise. Madam Speaker, that kind of idealism is wonderful, as I have said before; but it is a luxury that is not afforded to those who are charged with the responsibility for government. It is not a luxury which those of us who have been elected to represent the people of this country can afford. Politics is the art of the possible. Politics involves compromise. And, Madam Speaker, I'm not talking about compromise merely between the Government and the Opposition. We all represent every person who lives and works in this country, to ensure that we get the support of the majority of the people who are entitled to vote in this country.

We have striven over the course of eight plus years to reach a point to create a document which had broad based support. I believe that is what the Government believes we now have in this Draft Constitution. It will not meet each and every line, each and every provision, each and every section. Each and every chapter will not have the agreement of every single person who is entitled to vote. That is an impossible objective. But we believe, Madam Speaker, because we were careful in choosing who the stakeholder groups were that would be represented in these discussions, we are confident that what we have achieved does meet with the support of the majority of people in these Islands.

We invited the merchants, the business people through the Chamber of Commerce; the Cayman Ministers' Association, which represents virtually every church in these Islands outside of the Seventh Day Adventist Conference; and we invited the Seventh Day folks themselves. We invited the Human Rights Committee (HRC) so that the views of the vulnerable and the minorities, the more liberal minded would be presented at the table.

There were many in the community who felt and perhaps still feel that the HRC should not have been allowed at the table. I and the Government fundamentally disagree. I think, Madam Speaker, that everyone understands how important I regard human rights and the role of the Human Rights Committee. After all, without wishing to blow my own horn, it was me, as the Minister for Education and other things, who took the decision that we should revive the Human Rights Committee which had fallen into disuse,

and was not having meetings when I took office in 2005. So, I do not think I have to try to persuade anyone of how I view this whole question of human rights and the role of the Human Rights Committee.

Madam Speaker, they have done a good job in relation to the promotion of human rights and the education of the Cayman community about the importance of human rights. Because this is a community that feared and to a large extent (those people talk to us regularly) still fears some of the ill consequences as they perceive them of a human rights culture, such as has developed in places like Canada and, to a certain extent the UK, and, to a greater extent, other states of the European Union.

Our people are very conservative people by nature. The indigenous Caymanians (if I dare call them that) worry about the liberal lifestyle and its impact on societal values and mores as they have seen that manifest itself in other countries. Madam Speaker, I am certain of this. If I am wrong about this then I really have totally lost touch with my people. But I am confident that most of the more liberal views I have heard propounded and expressed about recently of what people ought to be entitled to do, entitled to behave, and what they ought to be entitled to in terms of marriage and so forth, do not reflect the general feeling and sentiment of the Caymanian community.

Madam Speaker, if everybody in this country who has reached the age of majority were entitled to vote, the Bill of Rights as it is presently drafted might be in trouble. But I am satisfied that the vast majority of the people who are entitled to vote—all of whom are Caymanian—do not wish for, will not support, in fact, will protest against a Bill of Rights which permits a more liberal lifestyle than has been the norm in these Islands.

I am choosing my words very carefully because I am by no means casting any judgment about what people want to do in their private lives. I believe that is a matter for them. I am speaking as a representative in this community who believes that he is in touch with what our people think and feel about these matters.

Madam Speaker, I am not going to spend the whole of the time I have talking about the Bill of Rights issue because there are other very critical improvements, advancements in the Draft Constitution which are necessary for this country, its protection and its continued success and development.

When we look at what the Draft Bill of Rights now says, I say as one who has been involved from day one in this process . . . In fact, I started looking at this in 1999 before I was elected and not from then but even before then, back in 1992. The reason we did not get a new constitution or significant changes to the Constitution then was because the UK insisted that we had to have a Bill of Rights concomitant with any significant constitutional advancement. And the

then Government, led by Mr. Truman Bodden, declined to do so.

So, we have struggled with the old 1972 document for all of those years because as a people and country. . . Madam Speaker, I want to make it clear that I don't think Mr. Truman's judgment at that time was wrong about how the electorate was going to react to the imposition, as they viewed it, of any Bill of Rights. We have struggled because of that with this old document since 1992. It is at least as long ago as that, that the people who worked in government understood that that 1972 Constitution needed to be updated and upgraded to reflect Cayman's evolution since the original document was granted 20 years before that.

Madam Speaker, we all have worried—and in light of recent developments, still must worry—about whether or not the whole question of a Bill of Rights for this country and what it should contain is not the reef on which founders the entire constitutional modernization process. Except Madam Speaker, there is a sad irony in all of this. Somehow the issue has gotten flipped on its head, because until we left to go to London the great concern was whether or not we were going to get the key stakeholders who had issues with this particular aspect of the Constitutional Modernization process to agree to a Bill of Rights which would be acceptable to the United Kingdom Government. And that was a situation which obtained all the way up until the Monday night before the talks started the following Tuesday.

Madam Speaker, anyone who thinks that what we have achieved by getting the key stakeholders in the Churches to sign on to this document was a slam-dunk really has no appreciation of where we have come from and the length of time, effort, resources, forbearance, intellect and creativity that has gone into this process. I can tell you, Madam Speaker, for all of their worth—and I give them their worth—the HRC contributed zero to that part of the process.

The HRC have always started from the position of "This is what we want because this is what an ideal Bill of Rights should contain. Here it is."

It is the Government that has had to sit and figure how we keep this process together. Anyone who thinks otherwise has really not been connected to the process. The decision we took a year ago (or thereabouts) to defer the holding of the Referendum to May of this year instead of May last year, was one over which we agonized for a long time. But we knew (as much as one can know) that if we had pressed on at that stage the Referendum was going to fail because the churches had told us quite categorically that they would not support revised proposals without seeing precisely what was going into the Bill of Rights. No amount of assurances would do. They wanted to see what this was going to look like.

Madam Speaker, because we understood and still understand how very important it is that the coun-

try, the electorate . . . let me use the "electorate" because it is not the country to be truthful—there are only 15,000 plus people who have the ability to vote on this document. [The electorate] must be satisfied about it. We know that instinctively Caymanians, as conservative as they are, are more likely to say better the status quo than something which we believe might present dangers. Better the devil you know than the one you don't.

So, because we knew all of that, Madam Speaker, we took a step back from the process and said to ourselves, despite our best efforts no other jurisdiction among the Overseas Territories has done a quarter of what we have done to involve and educate the public in this process. But, notwithstanding all of that, let's give ourselves two pats on the back but that has not done the trick boys and girls. Let's take a step back and say to ourselves, what is it we have not done that we need to do to ensure the passage of this?

That, Madam Speaker, was the key turning point when we said we have to put together a Cayman Constitution Delegation which will allow not just the Government and the Opposition to go to represent the views of the people, but actually to have them involved in the process all the way. Not just turning up at the table in London, as was the case back in 2002, but to have them engaged in the development, that is, in particular, the Bill of Rights. We struggled and worked with the Churches and the HRC to develop what would go into the Bill of Rights. We knew what the key issues were with the Churches.

I have to tell you, Madam Speaker, that for a long time down that road I was far from certain that we would ever be able to achieve a document with which the churches would agree and which the UK would be satisfied met their international obligations. But we did it. We did not do it in one fell swoop, but we did it. We didn't do it until the Monday before the talks started on Tuesday, but we did it!

And so, Madam Speaker, when I in particular say that I am disappointed in the way the HRC has handled this, I want you to know that that comes from deep within my being, because the HRC were part of this process all the way through. They lobbied and advocated for changes. There is a whole section in there on the protections of the right of the child which they put in. And they did not have to fight us about that; there were proposals which ought to have gone in.

Madam Speaker, every group involved in this process has had to make compromises to get a document which all of us could say, *Well, it's not everything I wanted. But does it improve Cayman's situation in terms of the protection of human rights? Does it meet the UK's international obligations? Is it satisfactory to the Church in the sense that they do not believe that the social and moral underpinnings of this society will be compromised in any way?*

Those are the questions that constantly had to be asked and answered, and adjustments made. And, Madam Speaker, perhaps it speaks in some ways to a lack of maturity about the negotiation process, but to me and the way that my principles work, I do not go through a long, many, many long months, if not years, process of negotiation. [I] go to the table, make my case, get some of my changes, but don't get some. A decision and agreement is finally reached and because I have not gotten everything that I wanted, although I have committed to the process, to pick up my things and say, I'm going to go and campaign against the Bill of Rights. That is exactly what happened and those were the exact words of the Chairman: "I'm going to go campaign against the Bill of Rights."

Madam Speaker when you are playing on that big of a stage, that is not the way you should operate. It is one thing to advocate as strongly as you possibly can for whatever it is you believe is right, to push as hard, make people as uncomfortable as you want; but when the deal is struck the deal is struck. There is a political agreement reached between the Cayman Islands Delegation and a United Kingdom Government Delegation. We're all bound by that agreement, in my view, and if we withdraw from it we have undermined the basis of the agreement.

Madam Speaker, that is why, quite frankly, I am disappointed in the way this matter has been handled by the HRC post the UK negotiations. And, Madam Speaker, I should add that if the HRC felt as strongly as it says it does about section 16 subsection (2) of the Draft Constitution, that they believe an alternate version ought to be put to the electorate, one would have expected that that proposal would have been mooted in London and not something which has seemingly been given birth to after they have had time to come back and consider the matter.

But those, Madam Speaker, are (shall I say) principles which I believe ought to govern the way one negotiates at this level. Others may say that all is fair in love and war and politics; so be it! But this much I know, proceeding on the premise, as they have done, which is that somehow rights are being taken away from vulnerable groups in Cayman as a result of what is being proposed here is downright disingenuous.

Why do I say that, Madam Speaker? Cayman has presently no constitutional protection for human rights at all! Zero! Zilch! Nada!

Nothing!

What is contained in the Draft Bill of Rights at the moment meets—and exceeds in some instances—the provisions of Article 14 of the European Convention on Human Rights. It satisfies the United Kingdom's international obligation in relation to all of the civil and political rights which need constitutional protection. It contains a number of second and perhaps third generation rights, such as the aspiration or right to education and the protection of the environment. It contains a right to lawful administrative treat-

ment, a number of fairly new rights which have developed and evolved over the course of the last 30 or so years. Some come from the South African Constitution which is a relatively new constitution. And so, what is being proposed for Cayman is certainly not something that is less than meets the UK's international obligations, in fact, in some instances it is more. So what, then, is the issue?

Madam Speaker, the Human Rights Committee believes that there should be a freestanding non-discrimination clause in the Constitution. What does that mean? The present Constitution Draft limits the non-discrimination provisions in the Constitution to the rights which we are protected under the Bill of Rights in the Constitution. That is, those rights which are accorded to people under the Constitution are saved to some extent, which is actually set out in the document, are to be applied fairly and broadly across the whole range of categories of people whether you are young, old, male, female, black or white. It does not matter. All of those rights apply to you; saved to the extent that there are some carve outs, particularly in relation to immigration.

Madam Speaker, initially it was proposed that those rights would not be restricted only to rights granted under the Constitution but more broadly to the full range of government legislation and activity. The Churches objected strenuously to this. It was on this particular point that literally at the last moment we were able to persuade the Seventh-Day Adventists in particular that restricting that provision only to the rights under the Constitution would not in any way create the sorts of issues that they were concerned about, such as the kinds of lifestyles which the Constitution, as they saw it, could possibly condone or promote.

I am talking particularly, Madam Speaker, about the gay lifestyles. That was their big concern.

But as we examined this issue we also realised that having a freestanding non-discrimination clause would have other effects on Cayman as we know it, and the potential for real fiscal burdens being placed upon the Cayman Islands Government; burdens which I think all of us appreciate we can ill-afford.

Now, Madam Speaker, the HRC have so far been careful not to mention those implications and, in fact at the recent meeting, have actually disputed with me the potential for significant financial burdens on government if there was a freestanding non-discrimination clause. Madam Speaker, I have looked at it. I have looked at the section and what obtains in other places.

Lawyers will argue about what a section or subsection means or does not mean. But perhaps the most telling point to me is this: There are presently 89 European Union member States and Territories to whom the European Convention on Human Rights has application.

Now, the European Convention on Human Rights itself, on which section 16(2) of our Draft Constitution is modeled, the non-discrimination provision, is not a freestanding right under the European Convention of Human Rights. Over the years a protocol (protocol 12 it is called) has been developed which, if adopted by the European Union member State, has the effect of turning Article 14—The Right Against Non-discrimination—into a freestanding right to have broad application across a full range of that member state's legislation and governmental activity.

But, Madam Speaker, of the 89 member States or Territories to whom this applies, only 19 have adopted that particular protocol. The reason they have not adopted it . . . the reason the UK Government, notably, has not adopted it is because they believe that the wording of that protocol is too wide and it will result in a flood of new cases testing the extent of that provision. They believe that it might have the effect of including international conventions to which the UK is not party and could result (and these are their words) "In the incorporation of these instruments by stealth."

You see, Madam Speaker, if the non-discrimination provision is freestanding, unless the Constitution itself were to carve out certain legislation, certain government activity, it would mean that government would not be able to discriminate at all in relation to anyone with regard to any of the areas of governmental endeavour policy or legislation. What that would mean, as I see it, is that in terms of attendance of children at government schools, government would no longer be able to say that only Caymanian children are entitled to attend, and attend free of cost.

Madam Speaker, in relation to housing, the Cayman Islands Government would no longer be able to say the Government Guaranteed Home Mortgage Scheme is for Caymanians only; the affordable houses are for Caymanians only.

In relation to provision of healthcare, particularly overseas healthcare, we would not be able to discriminate and say Caymanians are entitled to overseas healthcare free of cost if they can't afford it, but we can't pay for non-Caymanians. It is the implications of those sorts of things that any responsible government has to bear in mind.

And while the idealism and the well intentioned efforts of the HRC and the beliefs of other equity minded people are good, they have to be balanced against the realities of the Cayman in which we live, a country in which more than half of the population, I believe, comes from somewhere else; a country with an extremely narrow tax base which is always under pressure to manage the affairs of the country in terms of infrastructure and programs and support to its people. Always a struggle.

I believe, and I want you to believe, Madam Speaker, and this House to believe, that I doubt if there is anyone who has agonized about this any

more than I have. Some have only turned their minds to this in the last year. I have been thinking about this for eight plus years. Madam Speaker, I say to the HRC and to others who are campaigning against the Bill of Rights as it is drafted in the Constitution, that the time for debate on this issue has almost passed. The reason I have not said is past, is because we are in this process right now. But the document that we have is the document which has been signed off on.

And even though I know the Leader of the Opposition has made cautious-sounding noises, he was part of this process and he understands—I am confident in saying this—and supports what I have just said about the Bill of Rights. In fact, he may believe still that not all of the fears of the Christian community have been satisfactorily addressed, although I urge him to believe that they are the best guardians I believe of their own position, and that they are satisfied.

Madam Speaker, the Human Rights Committee has done a lot of good work. It has fought and had to fight for standing in this very conservative community. Their role has not only been preserved but they have been promoted in the Draft Constitution, because this Human Rights Committee will become the Human Rights Commission when the Draft Constitution becomes the Constitution of the Cayman Islands.

I believe, Madam Speaker, that while they will continue to have their reservations and concerns, they really should think long and hard before taking a decision beyond today to campaign against this Bill of Rights. And I know that they will say they are not campaigning against it, they are just educating people. But enough people whom they have spoken to or who have heard them speak have come to me for me to understand that however they intend it, the message out there is clear from the HRC—vote the Bill of Rights down if it does not change.

If you cannot vote the Bill of Rights down without voting the entire Constitution down, I say to them and to others who may have been convinced—including some of the media—that that is the right thing to do, to ask themselves this question, for it is the question that I have to ask myself over and over again: *Will the Cayman Islands be better off with the Draft Constitution with all of its perceived imperfections than is currently the case? Will the cause of human rights in Cayman be advanced, imperfect though it may be, by the Draft Bill of Rights, or is it better that the status quo remain, particularly in light of all of the issues that we have to face in the next couple of years?*

Which government is going to be brave enough, or some may say foolhardy enough, to go down this road again any time soon? Because that is what it comes down to, Madam Speaker.

This time, 20 May, we are playing for all the marbles. It's yes or no! I am sure, Madam Speaker, that the country will continue to struggle and limp

along under this ancient creaking document that is the 1972 Constitution. I am not going to try to say that this will be the end of Cayman as we know it if we don't get the new Constitution. But this I know, from almost four years sitting in that Cabinet with that Governor, Cayman will not be in a better place with no new Constitution than we are now. We will continue to labour under all sorts of impediments.

The Bill of Rights is critically important, but it is not the be-all and end-all of the constitutional process. Even those who believe that section 16(2) is imperfect must accept that many other aspects of the Draft Bill of Rights represent significant advances for the protection of human rights in this jurisdiction, and as right-thinking people must ask themselves, *Am I really doing myself and the country justice if I take the position that if I can't get the section 16(2) provision that I want, it is better to have nothing at all?*

No one need tell me that that is not a view that has been advanced, because I've heard it advanced. And no one need tell me that it is not a view that is being spread among people who have issues with section 16(2), because some of those people have said as much to me.

Madam Speaker, what is called for here is a sense of reason, of proportionality. If I and Members of the Government in particular, and Members of the Opposition and the Churches had taken the position that if we can't get everything we want, there will be no document. I promise you there would be no document. And for those who think that the churches have been unwilling to compromise or to move, I tell them they need to think again. The Churches were determined that we should have no constitutional protection for human rights because they greatly feared (to paraphrase them) that elevating the issue of human rights to constitutional status would by itself have the result of creating a human rights culture where every single thing of a decision that was taken by churches and schools was open to challenge. They cited time and time again the Canadian example.

To get us to where we are we have had to craft the Bill of Rights so that it is clear that these are rights that are enforceable by an individual against the Government—that they do not have horizontal application, that they don't impact schools and churches and those sorts of institutions. They reluctantly conceded because the UK told them there was no choice, that it had to go in the Constitution and could not be a simple piece of legislation. Huge compromise on their part.

So, Madam Speaker, I urge again that the campaign against the Draft Bill of Rights should cease when the vote is carried today. Its only purpose after this will be to get voters to vote against the new Constitution. It will have no other effect. The time for changes to the Draft Bill of Rights has passed. The HRC, like everyone else, had their say. In fact, they

had more than their say. They had more to say about it than anyone else, and that is fine.

Madam Speaker, for those who are cynical about the legislators in this House and perhaps think that our views are ultraconservative and we are rooted in another time, (as I have been told recently) and that Cayman needs to get with the programme to understand this is a liberal world and people are entitled to do what they want, and all of those things . . . I've listened to all of that. To all of those I want to say this: You may entirely discount us who represent the people in this House, but you must accept that the United Kingdom (which cannot be regarded as a conservative society) and the United Kingdom Labour Government, through their Minister, has accepted that what is contained in our Draft Bill of Rights meets the United Kingdom's international obligations with respect to the protection of human rights.

So, this is not some sort of substandard document. It clearly does not go as far as some of the more liberal-minded members of this society would like it to. It does not follow from that that the document is substandard. As some of those who have spoken before me have said, Madam Speaker, the Constitution is a living document. What it contains ought to reflect the views, mores, standards and aspirations of the society that it governs.

Accept that Cayman is in a unique position; one of the few countries in the world where the vast majority of the population cannot vote because they do not have a sufficient connection to the Islands. But I do not believe that we have yet reached the point where the Caymanian population who can vote are prepared to simply say that because there are more of you who can't vote who have more liberal views our constitutional document ought to reflect those views.

Madam Speaker, one of the things that has saddened me in this process—and this is a criticism of the HRC—is some of the things that I have witnessed, particularly last Thursday night. Quite frankly, I regard it as an exploitation of vulnerable people. For, in the process of trying to persuade the Government to break the agreement we have and to insert a new section 16(2) into this Bill, they have spoken to [and] brought on board representatives of the disabled and other people who are vulnerable in the community. And they have sought to persuade them (in some cases, successfully, it seems) that somehow this Draft Bill of Rights is going to take away some rights they have or, conversely, that if the Bill of Rights, section 16(2), Non-discrimination provision, said what they wanted to say, that magically all of the slights and prejudices and bad treatment which they received would be fixed.

Madam Speaker, it has been 500 years since our country was first sighted, but in terms of civilization it is about 300 years. We have never had a Bill of Rights. And I am not for a minute going to say that there have not been prejudices and discrimination,



and that we have always treated people fairly. I'm not going to say that, Madam Speaker, because I know different. But I do not think that people in Cayman have fared any worse. In fact, they have fared much better in a country which has respect for the dignity of the human being and for the rule of law, absent to this moment as I speak . . . we have no Bill of Rights. Where is the long list of huge human rights violations?

So, Madam Speaker, it is wrong to paint a picture of Cayman which is oppressive and which somehow is in gross violation of international human rights, and [that] somehow magically (if we had section 16(2) as they are proposing) all of that would be fixed.

And, Madam Speaker, the other side of that coin is this: As we have drafted the Bill of Rights, it does not have horizontal application so that the rights which are granted are enforceable only by the individual against the State. They do not extend to areas like employment, landlord and tenant, bus driver and passenger. And, Madam Speaker, many of the scenarios which are set out as possible if government does not give us a freestanding non-discrimination provision . . . all of these injustices can happen to you. And if they do give you what we propose, this will all stop. What is being said, Madam Speaker, is creating expectations which are unreal.

So, Madam Speaker, I just want to conclude my discussion of this very important aspect of the Constitution by saying again that the time for debate, the time for argument about whether section 16(2) should be freestanding or not is now past. We must ask ourselves as a people whether the Draft Bill of Rights as it currently stands puts Cayman in a better position, protects its people better from the excesses or omissions or discrimination by its government. And I think, Madam Speaker, that the answer to that question must be an unequivocal yes. The Cayman Islands will be in a better place, will be in a better position in relation to human rights protection with this Draft Bill of Rights than is presently the case. Madam Speaker, we must "take this current while it serves", or risk losing the venture.

Madam Speaker, a little note has just been handed to me. While I had closed that aspect I think it is so important that I should mention it.

The whole question about people being unfairly discriminated against, unjustifiably discriminated against in relation to matters that are not covered by this part of the Draft Bill of Rights, such as housing, healthcare and so forth, and provision of financial assistance, as another example, there is, has always been and it remains open to those people, the opportunity to go to the court to have decisions which are regarded as arbitrary, unreasonable or unfair judicially reviewed by the Court. And the Court will strike down such decisions. It does not need a Bill of Rights in order to do so.

Madam Speaker, to the rest of the Constitution: Perhaps because this whole issue of section 16(2) of the Bill of Rights has occupied the headlines and the radio waves and so forth. I have heard little feedback in terms of the rest of the Constitution. Maybe that's a good thing and maybe I am creating an unnecessary risk by mentioning anything in relation to it this afternoon. However, I think this is far too important a matter, this is far too important a Bill, this is far too important a process and far too unique a process for me not to speak about the other provisions of the Constitution which I believe will move Cayman much further down the road.

[They will do so] in terms of our ability to look after our own affairs, in terms of our own ability to protect the interest of these Islands; in terms of our ability to have a better system relating to the administration of Government, in terms of more democracy, and more shared responsibility between the Governor, elected Government and the Opposition, and to a lesser extent, the broader community and, Madam Speaker, in terms of more accountability also.

I believe, Madam Speaker, all of these things will inure for the real good of these Islands, and that in time to come the generations which follow us will look back and say, *Well done thou good and faithful servants*.

Madam Speaker, "Every disappointment is not a misfortune." As a child, those words of my mother had me questioning them time and time again. I used to think it was simply a ploy of older people to somehow assuage their own guilt and to provide their children with some sort of solace about something important to that child which had not happened. But as I have grown older I have come to understand the wisdom of those words, because while this Constitution Modernisation process has dragged on interminably since it was first mooted in 1999 to, hopefully, its conclusion in May of this year. What that delay has done is only give us a much greater chance and opportunity as a Government and as a people to consider these issues and their import and impact on life in the Cayman Islands and the business of Government in particular. But it has also given us a chance to look at what has happened in other like jurisdictions.

It has also allowed the Constitutional Modernisation process initiated by the United Kingdom Government to mature, and for them to have a chance to look more carefully at what they are prepared to grant or not grant to the Overseas Territories. And again, because of the length of time, it has also given them a chance to evaluate the feasibility of various constitutional advancement proposals which have actually been granted in other jurisdictions. And we have had, Madam Speaker, coming almost last in this particular race, the benefit of all of that.

We have also had the chance to look ourselves at what has transpired elsewhere and to say, *Well, if they can get it, then why not us? But we would*

*like this particular improvement and enhancement. We don't like that part of what they have done; that does not fit well within the Caymanian context.* And we have had the opportunity because of the length of the process and the wide consultation which has taken place over such a long time to get the benefit of a myriad of views, ideas and suggestions which have shaped the final document that we have.

Madam Speaker, I have to laud the Opposition in relation to a number of novel provisions that have gone into this document which, despite the fact that I do not think the Leader of the Opposition is entirely satisfied that we have actually done enough. We have done, I think, more than any other jurisdiction about the sharing of responsibility between Government and the Opposition, in particular the involvement of the Opposition on key commissions and the opportunity to address Cabinet once a quarter in relation to matters involving their constituencies, as a couple of very important examples.

**The Speaker:** Honourable Member, is this a convenient time for me to take the afternoon break?

**Hon. Alden M. McLaughlin, Jr.:** As you so wish, Madam Speaker.

**The Speaker:** Proceedings will be suspended for 15 minutes.

#### Proceedings suspended at 3.21 pm

#### Proceedings resumed at 3.54 pm

**The Speaker:** Proceedings are resumed.

Honourable Minister for Education continuing his debate. Honourable Minister, the Clerk informs me that you have 48 minutes left.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker. I shall attempt to be brief.

Madam Speaker, the Draft Constitution includes a preamble which though not directly enforceable really sets the tone for the entire document. I raise that to say that the concerns which have been expressed about the Bill of Rights are somehow not going far enough in upholding important things like the dignity of the human being and so forth . . . I want to say that right at the very start of this document in the preamble there is a bullet point which says that the Cayman Islands is a country committed to the democratic values of human dignity, equality and freedom.

It also goes on to talk about the Cayman Islands being a God-fearing country based on traditional Christian values tolerant of other religions and beliefs.

Madam Speaker, this is not an insular narrow-based value system that is being developed or set out there. This Constitution, I believe, is a forward-looking document; one that is aimed at reflecting not just mod-

ern day principles and values, but capable of being developed and capable of evolving to meet the needs and aspirations of another generation.

Madam Speaker, the Bill of Rights freedoms and responsibilities is something that will be introduced over the course of three years with the exception of the provision requiring the separation of adult and juvenile prisoners, for which we have managed to obtain a four-year delay. That, too, has been the subject of much discussion and criticism. And there is no question, none whatsoever, that it is wrong to have a system which requires—because of the lack of facilities and other resources—in some instances that juvenile prisoners have to be housed with adult prisoners. As a country we really must change that state of affairs.

But that is not a situation that has happened overnight. It is not a situation that occurred yesterday. And I think I have as broad a shoulders and as thick a skin as anybody in this business, but I have to tell you it does irk me when it is suggested that somehow this Government has failed so miserably in that regard (that is, in ensuring the separation of juvenile prisoners and adults). Madam Speaker, it is a resource issue. It is a question of cost and priorities and the allocation of government's limited resources to deal with what is a huge range of ever-increasing issues.

Madam Speaker, there will be some who will fault and have faulted the Government, and will fault me in particular for my thrust in moving education to another level, particularly pressing for the provision of adequate modern-day facilities for our children to go to school. One of the questions the Government had to deal with is: Should we build more jails or should we build more schools? It comes down to decisions that are as stark as that.

Absolutely, we need more facilities, especially for juveniles. But in rationalizing and coming to that decision about the allocation of resources I take the view, the Government takes the view, that the better educated our people are the more opportunities they have, and the less of them who will wind up in need of prison facilities.

We now have a four-year deadline by which we absolutely must provide these facilities. And this Government (or any other government to come) knows that is what it has to work to within the limited resources that we have. Those resources are going to become more limited in the immediate future. I think we all understand that very well. So, again, this is the distinction between the HRC, which has the duty, obligation and the luxury of pressing for what are ideal arrangements, and any government which has to balance competing interests including those involving the allocation of resources.

Madam Speaker, the reason why we have persuaded the UK to delay the implementation of the balance of the Bill of the Rights, as we have said before, is to ensure that there is proper preparation and

training of government officers and development of systems to ensure that the Bill of Rights is strictly adhered to once it is implemented. Nothing could be more chaotic than to simply impose it without there being adequate provision. It was the same in relation to the Freedom of Information legislation, and I think we took our criticisms for the delay there in the implementation of that. But so far, so good. It seems that most people who have made requests for information are having their requests dealt with expeditiously, and as far as I am aware the system is working well. That is what ought to happen when you have proper preparation for these new concepts.

Madam Speaker, the Bill of Rights enshrines the fact that true democracy requires all governments, even those with overwhelming populace support, to respect the rule of law and that there are certain fundamental rights and freedoms which belong to us all. I think that is what the Bill of Rights does.

The question of the Governor's powers, Madam Speaker, and the sharing of responsibility between what the Governor is entitled to do under the present Constitution with the Cabinet, was an area that also created some controversy in the earlier stage of this whole constitutional debate. I think the Opposition themselves had a different view than the Government about how these powers ought to be reallocated or whether they ought to be reallocated.

I am delighted that we have reached a point where the Government and the Opposition are *ad idem* on this matter, and that there is in the Draft Constitution a new arrangement which significantly restrains the ability of the Governor to act on his own without either consultation with or the advice of the Cabinet.

Madam Speaker, importantly, both as a result of the provisions in the Draft Constitution and as a result of political undertakings extracted from the UK under the new Constitution, we will have an arrangement where the Governor is under a duty to exercise his powers in the best interest of the Cayman Islands consistent with those of the UK.

We would have a Cabinet, not this time round but in the elections which follow these, which will consist of seven ministers, including the Premier, Attorney General and the Deputy Governor. We will have an arrangement where the Governor will chair Cabinet, and in his absence Cabinet can be chaired by the Premier, which is a huge move forward.

Madam Speaker, importantly, executive power will be exercised on behalf of Her Majesty, not as at present by the Governor alone, but it will be split between the Governor and the Cabinet. The Cabinet will have primary responsibility for making and implementing policy and the Governor primary responsibility for defense, external affairs and appointments and conditions of employment in the public service.

While national security is still a special responsibility of the Governor, he must now act in ac-

cordance with the advice of the new National Security Council unless he or she considers that giving effect to that advice would adversely affect Her Majesty's interest.

Madam Speaker, in the context of what has transpired in these Islands over the course of the last 18 months or so, I know it will not be lost on most people, the importance of that proposed change. What that will mean is that on matters involving national security there will be the involvement of both the elected Government, the Leader of the Opposition, and two members of the private sector of civil society who will all be members of the National Security Council, and who will be able to give the Governor advice on matters affecting national security; and that he must take their advice unless there is a very, very good reason for not doing so—if it would adversely affect Her Majesty's interest.

Matters involving national security, Madam Speaker, are far too important for those critical decisions to be taken by any one individual. And this, I believe, will stand the Cayman Islands in very good stead and ought to avoid some of the unfortunate happenings which have occurred over the course of the last 18 months or so.

Madam Speaker, the Cabinet agenda is something that will now be set by both the Governor and the Premier. We will not be subjected to the present arrangement whereby every single matter that is on the agenda of Cabinet has to be approved by the Governor, and if he does not approve it, it does not get to Cabinet.

Madam Speaker, in one of the Governor's areas of special responsibility (external affairs), unless he is instructed to the contrary by the UK, the Governor may no longer enter, agree, or give final approval to any international agreement that would affect internal policy or require implementation by a law of the Cayman Islands without first obtaining the agreement of Cabinet. And even in the area of the Governor's special responsibility for external affairs, he or she is under a duty to delegate or assign to a Minister responsibility for a large range of issues such as matters having to do with the Caribbean Region, tourism, taxation, finance and the regulation of financial services, and European Union matters directly affecting the Cayman Islands.

So, Madam Speaker, there is a great advancement, I believe, in the present arrangement to better reflect the sophistication and ability of the locally elected Members of Cabinet to administer the affairs of this country. And it is good that the United Kingdom has recognised that and is prepared to give us a Constitution which will allow that to occur.

Madam Speaker, in keeping with the notion that it is those who were elected by the people who should have the ability to vote both in Cabinet and in the Legislative Assembly, under the new arrangements, while the Attorney General and the Deputy

Governor will continue to be Members of both Cabinet and this honourable House, neither will have the right to vote. But both Cabinet and this House will continue to have the benefit of their advice and guidance on key matters.

The Deputy Governor will replace what is now the office of the Chief Secretary and continue to have responsibility for the Civil Service. One of the important changes is that the Deputy Governor must be a Caymanian.

Madam Speaker, the Attorney General will continue to be the principal legal advisor to the Government and (importantly, because the present Constitution does not make this provision) also legal advisor to this House. He will no longer have responsibility for prosecutions, which will be transferred to the office of the director of public prosecutions, an office that will be created under the new Constitution.

Another important change, Madam Speaker, is that his appointment and those of the director of public prosecutions, other senior legal counsel, magistrates and judges, including the Chief Justice and the President of the Court of Appeal, will no longer be made by the Governor alone, but will be made by the Governor on the advice of the Judicial and Legal Services Commission, which, again, is a newly created body made up of people from civil society as well as lawyers and senior judicial offices.

Madam Speaker, again that is an improvement in democracy. Another example of the development of a more participatory democracy where there is devolution of responsibility for key appointments away from the chief executive sitting on his own.

Madam Speaker, while the Financial Secretary will no longer be a Member of Cabinet or of this House, the office is being preserved as the Chief Fiscal and Economic Advisor to the Minister for Finance so that the benefit of the Financial Secretary's advice and guidance is still very much available to the Minister for finance. And I think it is proposed that essentially the Financial Secretary will head up the Ministry of Finance as the chief civil servant there.

I have already spoken about the Judicial and Legal Services Commission and the National Security Council, Madam Speaker. Again, I believe important advances both in participatory democracy and in the decentralization of key decision making.

It is proposed (again, not in the upcoming elections, but those that follow) that the membership of this House will increase to 18 to enable the number of Ministers in Cabinet to then be increased to 7. And there is, importantly, a provision in the Draft Constitution which will allow further increases to be made by local legislation rather than the need to change the Constitution to do so, but that any changes will have to be made in a way which allows the balance of power to remain so that the number of ministers in Cabinet does not exceed at any time two-fifths of the membership of this House.

Madam Speaker, the present electoral districts will remain as they are for the time being with any proposed increases being allocated by the electoral commission. And importantly, for the people on the Brac, there is a provision to ensure that Cayman Brac and Little Cayman at all times will be entitled to return at least two Members to this honourable House. It will be possible in the future to convert the electoral system to one, say of single member constituencies, again, by local legislation without the need to amend the Constitution.

Madam Speaker, a number of institutions supporting democracy have been created, again, in an effort to have a more modern and forward-looking constitutional arrangement and system of governance. This includes the Human Rights Commission, the Commission for Standards and Public life, Advisory District Counsels for MLAs. Again, constitutional recognition for the work of the Complaints Commissioner and his office; a constitutional recognition for the Freedom of Information Law, and, importantly, a Constitutional Commission, which has been proposed by the Leader of the Opposition and accepted, to keep the constitutional process constantly under review.

Also, Madam Speaker, as part of this participative democracy there is constitutionally enshrined the concept of people initiated referendums, where the electorate can call for Cabinet to hold a referendum on any matter which they regard as important providing they can get a minimum of 25 per cent of the electorate to agree that the matter has such importance. And where the referendum is assented to by more than 50 per cent of the electorate, the Cabinet and the Legislature are bound by the results of it.

Madam Speaker, I have tried very quickly and briefly to run through what I consider to be some of the more important changes and provisions of the Draft Constitution which I believe will provide a better framework for the governance of this country, will provide us with a better system to administer government, will create more participative government, will create more democracy; will allow more participation by society and the Opposition in the affairs of government.

Madam Speaker, there is much, if not all, in this Draft Constitution of the Cayman Islands to commend it to our people. We are nearing the end of what is a most important exercise. One that has taken us down many roads. One that has created a great deal of frustration, and a great deal of anguish on the part of many involved in the process, but one which I believe ultimately has resulted in a good document; a document which establishes a new and modern framework for our system of governance; a document which improves and provides, finally, constitutional protection for human rights; one which allows greater involvement of the elected government in all the affairs of the country; one that requires the Governor and the UK to have careful regard to the interest of

these Islands in exercising their role in relation to the affairs of this country. And, Madam Speaker, one which I believe provides a framework for the modern Cayman; one which builds on the foundations of previous constitutions—both the 1972 and 1959 Constitutions—and one which should provide a proper basis of Cayman's continued evolution as a modern nation state.

So, Madam Speaker, it is with a great deal of satisfaction, and not a little concern, that I am today pleased to have had the opportunity to offer a contribution on this important Bill which is before this House.

Madam Speaker, the Referendum Constitutional Modernisation Bill 2009 is the first such Bill that has ever been brought to this House. I finish up essentially where I began, and, that is, Madam Speaker, that the electorate of this country is being afforded an opportunity which hitherto it has never had—the opportunity to weigh in on a critically important national issue, and to answer the question: *Do you approve the Draft Constitution which was agreed by the Cayman Islands Constitution Delegation and the Government of the United Kingdom on 5 February 2009, and Tabled in the Legislative Assembly of the Cayman Islands on the 11 February 2009?*

The country has to answer that question with a simple yes or no.

Just a moment, Madam Speaker, if I might—*[pause]*

Madam Speaker, I'm sorry. The country has to answer that question with a simple yes or no.

I know that, regrettably, there is a petition (or petitions) being circulated about this whole question of section 16(2) of the Bill of Rights. I simply say, as I have said before—this time not to the HRC but to the community as a whole—the time for petitions, the time for proposing changes to the document, the Draft Bill of Rights or the Draft Constitution as a whole has passed. We have had eight plus years to make those changes, to make those proposals. The time now is not to sign or circulate petitions, but to study and familiarize yourselves with the document—and I'm not asking, nor is the Government asking, anyone to simply say blindly, *We support the Draft Constitution—and ask, Do I believe that the Draft Constitution and the Bill of Rights with all its imperfections, or perceived imperfections, will make the Cayman Islands a better place in terms of the protection of human rights and the administration of Government?*

And if the answer to those questions is yes, then your answer to the Referendum question must be yes, regardless of reservations you may have about a particular provision or disappointment you may have about a particular provision. If overall the document means to you that the Cayman Islands will be better off, that its people will be better off, then, Madam Speaker, I respectfully submit that the answer must be yes.

Madam Speaker, I will finish as I began, with the quote from Brutus in Julius Caesar:

**“There is a tide in the affairs of men.**

**Which, taken at the flood, leads on to fortune;**

**Omitted, all the voyage of their life  
Is bound in shallows and in miseries.**

**On such a full sea are we now afloat,**

**And we must take the current when it serves,**

**Or lose our ventures.”**

Thank you, Madam Speaker.

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

Third Elected Member for the district of Bodden Town.

I notice the time, honourable Member, so you will speak for two minutes and then we will suspend the relevant Standing Order. Thank you.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

Could you just bear with me one moment?

Hopefully, I still have one minute of those two minutes.

**The Speaker:** You still have two, honourable Member.

*[pause]*

**Mr. Osbourne V. Bodden:** Madam Speaker, I rise to offer my contribution on a Bill for a Law to make provisions for the holding of a Referendum on the proposals to modernise the Constitution of the Cayman Islands; and to make provision for incidental and connected matters.

Madam Speaker, this is indeed a historic and important occasion for these Cayman Islands, and I am proud and humble to be a part of this process, even if but a small part.

I would like to begin by also extending kudos to all those who worked so long and hard, and put in the hours when many of us others were resting, because, Madam Speaker, not everyone could be involved in the great detail that is involved in such a process. But this process has been long and arduous, as has been said, from back in the 2000/2001 era until now.

I don't think there are many people who deny the fact that the 1972 Constitution has served us well and was in need of revision. This Government undertook to make that a part of its efforts over the four-year period. Shortly after being elected the process was started and, although there was no public participation at that point, the Secretariat was formed and work started from as early as 2006.

**The Speaker:** Honourable Member, one moment.

Honourable Leader of Government Business, could I have a motion for the suspension of Standing Order 10(2)?

Third Elected Member for the district of Bodden Town.

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

**Mr. Osbourne V. Bodden:** Madam Speaker, I move that the relevant Standing Order be suspended to allow business to continue beyond the hour of interruption?

**The Speaker:** The question is that Standing Order 10(2) . . .

Could I have a seconder please?

That's why I would like the Government to do these things and then I won't forget.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker. I beg to second the Motion.

**The Speaker:** The question is that Standing Order 10 (2) be suspended in order for debate to go on beyond the hour of 4.30 pm. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

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

**The Speaker:** Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

Madam Speaker, as I was saying, the process started and, of course, it was officially launched early last year at the grounds of Pedro Castle, the birth place of democracy, as we know it in these Islands. The Government hosted a grand affair on the grounds where all of our proposals on the various issues and contentions were aired and then everything was kicked into high gear.

Madam Speaker, the Constitutional Secretariat, as the Fourth Elected Member for George Town mentioned, deserves much accolade. That is a body put together under the Cabinet Secretary, the Leader of Government Business. It is headed up by a team of young Caymanians who have put in tremendous hours. And, as my good friend and colleague, the First Elected Member for Bodden Town, often says, killed a lot of trees in the process, because, certainly, the amount of paper that was generated to make this process a reality was tremendous.

Madam Speaker, it was a labour of love for that young group of Caymanians who proved that they are as able as anyone. I want to personally congratulate them and thank them, and hope that they will continue to be a part of this process as we roll forward.

I too would like to pay tribute to the Minister for Education and his dedication over many, many years, and his foresight and knowledge. He has become well respected not only here but in the UK for his efforts on this draft that we now have. He and professor Jowell formed a formidable team and worked, massaged, tweaked, changed, redrafted and all the other things necessary behind the scenes to get us to where we are.

It was certainly a privilege to be part of the negotiating team in the UK, Madam Speaker, and to see that high level of negotiation take place, and to offer my contributions either behind the scenes or on the microphone whenever it was needed. Madam Speaker, the reason I believe that we have the document we have is because of the way we dealt with the folks from the Foreign and Commonwealth Office through their representative, Mr. Ian Hendry, and his team. They came to respect and believe in what we were trying to do. As a result, by the time Minister [Gillian] Merron came on the scene, because of the reports she got she was quite impressed with what had been done, and she understood the time and effort that had gone into making this document a reality.

When you look at the words of Mr. Hendry which I think have been spoken on the Floor of this House by the Leader of Government Business, at the end of his letter to the Leader of Government Business, dated the 10 February 2009, which accompanied the new Draft, he said: **“. . . the draft new Constitution will represent a modern and more democratic constitutional settlement between the Cayman Islands and the United Kingdom, reflecting our relationship of partnership in the 21<sup>st</sup> century, and in terms that are acceptable to both the Cayman Islands and the United Kingdom. The continuation of that relationship is a matter of mutual consent, and I believe the draft new Constitution will form a sound and modern basis for our mutual cooperation, in which there is a fair balance between greater local autonomy and the powers necessary to enable the United Kingdom to meet its responsibilities. I therefore hope that it will prove acceptable to the people of the Cayman Islands.”**

Madam Speaker, a constitution is a dynamic document, not a static one. It has to suit the times. It has to be relevant. It is not a document that you go about updating every couple of years, but certainly, as we develop as a young country and we have a Constitution (as we do now) that is proving to be outdated and difficult for the mechanisms of government to properly work and be carried out at Cabinet level and

through other judicial and regulatory and security areas, it is obvious that [it is] time for change.

We are a progressive country, and someone had to lead this process. It so happens, that it is now the PPM Government. We said from the get-go that this was something we would do and would bring the Constitution into being through a referendum.

Madam Speaker, a lot of people are scared of a referendum. But, to me, a referendum is ultimate democracy. We have to make sure that our people understand what they are voting on and voting for. We also have to give our people a lot of credit. The Cayman Islands have always had good people with foresight, understanding and vision. That is why we have reached this point in history.

I do not want to sell our people short. I believe that they will deal with this and keep the good ship Cayman going in the right direction. They will understand that this document, their document, is not a document about us, the UDP or any other party, group or person; this is a document that is for the Cayman Islands and that is the reason it took this long to get where we are.

We could have drafted a Constitution, Madam Speaker, and gone off to the UK. We could have even side-step the Opposition. That has been done in other countries. We could have forgotten about the NGOs and had a Constitution on the table a long time ago, but that is not the way this Government works. We said that we would have a consultative process and that is what we did. We have not tried to ramrod this Constitution down anyone's throat or ram it through the process.

Madam Speaker, this is the first time that a referendum will be held in these Islands. That is my understanding. And if that is indeed the case, it speaks well to us as a country involving and bringing our people along in the governance of this country. It speaks well to the openness and transparency that is often talked about.

All of the major stakeholders, the public and the large representative bodies, have been involved in getting us to this point. When you take the Chamber of Commerce, the Churches, the Human Rights Committee, along with the Members of the Legislative Assembly, whether it is the Opposition or Government, you are representing a lot of people. It is your job to understand your constituents' wishes and your Members' wishes; therefore people who sit at that table with that responsibility should ensure that they are carrying out the wishes of the people they represent.

During this process everyone involved sometimes sat back and took deep breaths, breaks. But I saw everyone, including [those of us] on the Government side, sit back, reflect, reposition, change minds and at the end of the day reach the compromise position. They say that it is only a dead man and a fool that can't change his mind, and I certainly saw this. No matter how strongly we felt about something, for

the sake of getting a document that is workable, palatable, forward-thinking and beneficial to this country, I saw in all the meetings that I participated in—there were quite a few between 2006 and now—everyone doing their best to thrash the various views and ideas [in] sometimes heated debate but at the end of the day getting what is not a perfect document, by any means, because I do not think such a document is possible. But it is certainly one, as the Minister for Education has just outlined going into great depth (since he knows this stuff inside out), outlining many of the areas that have been improved in the Constitution and the reasons why.

Madam Speaker, we did what we did to come to this position where we can proudly say we have a document that we believe will advance these Cayman Islands. It is not the cure for all ills and that is what I think a lot of people, including the Human Rights Committee, at the moment fail to realise.

This is the umbrella legislation under which the Cayman Islands will function for the next so many years. Under this Constitution many other pieces of legislation will be developed. And, Madam Speaker, what I want to stress is that a constitution must be drafted for the benefit of the majority of the people of your country. It would be a foolhardy government to think otherwise. It must be in the best interest of the people. The rights of the minority—which are important and we all understand on this side and I'm sure on the Opposition's side as well—[are] important. You have to be careful. Yes, you have to protect those rights and this can be done by legislation, and will be done—I am confident of that—where there are loopholes and gaps in protecting the rights of children or people who are physically or mentally challenged or whatever the scenario. I am sure that as we develop as a country we will address these issues and deal with them.

We cannot protect, as it were, or enshrine those rights in a constitution and not open the floodgates for rights that will forever change the landscape of these Islands, which will go against the grain of what is Caymanian, Madam Speaker. That is the bottom line.

I was at the meeting on Thursday night at the Family Life Centre which was hosted by the Ministers Association. There was a great attendance of about 400 to 500 people there. We had those of us who had been to London and all of the NGOs. The Human Rights Committee was there. They had rallied their troops and brought out the high vocal cords and all of that to lend their support to what they are trying to insist on having in this Constitution, which is a repeal of section 16(2) and, of course, freestanding rights for all.

And, Madam Speaker, as an example, they used a young lady who I know very well, a young lady who used to be known as Keisha Ramkissoon I think

she is married and the last name has been changed. I can't remember what it is but—

*[inaudible interjection]*

**Mr. Osbourne V. Boddén:** Christian?

*[inaudible interjection]*

**Mr. Osbourne V. Boddén:** Martin.

Yes, she is now Keisha Martin. The young lady is well known throughout these Islands, Madam Speaker, and she is 100 per cent sight impaired. She is someone who is known to a number of us on this side, very, very well through our affiliation with the Lions Club of Grand Cayman. Everyone knows one of the main projects of the Lions Club is the preservation [of sight] and treatment for sight impaired individuals assisting them [by] whatever means. As it turned out, Keisha was brought to that meeting and obviously told that her rights under this new Draft were being violated or taken away.

Madam Speaker, that saddened me because that is misrepresentation to that young lady who was led to the microphone [to speak]. She wanted to find out—rightly so, she can't read it for herself—why is it that her rights are being taken away under this new proposal. And that is disingenuous. It's just simply not right.

Keisha is a smart young lady and if [this] had been properly explained to [her], she would have understood. I know that. I happened to be the chairman of the committee that provided a leader dog for Keisha through the Lions Club. The Minister for Education, I believe, was president at the time. So, we know the story. We know how hard we fought to get that dog to these Islands, how hard we fought to get Keisha up to be trained and know the challenges she faced. We know the disappointment that the Leader Dog Foundation had to deal with along with ourselves and Keisha when that dog had to be returned to them.

So, we know the hardship, Madam Speaker. We know all too well. At that time, I remember speaking to the then Minister for Health, Mr. Gilbert McLean, and there simply was no legislation on the books to force anyone to accept Keisha with her dog, whether in living accommodation or in public places. It was sad because that dog had travelled with Keisha on the plane. We go around and travel to the States or other places and see guide dogs, whether they are hearing, sight or whatever, leading their partners around and doing a great job. And this was going to offer Keisha a whole new beginning. As a result of a number of circumstances and factors, not the least was the fact that we did not have legislation on the books, we ended up with a failed project as it were.

Madam Speaker, I am man enough to admit that because of all the other stuff we have been doing since we have been here the past almost four years, it

is something that I always said that I would pursue. And if God gives me strength and the people see it fit to return me here in May, I can assure this country that that is a piece of legislation that I will do my utmost, by whatever means—Private Member's Motion or whatever it is I have to do. I will certainly do what I have to do to ensure that we do get legislation in these Cayman Islands which will facilitate such a practice in the future.

But, Madam Speaker, as I said, when you are passionate about a cause and get the blinkers on and cannot see the woods as it were for the trees . . . I believe this is what is happening to the Human Rights Committee. That is not unlike any other special interest group at this time. They are focused purely on driving a hard bargain and not seeing the big picture that this Government has to look at, and that any government would have to look at. And that is the whole idea of resources and the change that would be brought to bear on our Cayman Islands if what they are suggesting was implemented.

We look around this world and see what is being done in the name of human rights. Yes, Madam Speaker, we have had our share of atrocities in the past where the rights of humans have been trampled on, denied, and people have been victimized et cetera. We understand the need for basic human rights, but we also see the other side of the coin where you can take anything too far. It is all about moderation, as my young daughter likes to say. You can overdo anything. And when you take a country that is formed, as the Cayman Islands have been developed, on strong Christian principles . . . and there is no denying that fact, Madam Speaker. Our Christian heritage was stated in Vision 2008, and the need to maintain that. We have it as well in the preamble to our Constitution. There is no denying the values.

You see we have a lot of *Johnnies-come-lately* to our country, Madam Speaker. And we welcome people to these shores. But there are a lot of people who come to these Islands and impose or seek to impose their will and where they come from upon us. When you go to Rome, you do as the Romans do—which is an old saying. And yes, we have an evolving culture; we have a growing population and changes. We have changed a lot. But to seek to impose unbridled freestanding human rights on the Cayman Islands at this time would be just as dangerous as to take this country to independence at this time. Madam Speaker, we are simply not ready for it! And that is another important thing that I will touch on later.

There is no need for anyone to think that this Government or those on the other side, the Opposition, do not understand as good Caymanians—as people who fight every day for the rights of [our] citizens, who get the complaints regularly—the challenges that are out there. And we understand that those who are mentally or physically challenged in



any way have even greater hardship. We understand the seriousness, as the Minister just said, of having our young people incarcerated with older prisoners.

Just last week the three of us here on the Backbench, myself, the Third and Fourth Elected Members for George Town, had a tour of both Fairbanks and Northward. And, let me tell you, I told them when I got to the gate: *I've been in prison three hours, I want to get out! This is no place to be.* We saw firsthand the inside of our prisons.

Madam Speaker, I, like many others, used to say when someone goes to Northward, *Oh yeah; they have gone to the Northward hotel.* Well, I can tell you, Madam Speaker, after having been inside those walls and seeing a bit of what prison life is about, it is no hotel.

Yes, they are treated humanely, and that is basic human rights, again. And that is the way it should be because you do not want to create prisoners. You want to be sure that people who come to prison don't want to come back, but at the same time you want to ensure that they leave prison and they are rehabilitated and are able to take their rightful place in society, if at all possible. Unfortunately, not every prisoner will reach that point. But that is the goal.

I would like to commend the folks at the prison, all of the officers and those in charge who are doing a hard job day in and day out, and who are seeking to keep our prison under control. [They] do their best, along with the other people who go there to work with prisoners, in trying to rehabilitate ensuring that they become productive citizens.

And, Madam Speaker, yes, we did see a few juveniles in there and it saddened us. I asked the question: *Why is it like this?* First of all, there is an over capacity therefore Eagle House had to be used for adults.

I also asked the question of the senior personnel in charge: *What will it take to sort this out?*

They said, *Well we need a juvenile remand centre, but it is a costly exercise and it is not something that can be done over night.*

So, Madam Speaker, we are aware. And for those of us in Cabinet we are all too aware of the need to have our young people properly accommodated and certainly rehabilitated. This is something that will be an initiative under our Children and Family Services Department because these things go hand in hand. That's an area that will certainly have to play a great role in this as we go forward. But no one should think that this does not concern us or bother us in any way and that we turn a blind eye to it. As the Minister of Education said earlier, it is a case of prioritizing and trying to do what we can do with what we have at the time. Hopefully, in due course in the not-too-distant future we will bring to fruition the proper facilities for this.

One of the prisoners said to me when I was leaving one of the wings that day: *Don't build any*

*more prisons, you hear. No more prisons; that is not the answer.* He is absolutely right, Madam Speaker. He said: *Build schools.* And that is what we are trying to do. If we can get it right, we will cut down on the number of juveniles and young people in the prison walls because we are locking the gate after the horse is bolted at the moment. We have to turn that around and deal with the proactive courses rather than the reactive ones. We have to ensure that we stop them getting into prison. This country is too small to have a large prison population, and I am looking forward to alternative sentencing coming into play, and whatever else we can do to reduce the number of our local people behind the walls of our prisons.

So, Madam Speaker, as I said, the rights of the minority are first and foremost always on our minds. And it will take us or whichever government to ensure that their rights are protected. But [we] don't want anyone to think that we are coming from a position now where we do not have any written human rights.

The current Constitution has no human rights in it. We are moving to one where we have vertical human rights—

*[inaudible interjection]*

**Mr. Osbourne V. Boddén:** —and protection.

How anyone can take that position and turn it against us in that, suddenly, we are going to become a community that totally ignores what is right, the right way to treat our people, to become this tyrannical government to suddenly abuse everyone and just totally reverse all that we have built, Madam Speaker, is beyond me. We now are enshrining into our Constitution a Bill of Rights—something that was insisted upon by the UK Government. But during our negotiations we were able to convince the UK that what we have here is adequate for now.

They understand the problems that you can have with human rights. They themselves are under pressure from the European Union. If we do not put protection in place to guard against some of the things that come down the pipe to the UK, then we naturally will be subject to every single thing that happens to them. We owe our people more than that, Madam Speaker. We have to, on the surface at least, ensure that we put some protection in that will not allow the landscape of the Cayman Islands to change over night. And that is what we have done.

We have worked very hard at all of the other provisions in the Constitution to ensure greater participation by the local Government. But, Madam Speaker, at no time was independence even considered. From right up front we said as a government that we do not at this time care to discuss the whole issue of independence for these Cayman Islands. We understand as a government that we are a long ways from that. So, that was put up front.

We looked at many other constitutions to see what had been approved recently by the UK, whether it was BVI, Turks, Gibraltar or whatever, to see just how far the UK would allow us to go in terms of our own self-determination and control of own affairs.

Madam Speaker, I think we did a tremendous job with that. We conceded where we had to concede and the Opposition conceded where they felt was needed. And everyone came up with extremely good points. For instance, when you look at us including the Leader of the Opposition on the National Security Council, this is unprecedented! Nowhere else in the world you can find that. But, Madam Speaker, when you look at that you can see there was an air of compromise, an air of value in the necessity of getting a document that allowed us to be unique, to go forward as a people.

Madam Speaker, the Governor, Mr. Jack, issued a statement when the Draft Constitution was returned, as well. I would like to quote some of his remarks. He said: **“In my opinion the text released today is a good one. I believe it both reflects the needs and values of the Cayman Islands and forms a solid, workable basis for the relationship between this Territory and the United Kingdom. I believe it will extend democracy and promote good governance.”**

**“The country’s Constitution is a matter of long term national importance and should rise above short term party politics.”**

**“There is one key question for voters in the referendum: Is the proposed new Constitution better for the people of the Cayman Islands than the present one. I believe it is.”**

Madam Speaker, I share those sentiments with His Excellency.

What I would like to do at this time is to ask the people of this country to think carefully over the next few months as to what is contained in the Constitution, to exercise their democratic right in referendum in May, which will be clear for them through the hard work of the Elections Office. It will be a ‘Yes’ or ‘No’ question that will allow you to say yes you agree with the Draft or no you don’t. But I ask the people in the Cayman Islands to think about where we are coming from and where we are trying to get. And to play their part in taking their country forward by a means which many other people in other countries wish that they had the ability to do; that is to vote, not only for candidates in the next general election and for the next government, but to vote for a constitution that will guide and take these Cayman Islands forward for years to come.

Madam Speaker, I beg, plead, and ask them to think of the hard work that has gone into this process and to trust a document [that] has been prepared by everyone concerned; to some extent, even the Human Rights Committee, although they take um-

brage with the Bill of Rights . . . I think otherwise that they see the Draft Constitution as a good document.

So, Madam Speaker, I implore our people in these Cayman Islands to come out and vote sensibly; vote for their future in May. I ask God’s continued blessings and wisdom as we lead this country forward into the 21<sup>st</sup> century.

I thank you, Madam Speaker.

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

If no other Member wishes to speak . . .

Third Elected Member for the district of George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

Madam Speaker, I rise to make my contribution and to support a Bill for a Law to make provision for the holding of a Referendum on the proposals to modernise the Constitution of the Cayman Islands; and to make provision for incidental and connected purposes.

Madam Speaker, this Bill should not have any partisan division. It should not be one-upmanship. It should not be who speaks first and who speaks last. It should be whose interest it is going to be. It is the interest of the people of the Cayman Islands, not the people inside here. So, it does not matter, Madam Speaker, whether you come last, first or whatever, because all of us are going to say almost the same thing. We committed ourselves this morning in the Motion so I can’t see how we can contradict ourselves. That is on both sides of the aisle.

Madam Speaker, I think I’m old enough to recall certain incidents in the history of building constitutions in the Cayman Islands.

The Cayman Islands’ first written Constitution was in 1959. I recall reading just a while ago that it had been 137 years that the Cayman Islands had been practicing Rules and Regulations Constitution from somewhere else. But it was in 1959 that we had a new constitution and elected legislative persons.

Then again, Madam Speaker, I remember in the 70s Lord Oxford and Asquith came here to the Cayman Islands and within a couple of months a new Constitution was written without much consultation with the people of the Cayman Islands.

I also remember in the 1990s, Sir [Frederick] Smith and another gentleman came here. And without much consultation—within months—a Constitution was made. Of course, there are only parts of that Constitution that were adopted and a lot of it was rejected. Primarily because I think it was at that time that Britain was looking at making sure that the Cayman Islands had a Bill of Rights.

Now, Madam Speaker, one of the glorious days in our lives was on 8 January 2008 when

launched the beginning of a discussion on the Constitution. Just looking at years gone by when constitutions were built in this country and on just 8 January [2008] made us know that this country had changed, in particular with the current Government that wanted to be open and transparent. Madam Speaker, I know there were a lot of criticisms. I was pleased that day. The people came to Pedro St. James and they listened, and they had activities that were cultural and [about] our heritage. And they listened to the explanation of a document presented by the Government for consultation, and that has formed the genesis to where we are today.

Madam Speaker, anyone of good sense, any one of us would say that was a good beginning. We opened the minds of our people. We gave them opportunities to be part of a process that is the destiny of their lives. I don't think any other government would have done that. And this is not for argument, Madam Speaker. This is a fact! Whoever comes behind me and says what they have to say, if it were so it would have been done. So, I need no arguments from anybody. If they wanted the people [to be] part of the process it would have been done.

I was part of a 2001 move for referendum. They laughed with us because over 6,000 people—who were not all registered voters—signed a petition to ask for a referendum. Simply put, Madam Speaker, (I will paraphrase) it would have put a cost on the government to have a referendum, for us to include some six items, I think it was, in the new Constitution. Madam Speaker, *déjà vu*. Isn't it strange that today we are all agreeing that we need a referendum? And, Madam Speaker, I believe . . .

*[inaudible interjection]*

**Ms. Lucille D. Seymour:** Madam Speaker, if I'm not so rudely interrupted by the Leader of the Opposition . . . I certainly would like to carry on my discourse.

I did not say anything when he spoke this morning, and I think it is not respectful of us when we rudely interrupt a speaker, Madam Speaker. And I would like to just say what I have to say so that I can speak for the benefit [of] my people [so they] will clearly understand what is happening.

You see we must not try to fool our people, Madam Speaker. We are here not just to get votes and to preserve our seats, we are here because it is our duty, Madam Speaker, to elucidate and to clarify and make it as simple as possible [for] the people of these Islands.

I was looking in the Manifesto of the Peoples Progressive Movement, where we spent an inordinate amount of time talking about the whole question of the modernisation of the Constitution. And written by Alfred E. Smith, it is entitled, "**constitutional modernisation**" and it reads, "**Keep your eye on the Constitution. This is the guarantee, that is the safe-**

**guard, that is the night watchman of democratic representative government."**

Madam Speaker, I was part and parcel of the movement with the modernisation of the Constitution from day one. I believe I missed one meeting in all of the discussions, particularly in George Town. As a matter of fact, Madam Speaker, I chaired one of the meetings. So, I am *ofay* with the process and I'm also *ofay* with the participation by the people. And every time I went to a meeting it gave me great joy to hear and see the people participate in the Constitution.

Madam Speaker, the whole question of the modernisation of the Constitution is not just from us, but we were asked by Britain to do that. In the White Paper for Partnership and Progress, Britain asked us to meet with the people. And it says that we must justify that the people have been part and parcel of this. And apart from going to the meetings, discussing and showing that you understand is one of the true direct ways of ensuring that the democratic process is laid for them to have a referendum. Never in the history . . . never, never!

And I dare say that there are not too many Caribbean countries that have done referenda. Yes, I heard this morning that referenda are usually for independence. But I took a little time off and went into some research base, and that is not true. A referendum is not just about whether you want independence. Any issue of national importance that any country, ranging from Australia to the UK or Canada . . . they have had referenda or people initiated referendum.

But, Madam Speaker, the process that we are discussing now is about (let us not try to discuss it in abstract terms) empowerment. It is about inclusiveness. It is about he who is touched by a decision should have a hand in it. And what other way can we involve our people but to be part of the Referendum? Sometimes the results may not be as favourable, but what is important at this time in our lives, although we would like to get the Constitution, is to show the people that it is in this 21<sup>st</sup> century, we, the legislators, whether we be on the Opposition side or on the Government side, are going to give them all to be part of the process of saying, *This is what we want*. And that is all it is.

Quite recently, Madam Speaker, we are hearing that the text of the Constitution is not in the language that we can understand, even by lawyers. I was wondering where I am because every law I pick up that guides my life and all of our lives is written in the same language that the Constitution is written in. And I have not heard the lawyers say that we should change the laws. You see, Madam Speaker (and with no offence to my friends who are lawyers), that is what you pay for—the jargon. You pay for someone to interpret it for you. That is what you pay for. And I'm not being disingenuous or anything like that. I'm just saying that I understand that things have to be written

in a certain language because if you are writing in that language there are not many deviations. But when you write it in very simplistic language that is when you get a lot of, "what does this really mean?"

But, Madam Speaker, what I do understand is done in Britain and other countries in the Caribbean, in Belize and other places, is that you take the document for the sake of the school children and point it out in your parliament, your government, and you then write it in terminology but not missing out the point that it is written in the language that it is. And I would like to thank my colleagues for assisting me with that.

The whole question of this process which has gone on for over a year has made us better global thinkers. It has helped us to be better nation builders, Madam Speaker. It has helped us to be better community builders. And where I think it has really helped us as a nation is for people to see that a government can take a risk and invite civic society to be part of a delegation to discuss and help to negotiate a constitution. That is a risk you know, Madam Speaker! That is a real, real 100 per cent risk!

But, Madam Speaker, if we as a government talk about openness and transparency, we have to open up. We have to let the sun shine in; let other people in; let the churches in. I was saddened the other night. I had to take a break to go to the facilities and I did not hear all the questions, but if I am interpreting it correctly I saw where the church was challenged.

Madam Speaker, that bothered me. It bothered me that at the end of the day in talking about a Constitution which is shaping our future, the poor church is challenged. The church that is fighting for our religious values to stay in there was challenged and asked, *where was the church when such and such a thing happened in our country?* But, I'm not so sure if that was correct to do at that time, because the church is not the issue. The issue is the Constitution.

The issue is the whole question of having the Human Rights in the Constitution and other aspects of the Constitution. I hope that we will be open enough to embrace the church in everything now and not be afraid of them and challenge them to say that they must take on all the responsibilities that happened to our country.

Madam Speaker, over the process, as I said, I was part and parcel of the two discussions. I did not go to Britain. Not that I did not get the opportunity, but at that time I just could not go. But I am very happy that the ten points we had to discuss (it was only ten) were done so with the full cooperation and consensus [of] the parties that went there. It is unfortunate that the very body that is going to represent the people, called the Human Rights Committee, took the course of action that they took. But I understand that in their own wisdom they think that they are protecting the people.

But, Madam Speaker, on the Thursday night I also was saddened by the fact that some people went out and picked people, challenged people to come and say that they wondered about their rights and what was going to happen. I'm sure that is because they were frightened. It depends on how the messenger took the message.

Madam Speaker, I was in education a long time and we did not have any human rights. Before 1981 the challenged community was looked after by the Rotary and some community people in West Bay and other districts. At that time the then government decided that they wanted to embrace the challenge so they built what we call the Lighthouse School and had people who went out to look for babies that were born. It's a programme [the name of which] has slipped me but it will probably come back to me. They would go out into these families and work with these challenged people and we had no human rights at the time, Madam Speaker.

*[inaudible interjection]*

**Ms. Lucille D. Seymour:** Thank you, Mr. Leader.

It was Childhood Early Intervention.

As soon as the hospital knew there was any challenged child, the Education Department knew about it. The Health Services knew it. It was a team approach that went . . . and it still exists to this day, Madam Speaker. And it has even gotten better than that.

Now we have a programme for the adults. We not only have a programme for the adults who go to that programme two days a week, but a lot of them are working. That was introduced without any legislation or human rights. And I could think of so many things that have happened; so many persons who have benefited from that.

So, Madam Speaker, whilst I understand the person who has the challenge may have concerns—[and] it depends on how the message is put by the messenger—I can't see . . . This country, regardless of what we may say about Cayman people, I think they have lots of good common sense and they act with common sense. I have been here long enough not to see many contrarians as far as my people are concerned. They do things for the human person. They do it with a kind heart. We have more help now with service clubs. These are all part of the process you know, Madam Speaker.

At the end of the day this human rights is about government's relationship with the individual. That is what it is about. I have not seen a government that has gone against any challenged person, not in my time. And I don't think that I will see it [during] the time I have left, because Cayman people are a rare breed of people. They have a lot of compassion, Madam Speaker.

Madam Speaker, I liked a couple of things in the preamble. I think the public should know that the churches, in particular, wanted a preamble. They wanted something in front of this document saying who we are, what kind of people Caymanians are. Permit me to say that it says, **“The people of the Cayman Islands, recalling the events that have shaped their history and made them what they are, and acknowledging their distinct history, culture and Christian heritage and its enduring influence and contribution in shaping the spiritual, moral and social values that have guided their development and brought peace, prosperity and stability to those islands, through the vision, forbearance, and leadership of their people, who are loyal to Her Majesty the Queen;**

**Affirm their intention to be –**

- **A God-fearing country based on traditional Christian values, tolerant of other religions and beliefs.**
- **A country with open, responsible and accountable government, that includes a working partnership with the private sector and continuing beneficial ties with the United Kingdom.”**

Madam Speaker, it is almost a whole page of things that they have affirmed, and their intentions of what they want to be, including about women. And you, Madam Speaker, were very instrumental in that, about our seafaring men and all of those things which were put into this document. I think that is good, because when we take this out to the schools now and it is accepted, the children of the country right away know these are goals, aspirations of what we wish for them to be. And, Madam Speaker, that too is very good.

The other thing I felt about the whole question of the Constitution was how it will change for making the country, that is, the legislators and civil society, be more involved in the activities of government, starting with the Governor who shall promote good governance and, in this exercise of his functions, shall consult the Cabinet except under his powers. Madam Speaker, we never had that before.

What it is doing is taking the legislators, whom the people have elected to represent them, and it is making them partners with Her Majesty's Governor (that is, the Cabinet). And the Cabinet, of course [is made up of] the people the legislators have elected to be the executive arm to work, develop and oversee the implementation of the policies of the Government. And that is wonderful. This is not about us. That is wonderful. And whoever takes over this Government, the wannabes, all the independents and the various parties, if this is passed they will have a good life laid out for them, a better relationship with Her Majesty's Government; a better relationship with the Governor, a better relationship with the civil service. Madam Speaker, this is certainly awesome.

Also, Madam Speaker, the Governor must keep the Cabinet informed. Is not that wonderful, Madam Speaker, knowing what is happening today? I think so. And when the Cabinet is informed the other legislators will be informed and then the people of this country will be informed. That is how it must work. That is the democratic process. And that is what we all here must ensure that when we go out to campaign, after this House is closed, that we are talking on the same page. We might be Opposition, but we are talking on the same page when it comes to the Constitution. This is not about whether the Government has enough money or social programmes, this is about the people's business, Madam Speaker.

Madam Speaker, of course the other arm, the central focus of who really helps to make the policies of the Government and to ensure that [policies] are implemented, is the executive arm. And it has created a partnership with the Governor. It says here, **“Subject to this Constitution, the executive authority of the Cayman Islands shall be exercised on behalf of Her Majesty by the Government, consisting of the Governor as Her Majesty's representative and the Cabinet, either directly or through public officers.”**

Where have we had that before, Madam Speaker? Never before! And I think the people of this country need to understand that this document is not just written because it is influenced by the Leader of the Opposition, nor is it influenced by the Leader of Government Business. It is influenced because we want our people to be participators in this thing. We want them to know they can see themselves in there. And regardless of how we say the language is, whatever it is, they can go after we have explained it and read it and understand. Our people are quite intelligent, I think, Madam Speaker, so they will understand.

Madam Speaker, also showing the partnership that Her Majesty's Government wants with the Cabinet and the Government, in the absence of the Governor it is the Premier who chairs Cabinet. The Premier!

Who is the Premier? The Premier is the elected leader who leads the country and represents the people. So, what they have done (and very cleverly so) is show the important function of the Premier. They have shown the important function of the relationship with the Governor. Madam Speaker, that is wonderful. And at the moment that is not so. But that Constitution was written 30-something years ago. That was a different time. This is now, a time of involvement.

Madam Speaker, they are not just only chairing the meeting but they are setting the agenda together. That is another way of opening up the business of the Government with the elected Member and the Governor.

There was a lot of hue and cry about the Premier, whether it should have been a Chief Minister or

whatever. But, Madam Speaker, the young students can see, when this is all accepted, what the functions of the Premier are, because we have the functions of the Governor and the functions of the Premier so that they will understand.

Who is the Leader of Government Business anyway? What role, authority or responsibility [does he] have? It is all written down here, Madam Speaker, empowering the people of this country. And it is not about empowering Mr. Kurt Tibbetts or Mr. McKeeva Bush (if I may be so bold to say those words). It's not about them, you know. It is empowering the people's person whom they have asked to represent them. The function! That is what it is, because it could be two different persons. But it is there, as my mother would say, *written in black and white*.

And, Madam Speaker, it goes even further to say that Ministers who form part of the Cabinet shall be collectively responsible to the Legislative Assembly with respect to any matter for which a Minister is responsible under this section. Madam Speaker, you know there was no such thing. You had collective responsibility but it did not extend to the Legislative Assembly except somewhere in some funny way in our Standing Orders when we come to budget we ask whether the Minister is or is not a witness or whatever. We have had those arguments. But it tells you here! It tells you that that the legislators, that is the Opposition, front and backbench and the Government backbench will be part of this process and the Ministers must be accountable.

You can't have a Legislative Assembly and legislators who only pass laws. They must be the watchdogs of the people's purse. And they must be the watchdogs of the issues that the people have asked to be policies. And that is why that is there, Madam Speaker. So, the legislators themselves are more empowered too, and the legislators are the local Caymanians. So, the Caymanians have more empowerment.

It even goes to say that in some parts—I am just picking things out—that even the duties of the Governor are carded solely for him. He can designate to a Minister, and it gives some reference like making agreements overseas et cetera. Madam Speaker, it is just wonderful to know that the people's representative will have more authority to act on their behalf.

Madam Speaker, again where we involve the people: In the whole process of the security of a country, although it seems a little unique, the whole National Security Council has been set up so that it involves civil society. It involves legislators, the Opposition, civil servants, the Attorney General and those persons. Again, another vehicle whereby the people of the Cayman Islands can have a say in their destiny. How can you have the Governor solamente being the person [that is] the only security with England?

Madam, Speaker, that is archaic; that does not happen anywhere else in the world.

You know what is interesting? I remember attending these meetings and there was a lot of opposition by companies and others present to this, to say that we were trying to get into the business of the police. Madam Speaker, I didn't see it like that because we don't have any beef with the police. We know we do not hire them. We know we pay them. That is why we have a Commissioner of Police. We have a Commissioner of Police to look at the operations. But the national policy of security of this country must be vested in the people. This, again, is very good.

Madam Speaker, perhaps I'm learning not to be the old civil servant, although there was an advantage in that and I liked the training I got. But you know when I read the second draft, I think it was, and they had included who could not run for office, all my life I knew that it stopped at ". . . holds or is acting in a public office." They had annexed, they had included senior civil servants or so. Madam Speaker, I am so glad that that has been taken out.

A civil servant does public service, Madam Speaker. People in these hallowed halls do public service. All they are doing (if they do decide) is moving from one public service to the next. And perhaps, if we, as legislators (perhaps this is part of the whole party system process), are to develop people who can run—and the most brilliant minds are in the civil service. Most brilliant minds, Madam Speaker! Of course [they] would want to come out and run. So what are we going to do? Cut off the minds of those brilliant people from running and being part of the process? I am glad that that was taken out. I know that was a compromise. I know that. But I am so happy, because I, as a former civil servant, could not and would not vote for that. I can tell you, not me! I part ways—part ways, Madam Speaker. No, not at all!

There were jobs that never existed when I was a civil servant. So, Madam Speaker, some of the civil servants perhaps change their degrees at least four times, much less. . . . Your tenure in your work life is shorter now. It is more advantageous now for people to come into politics than years ago. It is different so I can understand why a civil servant would wish to be . . . . Not because they have any beef against the Government, Opposition or anybody. I think it is their right. It is their democratic right, Madam Speaker, providing that they retire, they resign; they give them whatever the law says, three months, six weeks, whatever and they leave and that's it.

Madam Speaker, I retired at the age of 52. I worked a year in the financial industry before deciding I was going to run for politics. I had always in my life wanted to be a politician, but I also wanted to be a civil servant. I did not want to leave in midstream and come out, because there is no money in politics, Madam Speaker, regardless of what people say. There's none! But it is a good feeling to know that you can come here and make changes in people's lives and their destiny, such as we are doing now.

Even the prorogation of the House . . . the Governor acting after consultation with Premier . . . again, Madam Speaker, they seek partnership. Partnership! And that is what the White Paper said—Partnership. So, the Governor consults with the Premier about when we have to prorogue the House.

Madam Speaker, we have another commission called the Judicial and Legal Services Commission. This is just wild to know that here again civil society and the legal minds and the judges can come together and look at an institution that is noble, and work to appoint them with their discipline, et cetera, and it is not left to one person. To me this is just mind-boggling.

Interestingly enough, the Chairman should be a lay person, Madam Speaker. We have changed the landscape of the judiciary to a point, and I think it is a good thing that we can have lay people and the judiciary coming together for the future and development of the judiciary. This is excellent, Madam Speaker. Again, it is about partnership, empowerment of the people of the Cayman Islands to nation build. This is good, Madam Speaker.

Madam Speaker, it even spells out the public service as to what the public service must do. It says here, **“Subject to this Constitution, all public officers must – (a) act in accordance with the best interests of the Cayman Islands and not in their own private interest; and (b) implement Government policy to the best of their ability and in accordance with the directions given to them by the Cabinet or other responsible person or authority.”**

The people of this country deserve this. They have a Civil Service and they need to know that there is accountability and responsibility in the civil service. It is in their best interest. The people of this country like this. At the moment, Madam Speaker, people criticize the Civil Service because they say they do not know what is happening; do not know who to go to. But this here tells the Civil Service their obligation to the people of the Cayman Islands. This is just mind-boggling.

Madam Speaker, we have in our legislature a Public Accounts Committee. And I guess a lot of people will ask where its teeth are and what it does, and all sorts of reports are placed here and there about the people's life in the Civil Service and in politics and the Legislature.

And it says about the Auditor General: “. . . **save that the Auditor General is answerable to the Public Accounts Committee of the Legislative Assembly and must attend upon the Committee at its request.**” Madam Speaker, another relationship, another influence of authority; another area where the people's monies go into the Civil Service and everywhere else that the Auditor General works with the Public Accounts Committee. Madam Speaker, the whole question of watching the people.

You know, a lot of people think that in this Constitution because you have names like *Premier* and more responsibility by Cabinet that there can be a free for all. But there is a committee called Public Standards of Public Life (which is the watchdog of the politicians and the senior civil servants), the Central Tenders Committee boards, all of those. That is a big shift when you are going to have a body that is not made up of politicians.

Politicians or civil servants are not on that. Who are watching? This is good, Madam Speaker, because we are all human beings and there comes a time that our eyes are closed and you forget your heart and why you are here. And someone or somebody must bring you to reality. You are here to be the people's representative and [do] the business of the people.

This is not our home and our names are not inscribed on these seats. I hear some people say, *Oh, you are not getting back in.* And it is people in this House, as if they have a name called Lucille Seymour or somebody's name . . . I don't see a seat.

I will never forget when I wanted to run, Madam Speaker. I went to an old sage in the political sphere and asked him, *Do you think I should run?* I can tell you who it is, Madam Speaker. It is Mr. Norman Boddin. I have a lot of faith in him. And he said, *Lucille, I want you to go down to the Legislative Assembly and look on those chairs and see whose name you see on it, because you won't see anybody's name.* Madam Speaker, I wanted to say that as an aside.

But this Commission, this is a new thing for the Cayman Islands . . . politicians should be afraid of this. Really! Senior civil servants should be afraid of it. But, Madam Speaker, if you are doing the people's business for the right reason, to improve the people of this country, you should not have any fear about who is watching you doing what.

Madam Speaker, we have the Human Rights Committee. Again, that will be the Human Rights Commission and another body where we take some lay people, some people from the professions and put them to look and see how we treat people.

I have spent an inordinate [amount] of time with this Constitution. But the thrill of it, apart from my good friend who I love dearly, the Honourable Alden McLaughlin and his wisdom—

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

**Ms. Lucille D. Seymour:** Sorry, Madam Speaker.

Honourable Minister of Education. My enthusiasm gets the better of me, Madam Speaker.

But, Madam Speaker, what made me feel so good in all of this process, was working with the Secretariat. I can safely say that if I die tonight I think the Cayman Islands is in good hands with the young peo-

ple of this country; they are exemplary. And I want to tell you something, I don't know who brought in the Commission on the Constitution, but when I was down at the Westin, two persons were talking to me. I don't know who heard it, but they were talking to me about that this was perhaps what we needed. And I see that it has now become part of the Constitution. That is good—another instrument to ensure that we broaden our minds in terms of the changes in our Constitution with the will of the people.

Madam Speaker, I wish to thank sincerely the Secretariat, namely, Mrs. Suzanne Bothwell, Mr. Christen Suckoo, and Mr. Jason Webster. There were others who helped and they were good. I have never asked them to do any research that they did not come up with it. Wherever I asked them, whether it was in Turks or wherever, I don't care, they gave me a few days and they were there with it. I think it should not be said that they were biased, partial, or had interests of any political nature because I do not think that is true. Of course, we had Mrs. Doralyn Stewart, not in terms of the Constitution *per se*, but she was in the logistics and facilitating all of those things. We got things on time.

And, of course, Madam Speaker, I would like to thank the Honourable Minister for leading the pack. We can be proud to know that our own people can negotiate and put things forward, and this had to come with a lot of skill. I have seen him in action, and the Leader. I would like to tell the Leader that I have never seen a meeting of this nature chaired as when he chaired it in Bodden Town. And the people of this country I am sure gave him 100 per cent kudos for the way he did that. I would like to express [my thanks] to this Government [for] the opportunity of being part of the process. Mind you, I did not go to the United Kingdom but that was at the tail end. I was there thick and thin, and not just by being part of the whole process in giving my input along with professor Jowell.

Madam Speaker, I would like to say to the people of this country that common sense was made before book sense and I have always rated them to have a lot of common sense. If they want any more explanation on the Constitution, I certainly would be available to help them with that. But I would like them to know that the people, including the Opposition, that they have entrusted to be the messengers in this House have done a wonderfully excellent job.

When they go to the polls on 20 May [2009] they can rest assured that there is nothing hidden in these documents to favour any individual. The only persons it will favour are the people of the Cayman Islands.

Madam Speaker, with those few words, I commend the Bill.

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

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

The Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

I had to wonder whether they thought they could really shut me out.

[laughter]

**Hon. W. McKeeva Bush:** But, Madam Speaker, I've been around a long time and I must tell you I thought about coming through that side door there, but . . .

**The Speaker:** That's because you have a good Speaker who protects the right of the minority.

**Hon. W. McKeeva Bush:** Ah! Glad day! Glad day!

Madam Speaker, I listened to what Members so far had to say. I listened to the Third Member for George Town about the old contentious issues she raised.

When I opened with prayer this morning, Madam Speaker, I was asking God for guidance for his wisdom and patience. And I asked him to keep the Devil at bay.

[laughter]

**Hon. W. McKeeva Bush:** Madam Speaker, why that Member choose to go on the kind of sneak attack—

[laughter]

**Hon. W. McKeeva Bush:** —reminds me of what my mother used to say, and I quote: "That child you hear screaming and crying their head off when nobody has done them anything is a bad child."

[laughter]

**Hon. W. McKeeva Bush:** Madam Speaker, I won't chase after the Devil.

[laughter]

**Hon. W. McKeeva Bush:** There was one matter raised by the Member that I will speak to.

[inaudible interjections]

**Hon. W. McKeeva Bush:** Madam Speaker, I said this morning that I am one who believes that referenda was not so much the way forward, and that was because referenda has been used more for issues such as independence in our region, and that the Westminster form of government did not lend to referenda. And we heard Mr. Ian Hendry say that at the meeting. But I



was convinced, and it can be a good way for a government to air issues to ascertain. But it is a costly way.

Madam Speaker, the Third Member for George Town said 2001, but actually it is 2002/2003. But what I spoke about was many questions on the ballot and I knew then, as I know now, that all of those questions could only confuse and compound the problems people had in understanding the issues. So, while the Member might want to make much of the fact of the issues surrounding the then government's reason for not wanting that type of backwardness, she can go ahead. What she should understand, if she does not, is that we must have been right as a government because there is today only one question for the Referenda. One question! So, if you want to traverse the ground of going back, then you should not tell half truths. You should tell the truth, the whole truth and nothing but the truth.

Even though we did not believe in referenda for a Constitution, as I said we since were convinced. We said that there should be one question. Can you imagine, Madam Speaker? What she should have highlighted is that fact, that one of the reasons [was] this same constitution was not allowed. This same Constitution! Not much difference in the points, planks or provisions, but this same Constitution was not allowed in 2002/2003.

Was the excuse for a vote for minor issues, such as the Speaker to be from inside or outside? At least seven or eight, perhaps even ten points. Maybe she should have asked the question why there was so much fluff and noise about wanting a Chief Minister, when today we have a more powerful being in a Premier.

Madam Speaker, none of them—and I don't care who else comes behind me—love this country any more than this man you see standing here. And none of them have done as much for it! And none of them have taken the stick! And none of them have taken the criticisms! And none of them have been faulted as much as this man in trying to get things done that was good for this country!

Inclusiveness and empowering our people, Miss Third Member for George Town, means giving a proper district council and to have our people involved and to watch over us such as a senate would have done. So, when that bad child comes here to raise these issues she might be walking on the fighting side of me, because none of them desired a better constitution for this country than what we have now, than me or people on this side.

Madam Speaker, there is no doubt about it. We are debating an important Bill that was never before this House at any time in our history. I can't think of any time, certainly not in my 24 years here. It is important as far as the Constitution is concerned. Once in a great while the affairs of men lead us to stand

back to look at what we have and say, *Can we make the changes that will better our people in the long run?*

Madam Speaker, we support the one question on the ballot. If there is going to be a referendum then it must not be confusing. I can't understand, as I have heard recently, that there must be 300 people . . . and I admit to the House that I did not see it that way when we suggested that it should be at the same time as the elections.

As I saw it, you have two ballots—a ballot for the government you want, and a ballot for the constitution you want. And you were instructed what to do when you went into the booth. And you go into the booth and mark your ballots and bring them out and there are at least two separate ballot boxes, one for referenda and one for your government that either you are going to kick out or vote in. And when we examined it we thought perhaps two more people or another person to watch and help in the polling station. Why it is going to be 300 more people? I don't know.

And the matter of how many people agreeing would it take to be a majority. I must ask, why is there a difference in the per centum on the proposed referendum between that and the people initiated referendum (both of them in the Constitution), for this one is asking for a majority of people voting and on that one the Constitution says that the people initiated referendum is for 50 per cent of those of who are registered?

There is a difference, and I think I don't need to explain that to the House. I don't know why. As I said, at all times we have had high turnouts here in these Islands. And so, I am praying that we have that high turnout so as to not have a situation where if you only had a small portion of people coming out to vote, a low turnout, you might end up with 3,500 to 4,000 people saying yes to what is an important document that we all want.

Madam Speaker, I go back to what we said at the press conference. In spite of finger pointing, the successes made at Lancaster House is evidence that our system of democracy works. And when I hear people talking about the sad state of affairs, I don't think that we are any worse—and a whole lot better—than many countries that we would know and I could name. When [the] Opposition highlights to the public irregularities, inconsistencies or shortcomings, it does not bring the system to a halt. It does not derail the process, but just the opposite. It strengthens our democracy by bringing those issues to the table which in turn demands that as a country we deal with them head-on and in a fair and transparent manner.

Madam Speaker, I too could go back and [talk] about the big party at Pedro Castle, but I know what the George Town Member thinks about parties. You can knock two cream pans together and she is there.

*[laughter]*

**Hon. W. McKeeva Bush:** If you spend a million dollars on it, she is there.

It would have been tremendously better had the Government done at that time what they did at Lancaster House, and that was to realise that the Opposition—no matter if they are Opposition in our make-up of our Constitution today—is part and parcel of governance.

Madam Speaker, I was told that we did not treat the Opposition good when we were the Government. We never had an Opposition that was so informed as that one. Never! They could have been successful. Mind you, Madam Speaker, that worked out good, but we did not have the system in place until just before the elections. Today we have a more rounded system for the Government and the Opposition.

*[laughter]*

**Hon. W. McKeeva Bush:** Madam Speaker, we had to be the same. We were in the cold too.

*[inaudible interjections]*

**Hon. W. McKeeva Bush:** But we didn't have a secretariat, Madam Speaker.

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** But I will come to it.

The Constitutional discussions did highlight some very important areas. And when they said that it was consensus, my interpretation of it is that the meeting in London underscored that they did not listen to us but they listened to the UK. I listened keenly to all who spoke and many of the areas that we fought for they did not come out and say we agreed. They talked about the consensus. Madam Speaker, politics were put aside at that point, and the things that were objected to here, even editorialized in some papers as being a derailing exercise, were agreed to. And I'd like the *[Cayman] Net News* to hear that again.

Madam Speaker, despite the criticism that we were attempting to derail the process, it led to a Bill of Rights that, where it is far from perfect today, is miles away from what was originally proposed. I have said, and I will continue to say, that I have my concerns about the Bill of Rights.

One thing that the people who are in HRC can perhaps take comfort, not that I am taking comfort in it . . . but the Government's action in signing us up to the right to petition without saying a word to the people coupled with the United Kingdom's safeguarding their position with the words in section 16, "other status", will leave the door open. It may be ten years, it might be five years, but we will live to see [it]. It will affect us because the Government and the United Kingdom have left the door open.

Madam Speaker, if the Government is serious about what it said about referenda in the Constitution, which they say is giving in to the will of the people, according to some of them it is the best thing that could exist. They might have even been saying that it was the best thing because this Government is doing it. Might it not be the right thing to do, to give those who are petitioning the time to get to us if they are putting in writing exactly what it is they want? We might not agree and will not agree with some of the things that I have heard, but what is it they are petitioning for? Does the Government know? If they do, what is it?

Well, if the Government does not know, perhaps they should ask since giving people the right—

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** Who is it?

Madam Speaker, I will remain concerned about that section. And I am not just saying that here. I told the UK that. But the UK knows what they are doing.

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** You would be looking askance too.

Madam Speaker, I will not ever do anything that will change the way that the Church expects from us. We might not be the best Christians but we have a godly heritage.

**Hon. V. Arden McLean:** And a moral responsibility.

**Hon. W. McKeeva Bush:** And . . . Correct! We have that moral obligation.

So, I speak from my personal point of view because the party has given their point.

*[inaudible interjection by Hon. Minister of Communication, Works and Infrastructure.]*

**Hon. W. McKeeva Bush:** The Church has done so much good work in this country that I will not agree to take them on as I heard some people doing. While some people can be disgruntled because things have happened to them personally, and we will not say they don't have that right because they have that right, I certainly am not going to agree to it.

So, while we here can get up and beat our chests talking about the fantastic job that has been done, the deal that was done in giving and signing up to that right—and I know because when I went to England they came to me and that was one of those times I told them that I left my pen home, and I would not agree with [Governor] Dinwiddy. Perhaps that is one of the reasons why he did not like me. But I would not

agree. And I believe that in the signing up of it, coupled now with this . . . The door is open.

Madam Speaker, the Government asked for unity and most Members have asked for it. As I said, the true test is not a measurement of words but the depth of our actions. And had the Government not gone the wrong way, had they started on time rather than 2008, we believe that today we would have had a Constitution even more acceptable to the people of these Islands.

Madam Speaker, we still have bills as a party that we have to pay.

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** No, Madam Speaker, I'm not going to do that because I asked publicly and I did not get a good answer.

But the Member for East End said that I could submit them to him—

**Hon. V. Arden McLean:** That's right! I'll pay for it.

**Hon. W. McKeeva Bush:** —and he will get it done.

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** Madam Speaker, we might just do that!

Madam Speaker, I am not going to complete without saying again that I believe modernisation does not mean the old type of Constitution [that we have] because we are [being] modernised by moving from virtually nothing to all these other things. The truth is that when you examine what the Constitutional Commissioner, the Right Honourable, the Earl of Oxford and Asquith said, we would have less confrontation in the country.

Not that people are not going to disagree, not that there is not going to be opposition on issues; but where more of the people in this House work together on policies and strategies for the betterment of the country and also to ensure that they are implemented for the good of the people of these Islands. Instead of what we are proposing, that proposal would have ensured more unity and results for the people. But instead, as I said, we have chosen a path that is the same as all the other territories, which is the confrontational and divisive type of politics and governance; that one which says, *'to the victor go the spoils.'*

Madam Speaker, the Westminster model is made up of many different ways, not just an Opposition and Government. I don't know if it is because I'm getting older, but I believe that that would be a better way. We don't even have parliamentary secretaries in this proposal. So, the backbenchers are going to be backbenchers. They will have no input except for the right to pass a motion and sit with their government, of course. And the truth is that any government must

listen to their backbenchers or they fail. But we don't have even that system where more people could be involved.

I believe that if more people are given the opportunity to participate, knowing our people, how they expect people to perform and be in the know of everything—when they are really not in the know of everything, you can't say that backbenchers know everything going on, some things they cannot know—that would then have given two or maybe three backbenchers the opportunity.

Madam Speaker, we are asked to endorse the document and ask the voters to support it. As I said, the decision is that they alone must make. What we intend to do over the ensuing weeks is continue to do what we have tried to do, and that is to inform the general public about the document which we have. And we are confident that once the people have been properly informed they will be able to make an informed decision knowing full well that their decision is one that will affect them, their family, as well as future generations.

We too have been honoured to represent our people, Madam Speaker. They have been fully appreciative that this is a document that hopefully will last many years. Therefore, what is of paramount importance is to get it right. Those things that we fought for and did not get—mind you, when we went to London the UK agreed with us on many of the things I was concerned about, and I will speak to some of them—but I will agree with the Government, that you are not going to get everything you want.

I would have preferred to have seen a Senate, because we probably could have gotten one Minister instead of two. And the Senate could have taken up a tremendous amount of work for Government because there would be Government and Opposition in that as well. But, Madam Speaker, that is not to be as yet. I have not given up on that idea, because I believe that there are many people in this country that we could choose from who are capable, able and willing to make an input but do not want to get into elective politics.

They don't want to get into the cut and thrust of politics. But they could be there to advise the Government on many treaties that are not constitutional in nature but business-wise in nature. We did not get that and, as I said, I have not given up and, certainly, I plan to be on the political landscape if the gods deal fairly with me the next time. God willing, my name will be on a ballot in West Bay.

Madam Speaker, as an Opposition we are proud of our accomplishments during the negotiations. We can thank those who have been involved. We made gains at Lancaster House. We believe that our positions were responsible for bringing greater transparency, accountability and political balance to the final Draft Constitution.

Madam Speaker, while the Government did not accept our position for a Constitutional Commission . . . I think it was the Second Elected Member for George Town who said that he could not remember how that started. The fact is that in September I raised it in Bodden Town at the Civic Centre, and it was raised again in February. I raised the discussions with people and brought it to the table, and the UK felt that this was a good thing having a Constitutional Commission with three people appointed by the Governor, the Leader of Government Business and the Leader of the Opposition. And [it was felt] that the Constitutional Commission would provide continuity with the modernisation of the Constitution despite changes in any government of the country, and that it would remove the day to day monitoring and other important recommendations for change or implementation.

Madam Speaker, this I believe is a good provision for us because it will be an institution that will take up and examine closely, with great scrutiny that is not afforded now, the treaties, laws, policies and other regulatory paraphernalia that exist in Europe, or between Europe and the United Kingdom and these Islands, and, in fact, other territories that have agreements which affect us. So, this is the right way to go about it.

Many Members, perhaps all of them, have mentioned the Secretariat. I want to thank the Cabinet Secretary, as a good public servant, for his guidance. I want to commend the young man, Mr. Suckoo, because he was always pleasant, informative, and non-partisan. At all times he was non-partisan! But I pushed for this because the way the Government set up the Secretariat was so that it was the Government's views that they carried at all times.

[Mr. Cline A. Glidden, Deputy Speaker in the Chair]

**Hon. W. McKeever Bush:** I can never forget when our old document was being shown on the screen in the power point presentation.

Mr. Speaker, the Government is very scant in here. I hope they will come back and listen to us.

[laughter]

**Hon. W. McKeever Bush:** In fact—

**The Deputy Speaker:** Honourable Member, I have just been informed that we have to take a suspension for the changing of the tapes.

Members, we will suspend and remain in our seats for a few moments.

**Hon. W. McKeever Bush:** In the meantime go and call your colleagues.

[inaudible interjection]

**Hon. W. McKeever Bush:** Yes you! Since you are the extension cord, go and tell them to come back in here.

**Proceedings suspended at 6.48**

**Proceedings resumed at 7.17**

**The Speaker:** Please be seated.

Proceedings are resumed. The Honourable Leader of the Opposition continuing his debate.

**Hon. W. McKeever Bush:** Thank you, Madam Speaker.

I was dealing with the Secretariat. I have said that I am happy that we have a Constitutional Commission and how that will be appointed. I have extended my thanks to Mr. Suckoo because he has been a very good person on that Secretariat. Madam Speaker, I do not think he at any time showed any partiality. On behalf of the Opposition, I can commend him.

The National Security Council will never be able to make recommendations. It will not have any power over the police, as such, and the Council is better balanced because the UK accepted that the Governor should have the benefit of the advice from the Leader of the Opposition (whoever he is) or his designate.

The Judicial Commission will be chaired by a lay person and not the Chief Justice. It is something that I held strongly against in naming a Chief Justice as the Chairman. We do not believe that he should chair a body that is there to hold him and the judiciary accountable.

Madam Speaker, the Government has agreed [with] our proposal for District Councils. I believe it will increase the flow of information between the people and their elected representatives and improve accountability. It is a means . . . and the Member who talked about empowering, yes. When you threw the slur that we did not want anybody empowered, that was our recommendation.

So, Madam Speaker, I am glad that the Government took it up because what I find is that people want to have a say. And we know in our form of government it is impossible to listen to everybody. But in the districts where roads, buildings, schools, and other government initiatives are taken up people can have a say.

Of course, again, you just cannot have everybody on it. We can have one that can give any Member of the legislature feedback as to what they feel is good for the community. This is very important because I saw one newspaper saying that this was their initiative. But I do recall when that was made years ago. And I mean years ago. It was not district council. What they talked about was a system of local government.

I kept saying that this country is not there. That's a huge expense that we cannot get into and we

are not there yet to go into a pure form of local governance. I believe this, again, is a step. Perhaps some years from now when we are not here, maybe when we are on the outside looking in those who are here will institute a more pure form of local government. But this is not that strict and constitutional form of local government as such. Many people have said to me that this is a good thing.

Madam Speaker, we supported the Standards in Public Life Commission. It will enhance the conduct of all those in public office. The elected official, meaning the Premier, as he will be known if this Constitution is accepted—

**The Speaker:** Or she.

**Hon. W. McKeever Bush:** —or she, yes Madam Speaker, will be able to set the agenda of Cabinet in conjunction with the Governor. For the benefit of the Third Elected Member for George Town, this was one of those things that was said “this was independence”. I said back then it was not independence. I said back then that it is something needed because when an elected Member is appointed (which he will be), he’s elected now, but appointed; or when a Minister (to cut it short) wants something on the agenda—or the Government—the Governor should not be able to say it cannot be put on the agenda. We give him the authority, or he has the authority to say “no” after it is on the agenda. But as it stands now, elected Members can only ask that something be put on the agenda and if the Governor does not agree, it does not go on. What happens now is that it goes on, and then the Governor can have his say “yes” or “no”. He will take the advice.

We should have that. And it is not going independent. Unless anyone tries to say that I am changing my position, I am not because I have always held to that point. Always held to that point. But back in 2002/2003 . . . ? Uh-uh. She said she was part of that group that told us how wrong it was. I am glad the Third Elected Member for George Town changed her mind.

The UK must inform and consult with us on international treaties and issues that affect our interest. So, Madam Speaker, again, it was one of the things that was said in 2003, and [we were] told, “No, that’s dictatorship.” Remember how big that word “dictatorship” was?

The Speaker of the House will be able to be chosen from inside or from outside, as it is now in the present Constitution. It is the sensible thing to do because if somehow you cannot find a Speaker from outside, you cannot get agreement, because you have to get agreement by Members. Then that person inside who is most capable can be chosen. If they did not have the experience we can put them in one of the older parliaments, the UK perhaps, and they can learn the ropes from a short stay.

So, it is the best thing to have done. There was never any call for that to be on the ballot for referendum. Never any call for it.

Madam Speaker, importantly, guidelines for the Auditor General will be set in domestic legislation and I wait to see whether I am here or not what sort of guidelines will be set up. But we have to set parameters for the Auditor General, leaving his office independent, of course, but there must be guidelines as to what they do and how they do it, and how they conduct themselves.

The Attorney General will remain a Member of Cabinet and the Assembly. He or she will be ex-officio. Again, this was one of the things I told the Government. It was in our Position Paper. The UK is not going to remove the Attorney General from the Legislative Assembly because that is the last thing they do before they make you run up your own flag.

The system in Cayman Brac remains the same but the Constitution allows the Government to bring in any system for Cayman Brac and Little Cayman by a law. The people in Cayman Brac have stated quite plainly that they do not want to change their system, their vote.

Madam Speaker, I do believe that the preamble could have been done in such a way that it could have referred to “Caymanian” in the Constitution. It would not be part of the Constitution, but the preamble (which is not part of the Constitution) could have carried that. I do agree that the way we have our laws and so on does not lend to it. Nevertheless, it could have had that definition without being a Constitutional provision; the same way all those things are in the preamble which do not have the backing of the Constitution as such.

Madam Speaker, I believe I have covered all the points except for one last one. Most Members talk about how long it has taken us to get a Constitution, or change the present Constitution. I am not going to say to the world that this does everything that I want it to do, because it does not. I think we are lacking in far too many areas in it. I would have liked to have seen some things much different. I kept saying that when we looked at Hong Kong’s Basic Law (they call their Constitution), given to them by a communist country, China, that more innovation could have prevailed and that instead of taking the old route of what the other Territories have we could have gotten some more.

We do have some new things in here, such as a District Council, such as if a district is not represented then a special Cabinet meeting can be called and questions can be asked of the Government. I have yet to see how that will also pan out, but it is there. So there are some new things.

But there is far too much in what we have that I am not satisfied with. On the other hand, I cannot say that at the table . . . and I do not know what went on anywhere else, but at those tables we batted as strong for Cayman as we could.

Madam Speaker, when I think back on “Sleepy” Smith, who was the Constitutional Commissioner in 1991 (somewhere around there in the 90s), what was put forward I could not and did not support. The people in this country did not support [it]. They supported the National Team’s position that we were not rushing, but the National Team found that the people wanted a slower evolution of advances. And how does anyone believe that this thing called “Leader of Government Business”—which is a Constitutional provision today—got there?

The Government at the time would not hear of it. They had to have a Chief Minister. They had to have a Ministerial system, but there was no accountability to the public because there was no formal party system. I maintained back then that the only way that you can have that system working properly is to have the party system, and that was what would make it work. The accountability would be there for the public. They would be part of the party, if they chose. They would know who is likely to be their Chief Minister. I said there has to be something else.

And when I examined what had taken place in Bermuda, from where they were in the early days to maybe 68, 69, maybe 70 (I am not sure), when they got what they termed the “Leader of Government Business” . . . it is the same thing; they moved from nothing to that. I said let us do this.

Government said then too, “You are not the Government. You are not going to get any support from us for that.” How bad things were.

I say again, Madam Speaker, that the party system might not be perfect but it is better for the organisation than what we had before. There were people jumping up saying *I’m the leader*, and nobody had appointed them leader. Yet they became the leaders of Government.

Oh, Madam Speaker, it is just too much to go into today. The truth is that I know the history. I think the Speaker knows the history. It was not easy. But the problems with that Constitution that was put before us and that the National Team had to deal with was not so much demands from the UK from what I remember (because I was at the table in the UK in 1992 for a Bill of Rights) as against us getting a Constitution. It was discussed, and they wanted us to have something. But in the campaign, the National Team said we were not prepared to put that Constitution in place in full, and the people said so. They did not want it. The campaign in 1992 was about the Constitution in great part. And the people wanted a slower evolution to Cabinet Government. And that is how we moved.

I am not going to cry down in any shape or form what was done then, because while they did talk about the matter of a Bill of Rights—and it took some discussions—after a while we had to decide on . . . And what I believe is that section 16 today too had a

great part of that particular aspect of the discussion. It did not hinder us from moving forward.

Madam Speaker, we are going to go to the public. We are going to explain what we have. We are going to allow them to make up their mind on this new Constitution that affects them. I ask one and all again to think about (and I have not heard yet) how we are going to carry out that procedure. But, as I said, my thinking was if you do not have two separate polling divisions, you don’t have two separate rooms, you go into your polling clerk and the referendum person is there watching over what is going on. A ballot is given to you to vote for the representative you want; a ballot is also given to you for the referendum that has one question on it “yes” or “no”.

You go inside the room. You vote and you come back out and you give it. Two separate boxes are there, one for the referendum and one for the usual election ballot.

I am worried, because I saw this thing in the papers and I am worried that if we try to give a person one ballot to go in one room and they come back out and go into the next room for another ballot . . . some people may take that up, Madam Speaker. But there are a lot of Caymanians, when you watch them go into that polling booth, they take their time but they want to get out in a hurry and go home. What I do not want is for the Constitution to fail on that ground.

So, I ask that we consider it more carefully and, as I said, I have not heard all of the reasons why they might want so many people. But I suspect there had to be some other form of handling it from the way I thought. I hope that they would look at it and examine it more carefully. We do not want it to fail on those grounds.

Madam Speaker, as an Opposition we are proud of our accomplishments during the negotiations. Personally, Madam Speaker, I have been through many different talks between 1988 and 1992, and then again in 2001. We did not know when we would get the Constitution—and we still do not know, because we do not know what the people are going to do at the polls. I am happy with a lot that is in here. There are areas that I believe will not help us. But it is here and we have to make the best of it.

Madam Speaker, when we could not get agreement by the Opposition in 2003/2004, and when we could not get an understanding with the public, I said I must stop here. I will put forward these suggestions and if they do not take them up we will talk about them in the election. If they support it we will move forward; if they do not support it we will not move forward. And even in the elections, some of the things I heard that we have here now, the people were still telling me that they did not support.

One thing the Leader of Government Business said that is true is that we are not going to get a document where you are going to get everybody agreeing.

Madam Speaker, as I said, once in a great while we come to these issues where we must put politics aside and do what is right for our people, get a Constitution that perhaps we do not all agree with, but there are areas that we can support and it is better than some of what you have. But never let it be said—because too often this has been said—that the present Constitution has not worked. All that we are today we can say came because we evolved from being annexed to Jamaica, to Westmoreland. We took it upon ourselves to manage ourselves and, Madam Speaker, we moved from that. We did not take part in the matter of becoming part of the Federation.

We chose to be a Colony of the United Kingdom and we evolved to the present Constitution. Caymanians did not have it so good, and people still cry how lacking we are. Yes, we know that many wrongs have been committed in not having a lot of institutions, probably a better education system. But still, when we look at all the various things, we can say that we have come a long way, baby! We have done well. So, let us not forget from whence we came. Madam Speaker, I hope those who will come behind will be as kind as I have been.

I saw the Minister of Education . . . and Madam Speaker, he was quoting Caesar. I am reminded of a show, a movie with Dean Martin and Bob Hope, who played Caesar. Dean Martin stabbed Bob Hope, and Bob Hope said, “You brute, you!”

*[laughter]*

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

If no other Member wishes to speak . . . Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Madam Speaker, let us see how long we are going to be. That is yet undetermined.

**The Speaker:** As long as you do not go over two hours, it is okay.

**Mr. Rolston M. Anglin:** Oh, okay, Madam Speaker. I forgot about that rule. But if you are going to enforce it, then I guess I won't be longer than two hours.

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** Madam Speaker, I say that in jest because the hour is some 7.45 pm.

**The Speaker:** [inaudible] all the way North Side.

**Mr. Rolston M. Anglin:** Madam Speaker, I rise to offer some comments on the matter before us. Initially when I came to the Chamber today I was not quite

sure whether or not I was going to speak. I sort of said I would wait to hear the tenor of the debate and what other Members had to say. Certainly, I knew that the words of the Honourable Leader of the Opposition would cover the matters of concern to the Opposition and matters that we wished to raise at this particular juncture as we debate the Referendum Motion and the Referendum (Constitutional Modernisation) Bill, which would be enabled coming out of that.

Madam Speaker, one thing that anyone who has listened to me around these Chambers [knows is] that I really believe in ensuring that [in] every debate, whether it is taken up singularly and read or listened to by the public, [I do] not tend to shift, skew or re-write history. Indeed, Madam Speaker, I heard some chatter today that talked about the constitutional process and its birth being somewhere in Pedro St. James. I believe that is a grave and deep injustice to all that has come before now, to all of the work that has happened before we reached this juncture.

I recall what the Honourable Leader of the Opposition spoke to as it related to the 1992 election. That was my first opportunity to vote in this country. Indeed, the Constitution featured heavily in the debate at the time. It was a major item. Certainly, if we are going to start talking about how we got to where we are and starting to pay all these kudos, I think we ought to start talking about the work that was started from then. Certainly, Madam Speaker—

*[inaudible interjections]*

**The Speaker:** Would you all please allow the Member to continue his debate without interruption? Or we could be here until midnight!

**Mr. Rolston M. Anglin:** I am not saying that some Members did not make mention, but, Madam Speaker, I listened attentively and carefully to this debate. Some contributions that were made, if read [all] by [themselves], would definitively lead one to believe that somehow in January 2008 this whole process was all of a sudden started and that is from whence we came. I humbly disagree. This process is rooted in 1991/1992.

I remember when I was trying to make up my mind as to whether or not I would offer myself up in the 2000 general elections, that one of the people I went to speak to was Mr. Benson Ebanks, to get his view.

*[inaudible interjections and laughter]*

**Mr. Rolston M. Anglin:** I remember, Madam Speaker, that at the end of the conversation he pulled out a little yellow book and he implored me that if I—besides not running with McKeever—that if I did decide to run, and if I were successful, that in his opinion, having been a long-serving Member of this House,

that a piece of work that I should be looking to be engaged in was to bring some form of constitutional modernisation to the country. He gave me a copy of the little yellow book as something to read to try to catch myself up to date. That little yellow book was the Draft Constitution at the time.

Madam Speaker, for me personally, besides having listened as a young voter in 1992, that was my first what I would call real introduction into this whole business of constitutional modernisation. Of course, all of this came on the heels of the White Paper. Naturally, during the 2000 general election in which I was a candidate, that White Paper and the tenets of the White Paper featured heavily in a lot of our debate and discussions within our individual districts as we sought election to this honourable House.

Madam Speaker, after the general elections in 2000, the then Governor, Mr. Peter Smith, appointed that same Mr. Benson Ebanks, Mr. Arthur Hunter, and Mr. Leonard Ebanks to be Caymanian Commissioners. As far as I know that was the first time that there was a Caymanian Constitutional Commission. That too ought to be mentioned in this debate because it formed the bedrock upon which we have built.

So they went district to district and did their work. A draft was produced. We had many political wars over that Draft Constitution. We had marches in the street. We had wheelbarrows. We had people in *wawmpuhs*. I must say that if it did nothing else, it brought back some of our old culture.

*[inaudible interjection]*

**Mr. Rolston M. Anglin:** Madam Speaker, I am reminded that perhaps some of that is for people who still live in the past.

Madam Speaker, in December 2002, a delegation of Caymanians went to London to the same Lancaster House that we were at earlier this month to discuss constitutional modernisation. There were many people who were part of that process. Some of us are still here. I was fortunate enough to be a young Member, a new Member of the House, and to have enjoyed that experience because it all builds on you as a legislator as you go through those processes.

You get to really understand how the country works or, more importantly, that relationship between us and the UK, which we often only see a glimpse of in the newspapers by the fact that there is a Governor here.

Madam Speaker, many of those Members who went to London in 2002 were then, and still are today, very much supportive of constitutional modernisation. A lot of them would have been involved in the process from the 1980s and 1990s and advocating change from those days. So, while the mood in the country and the fact that we were trying to bring about a constitutional instrument that did not fit with the political system that we had, and even as there is today

grave concern about a Bill of Rights, that would have been around from those days as well. The country had to go through those pains for us to stand here now and have the type of environment where many can feel confident that this referendum is going to pass.

This did not just happen, Madam Speaker.

At the end of the day, because of all of that work we got a 2003 Draft. The Honourable Leader of the Opposition went through what happened in 2003/2004, and I will not bother to repeat that. But it all forms part of the bedrock that has gotten us to this point, whether we like it or not; whether we liked some of those outcomes or not.

I firmly believe that if it were not for going through those pains as a country, those pains as a community, that we would still be in that particular predicament as it relates to the public's acceptance. It was a necessary journey. Many people, some outside not only in the public domain but former Members of this House, may be equally or more passionate about constitutional change than anyone who currently sits in the House. So, just because we sit here does not mean that we have any monopoly on the desire to have a new and modernised constitutional relationship.

Madam Speaker, I think because of the fact that we had such a political fight—and war I would call it—in 2003/2004 . . . that is the only reason I can come up with as to why the Government took the decision it did in January 2008 to, as I have called it, basically go it alone—because there was no engagement in January 2008 with the Opposition. The Government started the process on its own at Pedro St. James.

However, Madam Speaker, as with all these things, that necessary tension and friction wound up being a key contributing factor to us getting to where we are. Why do I say that?

Several months ago, the headlines would have been reading, *Opposition Stalling. Opposition Trying to Derail Constitutional process*. But, Madam Speaker, whilst—

*[inaudible interjection]*

**Mr. Rolston M. Anglin:** I will.

Whilst there was a call for a referendum last May and even as a heavily outnumbered, heavy underdog Opposition, we dug our heels in and we fought against it. I know that every one of them would agree with me that that was a necessary part of the process to arrive at where we are today. And it made the end result even better! Just as I will readily admit that the fight we had in 2002, 2003, 2004 would have done that.

Madam Speaker, it was delayed until July and it still did not happen. Again, that natural agitation between Government and Opposition shone through



greatly. It shone through to prove how important the two sides of the political process are to each other, and how necessary.

The truth is . . . and the Minister of Education has admitted the same thing. As I heard him I had to smile, because he is 100 per cent right. Had this thing gone to referendum then, the odds of it passing were grim.

*[inaudible interjection]*

**Mr. Rolston M. Anglin:** Madam Speaker, I hear the Minister of Works saying that I do not know who the *unna* is . . . he said *there's unna opposing it*. I do not know who the *unna* is, Madam Speaker, that he is speaking to.

But I know that whenever you try to paint a thorough picture in this House Members of the Government always get very agitated. There is always this feeling that however they paint history, [it] should just be the way it's told. But the record needs to reflect how we got where we are, Mr. Minister of Works. The record needs to reflect so that those who come behind us, 10, 15, 20, 50 years from now and read or listen to these *Hansards* can truly appreciate how it is that their country got to what they could consider agreement.

As the Honourable Leader of the Opposition has said, no one can say that at any stage of our negotiations around the table with the Foreign and Commonwealth Office that we did not bat collectively for the Cayman Islands. We did not agree on every point. No, we did not agree on every point. But, certainly, we batted from our hearts as to the position we felt was in the best interests of the country.

So, Madam Speaker, it is often quite interesting to have these types of reflective moments. In 2002, changing one's view meant you were flip-flopping and indecisive. These days it is called "compromise". There have been a series of compromises over an eight year period.

**The Speaker:** Honourable Members who have not spoken yet, you have the right to rebut anything the Member is saying at this time in your debate. So could we just get on with the debate of the Second Elected Member for West Bay so that we can get through? I have a long road to travel.

Second Elected Member, please continue.

**Mr. Rolston M. Anglin:** Yes, Madam Speaker.

I must say that I do agree that it seems like the—

**The Speaker:** Second Elected Member, would you direct your debate through me, and continue with your debate rather than answering the Members on the other side? Thank you.

*[inaudible interjection]*

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker. I agree. And I bow to your ruling. I apologise.

**The Speaker:** Thank you.

**Mr. Rolston M. Anglin:** Madam Speaker, we as an Opposition have seen both sides of this fence.

*[inaudible interjection]*

**Mr. Rolston M. Anglin:** We have seen both sides of the fence. The truth is that in certain instances, in particular as it relates to the Bill of Rights if we look at where we have gotten to, that body of work that this country and we as legislators have gone through, it has gotten us to a position that we all can agree is one that is better for the country, more appropriate for the country, than would have been the case in 1991/1992 and back in 2003.

At the end of the day, it is very important that we have been able to engage civic society and important institutions, and important bodies like the Ministers' Association and the Conference of Seventh Day Adventists to come on board on these very important, but emotive points within the Constitution. That, Madam Speaker, creates the type of buy-in that is absolutely necessary.

I also believe that their being a part of the negotiating process in the UK also weighed heavily for the Cayman Islands as it related to meeting with the Minister responsible for the Overseas Territories, for her to hear directly from respected members of our community giving a particular perspective as to what is and is not going to be acceptable in this territory.

As was said earlier, we did the Cayman Islands proud in the sense that when it came to her actual participation in the negotiations they were minimal. There was not much left for her to decide when she actually came to the process. If I remember correctly, there were basically two or three points that she weighed in on. Three points. So, Madam Speaker, at the end of the day I must say we went from the de-railers to key contributors.

The other thing, and on this point I must give the Government credit. Mind you it was only after dragging them kicking and screaming . . . but after dragging the Government kicking and screaming, it was good to see that when we came home they did have a press conference that included everybody. Because up until then . . . they rolled it out in Pedro, there was no real formal engagement with the Opposition. They were off doing their own thing. We then had to bat off the back foot because as Opposition, often times in this system of government, you have to paddle your own canoe.

In paddling your own canoe you do not have the resources.

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** But Madam Speaker, I must say that even at this particular stage I think it would be only mature and good of the Government to also assist the Opposition in clearing up some of our final printing bills. They have spent millions of dollars from the public purse on this process as a Government. And I know that with all of the good will that has been circulating recently—there has been plenty of it! If it had been currency we'd all be millionaires.

With all of the good will that has been circulating recently . . . but that is something too that the Government is going to be more embracing of. It is those sorts of things.

Madam Speaker, we have very important work to do between now and May. However, when we look at how many key points there are I do not think there is a whole lot that the country has not heard repeated for the last eight years. My gut feeling, in terms of what people come to my MLA office and to my house to see me about, is that the people right now are really focused on this whole war that is going on, this war that has been waged by the Human Rights Committee, and so, naturally, that will cause an upset to the process in terms of where we get to.

But I must say, Madam Speaker, that the few people who have asked me about it as a representative, I have been very simple in my analysis and my answer to them. I do not try to get into trying to explain any constitutional language to them. Each time they came to me last week I gave them one simple answer. I said, "In the process, did you believe that the view and position that the Cayman Minister's Association and the Conference of the Seventh Day Adventists took is the right one for the country?"

In all three instances all of them said "Yes." I said that is what the draft has, plain and simple.

At the end of the day you are still going to have a lot going off on a tangent because the Human Rights Committee has an advantageous position to bat from. After all, if you ask someone, "Do you want more rights or less rights?" the average person will always tick the box that says "more rights". You do not have to explain to them all of the potential horrors that they were trying to avoid that could be contained in that box that's called "more rights".

Madam Speaker, as has been said, our job, as far as we are concerned as an Opposition, is to explain the points that we think are the highlights of this document and the public on 20 May will go into polling stations and make up their minds and determine the outcome of the process.

I thought it very instructive when we were in the UK and wrapping up, that Minister Merron, responsible at this time for the Overseas Territories, saw the end of the negotiations at Lancaster House as the beginning of the process. Because, as a territory, we had made the decision that a referendum

would be the way in which we would determine the outcome and fate of the process.

Madam Speaker, all I can say is that the country has many, many serious issues and challenges to face. Whilst the Constitution and the modernisation process is very important, the people I see on a weekly basis at our MLA office and on a daily basis at home are really concerned about those [day to day] issues. So, having been involved in the process that was started in 2001, and still being involved with the process, it has been a long road. I think the country has been served well in terms of public meetings, explanations, and putting forward varying views on the 10 to 15 points that have been the sticking points from then until now.

I understand that the Secretariat is going to be involved in some sort of process going forward as well, so I think the country has every opportunity, anyone in the country has every opportunity to more than familiarise themselves with what is being proposed without having to read the entire document. We know the majority of people are not going to read the entire document. The reality is, from our standpoint all we should really be concerned [with] is that people understand what they are getting into. And there are many ways for that to happen. All we can do is show the public the highlights, show the public the points that we are concerned about, and they are going to decide.

Madam Speaker, I am happy that from a legislative perspective it seems as though we are finally getting to the end of the road as it relates to this issue of the Constitution.

Madam Speaker, I promised to be brief, and I always deliver on that promise whenever I say I am going to be brief. With those few comments, Madam Speaker, I take my seat.

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

Honourable Minister responsible for Communication, Works and infrastructure.

**Hon. V. Arden McLean:** Thank you, Madam Speaker.

*[inaudible interjection]*

**The Speaker:** Second Elected Member for West Bay, you have just finished your debate. Thank you.

**Hon. V. Arden McLean:** Brief is what I will also be, Madam Speaker, on this Referendum Bill before us. But I notice that we have gone extremely deep into the Draft Constitution and I believe that so much has been said that there is very little for me to say except to try to get the people of this country motivated to go to the polls and participate in this historical event scheduled for 20 May, the same day of the general elections for the country.

Madam Speaker, I am very glad that we have reached this point in our constitutional modernisation where even though the Opposition at times seem to be talking out of both sides of their mouth, I believe they are convinced that we have a document that we can all put our collective efforts behind for the people of this country.

Madam Speaker, one of the issues that really came to the fore during this entire process was that this Government wanted independence, and that we were supporting the areas that we were trying to get in to the Constitution was the path to independence. Now, Madam Speaker, that is unfortunate. They say there is no future in the past. But, certainly, I think that we also need to lay the groundwork for future generations so that they too will know exactly how we got to where we are.

Madam Speaker, many of the things this Government was proposing in the modernisation process were novel proposals, novel provisions. But they were not very far from what the previous government proposed in their Policy Paper on 29 July 2004. Thus, I believe the reason why the now Opposition (the then Government) could at long last see the error of their ways and come to the table and agree with this, and agree with the Draft that is before the people of this country.

Madam Speaker, I believe it is quite rewarding for this country to now see the Government and the Members of the Opposition going into this campaign with one focus, particularly on the Constitution of the Cayman Islands, and that is to try as much as possible to educate the public on the contents of this proposed Constitution in order that the people will vote in the affirmative on 20 May.

For myself, I intend to distribute the Draft Constitution to every household in the district of East End. I believe that we need to make a concerted effort to make sure that that document gets into the homes of the people of this country. This is historical. There are not many people left in this country that were involved in the 1972 Constitution, much less the 1959 Constitution. Many of those former legislators have passed on. It is history in the making. Therefore, we must educate our people.

There has never been a referendum held in the Cayman Islands. That in itself is history in the making. Madam Speaker, I am eternally grateful to the people of East End, in particular, and the people of this country, to be able to attach my name to this modernisation process. I was not at the last set of talks in London. Maybe I should get that straight right here and now.

I made my decision long before that I could not go. But there is a rumour that I did not go because Ellio was going. No, Madam Speaker. I can assure you and this honourable House and the good people of the Cayman Islands that that was not the reason I did not go. To tell you the truth, I did not see any rea-

son why he should have gone, but that was not the reason I did not go.

*[inaudible interjections]*

**Hon. V. Arden McLean:** That is a debate for another time, and we have a lot of time coming up between now and 20 May.

*[inaudible interjections]*

**Hon. V. Arden McLean:** Madam Speaker, I guess—

**The Speaker:** Honourable Leader of the Opposition, can we stop the crosstalk and let the Minister continue please?

**Hon. W. McKeever Bush:** Madam Speaker, *[inaudible]*

**Hon. V. Arden McLean:** I guess Alden would have shut me up like how Rolston shut up Ellio.

*[inaudible interjections]*

**Hon. V. Arden McLean:** Anyway, Madam Speaker, I have been—

**Hon. W. McKeever Bush:** *[inaudible]*

**Hon. V. Arden McLean:** Madam Speaker, I—

**Hon. W. McKeever Bush:** *[inaudible]*

**Hon. V. Arden McLean:** Madam Speaker, I have been a part of this process ever since it started in 2001. I have worked alongside my colleagues. You, Madam Speaker—

**Hon. W. McKeever Bush:** *[inaudible]*

**Hon. V. Arden McLean:** Madam Speaker, I am not trying to beat up on Mr. Ellio Solomon. All I am saying is that I have been a part of this process from the very beginning and my eyes were wide open throughout the whole process that I participated in.

**Hon. W. McKeever Bush:** *[inaudible]*

**Hon. V. Arden McLean:** I never said anything about anybody falling asleep.

**The Speaker:** Can we stop the crosstalk please, honourable Leader of the Opposition and Second Elected Member for West Bay, and allow the Minister to continue his debate? I do not intend to continue this argument.

Honourable Minister, would you continue your debate please?

**Hon. W. McKeeva Bush:** [inaudible]

[inaudible interjections and laughter]

**The Speaker:** Honourable Minister, will you continue your debate please?

**Hon. V. Arden McLean:** Madam Speaker, thank you.

Madam Speaker, what I was saying is that . . . you know, many times in my eight years in this honourable House the Leader of the Opposition and I have really gotten a little heated around the collar. I believe we are both very passionate about this thing called politics and the people of this country. We get a little hot around the collar at times. But more times than not, we agree. I think this is historical—the Opposition and the Government agree on this constitutional process.

Madam Speaker, the Leader of the Opposition and I believe the First Elected Member for Cayman Brac and Little Cayman are the two Members of the Opposition that have served in Cabinet; the Leader of the Opposition on more than one occasion. He understands quite well how difficult it is to govern this country, particularly when the people of this country hold the Members of Cabinet whom they elected thereto accountable for things done and things not done. He understands that in the majority of instances the elected Members of Cabinet have absolutely no authority, but we are held responsible—and rightly so—by the people who elected us.

Madam Speaker, it is not expected that the people of this country will understand the operation of the Constitution of this country. But those of us who work it every day understand how difficult it is, particularly when an individual comes here in the position of governor and has such authority to govern without consultation with the local people. Suffice it to say that all governors, regardless of where they come from and without any disrespect to them, are mere individuals who have a mind of their own and will apply the Constitution the way they see fit, or how they interpret the Constitution.

Madam Speaker, we find ourselves at odds with these governors. The best persons to advise on the local aspect of this country just happen to be those who jump on the soapbox and are elected once every four years through the democratic process. This Government has never asked to take power away from Her Majesty through the Governor. But, certainly, this Constitution allows us at least the courtesy now of the Governor having to consult with Cabinet before exercising his authority.

Madam Speaker, I know it was said by some of the Members of the Opposition (but they were just politicking at the time), that we wanted to take power from the Governor. Now, Madam Speaker, there could be nothing further from the truth. It is obvious, after discussions with England that England agreed to

some degree for the Governor to have to consult with the locally elected Government prior to making decisions on his or her reserved responsibilities.

It very difficult at times, I have found it to be very difficult when in my opinion what is being done is not in the best interests of the people that I represent and that I love. And there is nothing that can be done about it. I am glad that England agreed with us, not necessarily the Government only, the Opposition was part of it too. I must say, Madam Speaker, that the NGOs did not weigh in that much on the intricacies of governance of the country because a lot of them, like most people that do not operate the Constitution, did not grasp the working intricacies of the Constitution. But the Opposition agreed and supported those areas of modernisation in the Constitution. We can now be thankful that whatever happens in the future that much of the Constitution will allow greater involvement by the locally elected government.

Madam Speaker, I know the Leader of the Opposition wants to go home. He does not want this vote to be taken. He's not here. I know he wants to do that to ensure that he registers his vote. I will soon be finished to allow him to register that vote so in the evening of life he can look back at it.

Madam Speaker, this document is not everything everybody wanted. And it certainly will not be for many years to come. But I think the first thing we all have to come to grips with is that what is contained in a Constitution for the Cayman Islands is the prerogative of England. As long as we remain an Overseas Territory, it is England that decides what happens and what does not happen with the Constitution. And we have elected to remain an Overseas Territory. Some would like to call it a Colony. Well, I am not prepared to be colonised like my forefathers were.

Madam Speaker, a Constitution for an Overseas Territory, whatever has been agreed here, even if we believe it was by the insistence of the Government, the Opposition, the churches, the Chamber of Commerce, Human Rights Committee, if it was going to be of any detriment to England, certainly we can trust that they were not going to allow it to happen. So, all of us, NGOs, Opposition, Government, negotiated on what we believed was in the best interests of the country.

If there is ever a time that the old cliché which says *the art of politics is compromise*, then this is it. Much compromise had to be done. But we did the best we could. We have done our job. It is now up to the people of this country to do theirs.

Madam Speaker, with all of those NGOs, with the exception of the Human Rights Committee, and I believe they will between now and 20 May (I hope) at least endorse the Constitution and understand that in time anything can happen and changes can be made.

But with all of us endorsing this Constitution educating the populace on its contents, Madam Speaker, I feel confident that we will see an affirma-

tive vote from the general populace. I just hope that it is not so onerous that we will see people turning away. That is my concern. I fear that if that happens, if this referendum fails, it is eight years for naught, maybe more—maybe 16 years for naught. And almost 40 years of operating under one Constitution that will turn into eternity.

Madam Speaker, that is not a good thing for this country. So, whatever we have to do to enfranchise people to ensure they are comfortable with voting in this referendum, as long as they are informed and they make an informed decision, and that turns out to be a “no” vote, then we will just have to settle for that. If we do not have a good turnout that is going to be worse. It is going to put this country back 40 years. And going forward this country needs to modernise its Constitution.

I believe that over the last eight years we have educated our people on the Constitution to the point where they are more knowledgeable. We must stop underestimating the capabilities of Caymanians. We do it all the time. We think we know what is best for them and which way they are going to do it and the likes. Make it available to them and they will make the decisions. But if it is so difficult that they feel it is going to delay them, that it is going to disenfranchise them, they are not going to participate. That is my greatest fear in this referendum.

I am going to do all that I can to ensure that the people are informed. I would love for them to vote “yes”. And I believe they should vote “yes”. But if I do nothing other than tell them to vote “yes” I would have failed too. We would have all failed, if we only went out there and said vote “yes” or vote “no”. Madam Speaker, we would have all failed. We need to go further than that. We need to explain it to them.

People are going about their daily lives. They have no time to sit down and read the Constitution like we do, like we are required to do because we work with it. They do not have that time. The responsibility lies squarely on our shoulders and [on the shoulders of] the NGOs and the Minister’s Association.

The Minister’s Association has the biggest audience in this country. This is not about the time for the separation of powers. The time to lead this country requires that the churches, the preachers get involved in instructing and informing, in educating their parishioners. They have endorsed this document and they have a responsibility with us to do that in order that the future of this country . . . the last Constitution lasted us from 1972. What is that? That is 35 years. This one can last us 35 too. Thirty-seven years, sorry.

Madam Speaker, everybody has really gone through the Constitution. There is much more I could say but I would only be repeating what a lot of other Members have said, especially the Leader of the Opposition. He tried to fit in everything. He and the Minister.

I really want to appeal to the Human Rights Committee. I really have not had a lot to say to them other than one on one. Publicly I say to my good friends who I have a lot of respect for, particularly those two young ladies . . . now, Madam Speaker, those two young ladies are perfect evidence that if given the opportunity Caymanians can do anything they want to do.

Madam Speaker, we have to respect the position of the Human Rights Committee. They could not go out there and say anything other than what they are saying. If they did that, then everyone would look at them as being failures at their job. So we have to respect that. Whilst we may not agree with them, we have to respect the position they have taken. But my plea to them is let us give this a chance. No one in their right senses in any Government would disenfranchise people such as the elderly and children and women. No one in their right senses would do that. They are of the view that they should be enshrined in the Bill of Rights. Madam Speaker, age, sex and the likes are already enshrined in here which encompasses all of those people.

Like the Leader of the Opposition said, the churches in this country have been the moral backbone of this country. I am not, like the Leader of the Opposition, prepared at this time . . . if the churches are comfortable with it, I believe it is only fair, only reasonable to give it a chance. Madam Speaker, there are other ways of changing this Constitution. A people initiated referendum is now permanently enshrined in the new Draft Constitution. So, all and sundry can go out there and get 25 per cent of the electorate to sign a petition which triggers a referendum. And a referendum can be on amendments to this Draft Constitution and Constitution when it is enacted.

So, to the Human Rights Committee, all is not lost, if they feel so strongly about it. I understand that there is a petition going around, which now the civil servants are being asked to sign. I think people have a right to do as they please. But, certainly, every time there is a petition going around in this country it is the same people spearheading it. You give them an inch . . . what was it Bob Marley said? *You give them an inch, they take a yard. You give them a yard, they take a mile.* But that is their prerogative too. It is their right too. But it is always the same people. And it is people who are always, always complaining and are never ever satisfied with anything.

Madam Speaker, this world is not perfect. And if we were perfect, we would not be here. Certainly, this Draft Constitution is not perfect. This is not a perfect world. But if they expect perfection then we will never, ever move ahead. The 1972 Constitution was not perfect.

Remember, Madam Speaker, we did some 11 amendments thereto since 1972, the majority of which started in 1992. The previous government made about three amendments to that Constitution. We did not

even go to the people of this country to do those amendments. The 1992 to 2000 Government I believe made something like five amendments to the Constitution. They did not even go to the country. Now this Draft Constitution has provision for people initiated referendum and provision for amendments to the Constitution.

Madam Speaker, nothing is perfect. But there is always room for change, the same way changes were made . . . the difference is that now it must be done through the processes of transparency within this country.

The Leader of the Opposition says we are going to regret it. I remember, Madam Speaker, him putting part of the previous Constitution in place without going to the populace, you know—

**The Speaker:** Honourable Minister, would you continue your debate instead of talking across the Floor please?

**Hon. V. Arden McLean:** Yes, Madam Speaker, but one thing about me is that I am like an elephant. I have a long memory.

**Hon. W. McKeever Bush:** Might be bad.

**Hon. V. Arden McLean:** It might be bad, but you have to correct it—

**The Speaker:** Honourable Minister—

**Hon. V. Arden McLean:** —you have to prove me wrong.

**The Speaker:** —continue your debate and stop the crosstalk.

Thanks.

**Hon. V. Arden McLean:** Madam Speaker, now I feel it is going to deteriorate soon. And that is something that I do not want to get into because in the spirit of cooperation we have been doing pretty good today.

*[inaudible interjection]*

**Hon. V. Arden McLean:** But you know, Madam Speaker, I remember the father of the Minister of Education giving him this little plaque for his desk: “Neither seek nor shun the fight.”

I trust that we all understand that. And, Madam Speaker, I do not want to get into the *he said/I said* situation.

One of the items I wanted to speak on (and this will be my last item) was the National Security Council. This is the same one that the Opposition claimed we wanted to take over the police force and direct the police force when it was proposed. Now, Madam Speaker, one of the good things about it is

that the Leader of the Opposition (and I agreed with him) fought to get onto that National Security Council. The second meeting that we held here he stood up very strong that he should be on it. I opposed that. But nevertheless . . . so I had to compromise and the Leader of the Opposition was—

**Hon. W. McKeever Bush:** Madam Speaker, on a point of Order.

#### Point of Order

**The Speaker:** Honourable Leader of the Opposition, can I hear your point of order?

**Hon. W. McKeever Bush:** What I fought for was that the post Leader of the Opposition be included in that National Security Council. It is not personal. This post is not personal to me. He might be in that post the next time.

**The Speaker:** Honourable Leader of the Opposition, that was my interpretation of what the Minister said. He didn't mean you, per se, he meant the Leader of the Opposition.

That might be me the next time around!

Honourable Minister, would you continue your debate please?

**Hon. V. Arden McLean:** Thank you, Madam Speaker.

That is what I meant. And I do apologise if I insulted the Leader of the Opposition, but I said in his capacity too. I can go on to say in his capacity the Leader of the Opposition fought for the Leader of the Opposition to be on there—if he wants me to explain it—and, Madam Speaker, after the next election it may very well be him there in that position. That is what I trust.

**The Speaker:** Proceedings will be suspended for 10 minutes.

**Proceedings suspended at 9.02 pm**

**Proceedings resumed at 9.08 pm**

**The Speaker:** Please be seated.

Proceedings are resumed. The Honourable Minister for Communication, Works and Infrastructure continuing his debate.

**Hon. V. Arden McLean:** Thank you, Madam Speaker. I shall wind up shortly.

Madam Speaker, I promise you I will not go back in—I hope the direction I take in my conclusion will not invoke the wrath of the Leader of the Opposition with his unnecessary . . .

Madam Speaker, like the previous Government, the role of this Government was to lead in this

modernisation process. We made that promise during the campaign and I believe we have fulfilled that promise to the people of this country for it has taken us our full tenure to get what we believe is a reasonable Constitution for the people to make a decision on. We believe that it is in the best interests of the future of this country in that the elected representatives, whomever they may be in the future—be that me or someone else—will have more autonomy, which is what we believe the people of this country would like to see, particularly in the times that we are currently living in.

I believe, Madam Speaker, that this country will do well to vote yes at the polls. Future generations will thank us for modernising our Constitution and bringing it in line with practices of the 21<sup>st</sup> century.

Like the Leader of Government Business said, it can truly be said that this is the people's Constitution. There have been lots and lots of consultations. People have spoken. Not everybody is satisfied at this point, but if we linger we will lose that which we have. I implore the people of this country to come out and take part, get involved, participate in shaping the future of our country. The light is at the end of a very, very, very long tunnel. It is left to the people of this country to make that light become a reality.

Madam Speaker, I believe that in years to come this country will look back and be glad that this Government spearheaded the Constitutional process and the Opposition will share in that as well. When all is said and done, the road started rocky; we have brought our collective minds and abilities together, and today the outcome is that we have a document that we as a people can endorse and move forward.

Little things like whether or not it is Chief Minister or Premier make no difference. That is nomenclature. There is nothing about Premier being more powerful than a Chief Minister. It is about the leadership of this country. And, Madam Speaker, I well recall the Constitutional Commissioners of the 1990s when they said that (and I am paraphrasing) to think that Caymanians have always sailed ships, were always seamen, and understood what it was to have a captain on board, and so many people at that time were against ministerial government where you had a chief minister. That is all it is.

But do you know what? The people have come a long way. The previous Government put provisions in the Constitution for recognition of Leader of Government Business and Leader of the Opposition. So it is not that bad after all. And people are becoming a little more receptive to this maturity that we are going through.

Many of us are light years ahead. Like the Leader of the Opposition. He has seen it all. This gentleman, Madam Speaker, has been throughout the Commonwealth. He understands the processes. He understands the structures. And in many instances he is light years ahead of me. So it is up to us as leaders

of this country to lead and encourage our people to follow, but not follow us blindly where they do not understand. We have a responsibility to engage them. We have a responsibility to educate them. We have a responsibility to inform them that we move this nation together.

Madam Speaker, I believe that this document that we have today, which is the result of many years of negotiation is the beginning of moving this country in tandem into the 21<sup>st</sup> century and beyond. After we are gone, the generation behind us will have something to build upon. They will be looked upon as true leaders of this country under this new Constitution.

Madam Speaker, I recommend this Draft Constitution to the people of this country. You [remember] the 1999 Partnership for Progress and Prosperity? I really did not think we would have gotten this far [because of] the rocky road that we had getting here; but, we have reached one stage of it. I beg the Members of this honourable House to finish this part of the journey, that is the Opposition as well as all of the NGOs and anyone who understands the process and the workings of the Constitution.

Former Members of Parliament as well, who are now coming back out to get a chance to have a re-run at this, I beg of them to stop thinking of re-election or election. All the candidates in the upcoming general election make the education of the people of this country on this Draft Constitution a priority. If every one of us in here loses, ensure that the people understand what is at stake in this document for the future of their children and grandchildren.

Madam Speaker, it is extremely important that we get an affirmative vote on this Draft Constitution. I wish the best for us all and I look forward to the composition of the Legislative Assembly remaining the same with a new Constitution. Thank you.

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

If no other Member wishes to speak, does the Honourable Leader of Government Business wish to exercise his right of reply?

**Hon. D. Kurt Tibbetts:** Yes, Madam Speaker, thank you.

We have heard all who have contributed. We have gone several roads and back. We have heard various points raised. We have heard the Opposition say that they take the position, especially with the proposed Bill of Rights, that they agree with the position of the churches. We have heard them say, and the Leader of the Opposition specifically said that while this Constitution is a constitution that everyone has signed off with, he would have liked to have seen other things included in the Constitution. Madam Speaker, I think we could all say that. But that has

[been] gone over before now, and I do not have to go over the case for that.

I want to thank everyone for all of their contributions during the course of the long day. Madam Speaker, I also want to make sure that everybody understands that from here on in the Secretariat will be facilitating the printing of hard copies of the Constitution, the proposed Draft, [doing] enough to be distributed so that all those who are interested can get copies. The Opposition, unless I misunderstood, seemed to indicate in their contributions today that they would wish to be a part of the process seeing it through at the end.

Let me quickly say . . . as the Second Elected Member for West Bay has returned to his seat he reminded me of one of the statements that he made about *dragging us screaming*. And when we got back from London—

[inaudible]

**Hon. D. Kurt Tibbetts:** Kicking and screaming, he corrects me, rightly so. I forgot *kicking*. That they dragged us *kicking and screaming* after we returned from London and we finally had a joint press conference.

Madam Speaker, in his own parrot-like fashion he chose to say the words he did to make us believe it was their idea to have this joint press conference. Madam Speaker, we were not kicking and screaming. I can assure the country that. I can assure the country that once we got to the point (and I am not going to go into all the details) where everyone was on board in the process, it worked well and it has continued to work well. I am not one of those who believe in going through the disposition of how we got there. I thank God that we got there.

In truth I can safely say, Madam Speaker, while everybody has to pick their little wickets to bowl at every now and then, the fact is that every elected Member during the course of the three rounds of negotiations played their part. Every elected Member in the House, including Opposition and Government, played their part in making their contributions to the debate.

The other point, which I was so glad that he made, was that he was touting the good wisdom of including civil society in the process. I am so grateful to him for willingly admitting that from the beginning it was a good idea! From 2002, Madam Speaker, when we gave up two of our seats to ask for civil society to be included at the table when they, the Government, were kicking and screaming “No, no, no!” But you see, Madam Speaker, again confession is good for the soul all the time. So—

**The Speaker:** Could we continue with the debate please?

**Hon. D. Kurt Tibbetts:** I will continue, Madam Speaker, just to say I couldn’t resist making that point.

[inaudible interjections]

**Hon. D. Kurt Tibbetts:** Madam Speaker, the truth is that we all realise and accept now that it was good to do so. And that was part of the inclusion that I spoke to earlier on.

So, Madam Speaker, without going into any more of the details, I want to sincerely thank all of the Members in this Legislative Assembly for the various contributions to get us to this point. The Motion has been approved. The Bill, for all purposes and intentions seems to be accorded the approval of Members.

As we move into committee now, there are two committee stage amendments, which you have graciously allowed us to bring. The one amendment is simply a . . . it is a technical matter, but it is simply a correction in the marginal note of clause 6 where, instead of the word “elections” that will be replaced by the word “referendum” because this is a referendum, not an election.

The other committee stage amendment, which was inadvertently left out at the very beginning, was the amendment in clause 2(2) where we want to delete the words “have the meanings respectively assigned to those expressions by” and substitute the words “have the same meanings, respectively, as in”.

And in clause 4, by deleting subclause (3) and substituting the following: “The question specified in subsection (1) will not have been answered in favour of Constitutional Modernisation unless more than fifty per centum of persons voting in the referendum vote in the referendum in favour of the question.”

Simply put, it means that those who vote in the referendum any percentage above 50 per cent is an indication that the electors want to proceed with the Constitution. There are those who have their own ideas about it. The reason the committee stage amendment is here is because when the original Bill was drafted there was an error which spoke to 50 per cent of the “electors”. But the principle that was agreed on to be applied was 50 per cent of those who vote.

We looked at it and the history is as follows: within the last four general elections over a 16-year period, the average percentage turnout of voters in the country (not per constituency but throughout the country) is between 75 per cent and 76 per cent. The way it is going to be structured is that voters will not have two different efforts to vote. We expect that the turnout will be as good an average this time as any other time. There is no reason why not.

If 75 per cent of the people come out to vote in the elections they will begin the process by doing both items one right after the other. So when they leave they will have completed both. We expect that the vast majority, if not all who vote in the general



elections, will also cast their vote in the referendum, hence why the agreed percentile is 50 per cent of those who will be voting in the referendum. I wanted to explain that, Madam Speaker, so that when we go into Committee we will not be starting from scratch with that.

Madam Speaker, again, my thanks to you and the staff for taking this long time allowing us to complete the process so that now the Elections Office can get on with their job making sure that they have the correct preparations for the referendum on May 20. Again, Madam Speaker, I commend the Bill to the House. As we take the vote I am grateful to all Members who have contributed.

**The Speaker:** The question is that a Bill shortly entitled The Referendum (Constitutional Modernisation) Bill, 2009, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.  
Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, again, because this is such an important vote, we would ask, because we are not quite sure how loud the Ayes were, if we could have a division please.

**The Speaker:** Madam Clerk.

**Hon. W. McKeever Bush:** What a joke! I know if he never heard he must be deaf!

**Division No. 10/08-09**

**Ayes: 12**

Hon. D. Kurt Tibbetts  
Hon. Alden M. McLaughlin, Jr.  
Hon. Anthony S. Eden  
Hon. Arden V. McLean  
Hon. Charles E. Clifford  
Hon. Samuel W. Bulgin  
Hon. G. Kenneth Jefferson  
Ms. Lucille D. Seymour  
Mr. V. Alfonso Wright  
Mr. Osbourne V. Bodden  
Hon. W. McKeever Bush  
Mr. Rolston M. Anglin

**Noes: 0**

**The Speaker:** The results of the division is 12 Ayes and zero Noes. The Ayes have it.

**Agreed: The Referendum (Constitutional Modernisation) Bill, 2009, given a second reading.**

**The Speaker:** The House will now go into Committee.

**House in Committee at 9.34 pm**

**COMMITTEE ON BILL**

**The Chairman:** Please be seated. The House is now in Committee.

With the leave of the House, may I assume that, as usual, we should authorise the Honourable Second Official Member to correct minor errors?

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

**Referendum (Constitutional Modernisation) Bill, 2009**

**Deputy Clerk:** The Referendum (Constitutional Modernisation) Bill 2009

Clause 1 Short title.

**The Chairman:** The question is that Cause 1 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clause 1 passed.**

**Deputy Clerk:** Clause 2, Interpretation.

**The Chairman:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

In accordance with the provision of Standing Order 52(1) and (2), I move the following amendment to the Referendum (Constitutional Modernisation) Bill, 2009. That the Bill be amended as follows: (a) in clause 2(2) by deleting the words "have the meanings respectively assigned to those expressions by" and substituting the words "have the same meanings, respectively, as in"; and in clause 4 by deleting subclause (3) and substituting the following subclause—

**The Chairman:** Honourable Leader of Government Business, we have not done . . .

**Hon. D. Kurt Tibbetts:** Sorry, Madam Chairman. I was just continuing. My apologies.

**The Chairman:** The amendment has been duly moved and is open for debate. Does any Member wish to speak? [pause]

If no Member wishes to speak, the question is that the amendment form part of the Clause. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Amendment passed.**

**The Chairman:** The question now is that Clause 2 as amended form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clause 2, as amended, passed.**

**Deputy Clerk:** Clause 3, holding of referendum.

**The Chairman:** The question is that Clause 3 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clause 3 passed.**

**Deputy Clerk:** Clause 4. Referendum question.

**The Chairman:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, and I apologise again.

In clause 4 I move the following amendment, by deleting subclause (3) and substituting the following subclause: "(3) The question specified in subsection (1) will not have been answered in favour of Constitutional Modernisation unless more than fifty per centum of persons voting in the referendum vote in the referendum in favour of the question."

**The Chairman:** The amendment has been duly moved and is open for debate. Does any Member wish to speak? [pause]

If no honourable Member wishes to speak, the question is that the amendment form part of the Clause. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Amendment passed.**

**The Chairman:** The question now is that the Clause as amended form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clause 4, as amended, passed.**

**Deputy Clerk:** Clause 5, Entitlement to vote.

**The Chairman:** The question is that Clause 5 stand part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Clause 5 passed.**

**Deputy Clerk:** Clause 6, Conduct of elections.

**The Chairman:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

In accordance with the same Standing Orders, I move the following amendment to Clause 6: That the Bill be amended in the marginal note to clause 6 by deleting the word "elections" and substituting therefor the word "referendum".

**The Chairman:** The amendment has been duly moved and is open for debate. Does any Member wish to speak? [pause]

If no Member wishes to speak, the question is that the amendment form part of the Clause. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Amendment passed.**

**The Chairman:** The question now is that Clause 6 as amended form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clause 6, as amended, passed.**

**Deputy Clerk:**

Clause 7 Observers

Clause 8 Legal challenge

Clause 9 Application of Elections Law (2004 Revision)

Clause 10 Expenses of referendum

Clause 11 Regulations

**The Chairman:** The question is that Clauses 7 through 11 stand part of the Bill. All those in favour—  
**Hon. W. McKeeva Bush:** Madam Chairman.

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

**Hon. W. McKeeva Bush:** From [Clauses] 7 and 11 I have an observation, a question.

Clause 7 enables the appointment of persons to observe the conduct of the referendum. Madam Chairman, we have not heard how, although I mentioned it, this is actually going to be conducted. Government has not told the House how this referendum is going to be conducted. That is on [Clause] 7.

I made note and I would have thought that the Leader of Government Business would have taken the time when he wound up, but he was so intent on talking about who could go and who went that he did not get into that.

On [Clause] 11, this enabled the Governor in Cabinet to make regulations relating to the conduct of the referendum. I cannot believe that the Cabinet is going to make regulations and this is not going to be referred to this legislature inasmuch as it deals with the matter of people going and casting a vote. I do not believe that that is something that I can stomach, unless the Government—and it does not say here—intends to bring this matter of regulations back to this House.

**The Chairman:** Is that it?

**Hon. W. McKeeva Bush:** Those two, Madam Chairman, Clause 7 and Clause 11. I would like to have some indication from Government as to what is going to take place.

**The Chairman:** Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Chair, in the area of [Clause] 11 which refers to “making such provision as to the conduct of the referendum as may appear to him to be necessary or expedient, and make such other provision in relation to any other matter as may appear to him to be necessary or expedient for the purpose of giving due effect to this Law”, that is simply a copy of the Elections Law. It involves the Governor in Cabinet, but it is not anything new.

Madam Chairman, if we check the Elections Law, it says the same thing, but I believe that most of that part of it involves the Schedule.

With regard to the other point the Leader of the Opposition brought up regarding the actual format for how the vote is going to take place for the referendum, I have been advised by the Elections Office that they do intend to meet with all Members of the Legislative Assembly to walk through it. [They will] hear

thoughts to make sure that they come up with the best and most speedy way for this to happen. But during the course of this Meeting they will meet with Members of the Legislative Assembly.

**Hon. W. McKeeva Bush:** Madam Chairman—

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

**Hon. W. McKeeva Bush:** —I am glad to hear that there is an intention to meet to discuss the way it is going to be conducted. I hope that that will not impinge then on the need for amendments to this Bill.

On the matter of regulations by the Cabinet, we cannot just say that this is just as the Elections Law because that has several regulations. Certainly, you would not want to get to the point where something important arises and those regulations are there for the purpose of putting important provisions in place.

Madam Chairman, the part that worries me is that elections are held every four years; this matter of regulations is for this very important one-time regulation—which is going to be held in another two months, roughly. It gives me some cause for concern. As I said, it has to do with the franchise given to people to be able to go in and cast a ballot. In this case on whether or not we should have a new Constitution.

To be kind, we could very well say that we would hope that the Government or the Governor will not make a regulation that puts any situation at a disadvantage. That is my greatest concern.

I was going to give the example of a person going to get registered, a young person, first-time voter, and that will not relate to it, but that just shows you how things can happen. The child went to get registered, all he had was a passport and a driver's license and did not have a birth certificate and, therefore, could not vote. It is so easy for things to happen.

I want to give the Government the benefit of the doubt here, because at this point in time I do not know what we would be able to do in any event at this late stage. But it does give me some worry because of the importance of the type of regulation it is.

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

**Hon. Alden M. McLaughlin, Jr.:** Madam Chairman, I hear the concern of the Leader of the Opposition. The only thing I will say is that this process of Cabinet making the regulations in relation to the elections, generally, is something that has obtained for, I think, as long as there has been an Elections Law. So, in the drafting of the Referendum Bill, that provision was simply copied.

I hear what he says, that this is a matter of great import, a first time and so forth. But I certainly do not put this process above the process of electing your representatives. I would say that if a Bill for

Cabinet to make regulations in relation to the general elections and bi-elections has worked so far—not just with this Government but with governments past—I do not think that we need to have any undue concern about the propriety of what Cabinet will do in relation to these regulations.

We know full well that the whole area of the elections is something that is . . . the conduct of elections, the issuing of the writs and the various notices and so forth is a matter entirely within the province of the Governor and, by delegation, the Supervisor of Elections. And we have a long history in this country of having very properly run elections where there is no hint of anything like impropriety.

So, I do not know that we would want, at this late stage—as the Leader of the Opposition has acknowledged—to something to change what is an established process.

**Hon. D. Kurt Tibbetts:** Bearing in mind, Madam Chair, that whatever transpires within this Clause will be on the advice of the Supervisor of Elections and it certainly would make absolutely no sense to either disenfranchise or make cause for any difficulty in the process when the whole idea is to make it as easy as possible to allow people to vote.

**Hon. W. McKeewa Bush:** However, Madam Chairman, I for one do not like the “fifty per centum of the people who are voting”, okay? That is one thing. What I do have concerns about is that this is not like the Elections Law because in the processes . . . the Elections Law, we have four years to examine any regulations. With this, we are not going to have that opportunity.

Is there anything that the Deputy Supervisor and the two officers who are here might be able to think could be raised as a regulation? We are dealing with the Constitution, remembering that we have yet to be told how the process is going to work and it is proposed to get together after this Bill has been passed. Maybe there is something they know, or they can think about that could come as a regulation. If we could allow them to brief the Leader of Government Business or . . .

**The Chairman:** Most certainly.

Mr. Scott and Mr. Connor, could you brief the Leader of Government Business on that question please?

*[pause]*

**Hon. D. Kurt Tibbetts:** Madam Chair.

**The Chairman:** Honourable Leader of Government Business .

**Hon. D. Kurt Tibbetts:** I am advised by the Deputy Supervisor of Elections that there is, at this point in time, nothing that can be thought about, bearing in mind the dissolution of the Legislative Assembly, and it is just a measure in case something totally unforeseen might turn up that, in order to conduct the process in a proper manner, it might be needed. In other words, we could delete it, but then there would not be any . . . something might turn up. But the fact of the matter is, there is nothing at all that is foreseen at this point in time that will cause for any regulations to be made.

**Hon. W. McKeewa Bush:** Madam Chairman, I am wondering whether the Government would be willing to give an undertaking that should something of real importance out of the norm arise, that they would bring Members together and inform us of that matter before a regulation is promulgated.

**Hon. D. Kurt Tibbetts:** Madam Chairman, totally, totally, totally honest, I was going to suggest that. He just beat me to the draw by two seconds.

**The Chairman:** Okay.

**Hon. W. McKeewa Bush:** All the time.

*[laughter]*

**Hon. W. McKeewa Bush:** Madam Speaker, one more question to do with Schedule 1.

I heard—

**The Chairman:** Honourable Leader of the Opposition, we have not gotten there yet. Can I just put the question on Clauses 7 through 11?

**Hon. W. McKeewa Bush:** Oh, sorry. Thank you very much.

**The Chairman:** The question is that Clauses 7 through 11 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 7 through 11 passed.**

**Deputy Clerk:** Schedule 1. Form of ballot paper. Schedule 2. Part 1: Application and modification of provisions of the Elections Law (2004 Revision). Part 2: Application and modification of provisions of the Elections Rule (2004 Revision).

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

**Hon. W. McKeeva Bush:** Thank you.

On Schedule 1, I have a question on this ballot paper. I heard someone mention that this was a national ballot rather than a constituency ballot. But are we not saying on the ballot paper in which district the vote is taken. Why not?

**Hon. D. Kurt Tibbetts:** Simply because the way the voting, as I understand it, will take place it will be all of the ballot boxes for the referendum together, not distinguishing how many people voted in what district for the ballot, and simply doing it at a national level. I would certainly believe, or I would hope, that the Opposition would see the wisdom in that rather than trying to do it by district.

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

**Hon. Alden M. McLaughlin, Jr.:** Madam Chairman, if I might assist.

From our discussions with the Elections Office, they have done considerable research into how national referendums are held. It is important, it seems from the precedents, that it is not possible to identify which district voted yes, or which district voted no because this is a truly national referendum. One would not want the possible scenario of a particular district having been identified as having voted down the Constitution and the balance of the districts having been identified as having voted for it and any stigma, or worse, that might flow from that particular result.

So, we have been guided by the Elections Office and their research into matters like this.

**Hon. W. McKeeva Bush:** Madam Chairman.

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

**Hon. W. McKeeva Bush:** Thank you.

I am not too sure that I can accept that because the one thing that this country lacks tremendously is statistics. This would be an important statistic. I certainly would want to know, and I believe the district of West Bay, which I represent, would want to know how they voted.

Maybe in other places it is that way, but I really believe, and I do not know . . . well, at this point in time I did not know what the Bill would be, so West Bayers . . . I have not got a feel for how they would accept this. As I said, my feeling is that we would want to know how the people in our districts feel about the Constitution. And this for certain, when we said it was going to take a vote and you do not get a turnout at a meeting, but, certainly, you expect you would have a turnout for the vote on the referendum and, certainly, that would give you an indication of where your people are with it. Otherwise, as legislators, we are batting in the blind.

**Mr. Rolston M. Anglin:** Madam Chairman, if I might just add—

**The Chairman:** Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Certainly I would think that some of that information, and whilst I understand some of the extreme scenarios that have been drawn out as underlying the reasoning, certainly that type of information would help guide this creature that we are going to create called the Constitution Commission. They are really going to know how the country feels and are able to target, perhaps educational efforts, et cetera.

Whilst I understand the whole concept of calling it a national vote, and that it is a matter of national importance, et cetera, certainly in the counts that I have seen on certain referendums . . . and of course we are looking at a slightly different jurisdiction in the US. They are able to report by precinct how some of their referendum counts are going. So, I think there is wisdom in us being able to have that information.

**Hon. D. Kurt Tibbetts:** Madam Chair.

**The Chairman:** Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** As I understand it, it is a national vote for the referendum. The polling book will at least tell us how many individuals in each district voted. It will not by any stretch of the imagination deal with who voted for or how many voted for and how many voted against.

With regard to education in the Constitution, that is something that you would not want to spare any corner. That process will be throughout the three islands, I would expect. Just having that specific knowledge, I do not see the argument that is being put forward strong enough to want to turn around from the position espoused by the Elections Office, which generally we have accepted.

The unfortunate part of this is that even if we say let's have a meeting to thrash it out, it leaves us at Committee stage with this, which really puts the whole business in a bind by way of timing of everything that has to be done. I do not know how important it is to the Members. I hear what they are saying, but I am sure that they also hear the other side of the argument. The question is how important is what we are talking about.

As I said, we will get numbers; but those numbers will only indicate the numbers that voted on the referendum in the district, not how many Ayes or how many Noes.

**Hon. W. McKeeva Bush:** No. But if you are saying that in West Bay we will know if we have 3,500 voters that 3,000 people voted—

**Hon. D. Kurt Tibbetts:** —in the referendum, yes.

**Hon. W. McKeeva Bush:** —in the referendum

**Hon. D. Kurt Tibbetts:** The poll book will say that.

**Hon. W. McKeeva Bush:** I know that.

**Hon. D. Kurt Tibbetts:** The poll book will give you those stats. We just do not know how many voted in West Bay for, and how many voted against.

**The Chairman:** Could I ask a question?

**Hon. D. Kurt Tibbetts:** I am so sorry.

**The Chairman:** And I guess I may be accused of being political . . . when this voting is all complete in the district of North Side you are not going to count the referendum ballots?

**Hon. D. Kurt Tibbetts:** Yes. All the referendum ballots will be counted. But they are not going to be counted at the same time the election votes will be counted; they will be counted there and then in North Side. The referendum ballot boxes, as I understand it from the Elections Office, will be taken and secured and counted afterward because it was physically impossible for them to set up the system to be able to count two at the same time.

**Hon. W. McKeeva Bush:** You see, in talking that this is a national vote, and I understand what we want, but the fact is that we do not have a national list. What we have is a constituency list.

**Hon. D. Kurt Tibbetts:** And, therefore—

**Hon. W. McKeeva Bush:** And the vote is taken based on that constituency list.

**Hon. D. Kurt Tibbetts:** Right. And the constituency list, the polling book for the referendum will tell all the numbers that have voted. And when the counting is done it is just that it will be done all together, not separating the districts. It is physically impossible (as was explained to us) to do the count for the referendum at the same time they do the count for the elections.

The truth of the matter is that everybody wants to get the elections out of the way as swiftly as possible. It is taking enough in the number of bodies as it is to do what has to be done and if there was a separate and distinct effort to do that all at the same time, even at a different location, it means tons and tons of more bodies.

**Hon. W. McKeeva Bush:** How many people voted yes and how many people voted no in the district of West Bay.

**Hon. D. Kurt Tibbetts:** That is what I am saying. You will know how many people voted, but you will not know how many voted yes or how many voted no.

**Hon. W. McKeeva Bush:** But I certainly . . . because, you see, in times to come . . . as I said, one thing that we do not have in this country is statistics. Certainly, that helps you with so many different areas of governance. In time to come, you have provision in here where you can go to single member constituencies. When people vote, they are not just voting for one item here; they are going to be voting for the entire Constitution. Those are the kinds of things that would give you and would give the Constitutional Commission, I think, good information.

Right now we all come here and we laud the idea that we should have a new Constitution. But do we know how many people support it in our Constituencies? Certainly, we want to get the majority so that we can get elected. We want to know that there is a majority in our districts that are supporting this thing. When we go out to explain it to them and leave it to their good judgment, we would hope that they would make the best judgment, and we believe they would. But I do not believe that it is a good thing for us not to know what percentage in our districts voted for or against. I do not believe that.

**Hon. D. Kurt Tibbetts:** Madam Chairman, I have to admit that this is one where the arguments come for, the arguments come against. We have trusted the Elections Office and their judgment and wisdom with regard to the process of elections.

I understand what the Leader of the Opposition is saying. Of course, the thoughts of the Elections Office are . . . actually you would have to say the converse in that you are not sure you want people to know what the vote was per district rather than at a national level because they would not want for the result of that vote to cause, depending on who the government is, or whatever position is taken. I am only telling you what they have said.

What I do not know is physically if it matters to them about the numbers being done by district. I do not know that. Perhaps if you give me a second and let me find that out.

**The Chairman:** Mr. Wright.

**Mr. W. Alfonso Wright:** I wonder if you may for a moment contemplate the results of other referendum, whether it is on the entire Constitution or any particular topic where a district votes it down, but the other districts vote in favour and it passes; and that district who knows that they voted it down feels that they are

not obligated to abide by the national vote that was taken. Might that not help us to come to some understanding as to why you should not seek to identify the number of votes in each district?

**The Chairman:** I understand what you are saying, Mr. Wright, but that district, if they voted it down, would have to abide by the majority. But I personally feel that if a district is not in favour, why would they hide that they voted it down?

What I am saying is if the district of North Side votes it down, that is what they wanted to happen. Well, I am sure then they would abide by the majority rule.

**Hon. W. McKeever Bush:** Any district that does not give it a majority vote will have to abide by what the majority voted in the country, the same way you form a government.

I have not heard any good reason why I should not know, and the people should now know how many people voted yes or no. I do not see the reasoning in that. Somebody is going to know! That's the trouble. I, as a representative, will not know. Somebody is going to have that powerful information and I do not believe that we should leave it alone.

**Mr. Rolston M. Anglin:** Mr. Chairman, the point of knowing has to do—

**The Chairman:** I am Madam Chairman, or Chairperson, but not Mr. Chairman.

**Mr. Rolston M. Anglin:** Madam Chairman, sorry.

**The Chairman:** It's twelve o'clock, okay?

**Mr. Rolston M. Anglin:** I think one of the key points that has been made is the whole issue that certainly these ballots are going to be numbered. So that is the way in which you would know where certain numbers went to in the districts.

**Hon. W. McKeever Bush:** And that is the next point. That is a very serious point, as far as I am concerned, because on the ballot is a number linked to what? Linked to the—

*[inaudible interjection]*

**Hon. W. McKeever Bush:** Yeah?

**Mr. Osbourne V. Boddin:** Madam Chair.

**Hon. W. McKeever Bush:** There are a lot of people who worry about that number.

**Mr. Osbourne V. Boddin:** Just my two cents.

Now that that discussion has taken place in relation to the fact that somebody will know, then I think that my position changes.

My understanding was that this stuff would go into . . . it does not matter. I have to say what I feel on this issue.

I thought that all of the various district votes were going to one thing and then it would be counted and nobody would know. It would be a national result.

*[inaudible interjection]* . . . *that's exactly* . . .

**Mr. Osbourne V. Boddin:** But if it is that somebody knows, then I think we have to reconsider this.

**Hon. W. McKeever Bush:** Somebody is not going to know? The Elections Office would know.

**Hon. D. Kurt Tibbetts:** No.

**The Chairman:** Somebody's going to know because you have to put the initial of the presiding officer on the ballot paper by the number.

**Hon. D. Kurt Tibbetts:** But the—

**The Chairman:** See it right there? "Initial of presiding officer"

**Hon. W. McKeever Bush:** Yes.

**Ms. Lucille D. Seymour:** Madam Chair.  
I do not suppose—

**Hon. D. Kurt Tibbetts:** Madam—

**The Chairman:** Ms. Seymour.

**Ms. Lucille D. Seymour:** Madam Chair, I do not suppose there will be any anonymity with the elections either because you could follow through the same way with a counter foil and know who voted.

But, Madam Chair, I think we need to look at this in a different way. I think this is a national . . . you see, this happens every time we do it—

**Hon. W. McKeever Bush:** No. It is not.

**Ms. Lucille D. Seymour:** Just please listen.

I think this happens every time we do something that we all do not know much about. And since there is some issue that we might not know too much about, may I ask if . . . the night is long. We have been here a long time Madam Chair. It seems we have a lot of discourse on this.

Would protocol allow for us to suspend at the hour and let us go back and do some research, all of us, because this is all new to us. Talk with Mr. O.C. and his people and instead of arguing over the things .

. . . I know, Madam Chair, that all of us have our own opinion, but I think we need to get a little more research on this.

**The Chairman:** Ms. Seymour, I hear what you are saying, but it is now after 10 o'clock, and I am the only Member in this Chamber that has one and a half hours to drive, so I would ask if this Committee would allow Mr. Connor or Mr. Scott to take a microphone and explain this to the Committee, if that is in order with the Committee.

Are there any objections to Mr. Scott taking a microphone?

**Hon. D. Kurt Tibbetts:** Madam Chair, if you are okay with that, I think that would be helpful. I do not know if that will change anybody's mind, but at least we will understand very clearly what the position of the Elections Office is and why they have taken that position if we would simply allow them in short order to do so.

**The Chairman:** Mr. McLean.

**Hon. V. Arden McLean:** Madam Chair, I think that is the purpose of the Committee, to have someone discuss things. But I am not concerned about that. Where my concern is, is that we have to be extremely careful that we do not encroach into areas that would deteriorate the integrity, 1) of the general election in this country; and 2) of the referendum we are trying to do in the minds of people. We have to be very, very, very careful. Even though Committee meetings are not aired, somewhere they are recorded. The press is in here. We have to be very, very careful that the wrong message does not come out of this Committee.

**The Chairman:** Will the Committee agree for—

**Hon. W. McKeever Bush:** Madam Chairman, certainly we would like to hear from the election officials.

**The Chairman:** Mr. Scott.

**Mr. Colford Scott [Deputy Supervisor of Elections]:** Madam Chairman, in assisting the legislative draughtsperson in coming up with the Bill and in the research that we have done, it is our understanding that we were going to poll the electorate to determine a question of national importance. The result that we would come up with was what number of persons throughout the three islands voted for "yes" and the total number that voted for "no".

The statistics that we would have would show the number of persons that attended the various polling stations. So we would have numbers as to who turned out at the various polling stations who voted by post . . . the number of persons that voted by post—not who voted by post. . . and the number that voted at a mobile station. So we would have those sorts of

statistics by polling station, by polling division, and we could show the turnout by district. But as far as the number of "yes" [votes] and "no" [votes] went, we would only have a total number for the three islands of "yes" and a total number for "no".

From that we would determine, based on the criteria set for determining whether the question has been answered in favour of constitutional modernisation, we would be able to say that the question has been answered in the affirmative or otherwise.

**The Chairman:** Does that satisfy?

**Hon. W. McKeever Bush:** No. I understood perfectly what the election official said. But it does not satisfy my fears.

Madam Chair, there is no real reason why we are taking a vote based on a district list, a ballot that is initialed by a presiding officer who will know and, as I said, they are saying they are going to take this and put that ballot in with other ballots so somebody is still going to know. And somebody needs to know.

I cannot agree, and I am not going to agree that we should not have the statistics from each district. I just do not see what sense it makes. Maybe I am in the minority, but I am not going to put myself on record as supporting something that I do not agree with.

**The Chairman:** All right.

Honourable Members, I have allowed this to be aired, debated. I am now going to put the question.

The question is that Schedule 1 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes and one audible No**

**The Chairman:** The Ayes have it.

**Hon. W. McKeever Bush:** I will have a division, Madam Chair.

**The Chairman:** Madam Clerk.

**Division No.11/08-09**

**Ayes: 6**

Hon. D. Kurt Tibbetts  
Hon. Alden M .McLaughlin, Jr.  
Hon. Arden V. McLean  
Hon. G. Kenneth Jefferson  
Ms. Lucille D. Seymour  
Mr. V. Alfonso Wright

**Noes: 2**

Hon. W. McKeever Bush  
Mr. Rolston M. Anglin

**Abstention: 1**

Mr. Osbourne V. Bodden

**The Chairman:** The result of the division is 5 Ayes; 2 Noes, 2 Abstention.



*[inaudible interjection]*

**The Chairman:** Well, any Member who does not vote Aye or No abstains.

*[inaudible]*

**The Chairman:** The Honourable Minister of Communication and Works.

*[inaudible]*

**The Chairman:** Well, if Members say the Minister voted Aye, can someone get him to come back into the Chamber? Because I did not hear any answer at all, and neither did the Clerk.

*[pause]*

**The Chairman:** He said that he said "Aye"?  
The Minister says that he said Aye.  
So, that would be 6 Ayes, two Noes and 1 abstention. Schedule 1 forms part of the Bill.

**Schedule 1 passed by majority.**

**The Chairman:** The question is that Schedule 2 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Schedule 2 passed.**

**Deputy Clerk:** A Bill for a Law to make provision for the holding of a referendum on proposal to modernise the Constitution of the Cayman Islands; and to make provision for incidental and connected matters.

**The Chairman:** The question is that the Title form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Title passed.**

**The Chairman:** The question is that the Bill be reported to the House. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: The Bill to be reported to the House.**

**The Chairman:** The House will resume.

### House resumed at 10.24 pm REPORT ON BILL

**The Speaker:** Please be seated.  
Proceedings are resumed.  
Honourable Leader of Government Business .

#### Referendum (Constitutional Modernisation) Bill, 2009

**Hon. D. Kurt Tibbetts:** Madam Speaker, I have to report that the Referendum (Constitutional Modernisation) Bill, 2009, has gone through Committee stage and has been approved with amendments.

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

#### Suspension of Standing Order 47

**The Speaker:** Honourable Leader of Government Business .

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker.  
I move the suspension of Standing Order 47 to allow the Bill to be read a third time.

**The Speaker:** The question is that Standing Order 47 be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 47 suspended to enable The Referendum (Constitutional Modernisation) Bill, 2009, to be read a third time.**

### THIRD READING

#### Referendum (Constitutional Modernisation) Bill, 2009

**Deputy Clerk:** The Referendum (Constitutional Modernisation) Bill, 2009.

**The Speaker:** Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker.  
I move the third reading of the Referendum (Constitutional Modernisation) Bill, 2009.

**The Speaker:** The question is that the Referendum (Constitutional Modernisation) Bill, 2009 be given a

third reading and passed. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed that the Referendum (Constitutional Modernisation) Bill, 2009, given a third reading and passed.**

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

**Private Member's Motion No. 11/08-09—Parental Responsibility**  
*(Deferred)*

**The Speaker:** Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Madam Speaker, I beg to have a deferral of this item to the next sitting of this honourable House under the relevant Standing Order.

**The Speaker:** Can I have a seconder?

*[no audible seconder]*

**The Speaker:** The question is that Private Member's Motion No. 11/08-09, set down on the Orders of the Day be deferred to another sitting. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Private Member's Motion No. 11/08-09 deferred to another sitting.**

**The Speaker:** Honourable Leader of Government Business, I will entertain a motion for the adjournment of this honourable House.

## ADJOURNMENT

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. It has been a long day.

Just to advise Members very quickly that on Thursday morning . . . first of all, we have the annual Agricultural Show on Wednesday, and I know all have been invited. I hope all will attend. There is business after hours on Tuesday evening up at the Grounds, which I hope all will attend also.

On Thursday, we will be doing the Private Member's Motion and we will also be dealing with the Health Insurance Bill. The Business Committee will

confirm that, but I just want to advise Members so they will know what to debate.

Also, there will be the tabling of reports.

Madam Speaker, accordingly, I move the adjournment of this honourable House until Thursday at 10 am.

**The Speaker:** The question is that this honourable House do now adjourn until Thursday at 10 am. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 10.29 pm the House stood adjourned until 10 am Thursday, 26 February, 2009.**



**OFFICIAL HANSARD REPORT**  
**THURSDAY**  
**26 FEBRUARY 2009**  
**10.38 AM**  
*Fifth Sitting*

**The Speaker:** I will ask the Fourth Elected Member for the district of George Town to say Prayers.

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

**PRAYERS**

**Mr. W. Alfonso Wright:** Let us pray.

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

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

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

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

**The Speaker:** Please be seated.

**Proceedings resumed at 10.40 am**

**The Speaker:** Proceedings are resumed.

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**Oath of Allegiance**

*By Mr. Donovan W.F. Ebanks, MBE  
(Administered by the Clerk)*

**Hon. Donovan W.F. Ebanks:** I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to

**The Speaker:** Mr. Ebanks, you may take your seat. Please be seated.

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

**Apologies**

**The Speaker:** I have received apologies for late attendance from the Honourable Second Official Member.

**STATEMENTS BY HONOURABLE  
MINISTERS/MEMBERS  
OF THE CABINET**

**The Speaker:** I have had no notice of statements by honourable Ministers or Members of the Cabinet.

**OTHER BUSINESS**

**PRIVATE MEMBERS' MOTIONS**

**Private Member's Motion No. 11/08-09—Parental  
Responsibility**

**The Speaker:** I recognise the Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker. Private Member's Motion No. 11/08-09, entitled, Parental Responsibility, standing in my name, reads:

**BE IT HEREBY RESOLVED that The Affiliation Law (1995 Revision) be revised to remove any time restriction on the proof of paternity.**

**The Speaker:** Is there a seconder?  
Fourth Elected Member for West Bay.

**Capt. A. Eugene Ebanks:** Madam Speaker, I beg to second the Motion.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

The Affiliation Law (1995 Revision) sets out a framework in which affiliation is proved within the Cayman Islands. Section 3(1) of the Law reads: **“Any single woman who is with child or who is delivered of a child may- (a) either before or anytime within 12 months after the birth of such child; (b) at anytime thereafter upon proof that the man alleged to be the father of such child has, within the 12 months after the birth of such child, paid money for its maintenance or contributed to its support; or (c) at any time within the 12 months next after the return to the Islands of the man alleged to be the father of such child upon proof that he ceased to reside in the Islands within the 12 months next after the birth of such child, make complaint, an oath or affirmation, before a Justice of the Peace alleging some man to be the father of the child.”**

Madam Speaker, I must say that this particular piece of legislation is not one that, in my normal course as an elected Member, I would have picked up and read. However, several months ago a rather distraught young lady called me. She was distraught due to the fact that the alleged father of her child—who had fled the jurisdiction because of a run-in with the law when the child was very young—had subsequently returned to the Islands and for a period of time that fact had not come to her knowledge.

After she became aware, she then set in train motion on her own part to try and figure out what she needed to do. Now, this young lady is not of means or of a family of any real sophistication so she tried to go it alone.

As matters would turn out, some two plus years after the father had returned she finally made it to court. To her dismay she was told that, under the relevant law, her application was time barred and that the child, now age 14-plus, could not have her rights in any way brought about under this particular piece of legislation.

Madam Speaker, as she explained this to me I sat and listened carefully (this was by telephone). I was shocked, to say the least, because I never dreamt that in this day and age we would have such a law on our statute books which puts such restrictions in place as it relates to something that is fundamental to humanity—a father and a mother.

Madam Speaker, as I read from an international perspective what obtains in this whole debate, we can see that from the 1960s this whole issue became something of an international highlight. Various international organisations, such as the United Nations and the Council of Europe, have weighed in heavily as to thoughts on what are some of the major issues surrounding persons who are born out of wedlock. So much so, that there is a [European] Convention on the Legal Status of Children Born Out of Wedlock promulgated by the Council of Europe.

Madam Speaker, I am not going to go into any long, technical details as it relates to what has happened and what these international bodies have said because I honestly and truly think that, as it relates to us in Cayman, this ought to be a matter that we look at from a conscience perspective and say from within our conscience do we believe that there should be any form of time bar placed on a mother to prove this affiliation in a court of law.

Internationally it has been long accepted, and people who live in societies [as] we claim to be, which is a modern, fair society, [where] children are deemed to be equal irrespective of whether or not that child was born in the institution of marriage or outside . . . Humanity has come to that conclusion for a simple reason. If a man fathers a child, that child is his. That is the most important act and responsibility that any male on this planet can carry out because no child has ever asked to be born. No child has ever asked to be conceived.

For a long time in our community we have had situations that have been allowed to happen—and in my opinion, some should shock the conscience of any reasonable human being. We have allowed them to happen with very little (in some instances, not all) care by the wider community and society.

Madam Speaker, after speaking to the young lady I quickly called two attorneys-at-law whom I know personally. I was still in West Bay and had not gotten down to the Legislative Assembly to actually see the law for myself. So, I called them to see if this was indeed the case, and they both confirmed it to me.

I also took the opportunity to speak to a member of the judiciary to get their perspective. The very simple question that I asked was whether or not in their view there was a reasonable justification for this time bar to be in place. The unambiguous answer that I got was, *No, there was not.*

Madam Speaker, as I have looked at some of the history behind some other jurisdictions in this regard, I saw that in some societies, because of certain religions practiced these matters do not get dealt with at all. But we do find that in more modern societies, like ours, every one of them have dealt with it in some form or fashion.

If we look at what we have in our library here at the Legislative Assembly, it clearly says 12 months. However, there is one bit of confusion. And my understanding is that the UK has increased its own domestic legislation and it deals with it on the basis of now 24 months.

Madam Speaker, there are many groups, in particular human rights groups, who advocate that the rights of women and children are deeply disenfranchised by legislation like this that places these types of restrictions and really basically allows a man to, as it relates to paternity, to fatherhood, to do as he pleases, as it were. In a lot of instances a lot of people do not know or do not understand what the legal obligations are within the country they live. Naturally, you

can easily hear stories about people who get frustrated and are not able to exercise their particular rights in a timely manner for whatever reason. In some instances it is out of fear. I think Cayman is growing up a long way in that regard. Perhaps we could say that particular aspect of this issue has greatly diminished if not almost completely disappeared—certainly since the 1960s, if you compare 40 years ago to today.

Madam Speaker, I called the young lady back, because I told her I would double check. She herself was in a state of shock and was calling me because she really believed that the judge must have made an error, that there must have been a mistake, that there was no way in the world that that could have been the case. When I called her back to tell her, she was disappointed and distraught, to say the least. In fact, I broke the news to her and her younger sister who had taken a great interest in this whole issue, because for a long time she had helped her older sister with the raising of her niece.

Madam Speaker, even within our small community this whole issue of paternity and the traditional and accepted methods of the establishment has been one that has resulted in certain longstanding rumours. The first method of establishment is the assumptive method. The assumption is that once a couple is married and they have a child, the child is for the husband. Realistically, we know that is not always the case.

Is it not rather ironic that we have a system that basically says you can have a situation where a child is not for a particular man, but because of their legal status to a woman the law automatically by assumption bestows upon that child certain rights and benefits? Yet that same man could have a child—indeed his biological child—and because of this time bar, that child—who did not ask to be conceived and come into this world—is treated completely differently.

Madam Speaker, for a long time men took advantage of the fact—not the belief, but the fact—that this was a man's world and everything, from the crafting of legislation to employment, to entrepreneurship, was slated and geared towards men and for the benefit of men. For a long time the world just accepted that for what it was, because it was just that—a fact!

We have seen in the last six to seven decades that international paradigm shift where we have done things that at the time would have been so controversial—giving women even the right to vote. We just celebrated here in our Cayman Islands the marking of our becoming mature and removing the Sex Disqualification Act from our books.

Madam Speaker, is every piece of legislation we have perfect? No. And there are those who make the argument that we should not touch things because we might have unintended consequences. Madam Speaker, I say to those people who think that way that, in my humble opinion, this law was crafted in this

way for intended consequences—intended and deliberate consequences!

Whilst the House may not accept the Motion (we will wait and see), the reality is that I do not believe that any of us who can search our consciousness on this 26<sup>th</sup> day of February 2009 would say that we believe that this type of legal infrastructure is the right thing to have established in our country. I cannot believe that in this day and age where we are at war, as it were, with the Human Rights Committee, while they eloquently put forth the point that so much of our legislation is so inadequate and geared toward men and not encompassing enough to completely enfranchise women, children, the disabled and the elderly, that we would continue to believe somehow that this is good.

I personally believe that it does not come down to any technical exercise; I think it simply comes down to what is in your conscience and what you see as fair and equitable.

Madam Speaker, despite the fact that there are volumes of information on this subject . . . In fact, I did two particular searches. The first search was on the history and comparative law in this regard. The volume of information was overwhelming. Certainly, there is no absence of it. What I can say is that the [European] Convention on the Legal Status of Children Born Out of Wedlock, as promulgated by the Council of Europe, does say that the particular rules which individual territories come up with should be a matter of internal law.

That is what we have. We have our particular policy written out in the Affiliation Law (1995 Revision), internal law to the Cayman Islands.

I decided, after having looked at the volumes of information . . . and most who know me know that unless there was an absolute necessity, there was no need in my contribution to get into all sorts of technical aspects of which country has five years, ten years or whatever system. I personally believe that this ought to be about what we as individual legislators feel is fair to unborn children—human beings who are brought into this world and never asked to come. But, by God, Madam Speaker, they should not be discriminated against by the very law of their own land, and they should have every opportunity to be seen as equal in the eyes of the law. I can tell one and all that despite what they may feel and think, they are certainly seen as equal in the eyes of the Almighty.

I thank you, Madam Speaker.

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

Fourth Elected Member for George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

Madam Speaker, I believe that the Motion before us is a good one and, I dare say, a necessary one. There are many things within our small communities that we take for granted. It would shock many of

us if we had any idea of the number of birth certificates in this country for members of well established families whose fathers are missing on the register. In many instances there was no good reason. No problems within a family, or with the mother and father, but similar to the message made by the mover of this Motion, the Second Elected Member for West Bay, while this particular father he is speaking about fled the jurisdiction, in many other cases the father was off island for work reasons and unable to attend or assist in taking care of getting [the child] registered. In so doing, many of our Caymanian people know who their fathers are, but they are simply not listed on that birth certificate and the time bar prevents them from doing it.

I am in agreement. I would venture to say also that there are a lot of other reasons why things do not happen. Sometimes a young woman gets pregnant and there are issues with significant others before the child is born and things happen to prevent the father from being registered. But as time goes on these wounds are healed and people come to accept their situation. Again, [they] would be quite willing to make the necessary adjustments, but the law, the time bar, also prevents that.

Madam Speaker, I am very familiar and close to a similar situation. A lot of times children are born and the father is not, for whatever reason, notified at the time, while we will say that many times the reason these things are not done will be because the father has not lived up to his end of the responsibility.

But I am very familiar with a case, Madam Speaker, where a young lady got pregnant (and I know there are many other cases like this) and did not inform the father. As time went on, the child grew to adulthood and began asking questions about who her father was. She was connected with her father when she was 23 years old. At that point, Madam Speaker, the time bar was in full effect. Although the father would wish to be shown as the father of this child, [he] cannot do so.

I see no good reason why we should not allow for the amendment to the law. I see a lot of good reasons why it should be done. However, I would also like to suggest that we proceed cautiously.

I also know of many stories where over a period of time there could be a few individuals who are considered a child's father. Sometimes it's okay to say that this one is the father, and sometimes it's okay to say another one is the father. Many individuals go through life not really knowing exactly what the situation is. I believe that any changes made to the register, or [for] any late registrations we should probably consider a mandatory DNA testing so that we do not go through that rollercoaster with kids where people attempt over the life of a child to change the name of the father more than once. A lot of crazy things happen in our societies. So, I would say that for the peace of mind for families, especially for the children, that we

put whatever safeguards we have to put in place to make sure we get it right the first time.

I believe that we should make whatever efforts we can to regularise situations like this. It is one of those things that I believe has existed for a long time. I believe there were good reasons at the time, but times do change. Customs that suited us in days gone by are no longer societal norms. We can step out of what we do on a daily basis; things that we have become used to when the changes are necessary and will improve the quality of life for our people.

Again, I am in support of the Motion providing that we take whatever necessary precautions we need to get it right.

Thank you.

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

Third Elected Member for Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

I too would like to lend my support to this Private Member's Motion on Paternal Responsibility and the whole issue of a 12 month time bar.

In this day and age where we are crying out for parental responsibility and, in particular, that of fathers and all of the talk of dead-beat dads and such, I think it is very important that we try to regularise and sort out any mysteries that this type of legislation creates at the moment.

Obviously, this was done back at some point in time when whoever was here thought it was the right thing to do. Back in those days DNA [testing] was probably quite unlikely as that is a fairly recent science. We can see where, not being in the heads of those at the time, there may have been justifiable reasons.

As the mover of the Motion (the Second Elected Member for West Bay) and my colleague (the Fourth Elected Member for George Town) have rightly articulated, there are many reasons why we need to have the parents of children on the birth certificate. Many times that by itself will force responsibility if there is a dad out there who probably knows in his heart of hearts that he is responsible. But for whatever reason, maybe embarrassment, lack of resources, or pressure from other angles, he may prefer to let sleeping dogs lie, and his name is not involved. At least there's no proof and he can walk away and not have to deal with this.

Unfortunately, these days we have more and more single parents. We have young ladies becoming pregnant more and more out of wedlock. Sometimes there are different fathers involved. If we do not seek to regularise these types of situations, then I think we are failing in our duties as responsible legislators.

This is obviously an anomaly that has existed for some time. The Second Elected Member for West Bay, to his credit, has picked up on it through a per-

sonal experience. Whatever we have to do as legislators to correct these types of situations, that is what we are here for.

The law is not static. Laws change as times change. In these days all of the talk of human rights and the rights of children, in particular, are spoken of and indeed are very, very important. We need to ensure that that child who comes into this world and will likely have this stigma of “fatherless child”, and not only the stigma but the lack of support in many ways, financial and otherwise . . . Madam Speaker, I think it is incumbent upon us to do the right thing.

There are many facets to this, but I think the bottom line is that we have a situation on the books that simply is not right. No matter how long it takes, I think that once that fact becomes known, and as my colleague the Fourth Elected Member for George Town said, with the assistance of DNA [testing] I see no reason why this cannot be removed and a lot of these situations rectified. Going forward that is hopefully one problem we will not have.

Madam Speaker, with those few words, I would like to lend my support to the Motion.

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

Third Elected Member for George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

I rise to lend my support to Private Member's Motion No. 11/08-09, Paternal Responsibility.

Madam Speaker, perhaps apropos would be “Woe is me, shame and scandal in the family”, which is an old West Indian song. But when I go back to my childhood and the era that I grew up in, a lot of people in my time came from what we would call illegitimate families or where people cohabited but never married. And when you look at the birth certificates of a lot of the children, their father is absent. As the honourable Member said, the era was pro men.

As a matter of fact, Madam Speaker, we have a lot of fatherless children. I have met many people . . . and I believe I know the young lady the Member is talking about because I believe that she brought it up to us at one time.

We have a lot of people that would really like to know who their father is. It has affected a lot of young people. It is sad that everybody has a father . . . you are in school and this one has a father, that one has a father, but you do not know your father because of restrictions in laws that prevented your mother or someone from registering you. If we go back in time we will see a lot of this. It is unfortunate.

As the honourable Member said, you can hide under a marriage too. Things happen. We are all human beings. I know of instances where people in their 30s and 40s realise that the person whom they called father was not their father, because the mother then had the stomach to say so.

Madam Speaker, I know the Honourable Minister is here, and you may correct me if I am wrong, but the CEDAW (Convention for the Elimination of Discrimination Against Women) was passed in this House. I also believe it was given out to the various departments to look at the laws which would have discriminated against women. I dare say that if it had been completed and presented to this House, maybe they would have caught this aspect of the Affiliation Law.

All I wish to say is that we expedite that revision—whether it is this House or the next House—and that we bring it forward, and comb all the laws with a good fine-tooth comb so we do not come up with these limitations. In this modern day, to put such a limit on this is absolutely ludicrous. We, in this House as modern thinkers in the 21<sup>st</sup> century must be able to flag the injustices that have been bestowed upon women, in particular, by some set of laws or regulations. So, I would ask the Honourable Minister if he would use his good office to ask the Attorney General to immediately, or ipso facto, try to complete the research on all the laws that would prove discriminatory against women so that we will not have to come to this House again and debate this because we would have had the offices of the Attorney General and his staff with a fine-tooth comb go through this.

I would like to thank the Second Elected Member for West Bay for bringing this up. Again, it shows that we are bipartisan when it comes to equality and justice for all.

Thank you.

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

Third Elected Member for West Bay.

**Mr. Cline A. Glidden, Jr.:** Thank you, Madam Speaker.

I too rise to offer a few words of support for the Motion brought by my colleague, the Second Elected Member for West Bay, and seconded by my colleague, the Fourth Elected Member for West Bay.

Madam Speaker, I think it is fair to say, as the Third Elected Member for George Town just said, that we are bipartisan when it comes to recognising the need to support our women and children in our society. As times change, we need to adapt our laws to be in line with the rights, privileges and protection that needs to be afforded to those individuals.

Listening to the presenter, I too have been approached with many instances where fathers and mothers have faced the challenges under the current Law. I agree that the Motion is very timely and we look forward to a solution.

Thinking through the process and having done some reading, I recognise that while we talk about Cayman being removed, this is a challenge that a lot of other countries have gone through very recently as well, namely, the UK, in recognising this as a



problem and making amendments to further allow for the representation, going so far as removing the whole stigma attached by taking away the word “illegitimate” as far as children would be concerned.

One question that I want to raise is the whole issue of, while we are proposing to improve the law to recognise that fathers are parents, we want to ensure that it is not necessarily giving parental responsibility to fathers by simply allowing them to get registered. As I am sure you will be aware, Madam Speaker, if a mother has custody and has raised a child, and a father comes along, proves from a DNA perspective that he is the father, [gets] registered on the birth certificate, [is allowed] to have custody or residence, or share parental rights, it could cause great difficulty, especially on a single mother who has raised a child for a significant number of years alone. So, we want to ensure that while giving recognition, allowing the father to be recognised as the father, [that this] will not necessarily take away in our attempt to protect the rights of the mother. That has been done, and the first step, obviously, is allowing recognition of the father.

I noticed we talked about this being a right, to recognise the father, for the mother giving recognition to who the father of the child would be as well. But if we think through the process, it is also a benefit to the child. We have also been made aware of many instances where, for inheritance purposes for example, a child would have difficulty down the line proving that he is a child of the father.

Madam Speaker, we obviously have quite a bit of work to do as far as bringing our laws in line. It is complex because when you start talking about rights, obviously [it is about] giving one individual more rights without negatively impacting or infringing on the mother's rights, because in these cases we are talking about unmarried couples. We know that when a married couple has a child the assumption is made that the husband is the father. When he is registered as such, he is given parental rights and parental responsibility.

In this case we are talking about unmarried couples. If it is within the first 12 months . . . but if it is getting into extended times, we can envision a 12- or 15-year old that has lived with and been raised by the mother, the father comes along and proves he is the father and gets registered as the father and then starts saying that he needs custody or wants shared custody. We know the way that that is done in other territories, Madam Speaker. It would be that he would then have to apply to the court that would look at all the particulars of that individual's situation and make a ruling. Maybe not necessarily giving custody, but maybe giving contact to the father at that point in time.

We just want to make sure that when we are amending the law that we do not do it in such a way that [it] would give any kind of automatic equal rights to a father just by being registered.

I know that was the intention of my colleague because we discussed this going forward. I am sure

he will discuss it, but I just wanted to give some other information in regard to the concerns that could come about.

Madam Speaker, with those short remarks, I too want to give my support to the Motion and again congratulate my colleagues for bringing such a timely motion forward.

Thank you.

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

Honourable Leader of the Opposition.

**Hon. W. McKeever Bush:** Madam Speaker, I rise also to give my support to this Motion before the House, brought by the Second and Fourth Members of our constituency. I certainly want to thank them.

There is no doubt, Madam Speaker, that we need to address the challenges that women face when they bring a child into the world. In talking to both of them—one (who is the mover) has already spoken—they have set that out correctly. There are other matters that must be looked at.

There are cases that I have also come across, even faced because of family matters. There are cases certain mothers who do not want the father on the birth certificate. When they go to register the child they do not put the father's name on. They register without the father and they do not put the father's name on, even though the father has taken a parental test and has borne his responsibility. So, in amending legislation there are many attendant matters that need to be addressed.

More than anything else, I believe that the court needs to address this matter of the responsibility if parents are separated, as to the rights of fathers and mothers, whether we do it by legislation or by rules. Sometimes they do set out visitation rights as to when parents can have a child, whether it's weekends or certain weekends. I think it needs to be looked at better than it is.

Also, what needs to be looked at seriously is when money is paid into the courts for children, or when they are making the order for how much money is to be paid. I have had complaints from constituents on both sides, mothers and fathers. They pay money, the mothers take it and the children are not getting the benefit of it. And also mothers not getting anything from these deviant (for want of a better word) fathers who are not taking up their responsibility for their children. They can bring the child into the world and then after that forget all about it. And some mothers are reluctant to go to court because they say there's no good in going to court because they get no benefit. It is a serious, serious situation.

I believe that all legislators come across this. The truth is that with such a catastrophe of children becoming parents before they are adults in this country, they wind up on our doorsteps. They talk to us about it. They come to us because sometimes they

have nowhere else to turn. I guess many of the legislators here are finding what I found over the years. They land on your doorstep and ask for assistance. Or then end up with Government. And the truth is they do not get from Government, they get from us. Not from the Government's social services, but from us as legislators. Teenage pregnancy is a catastrophe in the Islands.

Hopefully, any new administration will take this law and look at it across the board because there are attendant matters that seriously need to be addressed, Madam Speaker.

I will stop there. I congratulate our Members on this side for going through the law and asking for amendments at this point.

Thank you.

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

Fourth Elected Member for West Bay.

**Capt. A. Eugene Ebanks:** Thank you, Madam Speaker.

As the seconder of this Motion I too want to support what has already been said, and to make the point that research shows that in other jurisdictions the courts had to make special provisions. In cases where fathers who were not registered as the father at the time of the child's birth [but] wanted to become the legal guardian or be recognised as the father of the child and were not able to do so, special provisions had to be made to accommodate this.

Madam Speaker, with all the changes that have been taking place, it is time that we adopt and let the father assume the role of the legally recognised father rather than being denied that through this loophole in the law.

I support what has previously been said and I give this Motion my wholehearted support.

Thank you.

**The Speaker:** Proceedings will be suspended for ten minutes.

**Proceedings suspended at 11.37am**

**Proceedings resumed at 3.53 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

Before I call on the next person to debate, I would like to apologise to the press. There was an important meeting in the Committee Room that we had to deal with, and I am extremely sorry that you sat here for so long.

Does any other Member wish to speak? Continuing the debate on Private Member's Motion [No. 11/08-09]. [pause]

## ADJOURNMENT

**Hon. V. Arden McLean:** Madam Speaker, thank you.

I just rise to say that the Leader of Government Business intended to reply to the Motion currently on the Floor moved by the Second Elected Member for West Bay. Unfortunately, again he has had to go off to a very important meeting and is currently engaged in that meeting.

If no other Member would like to speak, I certainly would like to reserve the right for the Leader of Government Business to reply to the Member for West Bay who brought the Motion. In so doing, I would request that we adjourn the House until tomorrow morning at 10 o'clock so that he be given that opportunity to reply on behalf of the Government.

**The Speaker:** Thank you, Honourable Minister.

I do understand the situation because I guess the Government has . . . and I am sure that the honourable mover would like for the Government to accept or deny his Motion . . . so the question is that this honourable house do now adjourn until 10 am tomorrow. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 4.00 pm the House stood adjourned until 10.00 am Friday, 27 February 2009.**



**OFFICIAL HANSARD REPORT**  
**FRIDAY**  
**27 FEBRUARY 2009**  
**10.38 AM**  
*Sixth Sitting*

**The Speaker:** I will ask the Fourth Elected Member for the district of West Bay to say Prayers.

**PRAYERS**

**Capt. A. Eugene Ebanks:** Let us pray.

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

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

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

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

**The Speaker:** Please be seated.

**Proceedings resumed at 10.41 am**

**The Speaker:** Proceedings are resumed.

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

**The Speaker:** I have no messages or announcements.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**'A New Focus' for Cayman Islands Tourism –A  
Revised National Tourism Management Plan 2009-  
2013**

**The Speaker:** I recognise the Honourable Minister responsible for the Ministry of Tourism, Environment, Investment and Commerce.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House a document entitled, 'A New Focus' for Cayman Islands Tourism—A Revised National Tourism Management Plan 2009-2013, which has appended to it the Go East Initiative Policy and Strategic Framework.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

There can be little debate about the importance of tourism to the Cayman Islands. It directly underpins thousands of jobs and small businesses and indirectly supports a wide array of professional fields, including accountants, auditors, marketers, consultants, insurers, supermarkets, dry cleaners, security firms, and the list goes on and on.

Tourism both educates and employs many Caymanians and has provided a world stage for local talent in areas ranging from culinary skills, sports and the performing arts. Tourism both draws upon and complements our natural competitive advantages and paired with financial services, the other pillar of our economy, there are currently no alternatives which rival the contributions of this industry.

Therefore, the strategic management of tourism continues to be of critical importance. Whether the industry is in a period of fast-paced growth, or when it faces unprecedented global economic distress, as currently prevails, a coordinated plan is necessary to manage the industry.

The National Tourism Management Plan (or the NTMP) delivers such a plan having drawn upon widespread consultation including town hall meetings in all districts throughout Grand Cayman, including the Sister Islands. Guiding input was received from members of the civil service, the public and private sectors

and the community at large. In addition to the public and stakeholder meetings, over 200 surveys were submitted. This broad-based feedback was reviewed and consolidated by the Tourism Company, the same UK based company which prepared the former 2003 policy framework and which is well known for similar work it has conducted around the world and in the UK.

In general terms, Madam Speaker, the policy outlines the current state of tourism, agreed recommendations going forward, and, finally, lists action points—67 of them—that are recommended to take place over the next five years. In addition, the new NTMP includes for the first time a section outlining the policy on cruise tourism and an addendum establishing the Go East Initiative Policy and strategic framework to shape the way the eastern districts are developed, heeding lessons learned from the tourism and development along the Seven Mile Beach.

The National Tourism Management Plan 2009-2013 is not entirely a new document, but, rather, it builds upon and revises the former five-year management plan. Part of the issue with that plan was that almost immediately after it came into force we were struck, unfortunately, by Hurricane Ivan. Many of the objectives that were contained in the original plan are still relevant today and were not able to be implemented simply because the country had to focus on recovery from Hurricane Ivan.

Madam Speaker, given the direct and indirect affects of this industry, tourism touches every resident in these Islands. Directly, it creates employment and entrepreneurial opportunities, but it also helps to support a range of local services which sustain the quality of life that Caymanians and other residents enjoy, such as the extensive network of transportation available to and within the Islands, a wide range of shops, restaurants and services, excellent telecommunications and utility services, and a wide range of heritage attractions, such as the Turtle Farm, Botanic Park, Pedro Castle and the National Museum.

Areas which have seen significant progress in the past three and a half years include the area of human capital development. Subsequent to Hurricane Ivan, the Department of Tourism added the position of deputy director responsible for product, thus elevating the management of Cayman's human capital and product on par with that of the marketing and promotional efforts.

This policy has allowed us to focus on programmes such as the Tourism Apprenticeship programme (established two years ago) which for the first time provides vocational training for persons seeking to enter an advanced career in the hospitality industry. The Apprenticeship programme is a well-rounded programme which includes both academic and practical training under the supervision of experts within the field. Apprentices are given a stipend to offset living expenses while they learn.

Students who successfully graduate are not only recipients of the regionally recognised CaribCert

Qualification, but must perform sufficiently well in the academic aspects of the programme to also earn college level credits from the University College of the Cayman Islands, thus paving the way for continued education which some of our apprentices are already pursuing.

In only its second year, this new vocational training programme complements the ongoing scholarship programme of the Ministry of Tourism which at any given time is supporting approximately 30 students pursuing degrees in tourism related fields. While such programmes do not guarantee success for the scores of students who have benefited from this free education, the likelihood of a fruitful career is vastly improved, and these students are contributing at all levels to the industry within both the public and private sectors. I am pleased to say that a significant number of our graduates have returned working within the Department of Tourism. We are very proud of their performance.

The second important training programme which touches upon all facets of the tourism industry is the PRIDE Programme—Personal Responsibility In Delivering Excellence—a customer service programme. Relying upon mystery shoppers, the programme benchmarks service levels and through target training, seeks to instil higher customer service standards consistently throughout the industry.

Other areas of the former NTMP which have been improved include cruise tourism management with agencies, including the private sector's Association for the Advancement of Cruise Tourism, emerging to better organise the sector and contribute to policy development.

Madam Speaker, many of the issues identified in the NTMP are ongoing matters which require constant vigilance and analysis. Most topics raised in the 2003 NTMP do not lend themselves to ever being closed or completed, but, rather, require continued focus. In the 2009 NTMP, such areas of continued interest include policies governing cruise tourism management, environmental protection, development planning and human resources. Also, the method of implementation was an area of concern for us. All of these matters are addressed in the new five-year plan.

The new implementation model adopts a revised approach to the initial launch which called upon more than 100 members of various committees to meet regularly and be responsible on a daily basis for the implementation of the policy. The revised approach maintains the structure of having a steering committee and subcommittees, but will streamline membership to more manageable numbers.

The role of the NTMP committees will also change from being charged with implementation to instead being responsible for oversight and reporting. As you would expect, Madam Speaker, the plan continues to require cooperation from various government agencies to implement ongoing action items.

In partnership with the Minister of Tourism and Cabinet, the NTMP Steering Committee and various government agencies are about to embark upon the process of identifying priority action items to commence work on over the next five years. The benefits of this new approach include increasing the rate of successful, sustainable implementation by assigning responsibility for implementation to agencies of the Cayman Islands Government who have the budget, resources and authority to effect the change. This revised approach aims to ensure that resources are allocated and priority given to the respective action items thereby demonstrating increased results and generating momentum and support for the National Tourism Management Plan.

Secondly, this approach optimises the benefits of the dozens of committee members, an external consultative and oversight role, by redefining the expectation of the subcommittees and standardising reporting templates.

As I indicated earlier, there was significant public consultation on this document. The main issues that were cited by members of the public and stakeholder groups included the issues relating to control of cruise numbers, preservation of our natural resources, control of costs and prices in the Cayman Islands, cost of access to the Cayman Islands, getting more Caymanians into the industry, control of development, issues with respect to the capital of George Town, quality of service and control of crime and maintaining safety.

The main opportunities identified by those consulted included focus on sustainable development, promotion of Caymanian culture and heritage, developing new and/or alternative forms of tourism, and improving air access.

In answer to some specific issues, 84 per cent of the people consulted felt that there was a need to control cruise ship arrivals and to reduce the negative impact. This has been done by the Port Authority adopting a policy to control the daily number of cruise visitors.

Eighty-one per cent of those consulted felt there was a need to control new accommodation development. They also felt there was strong support for more education, better pay and increased awareness to encourage more Caymanians to enter the tourism industry.

Madam Speaker, they also indicated that strong support would be there for law enforcement and the management of the destination to ensure that our marine environment is protected and properly policed. There was strong support for a range of initiatives to manage and protect sensitive sites on land including support for law enforcement to ensure that these sites are properly policed and protected. There was less certainty about the need to reorganise tourism with a large portion of respondents unsure on this point.

The respondents, individuals and agencies that were consulted included, but were not limited to, the Ministry of Tourism, the Department of Tourism, the Department of Environment, the Planning Department, the Cayman Islands Investment Bureau, the Department of Agriculture, Cayman Airways, CUC, the Water Authority, Hazard Management, Cayman Islands Tourism Attraction Board, the National Trust, Chamber of Commerce, the Cayman Islands Tourism Association, Sister Islands Tourism Association, Recycle Cayman, and more than 14 individual companies, plus 6 separate district public meetings were held.

The original nine policy objectives have been restructured to provide a new framework for a range of detailed action points. The key policy objectives, with some inevitable overlaps are:

- 1) To sustain the quality of the environmental product.
- 2) To manage the visitors and their impact.
- 3) To provide a high quality, sustainable Caymanian tourism product.
- 4) To manage the Sister Islands as a destination for nature-based tourism.
- 5) To develop a highly skilled Caymanian tourism workforce.
- 6) To attract a more discerning and higher spending visitor.
- 7) Research and monitor tourism more effectively.
- 8) Organise tourism in the Cayman Islands more effectively.

As such, Madam Speaker, the National Tourism Management Plan 2009-2013 is largely about staying the course with new priorities and, very importantly, 67 action points.

Madam Speaker, the Go East policy framework seeks to promote and preserve the distinctly Caymanian product that exists within the eastern districts of Bodden Town, East End and North Side to develop a tourism model which benefits the inhabitants of these districts while also boosting the overall diversity of experiences offered by the destination, the policies based upon the best principles identified in the NTMP as well as the aspirations voiced by the residents of the eastern districts.

Madam Speaker, we know there has been some criticism about the Go East Initiative policy and the time it has taken to prepare this policy. The Government certainly makes no apologies for that because this was not going to be a knee jerk reaction to the concept of sustainable tourism development. This is a policy that we deliberately took time with. We consulted people in the eastern districts, extensive public consultation, to make sure that we did not repeat in the eastern districts some of the errors that were made particularly along the Seven Mile Beach, and that we developed for the eastern districts a tourism product that was firmly based on the principle of sustainable development.

After public consultation, which included broad input during individual meetings as well as numerous public meetings, as I indicated, six strategic objectives were agreed for the Go East policy, as follows:

- 1) To raise awareness of the eastern districts as a distinctive alternative destination for visitors and of the Go East Initiative as an opportunity for local businesses.
- 2) To redevelop the eastern districts as a scale appropriate sustainable tourism destination.
- 3) To develop the eastern districts as a network of sustainable local communities.
- 4) To support local businesses and residents in the development and improvement of facilities and services.
- 5) To provide and manage the infrastructure to support the previously cited initiatives.
- 6) To establish Go East structures responsibilities and procedures.

Physical planning emerged as a central theme during public consultations in Bodden Town, East End and North Side. Residents of those districts wanted to ensure that new development would be suitable in scale and style. This included calls to restrict the height of new developments to three stories as opposed to the current, allowable height of five stories, among other things. These recommendations are endorsed in principle for new developments and it is intended that this approved document would serve as a material consideration for decision-making boards and departments until such time as these matters can be adopted in law.

New activities which residents advocated for include promoting nature tours, deep sea and reef fishing, agri-tourism opportunities, craft outlets, and beach retail and concession areas. The policy also calls for instituting new regulations to enable bed and breakfast establishments and to adopt plans to provide adequate public access points for watersports.

Madam Speaker, since 2006, when the vision for this policy was first announced, there have been (as I indicated previously) significant expressions of business interests. This has come in the form of increased tours by cruise visitors to attractions in the eastern districts, expansion of existing accommodations and the development of new accommodations and visitor attractions.

The new White House project is in the advanced planning stages, a new bed and breakfast has been established and Planning approval was just recently received for the redevelopment of the CoeWood Public Beach in Bodden Town, to name a few projects.

Madam Speaker, the CoeWood Public Beach, which has been expanded from one to three parcels, will include a boat launching ramp for small local vessels, a children's play area, enhanced bathroom and

parking facilities to cater to visitor traffic, four small kiosks for crafts and food sales, and improved signage explaining the history of Bodden Town and the location of other interest points awaiting guests in the districts of East End and North Side.

This policy will be coordinated by the Ministry of Tourism working through the Go East Joint Strategic Committee made up of representatives from Bodden Town, East End and North Side, the Department of Tourism, the Department of Environment Investment Bureau, the Ministry of Health and Human Services, Planning and the private sector tourism interests.

The main role of the Joint Strategic Committee will be the strategic vetting of all initiatives in the eastern districts. The formal adoption of these two plans governing tourism both at the national level and focusing on the eastern districts marks a significant milestone. The Government and private stakeholders are working in tandem to manage mature areas of our tourism industry, enhancing the benefits while having to actively mitigate the undesired effects which have also accompanied our progress. We have in the Go East policy a rare opportunity to renew the way we look at tourism and to set an ambitious goal of infusing resident feedback into the daily management of how the sector works.

Madam Speaker, speaking of the future of the industry it would certainly be remiss of me not to address the concerns which no doubt exist about the world's economy and how it is impacting the outlook for tourism locally. Obviously, the deep recession which is ravishing the United States and shrinking economies around the globe will have an impact on the short- to medium-term prospects for tourism. The tourism industry will be challenged in ensuring short-term wins while driving visitation goals and also identifying scarce resources towards preserving our brand awareness and product renewal.

Madam Speaker, earlier this month the Ministry of Tourism and the Department of Tourism, organised their regular marketing meeting to assess the state of the US economy and the global climate. Present at the meetings were the Ministry of Tourism, the Department of Tourism, Cayman Airways, the Cayman Islands Tourism Association and the DoT's US marketing agencies.

We also invited representatives from our European and Canadian offices so that we could get a global perspective on the outlook for the tourism sector. The meetings were conducted to bring the teams together to inform and develop the marketing strategies of the Department of Tourism for 2009 and 2010 to remain as strong as possible in the marketplace, especially in light of the current challenges and continually changing US economy. Tourism and economic experts were also consulted during this time.

As far back as the tourism conference in September 2007, I spoke about the fact that we had noticed a worrying trend with respect to foreclosures in

the US. We had begun to see the signs at that point (and this was in September 2007) and we were monitoring that very closely, devising strategies and programmes to deal with it. So, following on from that, in February 2008 we had Dr. Lalia Rach, who is the dean of the Tisch Centre for Hospitality, Tourism and Sports Management at New York University in the US, speak to us about those issues. That was in February 2008. She indicated at that time, notwithstanding the fact that the US Government had not acknowledged that the US was, in fact, heading into a recession.

Upon our return to Cayman, subsequent to the February 2008 meetings, we invited members of the tourism private sector to two full days of meetings to discuss possible mitigation strategies. One of the big ideas that came out of the meeting was the Nickelodeon partnership which helped to shore up some of our business in 2008. Before the three hurricanes impacted our shores last year, we posted very strong results over the summer period tracking at that time almost 9 per cent ahead of the previous year.

At that same meeting, airlift was unanimously identified as the most strategic concern facing the industry. While the global airline industry struggled to stay airborne in the midst of unprecedented fuel prices, Cayman Airways, very fortunately, has the support of the Caymanian people who recognise the significance of Cayman's own airline and so the support for our national flag carrier continued.

In December 2008, Cayman Airways launched its new non-stop service from the US Capital, Washington DC, to Grand Cayman, and reintroduced our seasonal service from Chicago. Also, with the exception of Spirit Airlines and Air Jamaica, the core airlines remained in place with some adding frequency and/or capacity on the Cayman route. The result was a small increase in the number of seats to the destination even as some of our competitors saw a sharp decrease in airlift.

This year's meetings in Miami welcomed several high calibre speakers including Dr. Rach, as well as the CEO of the Harrison Research Group, Mr. Doug Harrison. Dr. Rach discussed the state of both the US and the global economy and its projected impact on tourism worldwide and on the region.

Very importantly, she said that in her view the recession will be continuing and transformational. She indicated that in her view the world will not go back to the way it was before. What was also interesting was that while she shared the view with most experts in the field that the world is halfway through this crisis, that notwithstanding the fact that the global economy is likely to be emerging from this crisis next year, that the emergence from the crisis is going to be so gradual that it will be 2012 before you begin to feel like you are essentially close to where you were before the recession. Those were her views, Madam Speaker.

Ripples have been felt throughout all industries and sectors. Most of Europe, Russia and Japan are in recession with China, India and Brazil slowing.

Consumer confidence is at an unprecedented low, driven by fear, uncertainty and concern.

Within less than a year, consumer confidence had shrunk by almost 50 per cent, according to Dr. Rach. She provided some statistics. She indicated that in March 2008, consumer confidence was at 75 per cent; and by January 2009, consumer confidence had dropped to 38 per cent. Her key advice during this time of economic uncertainty and loss of consumer confidence is to remain realistic in terms of goal setting, and, as marketers, work to ensure that as a destination the Cayman Islands remains connected to its loyal customers and visitors.

Consumers will still choose to travel, though not as much as they used to. It will take great cooperation on the part of marketers to ensure the destination continues to stand out among the crowd and, indeed, the region.

Mr. Harrison provided additional insight to consumer trends by sharing findings from research conducted by the Harrison group and American Express on affluence in America in 2007 and 2008, reporting on how the market is leaning and forecasts for 2009/2010. Key takeaways included the recognition that select luxuries remain important for consumers throughout this recession and they will still be looking for life enhancing experiences and travel. However, the current economic situation will undoubtedly have an impact on travel to the Caribbean throughout 2009.

The known impacts include a much shorter booking window from an average of some 90 days some years ago, sometimes to just as little as a few days. In fact, we had examples given by our private sector at the meetings in Miami that they have been experiencing individuals calling on a Thursday, for example, for travel on Sunday; so, just a few days in terms of advanced bookings. It makes it very difficult in that type of environment to make projections for the future.

Public and private sectors resolved at the meetings in Miami to head into 2009 with confidence by continuing the investment in education and training of our people by insisting on enhanced customer service standards, by continually improving our tourism product and by increasing the number of seats and direct routes into the Cayman Islands.

Madam Speaker, as I have always said, we should see in every challenge an opportunity. That is the way that I work, and what I believe in. Given all of the research that we have been provided, and given the attitudes and behaviours of consumers and how they have shifted, particularly over the last six months, we believe, notwithstanding the challenges, that there are many opportunities. And some of those opportunities lie in the fact that consumers have said that they are still going to travel, but may travel closer to home.

When we examine that thought we immediately recognise that US consumers, as an example, who would normally travel to Europe for a vacation, are more likely to look now to the Caribbean—which is



a lot closer—for that vacation. That presents an opportunity for us. Hence, the policy decision to require Cayman Airways to increase airlift and to open new routes from our primary market into Grand Cayman to support and sustain our tourism industry.

Madam Speaker, the Department of Tourism continues to research viable opportunities to diversify our source markets for visitation by exploring other secondary markets whose economic prospects remain relatively strong and where impediments to travel are relatively low. The Department of Tourism also made notable progress in 2008 with marketing strategies to maximise growth in the secondary markets of Canada and Europe.

The investment paid dividends with numbers of stay over visitors from both regions reaching their highest levels in over six years. For the period 2008, over 2007, Canada saw numbers increase by 6.2 per cent and Europe by 7 per cent.

New ad campaigns which speak to the affluent market were developed. The Department of Tourism is also conducting research into the viability of South America as a secondary market. The results of this research will be available in a few months. This information will be shared with Cayman Airways who also looks to expanding into this market.

The Department of Tourism continues to bring the finest events to Cayman spanning from sports, music, culinary and, of course, the best in world class scuba diving. Cayman's tourism industry remains cautiously optimistic about performance in the short term while expectations for significant growth in the medium term have been tempered in favour of strategies to preserve market share and brand awareness.

The National Tourism Management Plan provides an agreed measuring stick for evaluating our short-term actions to ensure they are aligned with our long-term goals. This cohesion of action and clarity of purpose has served us well in the economic performance over recent years with continual growth in air arrivals over the past four years, resulting in the industry welcoming more than 300,000 visitors to our shores via air in 2008.

In these uncertain times we will have to revisit our immediate performance expectations, but we cannot abandon our long-term goals. Even as overall visitation to the Caribbean has been forecasted by the Caribbean Tourism Organisation to decrease by as much as 30 per cent this year, by staying true to our brand, informed with cutting edge research and disciplined in our approach to business, the Cayman Islands stands to gain in its share of visitors to the region, even if we do not see same levels of growth as experienced in past years.

This is certainly not a year of business as usual. But we know what the Cayman Islands stand for and all of our research confirms that product remains relevant and desired by our target audience who, while travelling less than before, are still going to travel. They have said so. They have said that they

have worked very hard for their money and, notwithstanding these challenges, there are other things they might give up but they are not going to be giving up their vacations, particularly family vacations.

As we set strategies and tactical promotions to survive this global recession we are also setting long-term strategies to ensure that our tourism industry remains healthy and that new development can be influenced by the lessons learned and practices identified over the past five decades.

Madam Speaker, the public and private sector partnership is as strong as it has ever been. It is that level of partnership that has ensured the successes which we have been able to realise thus far. On that point I wish to say, in concluding, that we believe that the time is right now to resurrect the plans to transition the Department of Tourism to a Tourism Authority, and we will be doing exactly that in the coming weeks.

It is going to take some time to achieve, Madam Speaker, but we are restarting the process because we believe that the time is right and that it is the right thing to do.

Madam Speaker, I wish to thank all of my staff in the Ministry, the Permanent Secretary and all of her staff, the Acting Director of Tourism, Mr. Shomari Scott, and all of his staff for the very hard work that they have done over the past several years to help us achieve the objectives we have been able to achieve, and to remain very competitive in this industry.

Madam Speaker, there are not many destinations in this region that can boast of having a national flag carrier. I can stand here today without fear of contradiction to say that it is that national flag carrier, Cayman Airways, that has built the tourism industry and that has sustained it over the last 40 years. Madam Speaker, on that note, we certainly need to take some time out to thank all of the hardworking staff at Cayman Airways—both past and present—for their efforts in ensuring that our national flag carrier, Cayman Airways, has remained the pre-eminent air carrier to the Cayman Islands.

With those few words, I thank you, Madam Speaker, for the opportunity to speak to this document.

## **STATEMENTS BY HONOURABLE MINISTERS/MEMBERS OF THE CABINET**

**The Speaker:** I have received no notice of statements by Honourable Ministers or Members of the Cabinet.

## **GOVERNMENT BUSINESS**

### **BILLS**

### **FIRST READINGS**

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

**The Speaker:** I recognise the Honourable Minister of Health and Human Services.

**Hon. Anthony S. Eden:** I beg to move the suspension of Standing Order 46(1) and (2) to enable the Health Insurance Commission (Amendment) Bill 2009 and the Prisons (Amendment) Bill 2009 to be read a first time.

**The Speaker:** The question is that Standing Order 46(1) and (2) be suspended to enable the Health Insurance Commission (Amendment) Bill 2009 and the Prisons (Amendment) Bill 2009 to be read a first time. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 46(1) and (2) suspended to enable the Health Insurance Commission (Amendment) Bill 2009 and the Prisons (Amendment) Bill 2009 to be read a first time.**

#### **Health Insurance Commission (Amendment) Bill, 2009**

**The Deputy Clerk:** The Health Insurance Commission (Amendment) Bill, 2009. First reading.

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

#### **Prisons (Amendment) Bill, 2009**

**The Deputy Clerk:** The Prisons (Amendment) Bill, 2009. First reading.

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

#### **Suspension of Standing Order 46(4)**

**The Speaker:** I recognise the Honourable Minister of Health and Human Services.

**Hon. Anthony S. Eden:** I beg to move the suspension of Standing Order 46(4) to enable the Health Insurance Commission (Amendment) Bill 2009 and the Prisons (Amendment) Bill 2009 to be read a second time.

**The Speaker:** The question is that Standing Order 46(4) be suspended to enable the Health Insurance Commission (Amendment) Bill 2009 and the Prisons (Amendment) Bill 2009 to be read a second time. Those in favour please say Aye. Those against, No.

**Agreed: Standing Order 46(4) suspended to enable the Health Insurance Commission (Amend-**

**ment) Bill 2009; and the Prisons (Amendment) Bill 2009 to be read a second time.**

## **SECOND READINGS**

### **Health Insurance Commission (Amendment) Bill, 2009**

**The Deputy Clerk:** The Health Insurance Commission (Amendment) Bill, 2009.

**The Speaker:** I recognise the Honourable Minister of Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker. I beg to move the second reading of the Health Insurance (Amendment) Bill, 2009.

**The Speaker:** The motion has been duly moved and is open for debate. Does the Honourable Minister wish to speak thereto?

**Hon. Anthony S. Eden:** The amendments to this Bill will remove certain challenges faced in implementing the Law and are related to the membership of the Health Insurance Commission Board on the management of monies collected for the segregated insurance fund.

Honourable Members will note that the following provisions are included in the amendment Bill. Clause 2(a) of the Bill seeks to amend section 4 of the principal Law to vary the composition of the Health Insurance Commission Board to include both senior officers from the Health Services Authority and the Superintendent of Health Insurance.

Madam Speaker, presently the Law specifies the Chief Medical Officer to serve on the Health Insurance Commission Board. However, it is considered to be more prudent to allow more flexibility in the terms of appointment so that the Ministry can determine the senior officer from the Health Services Authority who would at the time of the appointment have the most relevant hands-on experience of general management and/or financial operations of that Authority to best serve on the Health Insurance Commission Board.

The purpose is to allow for input of informed advice drawing from these critical areas of expertise. The appointment of the Superintendent of Health Insurance or the Board will ensure ready availability of the technical health insurance regulatory expertise required by the Board including insight into the enforcement of the Law and regulations.

Madam Speaker, clause 3 amends section 8 of the principal Law to remove the requirement for the Commission to cause a periodic actuarial review of the segregated insurance fund. Such review is now unnecessary since the fund is considered coercive revenue.

Clause 4 of the Bill repeals section 9 of the principal Law to remove the requirement for the

Commission to establish custody accounts into which the assets of the segregated insurance fund are to be deposited. Since the fund is considered coercive revenue, custody accounts cannot be established.

Clause 5 amends section 12 of the principal Law to remove the ministerial power to examine and report on the accounts of the Cayman Islands Monetary Authority. The exercise of this power is unnecessary since the Health Insurance Commission now has responsibility for the segregated insurance fund.

Clause 6 repeals section 13 of the principal Law to remove the requirement for an actuarial review of the assets and liabilities of the segregated insurance fund as custody accounts for the assets of fund would not be in operation, as I alluded to in the other amendments.

Clause 7 just contains savings and transitional provisions.

I would ask that this honourable House give due consideration to the passage of these amendments.

Thank you.

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

If no other Member wishes to speak, does the honourable mover wish to exercise his right of reply?

**Hon. Anthony S. Eden:** Thank you, Madam Speaker, just to say thanks to all of those who have given their quiet support.

**The Speaker:** The question is that a Bill shortly entitled the Health Insurance Commission (Amendment) Bill, 2009, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Health Insurance Commission (Amendment) Bill 2009 given a second reading.**

### **Prisons (Amendment) Bill, 2009**

**The Deputy Clerk:** The Prisons (Amendment) Bill, 2009. Second reading.

**The Speaker:** I recognise the Honourable Acting First Official Member.

**Hon. Donovan W. F. Ebanks:** Thank you, Madam Speaker.

I beg to move the second reading of the Prisons (Amendment) Bill, 2009.

**The Speaker:** The motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

**Hon. Donovan W. F. Ebanks:** Thank you, Madam Speaker.

This Bill seeks to amend the Prisons Law, a Law which is now some 30 years old and which is currently being worked on to produce a new Law, but to make a further amendment in the interim to provide for release of prisoners on licence to assist in the maintenance of the prison population and prevention of overcrowding.

Madam Speaker, it is fair to say that the Bill seeks to reinstate a programme which had been introduced almost 10 years ago, and which had been referred to as the executive or early release programme and to properly legitimise that arrangement.

The programme was introduced immediately following the disturbances at Northward Prison in late 1999 as a means of trying to urgently reduce the prison population and make the situation more manageable. It was done with the concurrence or the approval of the then Governor and essentially remained in place over the past nine years, but without specific legislative provision having been brought to this honourable House, as this Bill now seeks to do.

While the situation at Northward is not as acute as it was ten years ago when we had those unfortunate events, it is fair to say that Northward is currently substantially overcrowded. This is due to a number of reasons. Among them there is deterioration in the prison accommodation. In fact, there was a dormitory building that had to be taken out of service last year due to structural failure. The buildings there are all now certainly in the 30 year age bracket. It is to be expected that they will continue to deteriorate quite rapidly over the next few years.

To this end, while there is a capital initiative underway, being that essentially reconstructing or providing new accommodation facilities within the distant perimeter, that effort in itself will require a regular shifting and taking out of service of facilities. In other words, we are not moving to a new site to construct a 250 to 300 prisoner capacity prison, but, rather, are working within the confines of the perimeter we have taking buildings out of service, demolishing them and constructing new ones.

So that deterioration in existing stock was one of the contributors. Another one has been the change in the parole eligibility that was enacted in 2005. We think [that] is contributing to some prisoners opting not to take parole but rather to serve out the remainder of their sentence beyond the new parole eligibility period. Obviously, the discontinuation of this programme some six months ago has also been a contributor.

Under this programme, the Director was able on average to give early release to probably one prisoner a week, about 50 prisoners per year. While it is obviously not a large number, it all contributes when you are faced with the situation of trying to manage the numbers that we have.

Madam Speaker, the basic arrangement that currently exists by law is that prisoners who are sentenced to a term of three years or more can qualify, can become eligible for parole, and, as such, if they so agree and are deemed eligible by the parole board, can potentially get out of prison before the end of the term to which they have been sentenced.

Eventually every prisoner is afforded what is referred to as one-third remission of their sentence which is intended to serve as a motivation for good behaviour and compliance with the rules and regimes. That remission can be forfeited for failure to comply.

Essentially, any prisoner who goes in is eligible to have a third of his sentence automatically remitted and we have what we call his earliest date of release, which would be two-thirds. So, a prisoner who is sentenced to a term of three years or more would normally serve, it had been two-thirds, and would normally have been eligible for parole at one third. The amendment in 2005 identified certain offences for which that minimum period one would have to serve was increased from one-third to five-ninths. But parole has only ever applied to prisoners whose term was three years or more.

This executive early release programme, as it was referred to, and as the current Bill seeks to legitimise, caters to prisoners whose sentence is less than three years. These are prisoners who may be sentenced to two years, two and a half years, one year, whatever, and who have no eligibility for the normal parole facility.

The criterion that the Bill seeks to introduce is that a prisoner would have to be serving a term of less than three years. He would have had to have served at least half of his sentence. And he would have to be not more than three months away from his earliest release date in order for him to qualify to be released under this arrangement.

For example, a prisoner who had a sentence of one year, under the automatic one-third remission his earliest date of release would be after eight months. He would have obviously served 50 per cent of that one year after six months, and three months before his earliest date of release, which is eight months, would be eight minus three, which is five months.

So, a prisoner sentenced to a term of one year under this programme could get out after six months. But he has to fulfil all three of the requirements. He has to be less than three years, so his one year sentence fulfils that. He has to serve 50 per cent of his time, which six months fulfils that. And he cannot get out earlier than three months before his earliest date of release. That's five months, but because the six months is greater he would not get out until six months.

Likewise for a prisoner sentenced to a term of two years. The earliest date of release would have been 16 months, in other words 8 months off of 24. Three months prior to that would be after 13 months.

His 50 per cent of sentence would be 12 months, so that prisoner would be eligible to get out after 13 months. That is essentially how the criteria would be applied.

Madam Speaker, there is one slight problem with the Bill for which notice of a committee stage amendment has been given. I would ask, Madam Speaker, with your permission, even though that was circulated yesterday, if I could speak briefly to explain to Members what occasioned that amendment.

Madam Speaker, thank you.

The current legislation says that “. . . a convicted prisoner serving a sentence for an offence which is not specified in the Schedule at any time after he shall have served at least one year's imprisonment, or one-third of his sentence, whichever shall be greater . . .” Madam Speaker, that wording clearly provides that a prisoner who has been sentenced to a term of three years can be eligible for parole because one year and one-third of three years is the exact same amount. So, that eligibility currently exists for parole for a prisoner who has been sentenced to a term of three years or more.

Unfortunately, the wording in this Bill refers to a term of three years or less, so there is an overlap of the exact three years or 36 months. The amendment will simply seek to change that from “three years or less” to “less than three years”. So this new Bill will apply to a prisoner who has a sentence of two years 11 months and three weeks, but not one who has a sentence of three years. It has to be less than 36 months.

Madam Speaker, let me finally say that having practiced this arrangement we are confident that the cadre of people to whom it has been applied and to whom the prison staff would apply it are people who have learned their lesson from being in prison. Not everyone who goes there becomes a habitual offender. There is certainly an element of people who for whatever reason end up making a mistake and learn from that first night or first week that they spend in prison and what has been proven over the years by carefully selecting those who the staff are confident have learned from their experience who are committed to staying the right course, that we can practice this programme without having people find themselves in trouble within that short extra period that they have got by virtue of it.

That is not to say that there are not mechanisms, and this Bill provides that obviously the director is entitled to and will impose conditions on releasing someone. If those conditions are violated, individuals can be recalled to Northward and required to serve out the remainder of the term until their earliest date of release.

So, Madam Speaker, with those few words I recommend the Bill to honourable Members and crave their support.

Thank you.

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

Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Boddén:** Thank you, Madam Speaker.

I rise to offer a contribution to a Bill for a Law to amend the Prisons Law to make further provision in respect of the release of prisoners on licence; and for incidental and connected purposes.

As was just introduced by the Acting First Official Member, this is indeed welcomed provisions in our Law to formalise a process that was once known as the early release programme and implemented some ten years ago, as was said.

The demise of that probably came about as a result of an unfortunate incident. But we all recognise in this Parliament that we have an overcrowding situation at Her Majesty's Prison. We recognise that a lot of our young people in particular are constantly getting themselves on the wrong side of the Law for various reasons, whether it is a breakdown in our society or just making juvenile errors or looking to do things that will get them rich a little quicker. Whatever it is, Madam Speaker, we unfortunately have an increasing prison population.

I think it is incumbent upon us as representatives and as a government to find a way of reducing prisoners and I dare say even reducing prison size. We do not want to be constantly increasing that area. This Government, of which I am a part, has put a lot and continues to pour a lot into social programmes and the whole area of education. Yes, we are spending a lot on education in the facilities.

But, Madam Speaker, this is one of the reasons why, because we see the efforts that we are putting into a lot of our programmes through the education system, through social programmes, through working with NGOs in regard to society in general and in particular our youth to reduce the amount of people serving time either at Fairbanks or Northward.

We have a small Island state, three islands, small population. We do not need a bunch of our people incarcerated because there goes the future; there goes the productivity from each and every one of them. And a lot of these young people and middle-aged people are very able and very capable of contributing in our society today.

As I said earlier this week, we did a recent tour of the prison facilities (just last week I think it was). The Third and Fourth Elected Members for George Town and I were given a tour by Mr. Rattray the Commissioner of Corrections. He and other senior officers took us on an extensive tour of the grounds of the prison and showed us the conditions there.

We saw the overcrowding. We saw the deteriorating buildings as the Acting First Official Member alluded to. There are some buildings that have been

condemned. There are some that I was scared to learn that if you kicked a part of the wall too hard it could actually . . . thank God it does not open up to the outside, but you could kick that piece of wall out.

So, Madam Speaker, this is what we have currently at the Prison and we do not need increasing prison population at this time. We simply do not need it at this stage in our Islands' development. We will always have people going on the wrong side of the Law. We cannot curb that entirely. But we certainly can stop the increase, as I see it, of our own people.

When you go through that prison population, it is Caymanian ladies and young men, generally. There are a few foreigners in there, but a lot of people in there are our people. And it hurts. You talk to some of them, . . . and there was one prisoner who said to me, "No more prisons. Build less prisons. That's the answer." It hit right to the core of what I am talking about now, Madam Speaker. More prisons/more prisoners, is not the answer to what we are trying to do here in these Islands.

Madam Speaker, this release on licence programme, it is not as if there is going to be a huge reduction in any sentence where someone is serving a prison term below three years. But, as the Jamaican man says, '*one-one cocoa full basket.*' When you take a month off here and a month off there, a few months, they all start to add up and you will find that it will result in a lower prison population.

I know that if they implement this, the selection process must be one that is well carried out. But the fact that the sentence is three years or less to start with means that the offence was probably not a very serious one, not a grave one, not something along the lines of murder or rape. So we are looking at a lesser degree of crime when we are talking about people who are being released during that period. Madam Speaker, the risk is therefore that much less.

I would assume though that the Bill (and I know it does) would speak to the fact in 31(b)(2) "the director acting in his discretion may recall to the prison a convicted prisoner who has failed to observe any condition imposed on his licence and thereupon he shall be liable to be detained until the earliest date on which he could be discharged pursuant to section 29 . . ." et cetera. So apart from any consideration to that, it does provide for the director to have that ability to recommit someone to his full sentence.

Madam Speaker, I have long been (at least since I have been a Member of the Legislative Assembly) someone who has been in favour, in huge support of alternative sentencing. I know this is another aspect of that. Certainly, I know that is being looked at quite seriously. There have been proposals.

I am urging those who deal with this particular area, between the First and Second Official Members of this House, under their remit, to ensure that alternative sentencing comes about as quickly as possible. This is another area that we can ensure we reduce the amount of people behind the prison walls.

Alternative sentencing will be where someone is released with a monitoring device (I do not know what the proper term is) of whatever type that is approved. That monitoring device will be worn at all times. Of course, it is exactly what it says, a monitoring device. You will know exactly where that person is 24/7, and they will have areas where they are allowed to go and areas where they will be restricted from going. But it will allow those individuals to serve time outside the walls of the prison and make amends to society during that time, carry out community work, the likes, and become productive citizens (hopefully) with proper training and monitoring and allow employers the chance to have these people on staff and hopefully utilise the skills they already have or retool them to do work that [provides] new employment opportunities for them.

Madam Speaker, again, the release on licence: I see a similar opportunity for persons to know that as long as they behave themselves and do what is called for they can work towards being released a month or two earlier to get out and utilise some of the skills that they have picked up in Northward because there are a lot of good initiatives in the prison. The people who work the Prison are doing a good . . . from what we can see there have not been any major events at the prison. We see young men and young women there doing things, productively, learning computer skills, trades. So there are lots of initiatives, and there are a lot of people who go into the prison and work, giving of their time with these prisoners.

Madam Speaker, a lot of times they come out but when the support falls away, especially when it comes to people who have a drug problem, they end up back in their environment. Even if they do have skills they are back in the environment they left and in no time they are back behind the walls of the prison.

I certainly am in favour of this provision to amend the [Law], to release prisoners on licence as long as it is a careful selection process as well as a careful monitoring process. Again I would like to appeal for alternative sentencing that we have discussed within these walls before, that it be given serious consideration and be pushed along as quickly as possible by those who have responsibility for that, that we can reduce the amount of people we have sitting behind prison walls that could be making a difference in our society, being more productive, assisting their families and simply being better citizens.

With those few remarks, Madam Speaker, I lend my support to these changes and I thank you.

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

If no other Member wishes to speak, does the honourable mover wish to exercise his right of reply?

**Hon. Donovan W. F. Ebanks:** Thank you, Madam Speaker.

I would certainly like to thank the Member who did speak and who lent his support, and to comment very briefly on his plea for the advancement of the alternative sentencing regime.

That is certainly something that is being worked on. Yes, the Portfolio that I represent and the agency 911 are involved, as is the Department of Community Rehabilitation and the Judiciary who are ultimately the ones to impose those alternative sentences. Work is progressing and we are hopeful that we will soon see the advent of that type of sentence being handed down by our Courts and people will be able to serve time at their own expense on their own property, but restricted in certain privileges.

Madam Speaker, I wish to thank other Members too for their implied support.

Thank you.

**The Speaker:** The question is that a Bill shortly entitled the Prisons (Amendment) Bill, 2009, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Prisons (Amendment) Bill 2009 given a second reading.**

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

**House in Committee at 12.01 pm**

## **COMMITTEE ON BILLS**

**The Chairman:** Please be seated. The House is now in Committee.

With the leave of the House, may I assume that, as usual, we should authorise the Honourable Second Official Member to correct minor errors and suchlike in these Bills?

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

### **Health Insurance Commission (Amendment) Bill, 2009**

**The Deputy Clerk:** The Health Insurance Commission (Amendment) Bill, 2009.

- |          |   |
|----------|---|
| Clause 1 | Short title.  |
| Clause 2 | Amendment of section 4 of the Health Insurance Commission Law, 2003 - constitution of Commission. |
| Clause 3 | Amendment of section 8 - segregated insurance fund.   |
| Clause 4 | Repeal of section 9 - custody of segregated insurance assets.                                     |

Clause 5 Amendment of section 12 - audit of accounts.

Clause 6 Repeal of section 13 - actuarial review.

Clause 7 Savings and transitional provisions.

**The Chairman:** The question is that clauses 1 through 7 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clauses 1 through 7 passed.**

**The Deputy Clerk:** A Bill for a Law to amend the Health Insurance Law (2003) to effect miscellaneous changes to the Law; and for incidental and connected purposes.

**The Chairman:** The question is that the Title form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Title passed.**

### **Prisons (Amendment) Bill, 2009**

**The Deputy Clerk:** The Prisons (Amendment) Bill, 2009.

Clause 1—Short title.

**The Chairman:** The question is that clause 1 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clause 1 passed.**

**The Deputy Clerk:** Clause 2—Insertion of section 31B in the Prison Law (Law 14 of 1975)—Release on Director's licence.

**The Chairman:** I recognise the Honourable Acting First Official Member.

**Hon. Donovan W. F. Ebanks:** Thank you, Madam Chairman.

I beg to move an amendment to clause 2 as circulated and which reads: "In the new section 31B(1)(a), proposed for insertion in the principal Law,

by deleting the words "three years or less" and substituting the words "less than three years".

**The Chairman:** The amendment has been duly moved, does any Member wish to speak thereto?

If no Member wishes to speak, the question is that the amendment stand part of the clause. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Amendment passed.**

**The Chairman:** The question now is that clause 2 as amended stand part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Clause 2 as amended passed.**

**The Deputy Clerk:** Clause 3—Transitional provisions.

**The Chairman:** The question is that clause 3 stand part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Clause 3 passed.**

**The Deputy Clerk:** A Bill for a Law to amend the Prisons Law (Law 14 of 1975) to make further provision in respect of the release of prisoners on licence; and for incidental and connected purposes.

**The Chairman:** The question is that the Title form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Title passed.**

**The Chairman:** The question is that the Bills be reported to the House. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: That the Bills be reported to the House.**

**The Chairman:** The House will now resume.

House resumed at 12.05 pm

## REPORTS ON BILLS

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

I recognise the Honourable Minister of Health and Human Services.

### Health Insurance Commission (Amendment) Bill, 2009

**Hon. Anthony S. Eden:** Madam Speaker, I beg to report that a Bill shortly entitled The Health Insurance Commission (Amendment) Bill, 2009, was considered by a committee of the whole House and passed without amendment.

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

### Prisons (Amendment) Bill, 2009

**The Speaker:** I recognise the Honourable Acting First Official Member.

**Hon. Donovan W. F. Ebanks:** Madam Speaker, I beg to report that a Bill shortly entitled The Prisons (Amendment) Bill, 2009, was considered by a committee of the whole House and passed with one amendment.

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

### Suspension of Standing Order 47

**The Speaker:** I recognise the Honourable Minister responsible for Health.

**Hon. Anthony S. Eden:** Madam Speaker, I move that Standing Order 47 be suspended to enable the Health Insurance Commission (Amendment) Bill 2009, and the Prisons (Amendment) Bill 2009 to be read a third time.

**The Speaker:** The question is that Standing Order 47 be suspended to enable the Health Insurance Commission (Amendment) Bill 2009, and the Prisons (Amendment) Bill 2009 to be read a third time.

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

**Ayes.**

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

**Agreed: Standing Order 47 suspended to enable the Health Insurance Commission (Amendment) Bill 2009, and the Prisons (Amendment) Bill 2009 to be read a third time.**

## THIRD READINGS

### Health Insurance Commission (Amendment) Bill, 2009

**The Speaker:** I recognise the Honourable Minister of Health and Human Services.

**Hon. Anthony S. Eden:** Madam Speaker, I beg to move that a Bill shortly entitled The Health Insurance Commission (Amendment) Bill, 2009, be given a third reading and passed.

**The Speaker:** The question is that a Bill shortly entitled The Health Insurance Commission (Amendment) Bill, 2009, be given a third reading and passed.

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

**Ayes.**

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

**Agreed: The Health Insurance Commission (Amendment) Bill 2009 given a third reading and passed.**

### Prisons (Amendment) Bill, 2009

**The Speaker:** I recognise the Honourable Acting First Official Member.

**Hon. Donovan W. F. Ebanks:** Madam Speaker, I beg to move that a Bill shortly entitled The Prisons (Amendment) Bill, 2009, be given a third reading and passed.

**The Speaker:** The question is that a Bill shortly entitled The Prisons (Amendment) Bill, 2009, be given a third reading and passed. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Prisons (Amendment) Bill 2009 given a third reading and passed.**

## GOVERNMENT BUSINESS

### MOTIONS



**Government Motion No. 12/08-09—Amendment to the Development Plan 1997—Proposed Rezoning—AIP Ltd.**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, I beg to move Government Motion No. 12/08-09, entitled, Amendment to the Development Plan 1997—Proposed Rezoning—AIP Ltd.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

**Hon. D. Kurt Tibbetts:** Madam Speaker, before I make any comments, with your permission I would like to read the Motion:

**WHEREAS in 2008, the Central Planning Authority received an application for the rezoning of Registration Section, George Town East, Block 20C Parcels 84, 85, 89, 90, and 102 – 111 [inclusive] from Light Industrial to General Commercial, and Block 20C Parcel 112 from Light Industrial/Mangrove Buffer to General Commercial/Mangrove Buffer;**

**AND WHEREAS the CPA originally considered the application on May 7, 2008 (CPA/16/08 Item 4.1), and resolved that the rezone application be put out for public comment.**

**AND WHEREAS the proposed amendments were advertised in the *Caymanian Compass* on May 26, 28, and June 3, and 6, 2008, in accordance with Section 11(2) of the Development and Planning Law (2008 Revision) and the application was placed on display in the Planning Department. During the comment period no letters of objections were received.**

**AND WHEREAS on September 3, 2008, the CPA again considered the application in light of the public review process (CPA/28/08 Item 4.1) and it was resolved to forward the proposed amendments to the Ministry with the recommendation that the proposed amendments be forwarded to the Legislative Assembly for approval.**

**AND WHEREAS on February 10, 2009, Cabinet approved the rezoning application and further that the matter be referred on to the Legislative Assembly;**

**BE IT NOW THEREFORE RESOLVED THAT in accordance with Section 10(2)(b) of the Development and Planning Law (2008 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;**

**AND BE IT FURTHER RESOLVED that, Registration Section, George Town East, Block**

**20C Parcel 112, be rezoned from Light Industrial/Mangrove Buffer to General Commercial/Mangrove Buffer, and Block 20C Parcels 84, 85, 89, 90, and 102–111 [inclusive] be rezoned from Light Industrial to General Commercial.**

Madam Speaker, Members will have had a copy of the proposed rezone map. This property is owned by a company called AIP Limited. Unfortunately, I do not know who the principals are. But I know of the application because I took the proposal to Cabinet.

These parcels as they are zoned presently, are not in keeping with the intended use by the owners. The fact of the matter is the parcels are located very close to the Airport, as I understand it. I suspect the direction would be to the northeast of the airport and their access is through the Airport Road, as I understand it.

Comments were sought from the Civil Aviation Authority and the Cayman Islands Airports Authority and neither of those two entities had any difficulties with the application and, hence, after approval from Cabinet the proposal has been brought to this Legislative Assembly.

I know of no other facts to deliver to this House to shed any light on the matter. I know of no other difficulties based on all the information that my Ministry received. So I would recommend the Motion to honourable Members.

**The Speaker:** Does any other Member wish to speak? [pause] If no other Member wishes to speak, does the honourable mover wish to exercise his right of reply?

**Hon. D. Kurt Tibbetts:** Madam Speaker, according to Members, it is time to go home. So, obviously, everyone is in support of this Motion. I want to thank all Members for their support and for its successful passage.

**The Speaker:** The question is: BE IT NOW THEREFORE RESOLVED THAT in accordance with section 10(2)(b) of the Development and Planning Law (2008 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;

**AND BE IT FURTHER RESOLVED that, Registration Section, George Town East, Block 20C Parcel 112, be rezoned from Light Industrial/Mangrove Buffer to General Commercial/Mangrove Buffer, and Block 20C Parcels 84, 85, 89, 90, and 102–111 be rezoned from Light Industrial to General Commercial.**

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

**Ayes.**

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

**Agreed: Government Motion No. 12/08-09 passed.**

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### Private Member's Motion No. 11/08-09—Parental Responsibility

*(Continuation of debate thereon)*

**The Speaker:** Continuation of the debate on Private Member's Motion No. 11/08-09. Does any other Member wish to speak? [pause]

Does any other Member wish to speak? [pause]

Honourable Leader of Government Business.

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

I have listened carefully to the mover and seconder of this Motion. I have also listened to my other colleagues who in their debates were in obvious support of the Motion. They used various examples to give strength to the rationale behind the Motion and, as you rightly said in our crosstalk outside of the Chamber regarding the Private Member's Motion, which reads, "**BE IT HEREBY resolved that The Affiliation Law (1995 Revision) be revised to remove any time restriction on the proof of paternity**", is a Motion which if not in its entirety, its main thrust is dealing with the ability of parents to deal with the continuing problem of maintenance for their children.

I say "parents" because there is the odd occasion where the good father will need to get some sort of maintenance from a mother. While that is not very common, it is not an impossible case where custody is vested with the father.

Madam Speaker, in many instances there have been difficulties experienced by mostly single mothers or estranged mothers. Sometimes it is a common law situation. Sometimes it is a situation of a marriage gone bad. But the net end result in both of those instances is the same when there is difficulty with the father taking responsibility for the child or the children.

In looking at the Motion itself, and the section of the Affiliation Law to which it refers (which is section 3), it brought to mind the Private Member's Motion that was brought in March 2001 by the now Minister of Education and seconded by the now Minister of Communications Works and Infrastructure. While that Private Member's Motion dealt with the Succession Law and sought certain amendments thereto, there is a relationship because the proposed amendments sought were tied in with the Affiliation Law.

That is not to say that what is being sought by this Private Member's Motion has any direct bearing on what that Private Member's Motion was seeking.

And that Motion itself gained approval. In fact, if memory serves me right (it was some seven or eight years ago), it did get unanimous support in the Legislative Assembly. I want to refer to that, with your permission, just to shoot two short sections of the verbatim Minutes so that we can make sure that we have the full picture of all the ramifications.

Madam Speaker, where I wish to quote from (as fate would have it) was when the Honourable Attorney General was replying on behalf of the Government, that is, the Honourable Second Official Member. And it is the same Second Official Member who is here now, not the one who was there then. So, I suspect the Honourable Second Official Member was acting at the time.

Madam Speaker, I am quoting from the *Hansard* of Thursday, 15 March 2001. He said: "**It is Government's position that no one wishes to encourage common-law unions, but where they exist and give rise to a child, the father should be encouraged to voluntarily accept paternity instead of being coerced by the Court. In its current form, one could argue that the Succession Law in fact discourages such voluntary affirmation, and it therefore creates an anomaly.**"

He went on to say: "**The proposed amendment will bring the Succession Law in line with already existing provisions in the Adoption of Children Law, the Maintenance Law, and the Guardianship and Custody of Children Law, and with relevant UK legislation all of which makes no distinction between children born in wedlock and those born from a common-law relationship.**" [2001 Official Hansard Report, page 96]

The mover of the Motion referred to subsections (3) and (4) of section 35 of the Succession Law. He said these two subsections relate specifically to fathers and their illegitimate children. Essentially these two subsections require proof of paternity. But under their provisions, proof of paternity can only take the form of an affiliation order made under the Affiliation Law (1995 Revision), or any other law relating to affiliation which had previously been in force in Cayman.

I quote those sections remembering what my colleague, the honourable Fourth Elected Member for George Town, said in his contribution when he mentioned proof of paternity.

Madam Speaker, in all of the various laws that refer to this type of situation, there is also in the Status of Children Law, 2003, in Part 2, section 3, under the heading "Equal status of children", subsection (1) reads: "**Subject to subsection (2). . .**". And subsection 2 reads, "**Where an adoption order has been made under the Adoption of Children Law (1996 Revision) or the law of any other jurisdiction the child is in law the child of the adopting parents as if they were his natural parents.**"

"**For all of the purposes of the Laws of the Islands . . .**"

Let me read it over again. Subsection (3) reads: “(1) **subject to subsection (2), for all of the purposes of the Laws of the Islands a person is the child of his natural parents and his status as their child is independent of whether he is born inside or outside of the marriage and all other relationships shall be determined accordingly.**”

So, with the combination of those pieces of legislation, and with what the Motion is seeking to accomplish now, Madam Speaker, I believe that the only additional link, based on what I have read, is the proof of paternity.

The Government is quite willing to accept the Motion with its intent and, as I said, my colleague, the Fourth Elected Member for George Town, brought up the point of proof of paternity. Madam Speaker, I believe we do need to tie in the need for proof of paternity in some form or fashion, but it does not necessarily have to be attached to this Motion; I am simply saying that when we go to make the amendments that are necessary that we should find a way to include that in the process.

If we look at the Status of Children Law, there are several circumstances where a child is declared (or should I put it the other way around?) . . . Where the putative father, or mother, or both are declared the parents of the child or the child of those parents vice versa. And without going into any detail, there are some areas where affidavits and other forms of evidence can be put forward and a declaration made. But in truth and in fact it simply relies on a lot of trust. So it is important for the proof of paternity to be established.

Madam Speaker, the section that the mover of this Motion . . . I am reminded that it is in section 12 of the Status of Children Law (and there are various categories) . . .

**Hon. Samuel W. Bulgín:** The Affiliation Law.

**Hon. D. Kurt Tibbetts:** The Affiliation Law, sorry. And there are various categories. But, Madam Speaker, as I said, those categories do not give any specific instructions as to where the proof lies.

It speaks to methodology, of how it is accomplished. It speaks to affidavits. It speaks to the fact that people are married and suchlike. But the proof of paternity in all instances needs to be established. And while some areas are classified, there are some areas which are not. But I do not propose to go into those details for the purposes of the Motion.

Section 3, which is being sought to be amended, reads: “(1) Any single woman who is with child or who is delivered of a child may either before or at any time within 12 months after the birth of such a child at any time thereafter upon proof that the man alleged to be the father of such child has within the 12 months after the birth of such child paid money for its maintenance or contributed to its support, or at any time within the 12 months next after the return to the

islands of the man alleged to be the father of such child upon proof that he ceases to reside in the islands within the 12 months next after the birth of such child make complaint, or oath or affirmation before a Justice of the Peace alleging some man [I suspect that is a typographical error and should be “same man”] to be the father of the child.”

So that’s another correction when we are doing the amendment, Madam Speaker! This word “some” I am sure should say “same”. The letter “o” should be replaced with “a”.

So, we see even where in the law, that is the Affiliation Law itself, that there is relevance in making sure that there is proof of the paternity.

Madam Speaker, the way that is crafted, I certainly agree with the mover of the Motion because while in many other jurisdictions what is in the Law now is what obtains, and while you may find some jurisdictions have it different, there are many jurisdictions that still have it just as this is worded in the Law now. I am sure the reason why that is the case in our Law is simply because it was something that was accepted in many other jurisdictions.

But that does not necessarily mean that in this day and age, Madam Speaker, it is the right thing to do or the right statute to have. So, certainly, we can think of many, many instances where people actually would be disenfranchised because of the way the Law reads now. As the Motion presumes, if it is accepted—and, as I said, we will accept the Motion—is that that restriction will be taken away totally.

What that means in essence, Madam Speaker, is that there will be no timeline attached. That means that a person can establish paternity or maternity even after that person is an adult. And there are other provisions which cause for it to be able to be done posthumously.

Once we take away the restriction of the time limit, as the Motion seeks, then that will take away any and all restrictions regarding time, to be able to establish who the parent of a child is or vice versa.

Madam Speaker, the Government is quite willing to accept the Motion. I am sure the Honourable Second Official Member is within earshot of hearing the Motion and will certainly move forward to do the necessary amendments to the relevant legislation.

Thank you.

**The Speaker:** Does any other Member wish to speak? [pause] If not does the honourable mover wish to exercise his right of reply?

Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

I think that today marks a good day for women and children in the Cayman Islands because these sorts of archaic ways in which society lived cannot continue to be the order of the day in a modern society.

Madam Speaker, a number of points were raised during the debate. All of them have merit and are worthy of consideration. Certainly the issue raised by the Fourth Elected Member for George Town and the Honourable Leader of Government Business as it relates to the proof of paternity is a crucial one. We have seen also in our community, instances where means other than scientific evidence, such as DNA testing, have been used. In other words, people just look at a child and say, *Yes, that is my child*. And later on the trauma brought on to the entire family, especially the child, is not what any one of us wants to continue to allow. Simply put, in some instances someone else was proven to be the father, once the actual testing was done. That is not healthy, not good.

Madam Speaker, at the end of the day, other issues that were brought up that are connected, such as custody, visitation rights and those sorts of matters are also important. Needless to say, this will not impact it from the standpoint that the courts still deal with that, the courts still do their social inquiries and determine, based on the circumstances, the fitness of both parents and then make the determination as to what rights will be ascribed to the mother and to the father.

I note that the Honourable Leader of Government Business also mentioned, and it is one that on the face of it would not necessarily be something people would think of as it relates to maternity. But certainly in the research I did, in these days with what science is able to do, such as invitro fertilisation, et cetera, there are cases where that has come into play. Naturally, the majority of times it will be obviously paternal, who is the father. But we need to cater to both because we just do not know what the situation would hold in a particular family.

I would encourage the Government when this work is done—and I presume the normal process will be that the Honourable Second Official Member and legal draughtspersons will review the debate. In fact, this entire piece of legislation, as you look at it further and as one of my colleagues pointed out, there are other sections that need addressing, such as section 10, which calls for maintenance to only be up to age 15 and with leave of the court a continuation to age 17. That, I believe, would have been because in the old days what was deemed to be the normal age when people left school and would have been supporting themselves. We know that has changed. From what we understand the community wants that to change to go even higher. So, instead of 16-plus people are saying that they want our children coming out of school at age 18, which is what we accept as the age of majority and adulthood.

In truth and in fact, when you allow children to leave school before that and go out into the work world we will be having a system where we are forcing minors, as it were, to go into the field of work to support themselves. So that has to be tied, I believe, with the attainment with the age of majority.

There are some fines in there. I will not even mention what they are. I am sure the legal draughtsperson will see how archaic they are for some of the sections and whether a person breaks certain sections of the law.

Madam Speaker, I want to thank all Members who contributed, and all Members who did not for their tacit support. As I said earlier, this is indeed a good day for women and children, a step in the right direction. It goes to show that at all points in time when legislators find inadequacies in legislation we are able to work as one to ensure that real issues are addressed, real issues that impact our people on a day to day basis.

I thank you, Madam Speaker.

**The Speaker:** The question is: BE IT HEREBY resolved that the Affiliation Law (1995 Revision) be revised to remove any time restriction on the proof of paternity. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Private Member's Motion No. 11/08-09 passed.**

**The Speaker:** That concludes the orders of the day. I will entertain a motion for the adjournment of this honourable House.

While I am waiting for the motion to adjourn, I would like to remind the executive members of the CPA that we will have a short meeting immediately after everybody has had their lunch.

Thank you.

## ADJOURNMENT

**Hon. D. Kurt Tibbetts:** Madam Speaker, with your indulgence, I am just advising Members that there are three pieces of legislation which we have to conclude. One has been distributed on a Business Paper, which is [The Children (Amendment) Bill 2009]. We also have two other pieces of legislation from the Honourable Third Official Member, and we also have the Adoptions Law from the honourable Minister of Health and the new Education Bill which is almost finished.

Madam Speaker, we also have to do Finance Committee.

Rather than us coming back as (the quickest way for me to term it is) "pitchy patchy", we would much rather adjourn sine die and ensure that all Members are given several days' notice of when we resume, understanding full well the date of dissolution.

I suspect not next week but the following week, we will meet back. But because I do not know exactly when, I move that this honourable Legislative Assembly be adjourned sine die.

**The Speaker:** The question is that this honourable House do now adjourn sine die. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 12.44 pm the House stood adjourned sine die.**

**OFFICIAL HANSARD REPORT**  
**FRIDAY**  
**13 MARCH 2009**  
**10.56 AM**  
*Seventh Sitting*

**The Speaker:** I will ask the Honourable Minister responsible for Tourism to say Prayers.

Majesty Queen Elizabeth II, her heirs and successors according to law so help me God.

**PRAYERS**

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

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

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

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

**The Speaker:** Please be seated.

**Proceedings resumed at 10.59 AM**

**The Speaker:** Proceedings are resumed.

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

*Oath of Allegiance  
By Mrs. Cheryll Richards  
(Administered by the Clerk)*

**Mrs. Cheryll Richards:** I, Cheryll Richards, do swear that I will be faithful and bear true allegiance to Her

**The Speaker:** Mrs. Richards, I welcome you once again to these Chambers. It is great always to see women sitting in these official positions. I look forward to the day when a woman is acting in the position of the First Official Member before I leave this hallowed Chamber.

You may take your seat.  
Please be seated.

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

**The Speaker:** I have no messages or announcements.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**Report on Special Meeting of the Standing House  
Committee of the Legislative Assembly 2008/2009  
Session**

**The Speaker:** I recognise the Fourth Elected Member for George Town, Chairman of the Standing House Committee.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.  
I beg to lay on the Table of this honourable House the Report on Special Meeting of the Standing House Committee of the Legislative Assembly 2008/2009 Session.

**The Speaker:** So ordered.

Does the honourable Member wish to speak thereto?

**Mr. W. Alfonso Wright:** No, Madam Speaker. I wish for the Report to be adopted by this honourable House.

**Motion to adopt the Report  
SO 74(5)**

**The Speaker:** May I have a seconder?

The Motion is being moved under Standing Order 74(5).

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker. I beg to second the motion.

**The Speaker:** The question is that the Report be adopted. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Recommendations contained in the Report on the Special Meeting of the Standing House Committee of the Legislative Assembly 2008/2009 Session adopted.**

#### **Report of the Standing House Committee of the Legislative Assembly 2008/2009 Session**

**The Speaker:** I recognise the Fourth Elected Member for George Town, Chairman of the Standing House Committee.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker. According to the provision of Standing Order 74(5), I move that the recommendations in this Report from the Standing House Committee of the Legislative Assembly [2008/2009 Session] be adopted.

**The Speaker:** May we have a seconder?  
Third Elected Member for George Town

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker. I beg to second the motion.

**The Speaker:** The question is that the recommendations contained in the Report of the Standing House Committee be adopted. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Recommendations contained in the Report of the Standing House Committee of the Legislative Assembly 2008/2009 Session adopted.**

### **STATEMENTS BY HONOURABLE MINISTERS/MEMBERS OF THE CABINET**

**The Speaker:** I have received no notice of statements by Honourable Ministers or Members of the Cabinet.

## **GOVERNMENT BUSINESS**

### **MOTIONS**

### **Suspension of Standing Order 24(5)**

**The Speaker:** I recognise the honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. I move the suspension of Standing Order 24(5) to allow a Government Motion to be dealt with during this Meeting.

**The Speaker:** The question is that Standing Order 24(5) be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 24(5) suspended to allow a Government Motion to be dealt with during this Meeting.**

## **BILLS**

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

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. I move the suspension of Standing Order 46(1) and (2) to allow the Bills on the Order paper to be read a first time.

**The Speaker:** The question is that Standing Order 46(1) and (2) be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Ms. Juliana Y. O'Connor-Connolly:** No.

**The Speaker:** I'm sorry, I heard a No.  
First Elected Member for Cayman Brac and Little Cayman, you voted No?

*[No audible reply]*

**Agreed by majority: Standing Order 46(1) and (2) suspended to enable the Bills upon the Order Paper to be read a first time.**

## **FIRST READINGS**

### **Children (Amendment) Bill, 2009**

**The Clerk:** The Children (Amendment) Bill, 2009.

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

#### **Cape Town Convention Bill, 2009**

**The Clerk:** The Cape Town Convention Bill, 2009.

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

#### **Residential Tenancies Bill, 2009**

**The Clerk:** The Residential Tenancies Bill, 2009.

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

#### **Suspension of Standing Order 46(4)**

**The Speaker:** Honourable Leader of Government Business.

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

I move the suspension of Standing Order 46(4) to allow the Bills on the Order paper to be read a second time.

**The Speaker:** The question is that Standing Order 46(4) be suspended. Those in favour please say Aye. Those against, No.

**Ayes and one audible No** [by Ms. Juliana Y. O'Connor-Connolly]

**The Speaker:** The Ayes have it. Standing Order 46(4) is accordingly suspended.

**Agreed by majority: Standing Order 46(4) suspended to enable the Bills upon the Order Paper to be read a second time.**

## **SECOND READINGS**

### **Children (Amendment) Bill, 2009**

**The Speaker:** I recognise the Honourable Minister of Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I beg to move the second reading of a Bill for a Law to amend The Children Law (2003), shortly entitled the Children (Amendment) Bill, 2009.

**The Speaker:** The motion has been duly moved and is open for debate.

Does the honourable mover wish to speak thereto?

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

Honourable Members of the Legislative Assembly will recall that the Children (Amendment) Bill, 2009, was tabled in the Legislative Assembly as a white paper for public input and discussion on 5 December 2008.

The primary aim of the Children (Amendment) Bill, 2009, is to embody at a domestic level certain articles and provisions of the United Nations Convention on the Rights of the Child. Hence, with the planned successful passage of this Bill, which complements the Children Law (2003), the Cayman Islands will demonstrate that it, too, like many other countries around the world, is committed to ensuring that children in these Islands are protected, a duty which is of great importance among all of our people.

Madam Speaker, during the public consultation process, which, as I alluded to earlier, began in December last year, the Ministry received responses from members of the public as well as organisations such as the Department of Children and Family Services, the Justices of the Peace Association, the Cayman Islands Crisis Centre, the Department of Counselling Services and the Youth Services Unit, all of whom demonstrated strong support for the Bill.

After a thorough review by the Ministry and the Legislative Drafting Department it was determined that the majority of the concerns raised are not strictly legislative in nature, but would be more appropriately dealt with through administrative systems and processes, as well as through public education and sensitisation programmes.

The Bill before us today for debate is a well considered, closely reasoned instrument. It is the culmination of collaborative work between private individuals and key government and non-government agencies. It is therefore anticipated that this Bill, if brought into law, will more than adequately provide the relevant regulating authorities with some powers which are essential to ensure that the principle of the best interest of the child is upheld. Madam Speaker, I will say again that this is the main focus of the Bill. It is about the child.

Before I speak to the details of the proposed amendments, I think it is appropriate that I first discuss the broader context and issues which have made the need for such a Bill a necessity in our Islands. We bring this legislation because there is a need for it.

Over approximately the last four decades, Caymanian families have had to adapt to increasing demands placed on them by economic, social, cultural and environmental changes. The challenges of change remain a feature of life, and with such a reality the need to have a supportive, loving and strong family system has arguably gained even greater importance. It is vital, therefore, that we build and sustain strong families to ensure that our children are properly protected and nurtured.

One way in which public policy can assist is to establish formal standards and guidelines for the treatment and care of our children. In an ideal world,



those blessed with children would honour this most important responsibility. As we are all aware, however, there are those among us who fail in precisely that sacred duty. There are those who act through the abuse of children to attack the essentials of human respect and decency, and so erode the strength of our families and communities.

Certain existing social attitudes and beliefs about child abuse, especially abuse within the family unit, make this problem particularly persistent. If anyone thinks that they are ultimately doing the best for a child or a family by not speaking up about abuse, by treating it as a 'private matter', it is time they were told they are very, very wrong.

This is a deeply wounding experience, Madam Speaker, when it occurs, and families are traumatised by it. So they often act out of a misguided attempt to 'protect' the child. Sadly, when the matter is kept secret, it is the perpetrator who gets protected, and all too often continues their abuse.

We must all understand that there is no room for tolerance of child abuse in a Christian society. It is our sacred duty, to not only speak and act against it, but also take responsibility for preventing it, whether we are private citizens, public policy makers or workers within key agencies. Already there are those who distribute information regarding child abuse prevention, and conduct education and awareness campaigns. What this legislation seeks to do is put the force of law behind these efforts.

To have a legal instrument such as this Bill that establishes mandatory reporting requirements for child abuse to the relevant authorities sends a powerful and unequivocal message to those who would do harm to a child. The Cayman Islands does not tolerate child abuse!

In addition, it has been found that with the introduction of mandatory reporting, the awareness of child abuse and the sense of empowerment to act against it increases exponentially in the community at large.

Hopefully, once this Bill is passed into Law, professionals who deal with children will be duty bound to report any suspected cases of child abuse. This Bill provides them with a legal protection that has been lacking.

Furthermore, when a child is in need of emergency protection, the responsible agency will be able to authorise the conduct of medical and psychiatric examinations without the consent of the parent or in absence of a court order. Naturally, there are safeguards built in here against possible inappropriate use of these powers. This step is very important.

I must stress again, however, that the Bill is not designed as a substitute for the essential role of parents and families; in fact, fundamentals of parental responsibility and accountability are key to the proposed legislation. The Bill, for example, makes provisions to extend parental responsibility to a step-parent or unmarried father.

Also, very importantly, parents will be required to attend any and all court proceedings that involve their child. Parents may even be required to successfully complete an approved parental programme if the Courts see fit to make such an order.

These provisions seek to enhance and ensure the continuity of parental input in their children's lives. All too often, in dealing with children who have behavioural difficulties, it has been found that the timely absence of the parent has inhibited their child's successful rehabilitation.

The Bill also clarifies that it will be the role of the agency with primary responsibility for child welfare to manage the placement of a child in care. At the same time, it addresses those cases where contact between a child and parent has been refused, to provide that parents are granted recourse to request information on the wellbeing of their child, from the responsible agency.

Madam Speaker, this legislation is all based on the perspective that a Government should only be called upon to the extent that families cannot genuinely provide for the care and guidance of their children. A similar point may be made with regard to voluntary organisations, who continue to provide a range of services that are beneficial to children.

This is not to suggest that either Government or voluntary agencies would or should slacken in their vigilance, or their readiness to respond to the needs of children and families. Quite the contrary, Madam Speaker: the role of public agencies should be to strengthen, support, and where necessary, correct families, not to substitute for them.

I would like to encourage members of this Honourable House to pay close attention to the details of the legislation. The amendments are as follows:

1. New definitions, including a definition of abuse, have been inserted.

2. Section 4 has been amended to give a father who is not married to the mother of a child at the time of its birth, parental responsibility where he, along with the mother, registers the birth of a child. (And we dealt with this in the last session.)

3. New provisions on acquisition of parental responsibility by a step-parent are introduced. This is particularly important given the current reality of so-called 'blended' families. As some of us may know, blended families, also known as stepfamilies, occur when persons with children involved in previous relationships unite to form a new family.

4. A duty is placed on the Department of Children Services ("the Department") to promote the educational achievements of the children it looks after.

5. New provisions on mandatory reporting of possible abuse and neglect of children are introduced, setting out who is required to report, and specifying the obligations of the Department following such a report.

6. The Governor in Cabinet is permitted to issue a certificate to a foster parent providing refuge to a child.

7. Madam Speaker, we discovered this yesterday. The Bill now before honourable Members called for a Part X of the existing Law, which deals with child minding and day care for young children to be repealed. I have circulated . . . and thank you, Madam Speaker, for your permission to waive the two days' notice to make a committee stage amendment. Because it is now felt that child minding and similar provisions are better retained in this Bill rather than the new education legislation as was envisioned when this Bill was drafted. The House, therefore, will be asked to consider a Committee Stage amendment to ensure that these scenarios are adequately provided for.

8. A new section 88A places a duty on the parents of a child appearing before the Court to also attend Court for the duration of the proceedings.

Lastly, the additional revisions made subsequent to the public consultation are as follows:

9. Clauses 5, 16 and 17 of the Bill remove the power of voluntary organisations to place children in a home. This means therefore that the Department, which is responsible for the welfare of children, is the only agency which can make a petition to the Court for a child to be placed.

It is expected that naturally such matters may, and should be brought to the Department's attention by others, such as voluntary organisations, for necessary action.

10. Clause 9 provides the Court with the option to order parents to undergo and successfully complete a parenting programme approved by the Ministry responsible for the welfare of children.

Madam Speaker, additionally, in circumstances where contact between a child and their parent or guardian has been refused, it specifies that the Department, if requested, may be required to provide information on the wellbeing of a child to said parent or guardian; and

11. Clause 10 permits the Department to authorise the conduct of medical and psychiatric examinations on a child in the absence of a court order, or the consent of the parent, where the child is in need of emergency protection to safeguard his or her wellbeing.

The Department in so acting is obliged to act reasonably, and if the child is of an age to express a view about the proceedings, to take that view into consideration.

Madam Speaker and Members of this honourable House, let us not forget that at the very core of this legislative process lies what we hold most dear to our hearts, our most valuable asset—our children of the Cayman Islands.

The task of protecting children is a particularly challenging prospect for all, especially in this day and age. However, it is absolutely critical that we seize this

opportunity now if our Islands are to advance in any meaningful way.

I hope that you will give your wholehearted support to this legislation as this is part of the machinery necessary to make our Cayman Islands a safer place for our collective future, above all including our children's future.

Finally Madam Speaker, I wish to commend and thank all the parties who provided input from the public and other agencies, and to thank all the staff involved in bringing this piece of legislation forward. I recommend the Children (Amendment) Bill, 2009, for the favourable consideration of this honourable House.

Thank you and God bless us all.

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

The Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

Obviously, as the honourable Minister outlined in his presentation to the House, this Bill is one that would find favour, I believe, with our entire community. Having said that, obviously the Opposition sees that this Bill is one that we can support.

It is indeed important at this juncture of our history that we underscore the commitment of this particular class of legislators to furthering the interests of those in our community who often times find themselves at the will and mercy of others. I know that in these times where there are raging debates about rights and protection of persons under legislation that some are arguing ought to have constitutional status, it is important that we continue to move along the pathway of creating legislation that addresses those real and legitimate concerns. I believe that this Bill is one that works in that vein.

Madam Speaker, no piece of legislation is going to be able to ultimately do what is required for every single instance in every single situation. However, I believe it provides an overarching type of framework that moves the Cayman Islands and moves the interests of children in the Cayman Islands forward. It also goes a long way in trying to ensure that along with moving children's interests forward that the entire family's interest is moved forward. We see the provisions in there that relate to parenting, step-parents, and other important institutions that are in society that are the bedrock of society and that itself should form the nucleus in which a child is able to develop, be safe, and have an opportunity to have a useful and productive life.

We know from our experiences that certain behaviours and activities of adults toward children have indeed had extremely negative consequences and influences on a child's life to the point where in a lot of instances it practically ruins the child's life, where [their] behaviour is unacceptable to the community. This Bill seeks to provide the type of legal in-

frastructure in which those sorts of instances can be more effectively dealt with so that we are indeed protecting children.

Madam Speaker, a few days ago the House passed Private Member's Motion [No. 11/08-09—Parental Responsibility]. That sought to provide that people do not, from a legal standpoint, wind up going fatherless their entire lives. I have had a number of calls since then, and I see some provisions in this particular piece of legislation that will go towards addressing some of the concerns that people talked about. Once you start talking about the whole issue of parenting, there is a wide range of concerns out there that people would like to see addressed in some form or fashion.

I would ask the Minister to try to ensure that at the passage of the legislation the Ministry or the Department of Children and Family Services comes up with a small pamphlet that educates the public about some of the specific provisions in this legislation. I raise that point because someone called me after the Motion I spoke about earlier, the Affiliation Law Motion, and painted a scenario that was quite unusual. So people need to understand very clearly what their legal responsibilities are once they engage in certain behaviour as it relates to children and supporting children, and the fact that the courts can and will often hold you responsible once you establish to society and through the raising of a child that you are indeed accepting the role of a parent, and that it is not as simple as saying, *Well, I want to do a DNA test to prove that a person is not for me, and therefore that should allow me to simply get out of any responsibility I might have.*

I believe that well-intentioned and well-meaning people get themselves caught up in those sorts of issues and do not realise the legal implications and ramifications of their behaviour. The type of instance I am talking about is where a person takes on a parental role with another individual and that child may not be their biological child but in the eyes of society, and in the eyes of the court, because of their behaviour they have indeed formed a "moral" and in some instances (as this person found out) a "legal" contract that is not as easy to get out of as people may think.

Certainly, there are other provisions in here that I think could quite nicely be articulated in a very simple bullet-point type brochure. I think it would help parents a lot; it would help society a lot. But certainly when it comes to reporting and what is expected of people who are expected to report certain instances of abuse, et cetera, that sort of information would be very useful. Whilst the Minister can elaborate on that point when he winds up, I am sure there has already been consultation, et cetera, so there would be knowledge by persons in certain professions already of what the implications of this might be.

It would be good, for people who are new to the Islands or who enter this profession after the pas-

sage of this legislation, if a very clear concise type of pamphlet or brochure were developed to ensure that people understand clearly what role they are expected to play under this legislation. I think that is a point that we are not the strongest on in Cayman in that we often times pass very good legislation and believe that people are going to take the time to read it—especially with this kind of amending legislation where you have to read between the Bill and the Law and try to figure out what is being inserted, what is being amended. It is not easy to navigate. It is not easy to follow. I think that would be something very, very useful, Madam Speaker.

Obviously, the Minister in his outline of the specific provisions of the Bill has covered those matters I think quite extensively. So I am not going to actually get into that aspect of it.

I will end by saying that when we do this sort of work as a body of legislators, irrespective of who is Government and who is Opposition, this is a good day in my view for the children of the Cayman Islands. This is a good day for families in the Cayman Islands. This is not going to be any silver bullet or any magic wand, because people are going to behave how they will behave. But this Bill seeks to also strengthen parenting, which is one area that is so crucially important. The one thing that I hope comes out of this is that we identify at very early stages of children's lives when things are not going as they ought to, that the Ministry and the Department of Children and Family Services use these tools to really make the intervention as early as possible.

All of us know from our own personal experiences and friendships, and from things that have been reported to us in our communities, of people who lead unproductive lives and make poor choices. Very often the pattern of that sort of behaviour starts extremely early. Sometimes people have certain things happen in life later on, something that occurs once they have reached adulthood. But in most instances, those behaviours are exhibited at a very early stage. If we are going to continue to not intervene at that stage, at that point in the child's and the family's life, I believe we will continue to be frustrated by the instances of persons falling between the cracks as it were. And we try to remedy and help them at the tail end, by which time they are often at Northward, and we are spending so much more money and the hope of recovery is so much less.

If we can do it early, if we can get the type of assistance that parents, in particular, need . . . I would venture to say that the vast majority of cases, if not all, when we look at specific instances it is the parents' capacity to cope, to train and to lead their children and establish and ground them with a very useful skill. We oftentimes think that humans are born with it; but I personally believe that the ability to make wise choices and the right choices is a skill that is developed, that is shown to you and that you get from your society. And the primary place in society is your fam-

ily. It is not something that humans are innately born with.

A lot of times when we see people who are on the “wrong track” or making poor choices in life, we somehow believe that they ought to just be able to do different and to do better. You hear people say “They ought to be able to do better. They are big adults. They have been doing this so long, why can’t they do better and make better choices?”

But, Madam Speaker, if we use these tools we can really go a long way at achieving some semblance of social reformation and engineering in the country. That is a difficult job, but one that every government has to take on. You do your best and you hope that the professionals involved are courageous, use the tools that are given to them.

I believe there are certain tools in this Bill that are going to [allow] Government and government workers the capacity to assist families and get families to a more productive state. I believe there are some very good tools in this Bill that will allow that to happen.

Madam Speaker, my colleague, the First Elected Member for Cayman Brac and Little Cayman is also going to speak to the Bill, but to more of the technical aspects of the provisions of the Bill. So with those few comments I can say that we ought to feel good about the work that we are doing this morning because it is providing the country with the type of enhanced legal infrastructure that can have a positive impact in our society.

Thank you.

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

First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O’Connor-Connolly:** Thank you very much, Madam Speaker. I rise to give my support to this proposed Bill.

For the purpose of clarity and avoidance of confusion let me take this opportunity to indicate the negative vote as it related to the suspension in that as far as my understanding was concerned it came as a grouping with the Children (Amendment) Bill, the Cape Town Convention Bill, and the Residential Tenancies Bill. I have no problem with the first one, but a problem with the late notice on the second. I voted collectively against them because it was not separated.

So, for any doubt that may have arisen, my negative vote was not to the Children (Amendment) Bill. Indeed, I am happy to support the Government in this venture. I do have some observations that I would like to share either for further elucidation or clarifications. Madam Speaker, on the provisions that I wholeheartedly support I will remain silent. I will only make comments on the ones that I have specific observations on.

Commencing, I will turn my attention to the proposed section 4, which deals with the acquisition of parental responsibility by a step-parent. Although from a strictly personal and biblical perspective I may have different conclusions to draw, I am not speaking in that capacity but in the capacity of the wider context of the society and community in which we live. It is a reality and we therefore have an obligation to deal with the realities as they exist.

Madam Speaker, I would, however, ask the Government to pay closer attention to this effort. I concur that there is a necessity to ensure that all and sundry, as far as it relates to the partnership in taking a holistic approach to ensure that our children are perhaps our greatest asset not only in this jurisdiction but worldwide, but to ensure that in so doing that we have the best situation at the end of the day.

When one looks at section 4A(1)(a), it refers to “. . . **parent A or, if the other parent of the child also has parental responsibility for the child, both parents, may by agreement with the step-parent provide for the step-parent to have parental responsibility for the child;** [and then it goes on to say] **(b) the court may, on the application of the step-parent, order that the step-parent shall have parental responsibility for the child.**”

I would wish for some clarification, Madam Speaker, in the response by the Government as to whether it is deemed necessary for it to be mandatory just for a sole application to be made by the step-parent, or whether there would be circumstances where we would envision a joint application by both natural parents and the step-parent, for obvious reasons. It would certainly cut down on the onus of providing the circumstantial evidence or a consent order, and certainly with expense. But, more importantly, should this commencement order ignore the wishes and the feeling of the child? Certainly, Madam Speaker, as it is written it is my personal interpretation that it does. If that is not the case, then I would be happy to concur after satisfactory explanation.

If, in fact, the legislation is silent on what I think is an important part of this tripartite relationship—that is, the child’s feeling—and seeing that we are moving into the rights of the child and the wider acceptance that the child should have perhaps more than our culture has hitherto accepted that a child should have, I believe it is a move in the right direction. And while we are here, rather than having to go back and do a cleanup with auxiliary legislation if it is silent, and from my understanding it seems to be, that I would respectfully ask the Government to give due consideration to it at this stage and perhaps clean it up if that is necessary.

I congratulate the Government in this attempt, which was made in section [4A](3)(b) where it is dealing with termination, or the ending of a parental agreement and an application by the step-parent. Provision is made here for not only the person who has the parental responsibility for the child, but the

child himself or herself with the leave of the court. I have no problem with this additional condition, subsequent, where it is not particularly just left to the child herself or himself. Obviously there are age considerations, but we also have to be fully cognisant that the children of today appear to be much wiser, much more observant, and therefore the age level of accountability needs to be revisited. It just cannot be a mandatory thing; it has to be on one consideration. But I have no problem, and neither would my colleagues on this side, having that provision that it must be subject to the court, just to add that extra level of accountability to ensure that the overriding factor in all of these considerations is the welfare of the child. That must be our paramount consideration.

Madam Speaker, I wish to look briefly at [clause] 5 [(a)] where it says “[**4A**] **Before determining what, if any, services to provide for a particular child in need pursuant to the functions conferred on it by this section, the Department shall, so far as is practical and consistent with the child’s welfare (a) ascertain the child’s wishes and feelings [again, a good move in the right direction] regarding the provision of those services; and (b) give due consideration, having regard to his age and understanding, to such wishes and feelings of the child as they [may] have been able to ascertain.**”

I just query here whether this set of circumstances does not warrant some type of consultation for the parent. For example, I would put forward to this honourable House, if it dealt with services requiring particular information or training when it comes to protection from sexual activities or contraception, et cetera, is the Government proposing that the child—and only the child—should be consulted with regard to the provisions of these services? Or is it significant enough for a parent to have some say or control?

Perhaps, Madam Speaker, there may be circumstances where the parent is unreasonable. Certainly that is not what I am purporting; but are we moving to a state of liberalisation in our culture, ideals and ideology that we are going to leave the parent completely out in an attempt to make it better for the child? If that is not the case, then I am happy to be convinced otherwise. But if it is the case, then perhaps the Minister or a member of his Government could attempt to convince me and the wider public why it is absolutely necessary for the parent to be left out in this particular provision.

I also wish to comment briefly on Part IIIA, which deals with the notification and investigation of abuse. Of course, it is the standard onus of reasonable suspicion where the law now would make it “[**32A. (1)**] **if (a) a person to whom this section applies has a reasonable suspicion that a child has been or is being abused or neglected; and (b) the suspicion is formed in the course of the person’s work, that person shall [again it is mandatory, which is absolutely necessary in this particular set of circum-**

**stances] notify the Department of the suspicion as soon as practicable after he forms the suspicion.”**

There is nothing wrong with that. It is a good provision. It is good duty to notify, Madam Speaker.

Then an attempt is made in 32A(2), where it seeks to set out a long list, a long category of various persons who will now have this new duty. But I would particularly like to draw Government’s attention to (2)(i) and wonder whether they deem it necessary as it relates to a minister of religion, considering what has happened in some particular religions worldwide, in particular in the United States perhaps more than any other jurisdiction, to add words to the effect of “a minister of religion or other officers or members of the church” rather than just particularly a minister of religion.

Certainly, in the churches that I am familiar with, they will often have a youth minister or a youth director, a Sunday school teacher, all of whom have high morals. But, we live in a real world, Madam Speaker. And human beings being what they are, I would not want to see us create a statutory bar that somebody could slip through and commit such a heinous offence against children or persons under the age of majority.

Of course, in so saying some further extension of the definition [could] include persons such as deacons, elders, directors or owners who would not necessarily be employees of an organisation. Although I think it was a very valiant attempt at trying to specify all of the various categories, if the Government is convinced that it is not tight enough, based on what I said, I would be extremely happy to know that we are able to tighten it up a bit more. We ought to do everything we can to ensure that our children are absolutely protected from these heinous persons who seem to have no conscience whatsoever in committing these acts.

I also would pose the [question] as to whether or not this section is wide enough to have covered clubs and associations that also deal with various youth activities, because relationships will grow. The more you get in contact with anyone, relationships grow. Human beings are creatures who have a need for love and affection. It is just a natural end result, so we need to ensure that if we are going to list it, rather than making a very wide-sweeping general clause that would encapsulate all of these circumstances, if we could just have a general clause or an extension of the existing listed categories to make sure that it is as tight as possible while we have an opportunity today to so do.

Madam Speaker, as it relates to the same section, but to subsection (4), it says, “**A person does not exhaust his duty of care to a child by giving a notification under this section.**” And (5), “**A person who contravenes this section commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for a term of six months . . . .**”

Madam Speaker, certainly speaking from a personal perspective, I do not for one minute believe that this most lenient penalty will go anywhere close to being sufficient as acting as even a reasonable deterrent for persons who would fail to notify. Often we find situations where the act of omission is a bit greater than the act of commission. Children go through horrible psychological scarring and damage just from the fear factor itself when someone in authority, who they know, knows, and who has every right and every duty to go and notify but, for whatever reasons—and I can only categorise them as selfish reasons—they may not come forward.

I believe that just as was done with the Environmental Law where we had an atmosphere, an ambience of a silent code treatment. You know, it was culturally good to do X, Y and Z. So when it came time to conserve and preserve it had to be an attitude and a mind change. Likewise, with this type of legislation, there are certain cultural areas in our society where it is a taboo, especially if it is an incest type of relationship, parents—mothers included—would be fully cognisant that such an abuse, sexual and otherwise, is ongoing, but because of financial reasons, the need to have that other significant person there, they will trade off the rights of the child. I thought that if we would somehow find a way of increasing this penalty so that there would be no provision for a person to wiggle out of it because they would say, *If I am caught, what is \$2,000?*

Yes, we are in an economic meltdown and downspin, but in the Caymanian society when you have to go up against those competing factors of family being disgraced, or a family member being put in a position where they might be incarcerated or lose their job, then I would respectfully submit that \$2,000 is not a sufficient or reasonable penalty for such an offence. I would ask the Government to perhaps look at this again with a view to making it a more meaningful penalty.

Madam Speaker, as it relates to 32C, dealing with Confidentiality of notification of abuse or neglect, I am happy to see that the Government did include a section which will protect the notifier from liability. Of course there are certain provisos that the person would have to take [note] of, but Cayman is a small community and if this process of notification is to have any meaning whatsoever, most persons would need to know that when they notify every effort is taken to protect their confidentiality.

Again, we live in a real world. It is no good going forward being valiant and being a hero notifying if you are going to find yourself exposed to imminent danger, including your own life. Perhaps you might find one or two of those brave souls in our community, but it would not be as effective as it would have been if it had not been for the inclusion of this provision here.

Madam Speaker, as it relates to 32D, it says, “. . . **nothing in this Law requires the Department**

**to take or initiate any action under this Law in relation to a notification of suspected abuse or neglect of a child if the Department is satisfied- (a) that the information or observations on which the notifier formed his suspicion were not in the opinion of the Department, sufficient to constitute reasonable grounds for the suspicion;”**

My only inquiry here is whether or not this piece of legislation should be placing the onus on the Department to satisfy themselves, or should this be placed on the Legal Department as is perhaps a similar case with any criminal offence. Does that mean that we are going to supply the Department with sufficient legal minds, or give the existing members of the Department additional training on legal matters relating to this specific area where they can decide whether or not there is sufficient evidence?

You see, Madam Speaker, not that I have a self interest in being an attorney myself, but with such training there are certain things that may not readily be conspicuous to the ordinary man on the street. Hence the reason we have a Legal Department or attorneys that are hired in house.

Maybe the Honourable Minister and his Department may have taken the position that staff can be expanded, as we have done with the Chief Officers or Human Resource Persons, where we have an in-house attorney. I certainly would have no problem with that. Maybe it would expedite matters. And there is a need for expediency dealing with children and sexual offences. But I just wonder if some comment could be made by the Government as to why it was deemed necessary to put this onus on the Department rather than an onus to continue, once that notification is received by the Department, onward to ensure that for whatever reason a child who had been abused did not lose his or her right because it was deemed not to be reasonable grounds by someone in the Department. That is the only reason for that observation, Madam Speaker.

There was another provision, 88A, which deals with the attendance in a court by a parent. It says, **“Where under this Law a child is brought before a court, the parents of the child shall attend the court at all stages of the proceedings and any child care training programme ordered by the court, unless the court is satisfied that it would be unreasonable to require their attendance.”**

When I first read it in the explanatory sections I was happy to quickly turn and see that the proviso or the conditional prescient had been added where the court would have a say, whether it was unreasonable to go. But I say, as a woman and as a parent myself, that I am also cognisant that these types of cases are not necessarily short. They can often result in protracted litigation. If we are going to expect the parent to attend to all of these proceedings, and any good parent would want to, especially in the economic condition we are in . . . but also because a lot of these children will come from single-family backgrounds

where it is a mother alone working, or perhaps even a father, and there is only one income. Can we reasonably expect that parent to attend court and then, by extension, can we reasonably expect the employer, if she is not self-employed—which would make the matter even worse—to be in court for that duration not having the certainty of an income for the time that she is in court?

We see this, Madam Speaker, even with a juror (the Government has recognised this over the years) where they are paid a stipend. I do not believe it is enough, but that's another argument for another day. I believe that if we are going to move in this direction to try to mandate parents to be in court, and I understand the reason why, if for nothing more than moral support, but also to have an understanding and to illustrate and demonstrate that they have concern and a vested interest in the life and outcome of their child so that they can become productive citizens and that they can have a second chance at life and at being successful in our Cayman jurisdiction.

I think that in creating this necessary onus, duty and accountability in a parent, we must at the same time create a way to allow that parent to carry out that duty. It is like a double punch at the parent, from my respectful submission, in that if the parent decides that because it is going to cause financial hardship . . . that is a difficult argument to go to convince a judge that [the parent] cannot come today or for the next two weeks because there will be financial hardship.

How will our small community look at such a parent? Is the parent then going to be branded that her income or her financial wherewithal is more important than the child? Perhaps so, but I do not think that any parent should be put in that position.

Just as we have a provision for "criminals", where they can get legal aid assistance from the court, then I think we need to come up with a very innovative and creative programme to allow this provision to work properly whereby the parent, whether through application or through the department, can say, *Look, I am here. I am ready to sit out for one day, two weeks, two months for this hearing, but can I be somehow compensated so that at the end of the day I can have it?*

I know we can say there are vouchers, but you know and I know, Madam Speaker, that that is not the best mechanism to deal with this situation. It should be a separate vote within that Ministry or within the Courts, wherever Government sees fit to put it, that they know that they will not have to be competing with rental assistance or burial assistance or what have you, that they can do what they ought to do best—be there all the way without having to consider these considerations.

Madam Speaker, one may say, *Well, does Government have to do everything?* Well, Government is creating this obligation. Obviously Government has found through the ages, and through their

experience, expertise and professionalism that perhaps some parents have not stepped up to the plate and have not been there in court and in other important circumstances for their children, and they have now deemed it necessary to put it in. But I would say to the Government, consider that request and, if necessary during the committee stage, see if we can find some way of including a financial provision to make this new duty a possibility for parents.

Madam Speaker, with those observations, I am happy to support this aspect of the amendments dealing with the Children Law and I look forward to hearing the response from either the Minister or other members of the Government in the discussion as we go into committee stage.

I also look forward to the speedy implementation, seeing that time is now of the essence more than ever before. Before we even have an opportunity to be nominated it would be a wonderful thing for every Member, putting parties aside, to be able to say *we have left this legacy for our children*. And that as we have deemed it necessary, great care was taken to expedite the drafting to put the requisite human resources, and spending long hours.

With that regard, I wish to thank the Honourable Minister and his associated auxiliary staff, included but not limited to that of the Legal Department, to put aside perhaps other competing legislation to ensure that this was put before the House at this time. I look forward to the safe passage thereto.

Thank you.

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

Third Elected Member for Bodden Town.

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

I rise to offer my support for the Bill to amend the Children Law (2003) in order to provide for the mandatory reporting of possible cases of child abuse; to provide for the acquisition of parental responsibility by unmarried fathers and step-parents; and for incidental and connected purposes.

Madam Speaker, I am certainly happy to be here as we as a collective parliament try to do our best to protect the most vulnerable and most valuable in our society. It is our duty as a parliament and certainly our duty as a country to offer protection for all those in our community who cannot speak for themselves and who are unable to help themselves the way they previously could, such as our elderly, even our animals, and certainly our dear children.

This is a good example as we are in the process of Constitutional modernisation and the implementation of a Bill of Rights, as we get hammered by the Human Rights Committee who has said that we have not gone far enough with full fledged human rights and the rights of so many are being neglected.

Here we are today strengthening legislation to do exactly what they have said is being eroded.

It goes to show that regardless if something is enshrined in our Constitution or not, we as responsible leaders in our community, as parliamentarians, certainly have the good sense and the vision to offer protection for any vulnerable areas. There is a lot of work to do in this area, not just with children's rights, but certainly we do have other areas where we need to beef up legislation. It is not as if this is being ignored; it is just that everything cannot be done all at once, Madam Speaker.

Therefore, I am happy to see, and I am sure the various agencies involved in working with the protection of children's rights, people in our crisis centre and other such agencies that deal with the abuse and neglect of children, will be happy to see that we are refining, updating legislation to assist with ensuring that the rights of our children are protected.

Madam Speaker, we live in a Cayman Islands that is certainly a lot different from 30, 40, 50 years ago. We live in a Cayman Islands that has many broken families, many merged families, many different cultures that think in many ways different from the indigenous Caymanian. Things that at one time we never really had to give a second thought to, have now become important to us.

Madam Speaker, we have so many different people and agencies involved with care giving for our children. I mean, when I grew up I do not know if we had a daycare centre in this country. Maybe Ms. Kippy and those who have come lately will not know who I am talking about, but a dear old lady who did that on Goring Avenue, her real name was Muriel Syms. The Honourable First Official Member is nodding his head to me and saying that he attended Ms. Kippy's.

So we have come a long way in a short time, Madam Speaker. I am 47 years old so I am not talking about a long, long time ago. Yes, I know I am old. I still have a young mind! That's important.

Yes, Madam Speaker, I am saying that we now have to look carefully at all of the different interaction that we have for our young people. It is incumbent on us as parents and . . . primarily parents, to ensure that we know who is looking after our children. We here as legislators have to ensure that we have provisions in place to protect the various activities and control the potential for various abuses.

Madam Speaker, when we hear the court cases (and sometimes we know the names), we hear the gross actions against children, unspeakable crimes—physical abuse, sexual abuse. As a society, we have to take a firm stand against this. That is what legislation such as this is seeking to do. We are seeking to give those in authority the ability to disclose information that may have come to light in their work.

When we look at section 32A, and the long list that this section applies to, from medical practitioners right down through police officers, probation officers, social workers, ministers of religion and so on and so

forth, so many people, care givers, preschool workers, and the list goes on, there are a lot of people who interact with our children.

Like the First Elected Member for Cayman Brac and Little Cayman, I would ask that maybe we reconsider what I see under [32A](5) as the penalty for a person who contravenes this section. It speaks to a fine of \$2,000, or to imprisonment for a term of six months or both. Madam Speaker, that to me is a little bit on the light side. These sentences need to be a deterrent to someone who has such grave knowledge and does not disclose it. Two thousand dollars is not the easiest thing to find, I know, but I do not think it is quite enough.

No one wants to be imprisoned, but a six month sentence, again, you serve three or four months and you are out. I think that we need to ensure that that is at least a minimum. We need to have discretion in this area, maybe, or a higher minimum for such a grave omission or inaction by such individuals.

We have many families where abuse takes place and the biological parent for some reason that is often times hard to comprehend by others will know that abuses are taking place with their child by the adopted parent or step-parent. And that parent will remain silent, and, in fact, chastises and further punishes the child for disclosing to them that they are being abused. That is quite disheartening and heart wrenching. One can only imagine what that child must feel when the one person in the world that the child has and holds dear, who should believe in the child, and the child goes to that person and that person turns their back on the child and chastises the child and maybe even beats the child because the child says she is being hurt by this other person, and they remain silent on the issue . . . what torment, Madam Speaker.

What must go through that child's mind? How can that child grow up to trust society? How can that child be productive in life and not hold a grudge? This is what we are dealing with, Madam Speaker, real, real issues.

I once attended a workshop put on by the Crisis Centre. I listened in awe and dismay with a torn heart at some of the stories of abuse that the public does not hear about. We, who live what we consider to be ordinary lives where all is well around us, do not have a clue as to what is really happening with some of our young people and children.

Madam Speaker, this is a very emotional piece of legislation because, like I said, it goes to the core of protecting our most valuable and prized asset—our children. Therefore, I want to ensure that as legislators and as this class of legislators that we put in all the teeth we can to ensure that when someone commits these grave injustices that they are punished to the fullest extent of the law. I want to see heavy tariffs in this area, Madam Speaker.



It is good that under this Bill we have defined a notifier as a person who notifies the Department that he suspects that a child has been or is being abused or neglected, under 32C(1). Through the proposals in this Bill, various protections are now offered to ensure that the person is not castigated or victimised or violated for disclosing the crucial information that will make a difference to action being taken in protecting our children.

Madam Speaker, as I said, we cannot legislate for all possibilities. It is just not possible. Not just with this legislation, but with any other piece. When we do make attempts to legislate, we have to do our best to cover as many of the scenarios as possible and we have to ensure that the legislation has teeth. There must be penalties, especially when it comes to social injustice in regard to our children and adolescents. Madam Speaker, I hope that we have gone some way with this Bill to doing just that.

I implore all honourable Members to support this important Bill. I am proud that the Government of which I am a part has been working hard at trying to protect our children. I hope that those who work with our children, the many agencies and caregivers out there will familiarise themselves, parents as well, with what protections there are. I hope that we as people of the Cayman Islands will work hard collectively at protecting our most prized asset—the children.

Thank you.

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

Fourth Elected Member for George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I rise to make a short contribution to the Bill now on the Floor of this Honourable House and to maybe begin where the Third Elected Member for Bodden Town left off in speaking to the workshop that I also attended, facilitated by Ms. Carol Graham.

One of the things in that workshop was that they were real-life stories. We sat there and listened to testimonials from individuals who had been affected. True stories. One of the things in that workshop that haunts me to this day is the story of a lady who as a child was molested by her father. As this continued the child, hoping for rescue, attempted to talk to her mother who simply ignored the situation.

One of the chilling things was of this child saying that one night while her father was in her bedroom she could hear her mother's footsteps coming down the hallway. She said to herself, *At last, I am going to be rescued.* And the footsteps stopped. She then heard the footsteps walking away.

Madam Speaker, I am elated that we have brought some amendments to the Children Law. But if I had my way, I would have human beings altered [so] that they would not even contemplate abusing children. That is not possible. But there is no other crime, there is nothing else in this world that hurts me more

than abuse of children by adults, parents in particular who are supposed to be the ultimate protectors—who abuse their children or otherwise ignore the fact that they are being abused. I will never be totally happy and satisfied that we have done enough to protect our children, but we have to do what we can. And we do the best we can as we move along.

I am happy that some efforts have been made. We are all responsible in some form or fashion [for] whatever happens to our children. We need to take the responsibility seriously and assist where we can empower our agencies, where we can educate our people and our agencies wherever we can, and continue to impress upon them the importance of protecting our children.

Too often, there are stories of individuals who commit crimes, who become a menace to society, only to find out there was psychological damage from being abused as a child. It is very, very real. So no efforts should be spared in doing what we can to protect our children.

There are things that continue to concern me. At times, we become idealistic over the things we think should happen; and many times the things we want done are not possible. They do not work the way we envisage them. I am a bit of a radical thinker when it comes to things like this and whatever has to be done to protect children. I am one who questions the notion of secrecy in courts where we keep things confidential and private because we say we are protecting the child because they do not want society as a whole to understand that this particular child has been abused.

What we do in turn, Madam Speaker, is to somehow protect the perpetrator by saying to a child that a horrible wrong has been done to them by Uncle Tom, but they cannot talk about it. So, the child feels that while he was wronged, he needs to protect Uncle Tom as well. I believe that that is something we all need to sit down and take cognisance. We need to look into that and understand if we are really helping the child.

I believe that the most impressionable period of an individual's life is when they are young. If there is any bending or changing [possible], we need to work with them at that time. They [need] to go on to live normal lives as best and as quickly as they possibly can and not [have to] carry these burdens with them for the rest of their lives and begin to express it in other ways that are non-productive when they become adults.

Madam Speaker, another thing that I continue to question is, at the point of establishing that a child has been abused, what is the right thing. If it happens in the home, which is normally where these things happen, do we remove the child from the environment? Or do we remove the perpetrator? Again, the child has been wronged, and you then remove the child from its comfortable surroundings, family, friends, peers. That can be seen as another form of

punishment. *I've done nothing wrong, but you're removing me from my friends.*

Should it not be the other way around? where the perpetrator is removed from the environment and the child be given every opportunity to live out a normal life.

These are some of the things . . . I have no objection to anything in the Bill, but I want to say that I believe we need to go further afield with our thoughts, and not simply look at the conventional way we have done things. We need to look at this much deeper. We need to understand that it is everybody's responsibility.

One of the things that I have been advocating is mandatory reporting. We have it here. This is a major step forward. I believe that we should not only put the legislation in but we need to promote this and make sure that every individual within these shores understands what this is and how they must use it.

Madam Speaker, we speak of all of the connected agencies where a child can possibly be abused. And we also need to understand that the majority of abuse with children takes place right in the home. We need to find a way to wake individuals up who are somehow connected, somehow related and able to detect that and find a way to help them report that, whether it is an older sibling in the home who believes there may be some abuse going on by an adult, to empower them to understand what needs to be done.

I am saying that the educational process that we have to go through here is simply not with the agencies of the schools or the Sunday schools, the playgrounds, or the Cub Scouts or the Girls Brigade, they are not the only areas that we need to concentrate on. The home, by far, Madam Speaker, is where most of these atrocities go on.

I believe that our neighbours also have a responsibility. If they notice something going on next door, they need to be empowered to be able to make the report or the proper assessment.

One of the individuals we may simply overlook because we consider it a position of insignificance, just about every home in this country has a helper. These are people that we need to empower. We need to give them the ability, the strength, whether or not it has to be a provision on a work permit, a question on the work permit, or a directive that they are required to report any belief of abuse in the home. I am saying we need to broaden the way we think about this whole thing.

I have mentioned relatives already. I believe that we ought to do whatever we can to let our children know how important they are to us. We continue to fight battles in our country with deviant behaviour and antisocial behaviour.

I know it is one of the things that continue to excite and drive our Minister of Education. This is something that he has been fighting for, for years, from even before he became an elected Member.

Ever since he was an Opposition Member this has been one of the fights he has carried to the community, that of antisocial behaviour, in his efforts through the educational system to see what we can do about remedying that. We have to pay close attention to this and make our young people believe and make them feel as if someone cares about them.

I concentrate my thoughts on that of sexual abuse, Madam Speaker, and there are many different types of abuse that our children do go through. But I believe that the time has come where we simply accept that the registration of sex offenders must be done. It must be done.

We have to stop believing that there is a taboo on that. If people make that mistake, if they take that step to abuse children, they must be exposed and we should not put any additional children or adults . . . sex abuse against children is one thing; but there are those who abuse adults as well. They must be known. We should not put other individuals at risk by allowing them to settle into communities where people do not know.

Now, people can change. But you must prove yourself. But people must know who you are so that I do not leave my little child with you living as a neighbour next door. I must be aware of that information.

Madam Speaker, we need to broaden our perspective and step out of the box with the way we go about protecting our children.

I am in support of the Bill and I beg other Members to support it as well.

Thank you.

**The Speaker:** Proceedings will be suspended until 2.30 to allow the Minister's technical staff to get some answers to some very important points that have been raised on this Bill. I think they need a little more time. So we will suspend until 2.30 pm.

**Proceedings suspended at 12.41 pm**

**Proceedings resumed at 2.54 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

Does any other Member wish to speak?

[pause]

If no other Member wishes to speak, does the honourable Minister wish to exercise his right of reply?

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

First of all, I would like to thank you for allowing us to take the luncheon break to look at some concerns as expressed by Members who spoke on the Bill. The Second Elected Member for West Bay made some very good observations. My colleague from Cayman Brac and Little Cayman, the First Elected Member, the Third Elected Member for Bodden Town, the Fourth Elected Member for George Town.

On the break we met with the people from Legal Drafting. I must say it was a very productive meeting. Madam Speaker, I would ask you to consider waiving Standing Order 40 for those amendments which will come at committee stage.

Madam Speaker, this legislation is one of the most important things that has come to this House in a long time. For a significant amount of time people have been talking about the Children Law. I know that when the First Elected Member for Cayman Brac and Little Cayman was a Minister, and also you, Madam Speaker, these were all things advocated by you to protect our children.

In recent times we have seen some of the abuse that has taken place. This Law will now force under serious penalty that reporting must be done and the consequences, as indicated by the Third Elected Member for Bodden Town and the First Elected Member for Cayman Brac and Little Cayman, will be changed. We will deal with that at committee stage.

The Law up to now had been fine tuned, but we did a little more work on it. I will say that it will be something beneficial to our people. I know that the regulations that will accompany this Law are being worked on very diligently. We look forward to moving this through expeditiously once everything is put in place.

I see that my colleague, the Minister for Education, has just stepped in. I know how he has felt about accountability of parents and he has advocated that very strongly. This is in light of some of them not even showing up when their precious children have to go to court. I know all of us on this side and the entire parliament have those feelings. But we have to stop playing around. There are always variables when parents cannot attend at court, but within reason it is now required of them to be there to show support for those children which is no less than what they should be doing.

Madam Speaker, there are many more things I could say, but the hour is moving. I thank all of those who worked so diligently on this Bill—my Chief Officer, Deputy Chief Officer. I know that the Director and Deputy Director of the Children and Family Services have been dealing with this for donkey ages. I know they will welcome this and the ability with which they will be able to carry out their duties and with much more support across the board.

I would like to thank Sophy Broad, who has worked along with us at the Ministry; Mr. Griffith, Ms. Cheryl Neblett, so sterling, and today I want to say a special thank you to the honourable Acting Attorney General, the Second Official Member, Mrs. Cheryl Richards, for sterling performance as they worked diligently with us to getting all of the amendments in place.

Madam Speaker, I thank you, as you have also picked up in one of the amendments where we went back to make it much clearer.

And, just to finally say thanks to all of my colleagues in this Legislative Assembly for passing and dealing with this legislation in due course to make things better for the future of these Islands, our Caymanian children.

Thank you.

**The Speaker:** The question is that a Bill shortly entitled the Children (Amendment) Bill 2009, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Children (Amendment) Bill 2009 given a second reading.**

### **Cape Town Convention Bill, 2009**

**The Deputy Clerk:** The Cape Town Convention Bill, 2009.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Madam Speaker, I beg to move the Second Reading of a Bill shortly entitled, The Cape Town Convention Bill, 2009.

**The Speaker:** The Bill has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Madam Speaker, the Bill that is now before this honourable House seeks to give domestic effect to the Cape Town Convention.

Madam Speaker, the Cape Town Convention and related Aircraft Protocol is an international private law treaty designed to facilitate the cross-border financing and leasing of high-value aircraft objects. The Convention establishes the criteria for the creation of an 'international interest' in aircraft equipment and an International Registry for such interests and associated rules.

The Convention entered into force on 1 April 2004, and the Aircraft Protocol (which is the procedural steps by which the Convention is put into operation or put into force) entered into force on 1 March 2006. Both are heavily promoted by the major international aircraft financing entities, for example, the Export-Import Bank of the United States.

Our private sector firms in the Cayman Islands that specialise in setting up aircraft financing vehicles fully support the introduction of the Bill, as it will help protect Cayman's global market share, which was estimated in 2006 to be around 15 per cent of an industry that was expected to generate over US\$1,200 billion in demand for new aircraft equipment

over the ensuing 20 years.

Madam Speaker, the FCO has confirmed that the Cayman Islands can give domestic effect to the Convention and Aircraft Protocol, which is the purpose of the Bill, despite the fact that the UK signed but has not yet ratified the Convention. The ratification by the UK is now proceeding via the EU. Upon ratification of the Convention and Aircraft Protocol by the UK, extension of same to the Cayman Islands will be requested.

While it is intended to seek extension at the appropriate time, it is not necessary for the Convention and Protocol to be extended to Cayman for us to be able to gain certain commercial advantages from it in relation to aircraft financing transactions; it is only necessary that we give recognition in our domestic law to 'international interests' and the International Registry. The Bill closely follows the Aviation Working Group model legislation, in order to promote uniformity of implementation and thus commercial certainty.

The salient points concerning the Bill are as follows: Clause 3(2) of the Bill requires a 'Cayman Entity' (defined in clause 2) to make a specific election in writing to be covered by the legislation. The voluntary coverage route was chosen because it promotes commercial certainty and freedom.

A key feature of the Convention and Protocol, as mirrored in clause 17(2) of the Bill, is that it provides that interests in aircraft objects that are registered in the International Registry have priority in an insolvency over all other rights or interests, except for a 'priority non-consensual right or interest' (as defined in clause 2).

Madam Speaker, it should be noted that the proposed legislation will not impose any operational obligations on the Cayman Islands save for the establishment of procedures pursuant to clause 11(4) of the Bill to enable the Civil Aviation Authority to honour requests for aircraft de-registration in certain circumstances. This does not present any difficulties for the Civil Aviation Authority.

The Bill also preserves the potential for the Civil Aviation Authority's aircraft register to derive a marketing benefit from Cayman's implementation of the Convention and the Protocol.

Madam Speaker, I therefore commend the Cape Town Convention Bill, 2008 2009 to this Honourable House for passage.

Thank you.

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

Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, very briefly.

I just want to say that this is an important piece of legislation which has been waiting in the

wings for some time. I know that there has been considerable criticism from, among others, the Opposition, about the time it is taking for Government to deliver on some important pieces of financial services legislation.

To simply address that, I say that by and large that has been and continues to be an issue of resources, of adequate personnel, not just at the legislative drafting end of it, but also from the technical end in terms of the Portfolio of Finance and Economics and the secretariat there; an issue to which Government has for some time turned its attention, and an issue which really must be resolved. We need to beef up our ability to deal with these technical bits of legislation. That is something the Government acknowledges and something that the Government has been working on for some time.

In this particular instance, the delay in getting this important piece of legislation through has been the need to ensure that we have the approval of the Foreign and Commonwealth Office because this particular Convention and Protocol, as the Honourable Third Official Member said, has not yet been ratified by the United Kingdom Government itself. So we needed their approval to put this piece of legislation to this House.

I am delighted that we are able to do so before the House is dissolved. It is something that the financial services sector has looked forward to and has welcomed when I briefed the industry earlier this week about the legislative agenda.

Madam Speaker, with just those few words I say that we are delivering on another key piece of legislation which is of real commercial significance to the financial services industry. I urge all Members of this honourable House to give it their support.

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

Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

The Opposition bench can certainly support any legislation that enjoys support from the industry, and legislation which we believe will further the interests of the Islands and opportunities within the Islands. However, the honourable Minister mentioned the fact that there has been and continues to be criticism about the lack of timeliness in delivering key pieces of legislation that the industry has been agitating for.

Certainly, given the climate that we are in, and given the fact that a number of these key pieces of legislation have been waiting for some time and, as I understand, some real opportunities have been lost by the sector within the Cayman Islands because other jurisdictions have moved forward and taken advantage of some opportunities, the Bill will enjoy our support. But we will underscore our grave concern about passages of Bills that do not meet with the timeliness

that used to be one of our key competitive strengths over many other financial service centres.

One of the real criticisms of other jurisdictions has been the delayed process and the delayed reaction of government when there is a necessity to produce the tools that the industry needs. And a lot of the tools are the legal infrastructure that allows you to conduct certain types of business and offer certain products. We can only hope that this is not a case of too little too late.

However, we do—at this very late stage in the game, in the twilight of the administration—support the Bill.

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

First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

My colleague has already put forth the position of the Opposition, in that we will be supporting this Bill. Obviously, Madam Speaker, I wish to put on record my concern over the lateness of it, not providing the amount of time necessary to fully canvass opinions from the sector and then finding myself on the position of totally relying on the Government that the consultation was there for this important legislation.

Even more so, Madam Speaker, one of my grave concerns while listening to the Honourable Minister of Education was the fact that, yes, it has come late, and I realise that when dealing with international financial legislation time is always of the essence. But from my perspective (and I would dare say other Members of the Opposition) we find it hard to sit here and concur that that blame should be directed toward the Portfolio of Finance and/or the Legal Department.

We realise that the legislative framework is competitive and from many Ministries and Portfolios. But it would be good to hear from the Government as to when this request for drafting was put forward, or when the request for this to be made a priority by the Government and then the jury would not be out as to the full cause of this delay. We find ourselves this afternoon having to support based solely on the representation made by the Government rather than doing some of the necessary homework that the Opposition likes to do for itself.

Thank you.

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

If no other Member wishes to speak, does the Honourable Third Official Member wish to exercise his right of reply?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I simply rise to thank all honourable Members for their contributions and the points they have raised. I would comment briefly in respect of the last point raised as to the delay in the Bill and drafting dates, et cetera.

Madam Speaker, I can say from memory that this particular Bill went before Cabinet in 2006. It was deferred by Cabinet because we wanted to get input from the United Kingdom. The UK had not ratified this particular Convention at the time, and therefore was unable to extend it to the Cayman Islands. We wanted to get the view of the United Kingdom as to whether we could bring this Convention into local legislation absent the ratification of the Convention by the UK and, by extension, the Cayman Islands. We posed that question and it has taken considerable time to get an affirmative response to that, meaning that, yes, we are able to bring the terms and the contents of the Convention and the protocol via this piece of local legislation into effect.

Madam Speaker, with those few words, I thank all honourable Members for their contribution and their support for the Bill. Thank you.

**The Speaker:** The question is that a Bill shortly entitled, The Cape Town Convention Bill, 2009, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Cape Town Convention Bill 2009 given a second reading.**

### **Residential Tenancies Bill, 2009**

**The Deputy Clerk:** The Residential Tenancies Bill, 2009.

**The Speaker:** I recognise the Honourable Leader of Government Business.

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

I beg to lay on the table of this Honourable House The Residential Tenancies Bill, 2009.

**The Speaker:** The motion has been duly moved and open for debate. Does the honourable mover wish to speak thereto?

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

This proposed legislation is entitled: "A Bill for a Law to Reform the Law Relating to Residential Tenancies; to Define the Rights and Obligations of Landlords and Tenants of Residential Premises; to Provide for a Commissioner to Mediate Disputes Arising between Landlords and Tenants; to Repeal the Landlord and Tenants Law (1998 Revision); and for Incidental

and Connected Purposes.” That name is a very long name, Madam Speaker, but the short title is The Residential Tenancies Bill 2009.

As a background focus, Members will recall the situation that we found during the aftermath of Hurricane Ivan, where the availability of rental housing was drastically reduced due to the damages which were sustained. The result was that many of our residents found themselves without accommodation, and, as would be expected in a situation of reduced supply, the market forces resulted in escalating costs for the housing that was available.

We heard stories of tenants fortunate enough to be renting a property that was still habitable finding themselves suddenly homeless when they were evicted by apparently unscrupulous landlords who wished to capitalise on the potential to get higher rents from new, desperate tenants. We also heard complaints from landlords who found that their tenants had entrenched themselves in the rental property and were refusing to move out despite their leases being expired and, in some cases, rent being in arrears.

I do not need to remind everyone of what a tumultuous time it was here in Grand Cayman following Hurricane Ivan, as I am certain the Members of this honourable House remember it all too well. Suffice it to say that in many instances the stress of the times was evident in the relations between the landlords and their tenants.

It was against this backdrop that in October 2005 I tasked the Law Reform Commission to undertake a review of the landlord and tenant legislation which existed here in the Cayman Islands. The laws which currently deal with these matters include the Registered Land Law (2004 Revision), the Landlord and Tenant Law (1998 Revision), and the Common Law Rules for those situations not addressed in these statutes.

Over an 11 month period, from October 2005 to September 2006, the Law Reform Commission conducted research into this matter. This included reviewing the existing legislation.

For Member’s information, the Landlord and Tenants Law (1998 Revision) was originally enacted in 1838. I want to repeat that, Madam Speaker. It was enacted in 1838. Its purpose is to protect the interest of the landlords by making it easier for them to collect rent arrears. It deals with how a landlord may recover rent where there is no written lease, circumstances where the tenant leaves the premises with arrears of rent, and those situations where the tenant gives notice to quit but subsequently refuses to vacate the premises.

Upon reviewing this law, the Law Reform Commission was of the opinion that it does not provide modern regulation of tenancies and it should be repealed. So, upon reviewing the relevant local legislation, the Commission was of the view that there should be a separate legislation regulating residential

tenancies, and that the Registered Land Law should be amended to reflect this.

As part of their research, the Commission carried out an extensive comparison of the legislation in other jurisdictions and investigated the successes and failures of such legislation. This included reviews of legislation from the United Kingdom, Australia, Bermuda, New Zealand, Barbados, and Canada.

On October 2, 2006, the Commission published a discussion paper and a draft Bill for public consultation. Upon releasing this draft, the Commission invited comments from all stakeholders, such as those professionally involved in the real estate industry, as well as the general public.

Written submissions were received from a number of stakeholders representing the public and private sectors. These submissions represented the perspectives of landlords, tenants, investors, the legislative branch of government, some government departments, and other private individuals.

As a result of the submissions received, the Commission again reviewed the draft Bill. In considering the public input, the Commission redrafted the Bill with a view of providing a balance between the rights and obligations of landlords and tenants. The result of this extensive review and public consultation is the Bill that is before us today.

Madam Speaker, I will now speak to the purpose of the Residential Tenancies Bill, 2009. As is evident from the long title of this Bill, The Residential Tenancies Bill generally deals with reforming the law relating to residential tenancies. Upon coming into force, this Law will clearly define the rights and obligations of landlords and tenants, it will create mediation opportunities for any disputes that may arise, and it will repeal the existing Landlords and Tenants Law (1998 Revision).

In summary, Madam Speaker, this legislation will make it clear to all parties involved what their rights and obligations are, and I believe it will ultimately result in improved relations between landlords and tenants and an improvement in the quality of the rental housing stock.

The Residential Tenancies Bill, 2009, is made up of eight parts and deals with a wide spectrum of issues relating to residential tenancies. The Bill provides for the following:

Part 1 is the preliminary section, and includes a number of definitions for interpretation of the legislation.

Part 2 deals with the application of the law, outlining which parties and which situations will be subject to the provisions of this law.

Part 3 makes provisions for the creation of a Residential Tenancies Commissioner and gives guidance regarding the conduct of mediation hearings and their outcome.

Part 4 outlines the proposed provisions for residential tenancy agreements and details provisions

for security deposits, rent, and the rights and obligations of all parties.

Part 5 deals with the termination of tenancies.

Part 6 outlines proposed legislation governing the recovery of possession and compensation for same.

Part 7 provides for the registration of certain tenancy agreements.

Part 8 makes other general provisions, including destruction of premises, abandonment of chattel by tenants, unlawful acts, provisions to make regulations, a transitional clause, and the repealing of the existing Landlord and Tenant Law.

The Bill also includes a schedule which outlines the forms of the notices and the provisions for services of notices.

I would also like to take this opportunity to outline some of the parts of the Bill in greater detail, particularly those sections dealing with the proposed Residential Tenancies Commissioner, and tenancy agreements.

Part 3 of the Bill makes provisions for the creation of a Residential Tenancies Commissioner. Under the existing legislation, should a dispute arise between a landlord and a tenant, the only available recourse is either complaints to the police, or a civil case in Summary Court. In their research and consultation, the Commission found that many of the tenants who approached them with concerns indicated that they would not be able to afford attorney fees to pursue their dispute in court, and were intimidated by the prospect of representing themselves in Summary Court.

The Commission felt that something should be put in place that would allow for a clear, accessible path for dispute resolution for tenants and landlords. It was noted that going to court can be time consuming, expensive, and indeed emotionally draining, and often resulted in a complete breakdown of the landlord/tenant relationship. The Commission felt that a preferred vehicle would be to establish a facility whereby landlords and tenants would take their disputes to a mediator. It was felt that mediation would be preferable for several reasons:

- Mediation hearings are informal;
- It emphasises cooperative problem-solving and direct communication;
- It is usually much quicker swifter than a court process;
- Mediation is significantly less expensive than going through a court proceeding;
- It is confidential to the parties unless specifically agreed otherwise;
- It generally results in an outcome which has a greater level of satisfaction for all parties versus a court-imposed judgment that may leave all parties dissatisfied.

Accordingly, the Commission has proposed that a Residential Tenancies Commissioner be created. This would be a public officer, appointed by the

Governor, who would be responsible for mediating disputes between landlords and tenants. Under the provisions of this Bill, all disputes must go to mediation by the Residential Tenancies Commissioner prior to be elevated to court.

The Law Reform Commission also believes that the creation of the Residential Tenancies Commissioner will assist in fostering more positive relationships between the landlords and tenants, and discourage the quick resort to police complaints and illegal "self-help." And I do not have to go into any details as to what that means, Madam Speaker.

As outlined on page 3 of the Bill, and I quote: **"A Commissioner shall enquire fully into any dispute referred to him and all matters affecting its merits and shall make such suggestions and recommendations and do all such things as he thinks right and proper for inducing the parties to come to a fair and amicable settlement."**

When a settlement is reached, the Commissioner will put it in writing and it will be signed by the parties involved. This signed agreement will then form part of the tenancy agreement.

Madam Speaker, I would also like to draw Member's attention to Part 4 of the Bill, which deals with Tenancy Agreements. Under Part 4, every tenancy agreement will need to be in writing and signed by both the landlord and the tenant. I refer Members to page 4 of the Bill, which outlines the contents of a tenancy agreement. As you will see, this does not mean that every landlord and tenant will now need to enter into a long lease document full of "legalese", rather it is to ensure that the basic parameters governing the tenancy are clearly outlined, understood, and agreed by both parties. I dare say these agreements are not necessarily agreements for which expert legal advice has to be sought.

Part 4 also deals with security deposits, rent increases, and details the rights and obligations of both parties in the tenancy.

Clause 36 outlines the specific responsibilities of the tenant, including paying the rent, keeping the unit clean and tidy, reporting damages to the landlord, and provisions for conduct upon termination of the tenancy.

Clause 40 sets out the responsibilities of the landlord, which generally are to keep the rental unit in a habitable state and maintain it in a reasonable state of repair.

As I mentioned previously, the other parts of the Bill deal with termination of tenancies, recovery of possession and compensation after a tenancy has expired or been terminated, and the registration of certain tenancy agreements.

I would also like to mention Clause 74, found on page 59 of this Bill, which deals with transitional arrangements. It is proposed that this Law will not be applied retroactively to existing tenancy agreements. Upon commencement of the Law, in cases where a tenancy agreement is not in writing, landlords will

have three months from the commencement date of this Law to provide the tenant with a written tenancy agreement.

Members will note that Clause 74(3) makes provision for a landlord to be fined if he either fails to provide a written tenancy agreement or provides one which offers less favourable terms than those previously orally agreed to or provided for in this Law.

In closing off the introduction of this Bill, Madam Speaker, I believe that this legislation will benefit landlords and tenants alike—it clearly outlines both their rights and obligations, and creates a forum for the mediation of tenancy disputes. By balancing the rights and obligations of the parties in a residential tenancy, I believe it will prevent a repeat of the problems we witnessed after Hurricane Ivan.

Accordingly Madam Speaker, I would respectfully ask for the support of this honourable House for the proposed Residential Tenancies Bill, 2009.

I await to hear comments from Members in regard to its contents. Thank you.

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

First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

Again, I wish there was more time allocated for the Opposition to fully peruse and make a better informed decision. I listened keenly to the presenter and from what he said, and from what I have been able to personally peruse, I can say that I certainly lend my support to the Bill.

I have a number of short observations from what I have been able to peruse in detail. With the leave of the House I wish to use this opportunity as part and parcel of my debate to bring those to the attention.

Clause 4 provides that this legislation relates to residential tenancies. I did not recall hearing any specific reasons as to why the Government saw fit to limit it to residential tenancies. Perhaps some clarification could be given. Perhaps there are overriding factors that I am not fully aware of that I would like to be so persuaded.

My main concern that I have with what I have been able to peruse, Madam Speaker, relates to Part 3, dealing with Residential Tenancies Commissioner, where clause 9 provides for the appointment by the Governor of one or more persons as Residential Tenancies Commissioners. I was under difficulty to fully understand the deviation of policy in respect of the formation of this clause. In fact, I looked to see whether “Governor” was under an interpretation clause or definition section, and whether it was an indirect or a direct inclusion.

Certainly in the last 18 months the move has been to move away from this traditional concept,

whether it is in this public officer or a Security Advisory Commissioner or the Commissioner of Police. I wondered whether or not Government had given some time in their deliberation of this piece of legislation to consider whether it would not be prudent for this particular creation of a Residential Tenancies Commissioner to add the words, “either on consultation with” or “on advice with”, whether it is Cabinet, the Leader of Government Business, the future Premier, what have you.

In my respective view, it does not go in line with what is being proposed and with the monies in advertisement and promotion to go along that line.

Madam Speaker, those are very brief observations. Generally speaking, from what I have been able to peruse, I think it is a step in the right direction in that security deposits have been used for all sorts of things except what they were intended to be used for, and the fact that clause 21 has specifically stated that the landlord holds the security deposit in trust, that it is not for their absolute use, it is not some type of side door rent that they can take away from the tenant, and I think that it would also behove the Government or the Commissioner, whatever is established, to do a lot of education and promotion of this particular piece of legislation, although time is somewhat short, so that both the tenant and the landlord would have no doubt whatsoever as to their entitlement.

Many, many substandard tenancies and landlord agreements and infrastructure have sprung up in the more commercial areas of Grand Cayman. And knowledge is power. Unless some attempt is made immediately as this piece of legislation comes into force it could create some uncertainty by the very ones that we are trying to help. So, I look forward to the Government taking that recommendation on board and perhaps they could give some explanation as to why it was thought necessary to deviate from the modernisation process or momentum that has been built up within the country.

Thank you.

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

If no other Member wishes to speak—

The Fourth Elected Member for George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I rise to give my support to the Residential Tenancies Bill, 2009. We are all very familiar with the many horror stories that followed Hurricane Ivan, and the many atrocities that were committed mainly against tenants by some unscrupulous landlords. There are many recorded cases of tenants who found ways to take advantage of landlords who were perhaps not as ruthless as some, allowed people some degree of leniency, and were taken advantage of.



This was asked for in so many areas and it is one of the things this PPM Government promised the people of this country and I am extremely happy that we have managed yet again to make good on another of those promises.

While I can see that the Bill is extremely extensive and has gone a long way in making sure that the relevant areas are covered, I wonder if at some point, maybe in the winding up, the Honourable Leader of Government Business would speak to . . . for instance, we have a situation at times where families are renting. And when I say families, I want to make a distinction that a lot of times it is not just one individual but it may be a parent and three of or four children renting a premises, and there is an approaching hurricane, for instance, and the landlord refuses to protect the place.

Now, while it is their building, in many instances it is the tenants' furniture and so on inside the building. It is a bit difficult at times for tenants to deal with that. Many times it may even force them to move to other locations or otherwise attempt to secure the landlord's premises—sometimes at risk of damaging the place—but having no right to do so.

Madam Speaker, just so we make sure that we understand what I am talking about, when you are renting from someone it is the landlord's responsibility to do whatever is necessary to protect the building from the elements, the approach of a hurricane, for instance, where the belongings of the tenant would be at risk because windows and doors are not addressed by the landlord. The family's belongings can be put at risk and they may even lose them.

Madam Speaker, insurance on belongings is not mandatory for people renting. While a landlord may have a mortgage on the building and be insured, they have no financial interest in the contents because that belongs to the tenant. I am not sure if this is the right place for that, Madam Speaker, but that is one of the things that we can perhaps get some form of clarification on.

I am grateful to see that we have made some detailed attempts to ensure that premises are habitable because even now, Madam Speaker, there are still many rental properties on this Island not fit for human beings to be living in. But some people, because of financial issues, find it difficult to live anywhere else. I believe that we have to maintain some level of minimum property standard to make sure that people are not allowed to rent facilities that are not up to a particular standard.

Perhaps there needs to be a grading system in certain areas or for certain types of developments, or structures where we might want to consider a rating system where you know that a particular premises has the Authority's permission to actually be rented or leased, that it is at a standard where when you go to rent a property from someone they show you some form of permission (for want of a better word) that they are allowed by the Authority to rent the property, be-

cause landlords do make every attempt they can to rent properties that are not up to standard and collect as much rent as possible.

It is probably in here, Madam Speaker, but I am going to take the chance (because I have personally not taken the time to go through this entirely) to just mention whether or not there is anything to protect landlords from individuals renting a property and then subsequently bringing additional people to live on the property and putting an extra burden on the infrastructure, sewage and so on. That has become a serious problem in this country where you suddenly find yourself with a rental property but the number of vehicles that have no place to park on the property because it was not designed for 20 people, it was designed for maybe 5, and Planning agreed to a certain number of parking areas for the number of people who are supposed to live on the property. So we then have in small developments this problem of vehicles parking on the side of the roads and causing problems for emergency vehicles. I think we need to look at this.

I am support of the Bill, Madam Speaker. I trust that other Members will offer their support as well. Thank you.

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

Second Elected Member for Cayman Brac and Little Cayman.

**Mr. Moses I. Kirkconnell:** Thank you, Madam Speaker.

I rise to give a short comment on the Residential Tenancies Bill, 2009. I speak in support of this and believe that it is timely and important.

This Bill brings balance to the tenant and balance to the landlord because it spells out the rights of each one. I believe that after Hurricane Ivan and certainly after Hurricane Paloma these are times when it is a concern to all of us.

I wanted to just mention in this Bill that it makes things easier to rent a residential property. It also makes it easier for the person that is renting it to feel comfortable that there is a Law and someone, so to speak, to look after them. My constructive statement would be that I would like to see a form that would make it very easy for both parties to have a document put in front of them.

Madam Speaker, I am completely at ease that everybody in this honourable House today can take this Law and interpret it and understand what they can and cannot do; but what I can factually say is that it would take a period of time to read through this and feel comfortable that you know it completely.

I believe that in our effort to get business done quicker and easier in this country [it would be helpful] if we had a balanced quick document available to the landlord and the tenant. And it is almost a checklist . . . as you look at Part 4 it sets out the contents of a tenancy agreement. It is very simple in this Bill: The

full name of the contact and the address of the landlord, including any person with superior title to the landlord.

It goes to the full name, contact, address; the address of the premises, the date of tenancy agreement. Very simple items, issues, listed here.

Madam Speaker, I would think it would make it even easier if a form were provided in this that would be the recognised minimum standard, so to speak. If a tenant prepares the document, I am sure the tenant is going to look at it and see what would suit them. And if the landlord prepares the document, I am sure the landlord would look at it and see [what suits them]. So, before someone else prepares a standard form which may not be exactly to the letter of the Law, my suggestion is that maybe we consider that as part of this to make things easier and very efficient when people look to rent premises.

Madam Speaker, with that short comment, I am happy to support the Bill.

**The Speaker:** Does any other Member wish to speak? [pause] I think I will suspended suspend proceedings for five minutes to allow the technical staff who have heard the comments on this Bill to prepare a reply for the Honourable Leader of Government Business.

**Proceedings suspended at 4 pm**

**Proceedings resumed at 4.21 pm**

**The Speaker:** Please be seated.  
Proceedings are resumed.  
Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, first of all, before I respond to some of the queries raised and some of the points raised I just wish, before we get in the Committee stage, to take a moment to clarify to Members the committee stage amendments that have been circulated.

The first amendment is simply in the marginal note for clause 1. The marginal note should have read "Short title and commencement" rather than as it is, just "Short title".

Also, there is an addition to clause 1, which means we have to renumber clause 1 as clause 1(1) and the addition will be clause 1(2). That addition simply reads, "This Law shall come into force on such date as may be appointed by order made by the Governor in Cabinet and different dates may be applied for different provisions of this Law and in relation to different cases." Madam Speaker, simply because once the Law is passed, several things have to be accomplished. So, it would not be expected to be enacted immediately once it is assented to and gazetted.

The commencement date will be whenever . . . and when I say "whenever" I do not mean an inordi-

nate amount of time, just the length of time that it takes to put everything in place.

Also, the new Commissioner will have to be hired, which moves me straight into the point raised by the First Elected Member for Cayman Brac and Little Cayman. She raised a point which bears relevance with regard to the appointment of the Commissioner being made by the Governor. The reason it is stated like that, Madam Speaker, is simply because in the Law the Commissioner will be a public officer. And under the Constitutional arrangement, the Governor is the one who would be hiring public officers. That is simply the answer to that one.

Madam Speaker, there was a question about not allowing tenants to sublet premises that were leased or rented from a landlord. The simple answer to that is in any agreement that is made between the two parties for there to be a section in that agreement which either stipulates that it can or cannot be done.

There is also the question of why this Bill is limited to residential tenancies. The simple fact is that when the Law Reform Commission began their investigation into the situation which prevailed, they found that there were no real concerns expressed with commercial tenancies, so they did not see a need to expend their energy in that direction.

The point raised by the Second Elected Member for Cayman Brac and Little Cayman regarding a standard form for the tenancy agreement is a very insightful observation. The Government certainly takes it on board, although I do have to say that that is the intention of the Government . . . if you will recall, I said in my earlier comments that it was certainly not a situation where people were going to have to hire legal expertise to engage in these tenancies. So, either by regulation or otherwise, that would be done in such a way that both tenants and landlords will have access via a website or on hardcopy in standard form. Once the Commissioner's office is established, I am sure that part of the operation will be that the forms will be readily available.

Madam Speaker, once again, I commend the Bill to this honourable House. I wish to thank all Members for their comments and, certainly based on those comments, I wish to thank them in advance for the safe passage of the Bill.

**The Speaker:** It is two minutes away from the hour of interruption. If it is the intention of the House to go into committee on these three Bills this evening, I would entertain a motion for the suspension of the relevant Standing Order, as the Standing Order says that at 4.30, if we are in committee, the Presiding Officer shall rise and return to the Chair.

Is it the intention of the House to go into committee stage this afternoon?

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, I do not believe committee stage will take very long. Once it is

convenient for all concerned, we are happy to do that. Unless there is a problem . . . and I do not see any clear indication that there is.

Is there a problem, or can we go into Committee?

**Ms. Juliana Y. O'Connor-Connolly:** Madam Speaker, it is not a problem on this side except to concur with what you just stated. We have a few minutes before going in, unless we have to go in and come out like a jack-in-the-box, I think it would be good to take an adjournment, based on what I understood you were trying to say.

**The Speaker:** If I go into Committee stage at this time, Standing Order 10(2) says that at the hour of interruption . . . the Presiding Officer shall return to the Chair unless the proceedings in Committee would only take a few minutes. With a Bill the length of the Tenancy Bill, and with the relevant amendments, I think we need suspension of the Standing Order to continue beyond 4.30. That is all I am asking for.

But before I do that, I think I need to put the question on the Second Reading of the Tenancy Bill (thank you, Second Elected Member for West Bay, you always keep me on my toes, don't you!)

The question is that a Bill shortly entitled The Residential Tenancy Bill, 2009, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Residential Tenancies Bill 2009 given a second reading.**

**The Speaker:** Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, I know what all has been said. And I know that you will allow me, but I just want to remind Members, first of all, that on Monday we have the Michael Foot expedition from London, which is the group coming down to deal with the—

**The Speaker:** Honourable Leader of Government Business, are we suspending Standing Orders to go into Committee, or can we adjourn?

## ADJOURNMENT

**Hon. D. Kurt Tibbetts:** No, Madam Speaker, I am going to adjourn. I want to advise Members, that is why I was—

**The Speaker:** All right.

**Hon. D. Kurt Tibbetts:** Thank you.

Just one second. [pause]

Thank you. I had a blank moment there.

Madam Speaker, there is the Michael Foot review which was ordered by the Treasury to review the Crown Dependencies and the Overseas Territories. It is not something new for us. We met with Mr. Foot and his team when we were in London last. But he is on island on Monday and he is expecting to meet with all of Cabinet from 9.30 until 11.30 [in the morning]. So, when we call for the adjournment now, I just want to advise Members that we will not be able to return until Monday afternoon.

I suggest that we still have lunch here so that it will not be difficult to have a quorum to resume. I would ask that this honourable House be adjourned until 2.00 pm on Monday, 16 March 2009, and I trust Members will be prepared to work late.

**The Speaker:** The question is that this honourable House do now adjourn until 2.00 pm Monday. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 4.32 pm the House stood adjourned until 2.00 pm Monday, 16 March 2009.**

**OFFICIAL HANSARD REPORT**  
**MONDAY**  
**16 MARCH 2009**  
**2.24 PM**  
*Eighth Sitting*

**The Speaker:** I will ask the Acting Second Official Member to say Prayers.

**PRAYERS**

**Hon. Cheryll Richards:** Let us pray.

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

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

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

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

**The Speaker:** Please be seated.

**Proceedings Resumed at 2.27 pm**

**The Speaker:** Proceedings are resumed.

I don't have an Order Paper. Could I have one please? [pause]

Thank you.

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

**The Speaker:** I would like to recognise in the public gallery two Year 10 students of the John Gray High School, Ms. Ashley Grizzell and Mr. David Feare. Both of these students are [assigned] to one week of work experience at the Legislative Department.

On behalf of this honourable House I welcome you both and hope that you enjoy your week in the Department and in observing some of the proceedings of the House. Welcome!

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**Report of the Legal Subcommittee for Persons  
with Disabilities**

**The Speaker:** I recognise the Honourable Minister responsible for Education, Training, Employment, Youth, Sports and Culture.

**Hon. Alden M. McLaughlin, Jr:** Thank you, Madam Speaker.

I too would like to welcome two of my students here today.

Madam Speaker, today I wish to lay on the Table of this Honourable House the Report of the Legal Subcommittee for Persons with Disabilities which was commissioned by the Ministry of Education, Training, Employment, Youth, Sports and Culture in 2007.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak?

**Hon. Alden M. McLaughlin:** This Report lays the foundation for the implementation of new legislation which will transform current provisions and have a positive impact on the lives of persons with disabilities. Further, it will be a helpful instrument in mainstreaming disability in the Cayman Islands development agenda so that our society may be as inclusive as possible for all.

Madam Speaker in laying this Report I would like to take this opportunity to speak to it in some detail to provide an overview of the detailed work which has been undertaken in order to find the best possible template for comprehensive legislation for persons with disabilities within the Cayman Islands. The objective of this new law is to bring about tangible change for persons with disabilities in the Cayman Islands so that they may enjoy the same rights, freedoms and protections that others of us take for granted.

Over the past few weeks, the issue of services and provisions for persons with disabilities has been widely reported in the media, and it has been inferred that little attention has been paid to the needs of this particular sector of our society. The delivery of this Report shows that the opposite is, in fact, true, and that a great deal of meticulous care and attention has gone into developing new provisions for a comprehensive continuum of care for all such persons.

Madam Speaker, in 2007 my Ministry commissioned and established a steering committee for "Planning the Future for Persons with Disabilities in the Cayman Islands." Their work culminated in a report which outlined the limited provisions that existed for persons with disabilities, and detailed the areas needing improvement.

This initial report established that in order to provide the requisite improvements and grant long overdue protections for persons with disabilities, a new legal framework would need to be put in place to underpin the progressive revisions that were clearly required. Thus, a Legal Subcommittee for Persons with Disabilities was formed in January, 2008, to begin the process of legislative reform. Given the nature and importance of this mammoth exercise, the committee comprised health service providers, technical and medical professionals in the field of disabilities, and persons whose lives had been touched in some significant way by disabilities—either personally or in the form of parenting or guardianship.

Their specific terms of reference were to consider the wide-ranging issues affecting persons with disabilities in the Cayman Islands and to provide the necessary infrastructure for the creation of a comprehensive legal framework that would serve to enhance the rights of all persons with disabilities.

After carefully reviewing existing laws and identifying the woeful inadequacies of current legislation pertaining to this sector of our community, the Legal Subcommittee turned their attentions to other laws and policy documents from around the world—including other Caribbean Islands, the United States, United Kingdom and Canada. This search, however, proved futile as no single piece of existing legislation could be found that was considered comprehensive enough to meet our particular needs here in the Cayman Islands. The focus was then shifted to the United Nations Convention on the Rights of Persons with Disabilities.

This piece of legislation covered a vast number of scenarios including, but not limited to, personal mobility, freedom of expression, education, health, rehabilitation, and participation in cultural, political and social life.

The Legal Subcommittee perused the UN Convention article by article in order to identify the areas that could be improved upon to fit the specific needs of persons with disabilities living in the Cayman Islands. Although the UN Convention provided the best template overall, it too had limitations, such as,

having no formal definition of disability, and some of the areas it addressed were vague. The Subcommittee then compared disability legislation from Jamaica, Trinidad and Tobago, Antigua and Barbuda, and Barbados to the UN Convention to determine commonalities and differences.

Finally, to augment the new Cayman Islands legislation even further, sections from other pieces of Legislation such as the Disability Discrimination Act 1995 (UK) were incorporated. This Act specifically addressed the formation of a National Disability Council and went into greater detail on issues such as discrimination in the areas of employment, education and transport.

I could go on, Madam Speaker, to name the extensive list of documents that have been meticulously researched to ensure that the foundation of the proposed Cayman Islands legislation is a sturdy, comprehensive and effective one. But, suffice it to say, I am confident that given the Committees' deep understanding of the difficulties that persons with disabilities can face on a daily basis within our present societal structure, this Report fully addresses all of the principal needs and issues.

As I have said, this Report outlines each of the Articles from the UN Convention and provides relevant recommendations by the Subcommittee for amendments which are necessary to bring about equal rights and a continuum of care for persons with disabilities in our Islands. It also goes as far as specifying which areas should be addressed in law and which should be dealt with at the policy level.

Notwithstanding the fact that a study was conducted in 2001 on the existing Mental Health Legislation in the Cayman Islands and the limitations of that particular law, this is the first time that there has been a full and comprehensive review of *all* legislation pertaining to persons with disabilities in the Cayman Islands. Further, this is the first document that has ever been prepared that covers *all* walks of life for our persons with disabilities.

At long last, with this Report in hand, legislative drafters will be able to create a customised, wide-ranging disability law. Once this work is legislated, this comprehensive disability law will be the first of its kind in the Caribbean—and for most of the world—making the Cayman Islands Disability Law a model framework for other countries.

Madam Speaker, neither I nor the Legal Subcommittee thinks for a moment that the transformation process from what we have now to what is envisioned will come about quickly or easily. A law of this stature affects every aspect of life as we know it—from education to healthcare, to building regulations and recreational participation, to employment, housing and safety to name just a few. Further, it covers the number of persons with disabilities a company should employ, to the special training of police officers so that they know the correct way to approach and/or detain a person with a disability in a safe manner.

Undoubtedly this law will bring many challenges with its implementation, and some of these challenges will be at a legislative level where other laws may have to be revised to fall in line with the new disability law. Additionally, its implementation will require large scale public awareness about the specifics of what has changed and who will be affected. Notwithstanding these challenges, this day is a historic day for persons with disabilities in the Cayman Islands.

This report is an expression of this Government's unswerving dedication to proactively address the needs of all sectors of our population, and is a resounding assurance of our commitment to facilitating equal opportunity, full-participation and the wholesome development of persons with disabilities.

Coincidentally, it has come at a time when there is a heightened awareness within the community on the subject of disability, fueled by the constitutional discussions and the draft Bill of Rights. In the context of these discussions, it is important to note that this new customised legislation will complement the draft Bill of Rights by having the potential to ensure that the rights of persons with disabilities will be factored into the social and institutional operations of this country.

Further, the provisions in the Report relating to equality and non-discriminatory treatment provide protections that should allay any concerns about the absence of a freestanding non-discrimination clause in the draft Bill of Rights.

In addressing those concerns, the Report speaks on the collective behalf of persons with disabilities and goes to great lengths to ensure that all such persons are facilitated in living independent, meaningful, socially connected lives in an environment that is more accessible and understanding of their needs.

Madam Speaker, I am proud to present this Report to this honourable House and would like to take this opportunity to thank the following members of the Legal Subcommittee for their stellar work and dedication in completing this invaluable and timely report. They are . . . and a number of them are sitting in the Gallery:

- Mr. Brent Holt (Chair), Head of Student Services—Department of Education Services
- Dr. Angella Glidden, Deputy Director of Health Regulatory Services—Health Practice Commission
- Nurse Hazel Brown, Chief Nursing Officer—Health Services Authority
- Mr. Kenneth Farrow, Lawyer—Mourant
- Mrs. Kimberly Voaden, Occupational Therapist—Department of Education Services
- Ms. Kimberly Huggins, Ministry of E,T,E,Y,S & C
- Mrs. Lidia Futter, Human Rights Analyst—Human Rights Committee
- Mrs. Mary Trumbach, Parent of PWD
- Mrs. Maxine Everson, Special Olympics Cayman Islands
- Mrs. Mitzi Callan, Parent of PWD

- Ms. Odia Reid, Government Legal Department
- Ms. Sophia Forbes, Person with Disability
- Ms. Danielle Coleman, former Human Rights Analyst, Human Rights Committee

Because of the tremendous amount of work and research that has been done in preparing this Report, the work of legislative drafting will be made much easier. Madam Speaker, God and the electorate willing, it is my intention that a bill to protect and promote the rights and interests of persons with disabilities will be ready for discussion by this House very early in the next term.

Thank you for your indulgence, Madam Speaker.

## **STATEMENTS BY HONOURABLE MINISTERS/MEMBERS OF THE CABINET**

**The Speaker:** I have received notice of a statement by the Honourable Minister responsible for Tourism, Environment, Investment and Commerce.

### **Tourism Outlook 2009**

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

Madam Speaker, there can be no doubt that the global economic recession is having an impact on international travel. Consumer confidence, as I have said before, is at an unprecedented low driven by fear, uncertainty and concern. Booking windows have shrunk, making it virtually impossible to predict future travel, and even the most affluent of consumers are looking for deals.

But there is good news. According to the latest American Express Harrison Group research, families will do whatever it takes to keep travel in their plans because it is the only time that they truly get to spend together. In the same study, 66 per cent of parents admitted that children were very influential in vacation decision making.

The household income of our target demographic for the summer shoulder season is lower than that of our target for the winter months, so potential visitors may be more affected by the US recession. It is imperative, therefore, that we have compelling offers in the marketplace to break through the competitive noise and give visitors comfort that a vacation in the Cayman Islands is "worth it".

Madam Speaker, this does not mean discounting and devaluing the Cayman Islands product, however, as several of our regional competitors are still struggling to get back to the price level they were at before 9/11 due to pursuing an unsustainable strategy that focused heavily on deep discounting.

The DoT's summer strategy, in addition to offering the regular fifth night free, will extend value

where families cherish it most. The package offers targeting the US market will allow kids travelling with adults to eat, stay, and play free at some of our best attractions including the Cayman Turtle Farm at Boatswain's Beach, Queen Elizabeth II Botanic Park, Pedro St. James National Historic site, and a wide variety of private sector owned water sports.

This year, for the first time kids aged 12-17 will be able to dive free. Sea School will provide a welcome distraction for kids aged 5-11, where they will learn about Cayman's marine life and become "protectors of the environment". They will also create their own authentic Caymanian crafts and receive a Sea School certificate from Sir Turtle himself.

While an attractive summer offer, we need something more to cut through the advertising and PR clutter if we are able to effectively compete with Caribbean and US beach destinations and hotels, many of whom are offering deep discounts.

This summer, the local tourism industry is partnering with Cayman Airways to implement a Kids Fly Free promotion which, in today's environment, will be a direct motivation for families to travel. If the current economic environment is forcing some families to consider whether or not to even have a summer vacation, or how to maximise their value in doing so, a Kids Fly Free programme will serve us well.

Cayman Airways, which was instrumental in bolstering this winter's performance by introducing Washington DC and Chicago as new gateways, will continue to play a pivotal role this summer.

The Acting Director of Tourism recently conducted a media blitz in New York City, and I can tell you that if the reaction from the media is anything to go by, the Kids Fly Free programme will be a great success.

We are also offering families another reason to travel this summer—the first ever world class Skate camp programme in the Caribbean. According to research, there are more than 20 million skateboarders. Skateboarding has eclipsed baseball as the national pastime of America's youth. 'Skate Cayman' will reinforce Cayman's leadership position in the region by creating an authentic, credible programme geared towards families by teaming world class athletes with a world class on-island asset—the Black Pearl Skate Park at Grand Harbour.

While we are still in negotiations with leading skating athletes and cannot, therefore, release specific details, I can tell you that we expect some of the top names in skateboarding to endorse the programme.

Although not officially part of our summer programme, another event which will help to increase business is 'Something Blue', a luxury wedding summit for the toastmasters and influencers in the Romance Market. This event takes place in June and will (through great PR) let brides know that the Cayman Islands is the perfect place for a summer, fall, spring or winter wedding.

In summary Madam Speaker, consumers will still choose to travel, but it will take great cooperation on the part of our tourism stakeholders to ensure the destination continues to stand out among the crowd and region. This summer, we are giving great value as families will receive the fifth night free and other discounts including child-related activities and airfare. The rest of our competitors have deep discounts in the marketplace so we have also included other incentives to travel, including our Sea School and the Skate Cayman activities.

I would like to thank the tourism stakeholders in the public and private sectors for having the foresight to develop such an aggressive summer programme—the best to date—and for the unprecedented level of consultation and participation. The tourism industry realises this is not a year of business as usual as I have said before. We have been working together for the past three years to continuously grow air arrivals and to attain arrivals of over 300,000 visitors, the highest in six years.

While in recent months (and, in particular, since October of 2008) we have had some impacts from hurricanes threatening the region and the global economic crisis we are still doing relatively well and we have fared much better than most islands in the Caribbean. There is more to be done in components of our sector which remain vulnerable, and we will continue to dedicate ourselves and our lives to moving forward with this dynamic industry.

Thank you, Madam Speaker.

## GOVERNMENT BUSINESS

### MOTIONS

#### **Government Motion No. 14/08-09—Government Guarantees in respect of debt refinancing by the Cayman Turtle Farm (1983) Limited**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, I beg to move Government Motion No. 14/08-09, which is captioned Government Guarantees in respect of debt refinancing by the Cayman Turtle Farm (1983) Limited. And, Madam Speaker, with your permission I would like to read the body of the Motion. Thank you. It reads:

**WHEREAS in March 2006, the Governor in Cabinet and the Legislative Assembly authorized the issuance of a guarantee of an amount not to exceed US\$5 million for the Cayman Turtle Farm (1983) Limited to obtain financing for additional direct construction costs and to meet current operational needs as a result of the delayed Grand Opening of Boatswain's Beach, post Hurricane Ivan;**

**AND WHEREAS** in September 2006, the Governor in Cabinet and the Legislative Assembly authorized the issuance of a guarantee of an amount not to exceed US\$8.8 million for a loan for operational and capital requirements of the Cayman Turtle Farm (1983) Limited from a local banking institution or, from local banking institutions;

**AND WHEREAS** in February 2009, the Governor in Cabinet approved the cancellation of the existing Guarantees approved by the Legislative Assembly in March 2006 and September 2006 totaling US\$13.8 million in favor of the issuance of a new Government Guarantee. The new Guarantee shall be for an amount not to exceed US\$14.8 million in order to secure the transfer and refinancing of debt of the Cayman Turtle Farm (1983) Limited from one local financial institution to another;

**AND WHEREAS** in February 2009, the Governor in Cabinet also approved the issuance of a new guarantee to secure an existing US\$5.5 million overdraft facility used by the Cayman Turtle Farm (1983) Limited at a local financial institution;

**AND WHEREAS** section 8 of the Public Management and Finance Law (2005 Revision) provides that, as a general rule, no guarantee may be given by or on behalf of the Government unless it has been authorized by a resolution of the Legislative Assembly;

**BE IT NOW THEREFORE RESOLVED** that, in accordance with Section 8 of the Public Management and Finance Law (2005) Revision, the Legislative Assembly hereby authorizes the Financial Secretary to do the following:

- A) issue a Government Guarantee to a local financial institution, for an amount not to exceed US\$14.8 million, in respect of the transfer and refinancing of debt of the Cayman Turtle Farm (1983) Limited from one financial institution to another; and**
- B) issue a Government Guarantee to a local financial institution, for an amount not to exceed US\$5.5 million to secure an existing overdraft facility used by the Cayman Turtle Farm (1983) Limited.**

**The Speaker:** The Motion has been duly moved and is open for debate. Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, this Motion seeks to put in place two new guarantees for the Cayman Turtle Farm in order that the company can transfer and refinance the locally financed portion of its debt portfolio. As outlined in the first two sections of this Motion, in March and September 2006, the Legislative Assembly authorised the issuance of two separate government

guarantees totaling US\$13.8 million in respect of financing for the Turtle Farm.

These guarantees were used by the company to obtain two separate loans from a local financial institution. One loan was for US\$5 million and another for US\$8.8 million. In addition, the company also has an existing local loan for US\$1 million that is secured by a charge over a parcel of property owned by the company. And because of that charge there is no government guarantee in respect of that US\$1 million loan.

Currently, the Cayman Turtle Farm Limited is in negotiations with another local financial institution to refinance its local debt portfolio, and while no deal has yet been finalized the proposed refinancing is in the amount of US\$14.8 million, and its terms are such that it will allow the company (that is the Turtle Farm) to realise significant cash outflow reductions in the amount of cash spent on servicing the local portion of its debt portfolio over the next several years.

Madam Speaker, part A of the resolve of the Motion seeks the approval of the Legislative Assembly to issue a new guarantee for the Cayman Turtle Farm Limited in the amount of US\$14.8 million. This new guarantee will be used to facilitate the transfer and refinancing of existing debt held by the Cayman Turtle Farm Limited, and to also provide the company with approximately US\$2 million in additional cash to finance its operation. The issuance of this new guarantee for US\$14.8 million will cancel the existing guarantees issued in March and September of 2006.

In addition to the issuance of the first guarantee, part B of the resolve of the Motion seeks the approval of the Legislative Assembly to issue a second new guarantee for the Cayman Turtle Farm 1983 Limited in the amount of US\$5.5 million in order to secure a revolving overdraft currently being used by the company. This overdraft facility is not new debt; it has been in place since 2007, and the balance outstanding increases and decreases based on the company's cash inflows.

Madam Speaker, the issuance of the two new guarantees represents a net increase of US\$6.5 million in government's contingent liabilities, and this will impact the government's financials by affecting the government's net debt ratio specified in the principles of responsible financial management, which are set out in the Public Management and Finance Law. However, the impact is fairly negligible.

The Public Management and Finance Law states that the net debt ratio cannot exceed 80 per cent. Prior to considering these guarantees, the Government is forecasting that its net debt ratio at 30 June 2009 will be 73.6 per cent. After factoring in these new guarantees the net debt ratio would become 74.4 per cent, which is certainly below the 80 per cent ceiling limit, and represents a marginal increase of 0.8 per cent.

Madam Speaker, with these brief comments I ask all honourable Members for their support of this



Motion in order that the Cayman Turtle Farm Limited can proceed with the transfer and refinancing of its local debt portfolio. And, Madam Speaker, it is precisely that. There is not a tremendous increase in the amount of new debt that is being sought for a government guarantee; it is simply a refinancing of existing debt and a guarantee being sought for an overdraft which has been in place for quite some time, and for which, previously, the local banking institution was content with a letter of comfort in respect of that overdraft but they now seek a guarantee.

So, I ask all honourable Members for their kind support of the Motion.

Thank you.

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

If no other Member wishes to speak, does the mover wish to exercise his right of reply?

Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Just to say thanks to all honourable Members for their silent support of the Motion.

**The Speaker:** The question is: BE IT NOW THEREFORE RESOLVED that, in accordance with Section 8 of the Public Management and Finance Law (2005) Revision, the Legislative Assembly hereby authorizes the Financial Secretary to do the following:

(A) issue a Government Guarantee to a local financial institution, for an amount not to exceed US\$14.8 million, in respect of the transfer and refinancing of debt of the Cayman Turtle Farm (1983) Limited from one financial institution to another; and

(B) issue a Government Guarantee to a local financial institution, for an amount not to exceed US\$5.5 million to secure an existing overdraft facility used by the Cayman Turtle Farm (1983) Limited.

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

**Ayes.**

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

Government Motion No. 14/08-09 is duly passed.

**Hon. D. Kurt Tibbetts:** Madam Speaker, can we have a division please?

**The Speaker:** Madam Clerk.

**Division No. 12/08-09**

**Ayes:**

**Noes:**

Hon. D. Kurt Tibbetts

Hon. Alden M. McLaughlin, Jr.  
 Hon. Anthony S. Eden  
 Hon. V. Arden McLean  
 Hon. Charles E. Clifford  
 Hon. George A. McCarthy  
 Hon. Cheryl Richards  
 Hon. G. Kenneth Jefferson  
 Ms. Lucille D. Seymour  
 Mr. W. Alfonso Wright  
 Mr. Osbourne V. Bodden  
 Mr. Moses I. Kirkconnell  
 Capt. A. Eugene Ebanks

**The Speaker:** The result of the Division is 13 Ayes.  
 The Motion is duly passed.

**Agreed: Government Motion No. 14/08-09 passed.**

## GOVERNMENT BUSINESS

### BILLS

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

**The Speaker:** I recognise the Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, I move the suspension of Standing Order 46(1) and (2) to enable The Education Modernisation Bill 2009 to be read a first time.

**The Speaker:** The question is that Standing Order 46(1) and (2) be suspended. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 46(1) and (2) suspended to enable The Education Modernisation Bill 2009 to be read a first time.**

### BILLS

#### FIRST READING

#### Education Modernisation Bill, 2009

**The Clerk:** The Education Modernisation Bill, 2009.

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

#### Suspension of Standing Order 46(4)

**The Speaker:** I recognise the Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

I move the suspension of Standing Order 46(4) to enable The Education Modernisation Bill, 2009 to be read a second time.

**The Speaker:** The question is that Standing Order 46(4) be suspended. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 46(4) suspended to enable The Education Modernisation Bill, 2009 to be read a second time.**

## SECOND READING

### Education Modernisation Bill, 2009

**The Speaker:** I recognise the Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, it is my honour today to bring to this House a much needed Bill that seeks to modernise the management, supervision, and regulation of education across the Cayman Islands. If enacted into law this legislation will make provision for education across the board; from early childhood education through the compulsory sector, to tertiary education in Grand Cayman and Cayman Brac and Little Cayman, in government schools and in non-government schools alike.

And so, Madam Speaker, I move the Second Reading of The Education Modernisation Bill, 2009.

**The Speaker:** The Motion has been duly moved and is opened for debate.

Does the Honourable Minister wish to speak thereto?

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, The Education Modernisation Bill, 2009, will marshal all of the relevant governmental authorities: All those responsible for school management along with all of the dedicated educators who work every day in our schools and strategically focus their collective efforts on our students and the improvement of each student's learning experience. This student-set approach has been the hallmark of this Government's efforts to transform our education system into a truly 21<sup>st</sup> Century education system,

which, as I have previously said, must find a way to meet the complex challenge of preparing students for jobs that do not yet exist using technologies that have not yet been invented in order to solve problems that have not yet arisen.

Madam Speaker, I make no apologies—nor should I—for believing in and focusing on the individual and collective futures of our people, for the two are inherently linked. Young or old, rich or poor, we all deserve the opportunity to learn, to better ourselves and ultimately to make the best of ourselves. In short, we all deserve a brighter future, and a brighter future founded on increased educational opportunities for all of our people will mean a better future for the Cayman Islands as a whole.

Is this a challenge? Undoubtedly, it is, Madam Speaker. But it is a challenge that this Government has met head on. It is a challenge that this Government has prioritised, and it is a challenge that this Government has rightly dedicated much time and significant resources to. In so doing this Government has established a sound basis for improved educational performance in years to come.

Madam Speaker, it is also a challenge that this country has put off and delayed for far too long, and one that this country must continue to meet head on, for if we depart from this path to success I fear for the future of these Islands. If we return to this disorder and mismanagement, if we stop listening to our stakeholders who have done so much to shape this reform process, if we fail to value our education professionals and, having engaged them and demonstrated that we believe in them, if we now devalue those efforts, then the future of this country—our future—will be worse, not better, and dimmer as opposed to brighter, both metaphorically and, I'm afraid, in reality too.

This legislation, if enacted, will enshrine in law many of the reforms that have been successfully introduced over the last four years and will, therefore, go some way to securing the continuance of the reform process. As I said towards the end of 2007 when I first presented to this honourable House the legislative plans for modernisation of education, we need a new law which will secure systemic change, increase accountability and at the same time liberate the teaching profession. Madam Speaker, this is precisely what this Bill now seeks to do.

Much work has gone into the creation of this Bill. In the course of its development, every effort has been made to capture both the essence of the reform process while, at the same time, accounting as far as is possible for the ever-changing and increasingly rapidly changing paradigm that is 21<sup>st</sup> century education.

When I took office, Madam Speaker, the premise of the operating legislation was already over 20 years old. If you can cast your mind back 20 years and recall how different these Islands were then, that will give you an indication of how out of date the current legislation has become and, therefore, how important this Bill now is.

When I took office I also inherited a draft Education and Training Bill crafted by the last government to replace the old legislation. While considerable work had clearly gone into what is a lengthy document, it quickly became clear to me and [my] advisors that this was not the best way forward. The reform process initiated by the National Education Conference in September 2005, and propagated by the National Consensus on Education shortly thereafter, inspired all those with an interest in education to contribute to the future shape of education in these Islands. It was evident that any new legislation should seek to embody this inspiration and encompass it.

Unfortunately, the draft Education and Training Bill (apart from the pervasive practical difficulties that themselves would have required significant remedial attention) was quite very clearly out of kilter with this new dawn in education. Indeed, it could be said that the objectives of the two were in some ways about as different as night and day.

This view was articulated in the Cayman Islands Education Law review of 2007, which I presented to the Legislative Assembly on 21 November 2007. This report identified that the current Education Law (last revised in 1999) was more a set of general rules on matters which have from time to time received attention rather than a fully coherent structured enactment. Furthermore, the Education and Training Bill was largely an expanded version of the existing Law and therefore had a similar tendency.

The Education and Training Bill still had no overarching structure and, as the report asserts, it really was “much more a thesis than a law; more a charter than a statute; more principled than structural” and that it did not “serve the desired purpose”.

Madam Speaker, this report which was produced in conjunction with the Education Law Team from the National Union of Teachers in England and Wales, following extensive consultation with all of the local stakeholders, including teachers and other educators, parents, students, members of the Legislative Assembly and the general public, concluded with an outline of the legislation that is now before this honourable House in the form of the Education Modernisation Bill, 2009.

In the subsequent year this first draft was further refined and tailored to local needs, which enabled me to return to this honourable House with a more complete draft. This was delivered in the form of a paper entitled “A Legislative Framework for Educational Entitlement in the Cayman Islands”, which I presented to this House on 13 October 2008. This included not just the final working draft of this Bill, but also explanatory notes on each of its parts.

In addition to the work of the local legislative drafting team, Madam Speaker, the Ministry was pleased that the lawyers from the National Union of Teachers in England and Wales (headed by Mr. Graham Clayton) continued and still continue to retain a

healthy interest in the development and ultimate passage of this Bill.

Madam Speaker, as I previously explained to this House, this support has been provided on an expenses only basis to the Cayman Islands. And in spite of no expenses being incurred since July of 2007, we have continued to draw great benefit from the sage advice of a team of lawyers whose knowledge of education law is second to none.

For this assistance the Cayman Islands owe a great debt of gratitude primarily to one man who is no longer with us. His name is Mr. Steve Sinnott. And as the general secretary of the National Union of Teachers it was he who authorised the provision of this support.

Madam Speaker, my meeting with Mr. Sinnott was one of those fortuitous events. I first met him at a conference in the Bahamas just after I took office but actually got to know him quite well at a conference held in Cape Town, South Africa, in 2007. As a result of the discussions and the friendship that we forged, ultimately he came to agree to the National Union of Teachers assisting us in the development of new education legislation for these Islands. And over the course of the following couple of years and by visits by the NUT team to Cayman and visits from those of us in Cayman (myself included) to the National Union of Teachers in London we developed a piece of legislation that we currently have.

Madam Speaker, tragically, Steve died of a massive heart attack last year. I have to say his loss is great. And I have to also record my personal gratitude to him for ensuring that we have before us the quality piece of legislation which we currently do.

Madam Speaker, the Bill that is now before the House is set out in 16 parts. It is a Bill for a Law to make provision with respect to education in primary and secondary schools, in career and technical institutions, in tertiary institutions, in early childhood institutions and for lifelong learning. In addition it seeks to promote high standards in education and the teaching profession; and to make provision for related matters.

Part I simply deals with the preliminaries in the legislation, namely, its short title, arrangements for its commencement and the interpretation of various terms utilised in the Bill.

The substantive provisions in the Bill begin in Part II with the Education Functions of Governmental Authorities. The current Law vests power for the management of education in these Islands in an Education Council and a Chief Education Officer. However, in a democratic system with an elected Minister with constitutional responsibility for education, this is clearly unsatisfactory. The main powers and attendant responsibilities must lie with the elected Minister and not a semiautonomous governing council. As such, the Education Modernisation Bill, 2009, begins with the duties of the Minister responsible for education.

In line with the Public Service Management Law the Minister is primarily assisted by the Chief Of-

ficer in the Ministry and it therefore follows that the Bill should logically proceed to detail the duties of the Chief Officer. Included in these duties are a number of reporting requirements which will ensure that the people of the Cayman Islands are regularly provided with extensive information on the position of education. This is an important commitment which reflects the centrality of education and learning to the future success of these Islands.

The Minister and Chief Officer will still be assisted by a Chief Education Officer, although in light of the new governance model for education introduced by this Government, and the new service orientated focus of the department, this post will now be entitled "Director of Education Services".

The Director of Education Services will report to the Ministry and its Chief Officer, and, with the assistance of the new governance model, will be directly accountable for the conduct of government schools. A combination of the outdated legislation and institutional inertia previously made it difficult to hold anyone accountable for education. It is anticipated that this new organisation and alignment will have a positive impact on morale in schools and student performance.

While the old Education Council will be shorn of its administrative powers, this Bill recognises that it is still important to retain a similar body of experts to advise the Minister on matters pertaining to education. A council has therefore been retained, but it is termed an Education Advisory Council to reflect the nature of its role in this new more efficient organisational structure.

Part III of the Bill requires that both government and non-government educational institutions are registered. An educational institution is defined in Part 1 of the Bill to include a school or an institution that provides tertiary education, career and technical education, or education to prepare for the award of a degree qualification or certification. This provides some clarity as to what institutions need to be registered in lieu of the circular definitions and confusion in the current Law. Moreover, in an era where education is increasingly a commodity, this registration process also puts in place some quality control thereby recognising the importance of high standards in education.

Part IV of the Bill deals with School Attendance, Admissions and Access to Education. In line with the resolution of this House following a Private Member's Motion proposed by the Third Elected Member for George Town, my colleague, the compulsory school age has been extended at the upper end to 17. This will enable all Caymanian students to have an opportunity to embark upon one of the pathways identified in the Better Pathways, Brighter Futures Initiative.

Conceived by this Government, the Better Pathways, Brighter Futures Initiative is planned to come into operation in the academic year commencing September 2010 along with the new secondary campuses. And it is envisaged that this will give stu-

dents the opportunity to pursue the International Baccalaureate Diploma programme or career and technical options, or to re-sit some examinations to augment their portfolio of qualifications, or to be assisted in their transition to the workplace through supplemented and supported workplace learning.

Madam Speaker, the development of the new secondary campuses is critical for many reasons. Clearly foremost among these is the way in which their design and agility will facilitate the improvement of the learning experience for all students at the secondary level. However, it is only with these additional spaces that we will also be able to cater for this exciting range of post-16 options at the existing George Hicks campus. This is also a good example of the complexity of the planning that forms this new legislation and which has underpinned the reform process in general.

It is easy to say, for example, that I support an additional year of education or we need to better prepare our students for the workplace, as indeed I do. But the difficulty arises when one seeks to implement these policies. The planning of the secondary campuses, as I have just explained, is intricately linked to the Better Pathways, Brighter Futures Initiative. It is more complex than that, however, because the construction of the secondary campuses is also integral to the new governance model for the more efficient management of education, the introduction of learning communities, which will ease the transition from primary to secondary, and the elimination of the Middle School which has inhibited the development of students at a secondary level, to name some of the other ingredients in this complex recipe.

This is a good example, Madam Speaker, of why I often refer to the education continuum, and why this Bill refers to the concept of lifelong learning. We must provide opportunities and facilitate learning, not erect barriers and artificial constraints. And where there are transitions we must do all that we can to make those transitions smooth so that the learning process is not unduly hindered. This is why this Government has chosen to look holistically at education and, in so doing, to provide greater opportunities at every stage—greater opportunities in early childhood, in primary, in secondary, and in tertiary. This is why this Government has designed secondary campuses which will value the individuality of each student and their particular learning style. And it is why this Government is now bringing this Bill before the House.

Returning to the substance of Part IV, Madam Speaker, this part of the Bill also establishes a parental duty to secure school attendance. Parental choice is nevertheless maintained by an exception which will facilitate home schooling if desired. However, it is important that this exemption is closely monitored so as not to give rise to the possibility that any child may miss out on an education. This Bill therefore establishes that regulations may be made to manage and

monitor any application for an exemption from this duty.

Part V of the Bill provides for a national curriculum and key stage testing. The development of Cayman's first ever national curriculum for key stage 1, key stage 2 and key stage 3 represents a massive step forward in the provision of equitable education across the Cayman Islands, and also provides students, teachers and parents with a clearer understanding and appreciation of student attainment. It is therefore important that this national curriculum is enshrined in the proposed new legislation. This it is, and it is mandatory for all government schools.

While recognising that there are non-government schools in the Cayman Islands which follow an American system or a Canadian system of education, it is hoped that some non-government schools will still adopt all or part of the national curriculum and the Bill certainly permits this. Although the national curriculum will not be mandated in private schools, all schools will nevertheless be required to assess the standard and level of each student at the end of each key stage and the outcomes of these assessments must be made available to parents and legal guardians.

Part VI of the Bill provides for the evaluation of schools and replaces the important work of the Education Standards and Assessment Unit (formerly the Schools Inspectorate) on a statutory footing for the very first time. The work of the Education Standard and Assessment Unit will apply equally to government and non-government schools and these independent evaluations are intended to operate as a significant contributory factor in the school improvement process. As a senior educator in government's employ, the Director of Education Standards and Assessment Unit will also serve as an independent source of research and expert advice to the Ministry of Education.

Part VII of the Bill addresses professional standards in education and establishes a council on professional standards in education for this purpose. The council will be responsible for the register of teachers and no person may be employed to work in a school as a teacher unless registered. And that, Madam Speaker, is in relation to all schools, both public and private. In addition, the council on professional standards in education will also deal with the removal of persons from this register where there is just cause to do so. In doing so the Bill ensures that the principles of natural justice are adhered to and that all persons who face the possibility of removal will receive a hearing. As such, this council will uphold professional standards and promote the high standing of the teaching profession.

Part VIII of the Bill permits the Minister to provide funding to non-government schools. If a school is in receipt of funding it will be termed an assisted school to rightly reflect this assistance. Funding to assisted schools has been significantly increased by this Government and much of this additional funding

has focused on school improvement. In keeping with this policy of monitoring and accounting for such funding this Bill permits the Governor in Cabinet to make regulations governing the terms and conditions applicable to any grant to an assisted school.

Part IX of the Bill makes provision for career and technical education. Career and technical education is defined as education that prepares students for specific careers, trades or occupations, or allows students to develop expertise in a particular group of technology relevant to specific careers, trades or occupations. Career and technical education or what is traditionally known to some people as technical and vocational education and training, has seen significant development in recent years.

With increased support for, and take up of such courses at the University College, the introductory of new exam options in auto mechanics and leisure and tourism at John Gray, and the centrality of careers in technical education, is the Better Pathways, Brighter Futures, Post-16 Initiative. Building upon these achievements it is important that the Minister is able to provide funding for the further enhancement of this sort of education, and this Bill therefore provides for such powers.

Part X of the Bill addresses tertiary education and outlines a number of ways in which tertiary institutions may come into existence and receive support. In the future the Cayman Islands may need to guard against unscrupulous tertiary institutions that seek to establish themselves in these Islands. This Bill therefore establishes a power to regulate the conduct and management of tertiary institutions and the quality of the courses of study provided.

Part XI of the Bill makes provision for early childhood education. While the developmental work on this overarching education law was going on, my Ministry has also been working on bespoke early childhood legislation. Ultimately, however, it was determined that it made practical sense to include all provision for the entire education continuum, including early childhood education in the one Bill.

Early Childhood Education is defined as education provided to children under the compulsory school age in early childhood institutions and includes the care, stimulation and socialisation necessary to support development and learning. This provision of the Bill, Madam Speaker, empowers the regulation of registration of early childhood institutions; the prescription of academic and professional qualifications of teachers and other persons employed in early childhood institutions; the prescription of standards with regard to safety, security and sanitation in early childhood institutions; the inspection of early childhood institutions; the development of a curriculum framework for use in early childhood institutions; the regulation of funding provided to early childhood institutions, and for the attendance at such institutions.

Part XII of the Bill addresses discipline in schools and prohibits corporal punishment in all

schools. This formal prohibition enshrines the policy that has operated in government schools for some time now. While corporal punishment is prohibited, the Bill does permit physical restraint where restraint is necessary for the physical protection of the student or any other child in the school. Part XII then proceeds to require all schools to establish a student's behaviour and discipline policy.

Madam Speaker, the division of the old George Hicks High School, where ill discipline was rife, into four smaller separate schools, where discipline has notably improved and performance indicators have in turn also improved, demonstrates that there is a tangible connection between behaviour and performance. It is therefore anticipated that the requirement that all schools possess a student's behaviour and discipline policy—provided that these are properly administered—should have a positive impact upon performance.

Part XIII of the Bill makes provision for additional education needs. This term has been preferred to special education needs because all students should be considered special. Indeed, the Bill specifically notes that all persons have a unique combination of talents, aptitudes and abilities which necessarily impact their learning. This is an important new addition to the legal provisions relating to education, and is perhaps the best example of how the proposed legislation will enshrine a more inclusive education system.

To this end, Madam Speaker, the Bill anticipates that provision for additional educational needs will be made in all schools where students require this assistance. At the same time, these provisions also mirror this Government's significant additional commitment in this area which means that all government primary and secondary schools now have at least full- or part-time dedicated services provided by an educational psychologist, a school counselor, a speech and language therapist and an occupational therapist.

Part XIV of the Bill regulates the use of school premises so that school premises, together with its equipment and facilities, may be used for purposes other than for school. In the context of government schools and the development of the new secondary campuses this is clearly necessary to realise the vision that these new facilities will be community facilities and will provide numerable opportunities for lifelong learning, sporting and cultural activity, the hosting of elections and, in the unfortunate event of a hurricane, much needed shelter.

Part XV of the Bill makes special provision for Cayman Brac and Little Cayman. Madam Speaker, this should not be misinterpreted to mean lesser provision, but rather that it simply permits, where circumstances require, more appropriate provision. As Minister of Education I am very conscious that Cayman Brac and Little Cayman have not always had a fair deal when it comes to education. I am proud that during my time as Minister, Cayman Brac has seen significantly increased support for additional educational

needs. The Little Cayman education service has, through the increased use of technology, been brought more into the mainstream of education service.

Part XVI of the Bill is the final part and makes various miscellaneous provisions, including the creation of an offence of causing or creating a nuisance or disturbance at a school. Once again, this speaks for the importance of good order and appropriate behaviour at schools, and the relevance of this to an environment that is conducive to learning.

Madam Speaker, as I have moved through each part of this Bill I trust that Members who are here will have appreciated how each piece of the jigsaw has been put together to provide a fully coherent and structured Bill. In addition, and in conclusion, Madam Speaker, I commend the Education Modernisation Bill, 2009, to this honourable House because it places the learner at the heart of the process; because it envisages [inclusion] and equity in the Education system; because it encompasses the entire learning continuum and supports lifelong learning, and because, Madam Speaker, it provides an overarching commitment to high standards in education.

Madam Speaker, this Bill represents an immense amount of work by a large number of people, both within and outside these Cayman Islands. To them all I convey my heartfelt gratitude. This Bill has taken almost four years to develop, but its genesis was the determination, desire and zeal to improve outcomes for people within our education system.

Madam Speaker, the Hallmark Conference of September 2005, which produced the National Consensus on Education document, is the heart of this legislation. Essentially, and perhaps for the first time in this country, what we have in the national consensus document is a document that represents the views of the key stakeholders in this particular area of endeavour.

This legislation which comes at the end of this term has the benefit of having been drafted in an environment where the changes were taking place so that the legislation is designed to underpin the fundamental changes in the education system to represent and reflect the efforts to transform education in this country rather than us having, as I think was the case in the past, a draft piece of legislation which was developed in an academic environment with little or no regard to what the ultimate objectives and outcomes of the process were to be about.

Madam Speaker, much of what this legislation covers has already been implemented, is already in effect. This legislation will provide the legislative basis and underpinning to ensure that those changes are firmly entrenched, and that there is a basis to ensure the enforcement, where necessary, of the relevant provisions to improve education and, ultimately, outcomes for teaching and learning.

I trust that what I have said so far will assist Members in understanding the provisions of the Bill

and the objectives that it seeks to achieve. I look forward with much anticipation to the various contributions from both sides of this honourable House to this very important piece of legislation.

Thank you, Madam Speaker.

**The Speaker:** Proceedings will be suspended for fifteen minutes.

**Proceedings suspended at 3.46 pm**

**Proceedings resumed at 4.33 pm.**

**The Speaker:** Please be seated.

Proceedings are resumed. Debate continuing on the Education Modernisation Bill, 2009. Does any other Member wish to speak?

Thank you.

Could I have a motion for the suspension of Standing Order 10(2) to continue business beyond the hour of 4.30 pm?

Honourable Leader of Government Business.

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

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

Madam Speaker, as it is our intention to complete the business on the Order Paper, I move the suspension of Standing Order 10(2) in order to allow the business of the House to continue after 4.30 pm.

**The Speaker:** The question is that Standing Order 10(2) be suspended. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 10(2) suspended to allow proceedings to continue beyond 4.30 pm.**

**The Speaker:** Does any other Member wish to speak? If no other Member . . .

Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

Madam Speaker, I rise to offer a few comments on the business before the House, which is the Education Modernisation Bill, 2009. And this is one of those occasions in which Members of all sides of the House can certainly agree with the overarching goal in creating the best possible framework for the dispensation of formal education within the Islands to our people.

Not just today, but certainly for the last few decades, every administration has sought to improve and enhance upon whatever educational framework it has inherited. That framework would have included the existing legislation and all of the relevant policies

that have been created over the years and, certainly, all of the other institutional frameworks that have been adopted and practiced within the Islands.

Madam Speaker, education is one of those topics that causes the vast majority, if not all, of any community to sit up and pay attention. Everything that you do and every move that you make in terms of the legal framework, curriculum and standard setting, is seen as having great potential to give citizens the greatest potential or opportunity to maximise their potential.

If we look at the development of our Cayman Islands we will see that in a very short space of time, relatively speaking, these Islands have made some very positive strides as it relates to education. I think oftentimes when we speak about education we sort of lose the historical context in which the debate ought to be framed. Madam Speaker, the truth is that the economic development of the country and the necessity to import relatively large quantities of educated and skilled labour to take up very lucrative and prominent positions within the Islands causes us to sometimes lose focus of where we have come from, and to also lose focus on some of our limitations as a country. In fact, sometimes we perhaps do not give ourselves enough credit for achievements that our small community has made as it relates to educating Caymanians over, as I said, a relatively short period of time.

Madam Speaker, especially when it relates to this topic of education we cannot ever be satisfied at where we are. We cannot ever pat ourselves on the back for too long, because the truth is with the changing world and times in which we live we must do our endeavour best to stay ahead of the curve. So, education and the disposition of education to our people, like all things, has had its good days and in some instances not such good days. But all in all we have done a relatively good job on the academic front.

Many will certainly argue, and I believe with great merit, that our system has promoted and catered to students with the capacity to learn in the traditional sense, methods and, certainly, the traditional standards, but not so much to persons who may have other types of skills and may learn very differently different types of things.

So, Madam Speaker, when we go to the graduation at the John Gray High School and other high schools we will see each year a lot of young people who make us all very proud by having become honour students. From the context in which most people try to assess how well students have done, those would be the shining stars as it were. However, all of us who have gone to school will recall people who, while they may not have had the highest of aptitudes for math, science, social studies, they may have been extremely skilled artists; people who are just naturally good with their hands. And so while those on the academic front have progressed, we see that there has been a real vacuum as it relates to persons who learn very differently and have very different skill sets.

Madam Speaker, just to round off the point in terms of our achievements in education as a country, one only needs to look around and see the number of Caymanians who have gone on to become lawyers, accountants, teachers, architects and engineers. And if Cayman were simply a small town in a much larger country perhaps we would not be as tough as we have been on ourselves at some points in history as it relates to our achievements.

I believe that given how life works, we have to recognise one thing about humanity: A certain percentage of our population will be high achievers from an academic standpoint. Others will perhaps have other interests, and others, through no fault of their own, may not fall into any of those categories. Like every other species God has put on this planet, we are each very different, have different strengths, different capabilities and capacities.

So, in my humble opinion we ought not to try to tell ourselves and the wider community that every single person who has ever been born in these Islands and is Caymanian is going to have a plethora of natural talent in any specific area. That is not how God has created and made humanity. I can't give a reason for that, I have simply observed it.

Madam Speaker, from that backdrop we must ensure that the systems and policies that we have in place give our people the best tools and the greatest possibility to maximise their potential within the confines of their God-given talent. In fact, Madam Speaker, we ought as a country to seek to inspire our people to go that extra mile, take that extra step and really apply and push themselves.

Now, Madam Speaker, we also have another very important facet of every person's life. In fact, some would say as important, and in some instances more important, than one's natural and biological makeup, and that is the social environment in which one has to operate—that is, the home. All of us will know personally people we could point to and say, *Boy that person, had it not been for their circumstance, could have been X or could have been Y.* We all know about those stories. We all know people who fall into that category.

In a utopia we would have a system where every single person (given their God-given talent and potential) could be brought into our education system and not just utilise it, but have their God-given talent enhanced and pushed in such a way that everyone would get the five-star rating and be that classic over-achiever who has gone beyond where they might have otherwise gone. But, Madam Speaker, we know that that is not the case. We know that that is not what happens in the real world as we humans live our daily lives. If that was the case there would be very little need for us to even be standing here debating a piece of legislation, because everyone would be, as I said, going above and beyond and exceeding what would be just that God-given raw talent that they have.

Madam Speaker, the Opposition can say that we certainly believe that this Minister and all of his predecessors have done their endeavour best in what they thought was the right thing as it relates to education. No one can convince me that we have ever had any person who occupied that chair as minister who willfully and knowingly tried to somehow not ensure that the children of the Cayman Islands were not going to be given the greatest opportunity for success.

We have seen the work that has gone in and the emphasis that this Government has certainly made to education in terms of their words. And we get to this point where we are going to vote upon the framework that would move the prospects of education forward and modernise it.

Madam Speaker, in looking at the Bill, the one thing that is quite obvious is that the Bill is just that—it is a framework that has a number of fixed institutions, but it gives the Cabinet the possibility—via regulations—to drill down and really create its specific policy as it relates to some very important aspects of the educational spectrum.

We see that the Bill deals with the traditional areas. We also see some new areas. But, certainly, we see the whole issue of registration of educational institutions, attendance and admissions and access to those institutions, the whole issue of the national curriculum, and the evaluation process. We also see our professional standards in education which deals with those who dispense education. We see the crucial aspect that you never ever win on, I believe—the funding. We also see a section dealing with career and tertiary education, early childhood, discipline and prohibition of corporal punishment in schools and, Madam Speaker, additional needs. And in all those sections, whilst a framework is there, there is the possibility for the Cabinet of the day through whoever is charged as a Minister of Education to ensure that their specific policies are adopted via the use of regulations.

Madam Speaker, I am going to attempt to go through the Bill with a number of observations, some of which I hope the Minister and his Government are going to take on board, because some of them I believe ought to be dealt with in primary legislation versus matters that could be simply left to regulations. The reason I say that, Madam Speaker, is because I think there are certain additions to this framework that are absolutely necessary and should form a part of what would be the foundation and the bedrock for the educational framework of the Cayman Islands.

In Part II of the Bill, Madam Speaker, section 4 deals with the duties of the Chief Officer of the Ministry of Education. But more specifically [section] 4 (2)(a). I will read it, Madam Speaker: **“The chief Officer shall, at least once in each year, prepare and submit to the Minister a report containing such information as the Minister may specifically or generally, from time to time, require and at least the following.”**



It gives three provisions, (a) through (c). And (a) reads: **“information describing the standards of achievement of students receiving education in government schools, assisted schools and independent schools, together with such information as may be available about the achievements of home schooled students and other students educated otherwise than at schools;”**

Madam Speaker, as you move through the Bill and get to the section that deals with (let me get the terminology right) additional education needs other than . . . there. I was trying to envision precisely what category of students that last phrase was envisioning where it says, “. . . other students educated otherwise than at schools” and I was hoping that the Minister could inform the House of precisely what is being envisioned by that language.

Madam Speaker, also in this part, in section 6 it calls for the establishment and duties of the Education Advisory Council. In section 6(2) we get to the creation of the Education Advisory Council and it says, **“The Governor in Cabinet shall make regulations with respect to (a) the membership and proceedings of the Education Advisory Council.”**

Now, Madam Speaker, one of the things I certainly believe in and am a strong advocate of, is getting away from this old system that we employ in the Cayman Islands in which important institutions are often simply lined with persons who support you during general election time. I believe that the whole issue of education and this important council ought to draw from the widest and deepest array of available talent and minds within these Islands.

Any of us who are true to ourselves, Madam Speaker, would profess that what traditionally happens when we appoint these types of bodies under legislation is that governments typically and hopefully search for the best minds from the community as it relates to a specific area. I said *hopefully*, Madam Speaker, because we have seen from time to time where, in varying aspects of administration of the country, governments have selected people for membership/chairmanship of some very important bodies simply because they were a political supporter, and not necessarily because they were the best person available for the job.

What also happens often, Madam Speaker, is that the talent pool in the country becomes diluted. We already have a very small community and a limited base from which to draw from, so if you go just on the basis of averages . . . let us say at the time of appointment you have an incoming government and key supporters and people that they know and trust represents 55 per cent of the population: 45 per cent may not be seen in that light.

Lost in that percentage oftentimes are very bright and able minds who, simply because of their affiliation from a political standpoint, get excluded from the whole process of appointment to these important institutions and bodies. I believe that the country de-

serves better. We as legislators should recognise the grave limitation the system in which we operate in allows for.

Madam Speaker, let us use again just a raw number. Let us say that a council like this was going to have five members (pick a number). What oftentimes will happen is that a government will appoint by district and try to get the minds they believe can contribute from a cross-section of the Islands. And oftentimes you will wind up with, let us say, a strong chair person and two or so other strong members.

And then, as you look at the appointment process, you see that as government tries to draw people from the community to assist in the administration of the country. Let's not forget; let's make sure we frame this in the context that it is real and is but one appointed body that assists any government in the administration of the country. You have areas like Planning, Immigration, Water Authority, and I could go on and on with the important institutions and boards that are appointed and have to be appointed by law, which assist every government.

So, if you start looking at the numbers of boards and the limited pool from which we have to draw, any time you start dissecting that even more, you will automatically see that your possibility for the best outcome becomes very limited.

From my personal perspective I would like to see us get to the point that as we appoint important bodies and institutions we draw and take appointees from the entire gamut of the legislature; Government, Oppositions, and even if you have independent members in the Chamber. Because when you do that, Madam Speaker, you wind up giving greater potential for ensuring that indeed [you have] the brightest minds and the best persons for whatever facet of civic/governmental administration is required.

For example, let's say that this body was going to have seven members and the government was going to appoint four or five of those. Automatically the Government has to appoint the best possible people for the job. And, Madam Speaker, the other membership in the House will naturally seek to do the same thing. The one thing I have noted is that when people are brought together to do a job and do these types of jobs where there are committees, councils and other important bodies within the country, irrespective of background and political affiliations, the reality is that when you sit on these boards you pay attention to the work at hand and do the very best you can for the agency or entity to which you are representing.

Some would say, *Well that is a cute argument for a Member of the Opposition to make.*

Some might say, *Well what else would you expect from a Member of the Opposition?*

But I think anyone who has heard me talk about these types of issues and institutions will know that from my observation in my eight and a half years as an elected Member that this is a point that I truly,

from the depths of my heart, believe to be the best way forward for this country. What you do is to create the framework and the possibility for all the best minds the country has available to be engaged and to play this critical part as it relates to civic responsibility, giving back to the community.

Madam Speaker, I would move on to section 7 which is Part III—Registration of Educational Institutions. Section 7(4) reads: **“A non-Governmental educational institution that was authorised under the Education Law (1999 Revision) may continue to operate as if registered under this Law but only for one year from the date that this section enters into force, during which period the institution shall apply for registration under this Law.”**

And section 7(5) goes on to say, **“Where within the period of one year referred to in subsection (4) a non-Governmental educational institution makes a valid application for registration under this Part and the application is acknowledged, it may continue operating until a decision on the application is conveyed to it.”**

So, you take the two of them together, Madam Speaker, and you have a soft grandfathering in of all non-governmental entities that were licensed under the previous Law being given the possibility to apply. Until a decision is made on their application, they can operate. And, Madam Speaker, that seems to be a fair way to go about things.

One thing I hope is that any institution having real potential to make a positive contribution to the educational landscape within the Islands would be given assistance where possible. And I know there are many limitations—financial not being the least of which. But there are other limitations as well. But, Madam Speaker, I hope that once this section comes into force, any institution that can really make a positive impact and has the potential to do so, that government will work to try and ensure that institutions have the greatest possibility to be able to survive and continue.

I say that to say this: Certainly, any institution that might not be able to continue because of their inability to meet new standards simply because of financial reasons or human resource reasons, government will work very closely to try and ensure they are given the greatest possibility to continue. Irrespective of how many students an institution may have, it is more than likely playing a positive role in education. If it is not, that is a different story. But if it is, they ought to have the greatest possibility of continuance under the new regime, because we know that as soon as any entity disappears off the landscape parents have to find another option.

Certainly, if you get to the point where the other option is only government, that in and of itself will cause real implications for government; implications in terms of provision of physical plant, et cetera.

So, Madam Speaker, that transitional period I certainly hope will be one that will be administered in

the spirit of trying to ensure that all entities which are making positive contribution to the educational landscape within these Islands are given that real possibility for continuity.

Now, the registration process for these non-governmental educational institutions is one that is very important. [We need to ensure] that anyone not making a positive contribution is also dealt with. If they cannot, or refuse to, attain the standards to make a real positive contribution, ultimately those entities would not be licensed. The last thing we would want is for this section to look good in law but not be carried out in the spirit which it is meant to. [We need to] ensure that the standards necessary are upheld, because we could easily see the possibility for institutions to use parents to try to sway the Government into ensuring their continuity. And by that I mean, obviously with a lot of these institutions they would have a pretty high percentage of parents who actually have the right to vote. We know the world in which we live.

The bottom line is that if an operator wants to continue, but wants to have his way and not do what is required to bring [his operation] up to the requisite standard, we could easily see the possibility that they simply use parents to try to influence Members of this House to put pressure on the relevant Minister. And, Madam Speaker, that is not something that we want to talk about sometimes, but that is just the reality of how some people will and do behave.

Madam Speaker, I am reminded that sometimes (not all the time) the people who behave this way or who have tendencies toward this type of behaviour tend to play one side of the House off against the other, and oftentimes use an uninformed public to get their way. This is a real, real serious issue because at the end of the day when that is allowed to happen it is the children who attend those institutions, through no fault of their own, that are not given the possibility to achieve their greatest potential.

Now, Madam Speaker, one thing that I was hoping the Minister could expound upon a bit is the whole issue of the registration of governmental institutions. How we are going to ensure that? While government has the ability to influence and put forth its might on non-governmental entities and force them to achieve certain standards, we would not want there to be the case that because it is committed (government naturally has a built-in commitment to its own schools and its own schools being open) the reality is, unlike a large country, the Cayman Islands does not have the capacity for any government to look at, for example, a primary school that may not be making the standard, to be able to shut that school down. Where are those students going to go?

That is a real issue, Madam Speaker. It all comes back to some of the old arguments that you hear traditionally about in Cayman where government tends to apply the high standard to the private sector but does not necessarily keep its own house in order as it should be. And that is probably the most impor-

tant aspect of the entire exercise, because the vast number of students in the country attends government institutions.

So I hope, Madam Speaker, as it relates to section 9, which is the Register of Governmental educational institutions, that the Minister would expound upon that point and give the House some idea as to how government institutions will also have to go through a similar process as outlined in section 7 for the non-governmental institutions.

Madam Speaker, Part IV deals with school attendance, admissions and access to education. Now, if we look at the framework that this Law is creating, and look at the duties of the Chief Officer, duties of the Director of Educational Services, the creation and duties of another very important office that is going to be created, which is the office that deals with standards within the educational sector (and I am looking right now to get the exact title of the individual) . . . I will get to that in a minute, Madam Speaker, because I am not seeing it quite readily.

The whole issue of attendance and the scheme that Part IV creates, the same framework is also established as it relates to the whole issue of additional educational needs. When we look at Part IV and Part XIII the whole matter of attendance in school invokes a parental and guardian accountability mechanism where any person who is a parent or legal guardian of a student violates the law if the student does not attend school. If you look at section 11(3) we see some carve outs for non-attendance, which is all good and fine.

So, Madam Speaker, we have very clear standards and accountability through a specific office as it relates to policy, standards in schools and all these other things. But when it comes to attendance I was certainly hoping to see that the Government—whilst I understand that parental responsibility is crucial—would have given consideration to ensuring that somewhere within the governmental system there would be a specific office or entity that would be charged with ensuring that no child got left behind within the system.

Madam Speaker, section 11 (20), which says that any person who contravenes subsection (10) commits an offence and is liable on summary conviction to a fine of two thousand dollars, and subsection (1) of section 11 says, “**Subject to subsection (3) [which is the carve out section] a parent or legal guardian of any child of compulsory school age shall ensure that such child receives full-time education suitable to his requirements either by attendance at school or otherwise as provided in section 12.**”

Madam Speaker, that is good and fine. And I think all of us would agree that we need to have that in there and we need to put the onus on parents and legal guardians and ensure that they are going to be accountable and recognise their important responsibility

in ensuring that those for which they are charged to attend school.

I do believe that we ought to also have some measure in here and some entity from the Government’s standpoint as to who is charged with this specific responsibility, because we all know how life really works. And while this is all very good on paper, we know that there is the real possibility for people falling through the cracks and a blind eye being turned. The reality is that if the student does not go, if the parent does not insist that they go, if the state (that is, the government) does not intervene and do something—and the one thing that is available under 11(2) is to take them to court and fine them up to a fine of \$2,000—then what happens? What happens and who is accountable?

So, I believe, Madam Speaker, just like we have as a clear framework within this legislation, standards for creation of implementation of policy, advice on policy, we have an institution that relates to going back to the schools and ensuring that those standards are adhered to. We are developing a very important new institution within the educational sphere, which is the Director of Educational Standards and Assessments. That was the post that I was struggling to find a while ago, Madam Speaker, which I believe is a very crucially important aspect and key peg within this framework that is being developed. I think that we need to put and shift more onus to ensure that attendance is adhered to and complied with.

We must look at ourselves and ask, *Is government, through its own law, going to force itself to a greater level of accountability and be held to a greater level of account as it relates to the student being in class in the first place?*

It is all good and fine to create policy. It is all good and fine to have a curriculum. It is all good and fine for assessments of the schools versus being graded against their implementation of that curriculum and the end result in terms of students. All necessary, good framework. But if we are allowing a possibility for the students not to be in the classroom in the first instance, then it is all gone for that particular student. I believe that we should give real consideration to including in this legislation a specific named person who is also going to be held accountable for students being in school. Because when you do that, Madam Speaker, in my mind that greatly reduces the possibility to a blind eye being turned.

The truth is that in more instances than not, the people/children who could fall into this category, more than likely are coming from poorer homes anyway, and so oftentimes government would only be exacerbating the situation if it were to invoke section 11(2) (and I repeat), “**Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of two thousand dollars.**”

And, Madam Speaker, the majority of people, I would venture to guess, that would find themselves

in this situation, are people who can least afford to pay the fine in the first instance. And besides that, this blind eye that is often turned in societies often comes down to political will. So that is where the rubber meets the road.

Now, Madam Speaker, if we move on within the same Part and go to section 11(3) it reads: **“It is a defence to any charge under this section (this is the same section that deals with mandatory attendance) if the failure of a student to attend school on any day on which the school is open if- (a) the absence is caused by illness or other unavoidable cause making his attendance at school not reasonably practicable; (seems fair enough). Subsection (b) the day is recognized as a religious holiday by the religious denomination to which the student belongs; (seems fair enough). Subsection (c) the student is suspended from school and the suspension is still in effect; (that is pretty clear). Or (d) the student has been expelled and has not been given permission to enrol in another school.”**

Now, Madam Speaker, if we were to turn our minds to what can and does happen in Cayman, like everywhere else (this is nothing unique to Cayman), the reality is that students from time to time get expelled. However, if we look at this section and how it is working, from what I have seen, certainly, I would encourage the Minister to take another look at the precise wording of 11(3)(d). You could easily see this being one of those cracks that children who can least afford it could fall through.

Not only would they be expelled and not have given permission to enrol in some other school, now that parental accountability in subsection (2) (which I thought needed to be strengthened anyway) is gone.

At this point the parents or legal guardians can't even be held to account because the Law says so. I believe that, while on expulsion, that certainly for the immediate term there would be some issues; but, Madam Speaker, normally a student does not get expelled from school over night. That expulsion is usually at the tail end of a series of events. That series of events usually would involve previous suspensions.

So, if the system has within it a student who is on the road to expulsion, the system, I believe, ought to have the mechanism within it that forces itself—that holds someone into account—to ensure that that student is transitioned and done in such a way that someone is going to be held accountable for their attendance.

Naturally, if we look at the entire framework we will see that more likely than not, students who find themselves in this unfortunate circumstance of being expelled would be captured by Part XIII, which deals with additional educational needs. And Part XIII itself has that same parental responsibility framework that puts the onus on parents or legal guardians to be accountable for the children within their charge.

So, Madam Speaker, I have two points on this section that I would like for the Minister to give some consideration to. Firstly, as it relates to the accountability for attendance, and that accountability is covered in Part IV, specifically section 11; but also in Part XIII, I think the system should name and hold to account a specific person within the government sector to ensure that attendance to school or educational facilities where persons are still within the legal limits of this Law is observed.

Secondly, Madam Speaker, 11(3)(d) should be reworded because it is difficult to envision specific circumstances where you would just have an expulsion and a person being in a scenario in which they are not being given permission to enrol somewhere else. So, there is basically, from the legal perspective under the framework I am seeing here, no variance.

Madam Speaker, for those who do something that is urgent and sudden, more than likely they would be dealt with under some other piece of legislation. Let us say that someone goes to school and is a good student every day, had never been suspended, never had any issues, and they show up one morning and do something dramatic at school; something really bad. More than likely if that something which is so bad causes them to be expelled—not suspended, but expelled—that something they would have done would be covered under some other piece of legislation because more than likely it would be a criminal offense that you would be talking about. So, I would hope that the Government would give consideration to that point.

Now, Madam Speaker, section 12 is the exemption from duty to secure school attendance and it reads, **“The Minister may, upon the application of a parent or legal guardian of a child, authorise a child to be schooled at the place where the child is normally resident or at the home of another person approved by the parent or legal guardian.”** And in subsection (2) we see again the Government having the ability to create regulations to cover this area.

Now, Madam Speaker, it would be good and perhaps ideal, and I'm not sure if the Ministers would be able to do that . . . I would think so because currently this is allowed anyway. I wanted to ask the Minister if in his windup [he could] give the House the assurance, first of all, that the standards that are going to be created by those regulations would naturally be at or higher than the standards that are set for every other educational institution. We want to ensure that any child being home schooled is given that potential to achieve their individual maximum potential. So, I just wanted to get some idea as to what currently exists and an assurance that what is to come will, if anything, be a higher standard.

Now, Madam Speaker, this point is one that I believe needs to enjoy the real support and possibility that, again, if you have an environment like this, and let's say that it exists now before any change in law,

that if there is going to be any enhancement of standards in this sector that students who are currently being home schooled will be given the real possibility to continue once government is satisfied that there is a very high standard being achieved. Because the one thing that all of us want to ensure is that the student at the end of the day is not disadvantaged. Sometimes we will see (and we know that this is how real life works) that parents can sometimes get an idea of what they believe is right for their child, and there are a lot of people who take their child very seriously, and they should! They should!

I am not criticising people for that, but sometimes we take it a little too far and certainly we want to ensure that at the core of this are the interests of the child and not the wishes of the parent. And unreasonable wishes I should say, Madam Speaker, if I left that to any doubt.

Madam Speaker, if we move on to Part V, a very important part—National Curriculum and Key Stage Assessment—we see the framework for development of a national curriculum that would be mandatory for all government schools.

We also see in Part II the key stages in relation to students. Each key stage is tied to specific years in school, and on this point I just had a query: [section] 15(2)(d), which is the last subsection, deals with the fourth key stage. It makes it clear that this is secondary school education in years 10 to 11. However in the definition section of the Bill, “secondary school” means education provided for students in education years 7 to 13. And I just wondered why there is gap (that is the fourth key stage being years 10 to 11 and what happens to years 12 to 13.)

Madam Speaker, Part VI, a very important part to the educational framework—Evaluation of Schools: Irrespective of students and their capacity and parents and guardians in playing their important role, we must have an independent and objective evaluation of the schools themselves, and how well schools are doing. So, we see in 16(1) the establishment of a very important post, a Director of Education Standards and Assessment. And, Madam Speaker, we see the duties of this post holder outlined in 16(2). We also see what happens when a school is not up to snuff as it were, either overall or in a specific area.

On 16(4) I wanted to ask a question on whether that provision would apply also to non-governmental schools. And 16(4) reads: **“Where upon re-evaluation it is determined that the required measures have not been taken or, if taken, have not been effective and the Chief Officer, after seeking the advice of the Director of Education Services, is satisfied that it is necessary or expedient to do so, the Chief Officer may appoint a suitable person to attend at the school for such period as may be considered appropriate with authority to give directions for the implementation of such remedial measures as may then be consid-**

**ered necessary.”** I was not quite sure if within the framework that was purely for government schools.

Now, Madam Speaker, if we move on to the same section, 16(8) says, **“Any person who obstructs the Director of Education Standards and Assessment or any person referred to in subsection (7) in the execution of his duties under this section commits an offence and is liable on summary conviction to a fine of two thousand dollars.”**

I wonder if the Minister could give the House an indication as to precisely at what level this specific subsection would deal with, whether it is at the teacher, school level or the administration level.

Madam Speaker, Part VII—Professional Standards in Education—is obviously another very important aspect to the educational environment that this Bill is going to establish, because, of course, we cannot underplay the vital importance that teachers and those who are charged with dispensing education will play. And so, we see the establishment of another important institution, that is, the Council on Professional Standards in Education. This section gives the framework, and we see in section 17(2) the establishment of this Council via regulations.

I will not repeat the arguments that I put forward related to the establishment of governmental entities. I think I covered that earlier in my debate. But obviously, my feelings would be the same as it relates to this particular and very important council that will be charged with maintaining this register of teachers in schools and regulating the profession in accordance with whatever standards that are set by the Minister responsible for education. It is very important that we do draw from the widest and deepest talent within our very narrow and limited talent pool within the Islands simply because of the size that we are. We are approximately 53,000 people. So, it is not like we have this plethora of people we can choose from for carrying out in particular this very important function.

Part VIII—Funding of Assisted Schools. I am sure that this is going to be an area that (whoever is the Minister of Education at any point in history, as long as these Cayman Islands are here and as long as this is a part of the educational framework) is going to be very difficult to please all parties. But I do note in section 20(2)(b) that the regulations that are going to be established to govern the terms and conditions of assistance provide for different categories of schools and different levels of grants to schools in a category depending on need.

I believe that is going to always be an impossible task, to put it gently, to satisfy the relevant players, because you will always have complaints from people who will quickly say, *Yes, I may be in the same category but here are my peculiar circumstances; here is the role that I play.* The only thing I can say is that in the development of these regulations it is going to be of crucial importance that they are clear, transparent, and applied uniformly across the board.

Madam Speaker, as it relates to Early Childhood Education, this is a section that I have a small question on as well. In the definition section of Early Childhood Institution it reads: **“early childhood institution’ means an institution that provides early childhood education to children under the compulsory school age for at least four hours per day but does not include a private residence in which care is provided to up to four children.”** Perhaps the Minister could give the House some idea. I think we can guess what we are getting at with this and saying that if you are up to four children that somehow that would cause you to not be of a size and magnitude. If he could just give the House some idea as to the thinking behind the selection of that specific number, it would probably make a lot of us a little more informed as to the thinking on that specific section.

I note, Madam Speaker, that in this Part, section 24 (because we are talking about very young people, small in age) we have a framework outlined for punishment and we say that corporal punishment cannot be administered. We know that that is outlawed. And subsection (2) deals with the exception, and it says, **“Subsection (1) does not prohibit action taken for reasons that include averting an immediate danger of personal injury to, or death of, any person, including the child himself.”**

Under Part XII that actually deals with discipline and prohibition of corporal punishment in schools, there is an added subsection, which is 26(3), that says, **“A teacher or any other employee authorised under this Law may physically restrain a student where restraint is necessary for the physical protection of the student or any other child in the school and not as punishment.”**

I notice when I look at sections 24(1) and (2) and 26(1) and (2) that they are identical except that 26 has an additional section. I wonder if that is simply because Part XI is dealing with young children, so it is not envisioned that it is necessary to have that additional point included. But perhaps, Madam Speaker, given what we have seen happening in other countries, we might want to not take it for granted that 26(3) may not be necessary to repeat in 24. I am not sure if it would do any harm to repeat it.

Now, Madam Speaker, moving on to Part XII we see the framework for discipline within the schools. As the Minister made mention of during his presentation, this whole issue of a written student behaviour and discipline policy is one of crucial importance. Certainly, I agreed with him when he spoke on the experience in Cayman. I’m sure this applies everywhere else that there is a direct correlation between student behaviour and discipline and achievement.

Within this framework developed in section 28 we deal with the disciplinary authority of teachers. But 28(2) is one that I have a small question on and it reads: **“The Director of Education Services may, after consultation with the school leader, authorise any person on the staff of a Government**

**school, other than a teacher, to effect discipline with the same authority as is conferred on a teacher by subsection (1) if, in the opinion of the Director.”** And it gives certain criteria that must be met. I wondered if the Minister could give us some idea as to what sorts of persons who are on staff that section 28(2) is envisioned to capture. One that would jump into my mind would certainly be teachers’ assistants who themselves may not be qualified as teachers per se. So, if the Minister could give us some indication as to precisely what is envisioned there and what sorts of people that particular section is referring to.

Madam Speaker, Part XIII—Additional Educational Needs—is one that is crucially important. Certainly, within every community and country there is the necessity to ensure that the system covers persons of all abilities, capabilities and circumstances. And obviously that is good and bad. You would want to ensure that you have an infrastructure that deals with those students who are, for their age and year in school, overachieving or ahead of the curve. You would want to ensure you have the capacity to challenge and deal with them so that they reach their fullest potential.

In fact, I was reading an article on the Internet just over the weekend which was dealing with a Caribbean student who, if memory serves me correctly, is a Barbadian national of Guyanese descent. She is going to be graduating from a university in New Jersey in the United States at the age of 16 as a medical doctor. So, certainly, the system that she was exposed to provided for her to achieve at her level and so there should not be any artificial barriers to simply hold people back for the sake of holding them back. That should not be a part of the way forward.

Madam Speaker, on the other side of the coin, for those who are challenged and those who [are affected] through their own behaviours and choices they make, we must also ensure that we have institutions within the system to accommodate them so that they too can have the real possibility to achieve at whatever level they are capable. Also of importance, that there would not be a minority who would cause for the disruption of a particular classroom or school and cause other students to be disadvantaged simply because they are kept stuck in the system because there are no alternatives able to deal with them.

So, Madam Speaker, having given those few introductory remarks—

*[laughter]*

**Mr. Rolston M. Anglin:** —but perhaps more detailed in terms of my analysis of the Bill itself, I would say that certainly if we look objectively at the Bill it does provide a framework that can give real possibility for there to be a system that is workable for the Cayman Islands.

However, as I said, if you look at the important institutions that are created within the Bill and dovetail

with the fact that ultimately the Cabinet, via the Minister of Education, has the authority to make regulations under all of the important parts and sections of this Bill, we see that it does still give the possibility for any administration to be able to make and create the type of educational framework that it believes is in the best interest of the country via the setting of curriculum, via the holding to account the Chief Officer, the Director of Education Services, the Director of Standards.

We see that when you put all of those things together and the fact that the Government (whoever is the Cabinet at any point and time) can adapt/change at its own will the regulations that govern those important activities, we then see that it will still be a specific government's education policy and agenda that will ultimately determine whether or not we have an education system that truly provides and gives opportunity for all and truly gives the country the greatest possibility for producing the types of citizens that we wish for, but as important, the types of citizens that the economy needs.

Madam Speaker, ultimately, this Bill and what the teachers and all the persons involved with education do is but a part of the process. Ultimately, no law, no minister of education, no cabinet, can take the place of parents in providing that bedrock at home that oftentimes is as important, sometimes even more important, than what God-given potential, talents and skills the individual student may have been born with.

So, Madam Speaker, what I can say is that at the end of the day the Bill, while it is coming to the House at a very late stage, does provide what seems to be a framework that is of high level in nature and gives the possibility for an education agenda that will be set by successive administrations.

With those comments, Madam Speaker, I thank you for this opportunity to have made my contribution to the Education Modernisation Bill, 2009.

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

Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Boddén:** Thank you, Madam Speaker.

On behalf of the Minister—I know he will do his own thing—I certainly would like to thank the Second Elected Member for West Bay for that very detailed and comprehensive review and support of this very important Bill.

I know that education to us all here is very important and that the time he took was time that he genuinely researched and gave his own views and input into. Certainly, it is good for us to be working together for the sake of our children, because that is what this is all about, Madam Speaker. This is not about the PPM or the UDP. At the end of the day this is about the children of the Cayman Islands having the very best education opportunities. And we do that

through a framework such as this, which is a Bill that is set out to improve the Education Law and to make provision with respect to education in primary and secondary schools for careers in tertiary institutions, in early childhood institutions, and for lifelong learning.

Madam Speaker, the PPM came into office on a mandate which, amongst many things, included a number one priority—being the development of education in this country. This is another step in that direction. The Minister and all who have worked very hard—the Chief Education Officer, the staff of the Ministry, teachers and all the others, and the legal fraternity who have worked on this important Bill—should all be commended for the efforts made bring this, yes, even at the eleventh hour, to this honourable House.

Madam Speaker, this is not legislation that could be rushed. We have gone through three education conferences since we got elected where the Minister and his staff brought together all stakeholders at the Mary Miller Hall. On each occasion a packed hall, Madam Speaker. A really good sight to see that everyone in attendance was there to come up with a national curriculum and to plan the way forward for all that we are trying to do with education.

Madam Speaker, what came out of the very first conference was the fact that the student had to be put at the centre and nowhere else; be the focal point for our efforts, otherwise we were really just spinning the wheel and reinventing it.

We have chosen to take the high road and push education and make no apologies for what we are trying to do for the development of our people. For too long I think in this country, yes, we have had education ministers and administrations work towards the development of education. And we have come a long way, as the Second Elected Member for West Bay said, and done well for a small island nation. But, Madam Speaker, I do not think that ever before the priority which is being put on education has been put by an administration. I see this as something that I certainly am very proud to be a part of.

Madam Speaker, we are looking to improve education for the young child as well as for adults for lifelong learning, as the Bill says. We have done this with the assistance of world renowned educational specialist, Professor Heppell, on board who has pretty much contributed his services at very little cost to this country in terms of actual payment. I think it is safe to say that it has been minimal. He has given his whole resources, knowledge and expertise to developing a world class education system in these Islands.

We have been getting many knocks for building two brand new high schools at this time, one in Frank Sound and one at John Gray in redeveloping that site. We have unfortunately had to postpone the West Bay High School because of financial reasons. We're also hoping that we will have the George Town Primary which I think is out for tender now. We have found a way to get the George Town Primary School completed.

Madam Speaker, we are putting our money where our mouth is. We need top class facilities for our top class children. We do not make any apologies for that. We are developing facilities that will not only make good students but well rounded citizens in this country; the type of citizen that this country surely needs. We have heard for so long that we are not preparing our kids the way that they should be for the workforce; the way that they should be to go on to university. But, Madam Speaker, this PPM Administration is seeking to change that.

The Second Elected Member for West Bay did a very thorough job, something that I sort of had in mind to do by going through the Bill and looking at clause after clause. But he has done such a good job on that I don't think that there is any need for me to repeat. He did highlight the very important areas, but there are one or two things I would like to touch on in the Bill.

Madam Speaker, the creation of a director of education services who shall be responsible for executive decision-making authority in relation to the conduct of government schools and performing functions as provided in the law. That is an important position and a new one that is being created by this legislation.

Also, Madam Speaker, we are calling for a body to be created as an education advisory council, which will advise the Minister on matters pertaining to education and perform other functions under the law.

Madam Speaker, the whole idea of registering of educational institutions is another very important area. We have many other agencies offering educational services and it is incumbent upon us to ensure that everyone is up to scratch and properly monitored and performing.

Legislation is dynamic, as I have said many times in this House, and it must be changed as time changes. We have to constantly look at the scenario in front of us and update our legislation as need be. And that is what this Bill seeks to do, Madam Speaker. We are tailoring our educational framework for the 21<sup>st</sup> century to take us to where we will be—a country with world class educational facilities that will be a role model and the envy of many. That is the vision of this Government and the Minister who I know has poured his heart and soul into his Ministry since taking office in 2005.

Madam Speaker, we do have some parents who are interested in home schooling in this country. That is an area that is very important for us to consider under this legislation, which is set out here as other non-governmental services. All parents would like to have control of their children and their educational future—I should say some parents. But, sometimes, if not carefully monitored, we could be impairing the future of these children rather than improving it. As much as we would like to say, *Well we don't want them to get mixed up in this and that and we are keeping them from this and that behaviour*, the fact is

that we live in the real world and cannot protect them indefinitely. Socialisation at early ages is very important.

So, Madam Speaker, what those kids are taught while being home schooled certainly lacks some of that socialisation because they are at home with their parents studying. Hopefully, they will get it through other forums. It is important that the development of those children is carefully considered, and I think this Bill goes somewhere towards ensuring that that is the case.

We have also identified in this Bill a compulsory school age which now will range from the age of 5 through 17. This is something that we have spoken about in the past, where it is important to extend the school leaving age because a lot of times children leave school at too early an age (that is, high school) and they find themselves in a bit of a difficult situation—they and their parents—in terms of their age and the maturity needed to go on to tertiary education if so be the case.

At times they are also at risk of [not] finding employment (if that is the route they choose to take) because of the young age. Especially, if the kid is a high flyer and he may even have come out at the age of 15, 16 usually, but sometimes 15 depending on time of birth and all of those other factors. So, it is good that we have put in the Bill the fact that we are now looking at a compulsory school age of 17 years.

I think at that time those young people . . . and certainly, we will not be in a situation going forward where we are lacking physical space, because that was one of the considerations as well; the amount of students in school at any one time and being able to accommodate all and sundry. But now hopefully with the development of the new infrastructure of schools we will have the physical capacity to allow us to retain kids in school up until the age of 17 at which time I think they are much more prepared. A year or two makes a large difference at that stage of one's life when one considers how quickly maturity improves.

Madam Speaker, the Bill speaks to the fact that any person who contravenes sending children to school during those years between the age of 5 and 17 is guilty of an offence and summary conviction to a fine of \$2,000. That is a penalty and some may look at it and say it is a bit harsh but I don't think so. We have to ensure that there are penalties for not doing the right thing when it comes to our young people.

Madam Speaker, I wish there was some way of taking that even further but I know some things are just not possible to legislate. I hope that parents will see the wisdom in not only sending their kids to school but ensuring that they are involved with their kids while they are in school. Parents need to know what is going on with school work, friends and all of the other crucial elements during those formative years.

I wish there was some way of forcing them to attend PTA (Parent Teachers Association) meetings



and school functions and be there for their children. I know that we cannot legislate that, Madam Speaker, just like we cannot legislate aspects of morality. But, certainly, we want to encourage through this forum as a government, that people see the wisdom in not only sending their kids to school and waiting for them to come home in the evening or finding them home when you get home in the evening and putting them to bed and sending them the next day, but taking an active interest in the schools.

I hear the teachers—because I have children and I go and get involved—bemoan this fact over and over and over again: *How good it is to see you guys. But it is always the same faces. Where are the other parents?* You will go to PTA meetings and see 20 per cent of the parents and you have 80 per cent that are somewhere else. And, yes, there are genuine excuses at times but I think we as a country can do a lot better in that area.

Madam Speaker, another important aspect to this Bill is the whole issue of the council on professional standards and the review of the teachers who teach our children, in the registration of those teachers. This is a very, very crucial area because the two people who influence what a young person becomes are the parents and the teachers.

That is why we have PTAs. It is such an important aspect. We have to have the very best teaching fraternity for our children. We have to ensure that if there is a teacher in the system who is acting untoward, acting in a manner that is not beneficial to the interest of those children, that that teacher is dealt with. We have to ensure that we are careful as to who we hire as teachers. We have to look at background and ensure that we are not putting people in a compromising position. We have to ensure that we know who our teachers are and listen carefully to the feedback in relation to those teachers.

Madam Speaker, early childhood education is another crucial area of any good education plan and is something that has become more and more a feature as times have developed. There was a time when children stayed home until they were five years old and then went off to school. That does not happen anymore. We have now what is called pre-schools, daycare centers and there are serious times in a young person's life; very formative years and it is important that those institutions are monitored and carefully regulated.

The Bill states clearly that corporal punishment shall not be administered in any early childhood institution. Of course, it also does not prohibit action that would be taken for reasons that include averted and immediate danger of personal injury to, or death of, any person including the child themselves.

We all watch the news and hear the stories, Madam Speaker, because we live in a changing world. Unfortunately, a world that is influenced a lot by television and many other factors. Oftentimes we hear of amazing stuff being done by very young children:

kids picking up a gun and shooting the other one and taking serious weapons to school and all of that. Yes, we have been fortunate in these Cayman Islands but we hear this stuff taking place in the US that is next door to us, and in other countries. So, we have to be careful and watchful, and certainly, have to ensure that when we create legislation that we do close those gaps and allow necessary action where such is deemed.

Madam Speaker, under this Bill every school shall have a written student behaviour and discipline policy. That is another very important caveat. Very important, because we hear of the ill discipline and we see it, especially in the whole mannerisms of our young people today; the way they wish to dress. Of course when we came into office one of the things the Minister addressed was the fact that the young men were wearing their pants half-way off. I am glad to say that has reaped some reward. We see some efforts in that area and we have not stamped it out entirely but these are all things that speak to discipline and the way that you conduct yourself. Because when the time comes that you leave school and move on, whether it is to the workplace or to further education, the world unfortunately is one of stereotypes and you are judged by your appearance.

You are judged by your appearance, Madam Speaker and sometimes wrongly so, but that is the way it is. Therefore the education system should seek to prepare our young people because that is what we are doing here. We are preparing young people to take an active role in their community and to have a productive life. That is what education is; it is about preparing the child. And if we do not bend that tree when it is small, we certainly will not bend it as it gets older, stronger, and shaped and settled in its ways.

Madam Speaker, the Bill also speaks to the area of additional educational needs of persons not of compulsory school age. That is coming back to the lifelong learning, as I mentioned in the beginning. That is an important area, because it allows the Minister to look at particular situations and make decisions based on what is deemed necessary, whether it is a case of someone who has been expelled or someone who has passed school leaving age who is seeking education.

Madam Speaker, this Government has quadrupled, or at least tripled the amount of funds put in for scholarships and further education over the last few years. That is significant and it speaks to the fact that we see the importance of everyone getting an opportunity to be trained and get their degrees and come back to this country and be productive.

Madam Speaker, although a lot of people will say, *Oh you don't have a technical and vocational school, as such*, this Government recognizes the importance of technical and vocational studies. This Bill speaks to it as well and all of our schools have a technical and vocational component in them. The University College has a large component of technical

and vocational studies. The new schools that are being built will have it built into them.

We have looked at the possibility of when we move away from the George Hicks campus of using that site as possibly a specialist technical and vocational school. But this is not something that we can just do over night. Everything that we talk about takes resources. People cry for this and that but then they tell you that you are spending too much. But they are asking all the time for more. Madam Speaker, this is the difficulty of being in government. This is the challenge we face and we as a government have to constantly prioritize and look and reevaluate what we can spend on and what we get the best buying for the buck as it were, and how we manage the dollar.

It is just like how you manage the dollars in your household and in your personal life. Government is no different. We worked to a budget and we have to do what we can do when we can do it.

But this Government understands the importance of technical and vocational studies. This Government understands that not everyone is an A student and just simply going to get up there with 13 passes or 10 passes at graduation. But there are those young people from a young age who can be identified with the skills that they are good at. You can see that that little boy or girl likes to play with wire, so that is an electrician. You can see that that one loves a hammer or saw, and that may be a carpenter. Madam Speaker, you can tell.

Up until today I had a grandparent say to me that one of her young grandchildren is so unbelievable with wiring and has a little clubhouse that is wired, hopefully in a safe fashion. But this kid did that and it tells me that that little child should be trained to become an electrician.

Madam Speaker, I'm no teacher; but teachers tell you all the time that they can spot which kid is leaning which way and what they are good at. And the system must be conducive to allowing them to fulfill their potential and be the best that they can be at their chosen career. This way we will provide a large part of the employment needs in this country. We will cut down on some of the people that we have to bring into this country that are being complained about every minute about permits. But we need permits now because right now we can't do the jobs. People are not going to hire you if you can't qualify and do the job that is needed for that business to survive. They can't do it because the businesses will fail.

So, once we prepare them through our education system, Madam Speaker, those people can say, *I demand that job. Not only am I a Caymanian but I am a qualified Caymanian and am willing and able to work.* That is what we are looking at as a country. That is what this Government is about.

Madam Speaker, the last thing that I would like to speak on is the use of our school premises apart from just being for teaching purposes during the day and then being locked up until the next morning.

This Bill provides for the use of those educational facilities outside school hours, whether it is for sport and activities, meetings or after school learning or whatever it is, Madam Speaker. This Bill provides help to build our society and utilise our scarce resources to the best of their ability. When we spend millions of dollars on a building we don't want to shut it at 3 o'clock in the evening and open it at 8 o'clock in the morning. That is a whole lot of money—millions of dollars—that would have been used for seven hours per day. We can do better than that. And this Bill allows us to use those facilities to maximise the potential from them and to enhance our learning and socialising within our communities.

So, Madam Speaker, with that short contribution I certainly would like to once again pay kudos to the development of this important Bill. I would like to say to all those within the sound of my voice that this Government remains steadfast to its pledge to provide top notch education in this country to our young people and to develop a Cayman Islands that will be fitting for the 21<sup>st</sup> Century, and one that will take us forward with pride.

With that short contribution, Madam Speaker, I thank you.

[laughter]

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

Third Elected Member for the district of George Town.

**Ms. Lucille D. Seymour:** Thank you very much, Madam Speaker.

Madam Speaker, I rise really to give short comments on the Bill for a law to make provision with respect to education in primary and secondary schools, in career and technical institutions, in tertiary institutions, in early childhood institutions and for life-long learning; to promote high standards in education and the teaching profession; and to make provision for related matters.

Madam Speaker, this is certainly a great moment for me. And although I will be short, I wanted to say that I have been through many education laws in my lifetime. As you know, I have worked in education. And what I like about this law is that it gives a lot of empowerment to the political directorate who will through the Cabinet guide the development and the processes of the educational process. I like that!

Let me say also that when the Minister came in here to form the Government in 2005, he had a conference for consensus building in education. And as a result of that a lot of things have been completed and a lot more things have to be completed. But the last thing which would put the framework in place for the educational process would be this Bill. And I like the fact that a lot of things have been shaped and more things are to be shaped. But what has to be

shaped is the will of the Cabinet who are the political directorate and who really should be responsible for education in the country, because it is through education, Madam Speaker, that we are able to shape the country. Perhaps if years ago we had looked at it that way, a lot of our young people would not be crying that people are taking away their jobs because they would have been better equipped to take a lot of the high income-earning posts that are now available in the Cayman Islands that are occupied by others.

Madam Speaker, I am sorry that the Opposition Leader is not here to give his submission. I don't know if I am border-lining by saying what I am saying, that in the three years and ten months he has been beating us on wastage, building three schools that are unnecessary, doing this that is unnecessary . . . and if he were here, like the Second Elected Member for West Bay, I believe he would have agreed with us as well and would have gone through the different points in the Bill to see the rationale for why the PPM Government is doing this. So, I'm very sorry that he is not here.

But I must say that I certainly give the Second Elected Member for West Bay kudos for delineating his point, agreeing with 99.9 per cent of what was there and for showing some mature wisdom, if I may say something like that, in his submission.

Madam Speaker, the Minister has outlined, and I am sure the listening public will understand, how the functions of this Bill will be. He has done that quite eloquently, so I need not do that. But there are a couple of things in my short submission that I would like to say I am glad he has put into the Bill. And I would say that I am glad he has opened the schools as community schools. That is something that the whole Island has been looking forward to. And not only government schools but he has also opened it up that perhaps even the independent schools can be opened as community schools; and in his own wisdom if he sees the necessity for reception classes in schools, especially government schools, he can do so. I dare say that is very good.

Madam Speaker, I think it is good that they are empowering the schools and the standard committee to look at discipline in schools. And when they do that I think they are empowering not just teachers, but parents, to sit together and work out a discipline plan for their schools. I think that is excellent that parents and teachers and the stakeholders will get together to look at the discipline of the schools.

I am happy that I was able to bring the motion which extended the school years for the students, particularly those in high school. Madam Speaker, I believe that we made a mistake when we allowed the financial services to lower the entrance level so that our youngsters could go into the world of work. I think that we made a terrible mistake. We are trying to rectify that now by extending the years so that our young people when they have finished their 11<sup>th</sup> year and done their O levels or GCE, they have the pre-

university year to either look at doing pre-university courses, going on to university, or the pathway to repeat if they fail. Nothing in this dispensation here that we have requires the child to repeat. But I believe the Minister did say some time ago that that would be one of the avenues, that the youngsters who did not do well in their O levels could repeat those exams. That is excellent.

Madam Speaker, I would ask the Minister (I'm coming to the end of this) if somewhere in our curriculum building that there is something to help the man-child—the boys of our nation, the young men. I am not saying that we must have a separate school or classroom for boys, I am just saying that we must pay close attention to the curriculum for the man-child. It would please me and you and everybody to know that we have really taken on our young boys, because they have their learnable moments. Age 12 and 13 and maybe even 14 may not be that time. But 15, 16, 17 and even 18 might just be that time. So, when we are looking at building a curriculum we have to remember that our girls are doing exceptionally well, but we also want to make sure that the boys of our nation will have an opportunity to do well in school and that they will be able to make a significant contribution to the Cayman Islands.

I want to thank the Honourable Minister who has done an exceptional job, and to thank his staff, Mrs. Wahler, and his Assistant Chief Officer—I can't quite remember the nickname that he is called but I dare not say that here.

Thank you very much, Madam Speaker.

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

Fourth Elected Member for George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

I too would like to go on record expressing my support for the Education Modernisation Bill, 2009. I would like to say how grateful I am for the way the Second Elected Member for West Bay articulated during his debate, which allows us to not have to go into that kind of detail, and to congratulate him because he did an excellent job, Madam Speaker.

I would like to express my disappointment that the Leader of the Opposition is not here. We have had our differences over the topic of education with the Leader of the Opposition over the last four years, and I only want to say that in times like these when good debates go on down here on the topic of education somehow or the other the Leader of the Opposition is always missing and thereby misses out on being able to learn something about the importance of education in the country.

Madam Speaker, while we have talked a lot about the progress of education in this country over the last few years, I must make the point that while we have not gone backwards I think it is clear to see that the progress made in the last four years by far out-

paces any progress that had been attempted or made within the 25 years prior to that. I believe that that is how we ought to look at this and understand that because we have not done as much as we should have over the years, and have not paid the attention that we needed to pay to educational services, it has now become a crisis for us and we have to do what we need to do in a short period of time so that we can catch up.

We need to understand that the construction of the physical plant is extremely important. As the Third Elected Member for Bodden Town just spoke about, some people are saying that maybe we should not have gone ahead the way we did with the buildings, and then say in the same breath that we need a technical school. I don't think that we have preached enough for people to understand that our plan is that until you get the new buildings done, and we can vacate the George Hicks campus, we will not be able to move into that phase of the new system where we look at starting the technical and vocational studies. So, one complements the other.

We need to understand that that is part of the progress that we are making. And the longer we take to get the buildings done, the longer it is going to take us to get our education system on stream and begin to do the things we need where we can continue to roll out well accomplished students who are capable and mature enough to take the jobs within this community.

Madam Speaker, every year our number of graduates continues to increase. We have to be cognizant that the Government has to do its part along with the viable partnership of the private sector to make sure that we create enough jobs; that there is enough job creation within the community to take care of those students who are coming out of our schools. And we have to bear in mind that we must qualify them so that we are able to reduce the work permits and some of these students can take up some of these jobs. We must be able to provide meaningful employment for our young people.

Madam Speaker, I would like to mention a point here that I would simply ask for consideration of. I know that at this stage the Education Department has what is called a Child Abuse Reporting Policy where just as we see on page 20 under Discipline and Prohibition of Corporal Punishment in Schools, section 27(1). It says, **“Every school shall have a written Student Behaviour and Discipline Policy.”**

I refer to the Children Law that was just passed in this House last week, Madam Speaker, where we talked about the mandatory reporting of any form of abuse with children. I see this as a companion to this piece of legislation. While it does not directly relate to the topic of education, it is a topic nonetheless that is related to children in school. Teachers are [among] the individuals who have been named here who are required to comply with the mandatory reporting. I would like to ask that consideration be given

to—just as this section 27(1) has been inserted here—the fact that the school does have a new child abuse reporting policy is made mention of in the Education Law, Madam Speaker. When a parent or anyone else is looking for such legislation, once the child is a student they are going to firstly look in the Education Law.

This is a topic that is near and dear to the hearts of advocates who are doing their best to stop all forms of child abuse. I must congratulate the Education Services for providing and developing that child abuse reporting policy. I believe it will go a long way in easing a lot of the fears of these individuals who are helping to prevent child abuse. I am just asking. Maybe they won't see the need for it. But I believe that it would be an excellent line to insert into the Education Law.

I also would like to take this opportunity to acknowledge the amount of hard work and dedication that has gone into producing this new Education Bill. And to say, Madam Speaker, that the PPM Government campaigned heartily in 2004/2005 that education was going to be our number 1 priority. And I recall the Second Elected Member for West Bay making the comment that this piece of legislation was a bit late.

Yes, Madam Speaker, but we came in office and began the term speaking about the importance of education and at the last sitting of this term I think it is only appropriate that we have ended on the fact that education is still our number 1 priority.

Thank you, Madam Speaker.

**The Speaker:** Does any other Member wish to speak? If no other Member wishes to speak, does the Honourable Minister wish to exercise his right of reply?

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, I wish to start by recording my grateful thanks to all Members of this honourable House who have spoken. To those who are present but have not spoken, I thank them for their tacit support of this very important piece of legislation.

Madam Speaker, I wish to particularly thank the Second Elected Member for West Bay for his contribution and his very technical analysis of the Bill. I am hopeful that the approach he has adopted to this legislation is indeed an indication of general support by the Opposition of this important piece of legislation.

He has raised a significant number of issues. We have taken careful note of them. And, Madam Speaker, given the lateness of the hour (it is now almost 7.15 pm) I believe that we would all benefit—and certainly I would—from the opportunity overnight and indeed tomorrow (since we have Cabinet tomorrow), to consider the points raised by the honourable Member carefully and to prepare an appropriate response. This is a very important Bill and it is important that we do everything we can to get it right.

## ADJOURNMENT

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, having spoken with the Honourable Leader of Government Business, with your permission Ma'am, I would like to move the adjournment of this Honourable House until 10 am Wednesday morning, at which time I will conclude my winding up on this Bill.

**The Speaker:** The question is that this honourable House do now adjourn until 10 am Wednesday. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

This honourable House now stands adjourned.

**At 7.05 pm the House stood adjourned until 10 am Wednesday, 18 March 2009**

**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**18 MARCH 2009**  
**10.48 AM**  
*Ninth Sitting*

**The Speaker:** I will ask the Third Elected Member for Bodden Town to say Prayers.

**PRAYERS**

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

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

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

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

**The Speaker:** Please be seated.

**Proceedings resumed at 10.51 AM**

**The Speaker:** Proceedings are resumed.

**ADMINISTRATION OF  
OATHS OR AFFIRMATIONS**

**Oath of Allegiance**

*By Mr Donovan W F Ebanks, MBE  
(Administered by the Clerk)*

**The Speaker:** Mr. Ebanks, would you come to the Clerk's table?

May we stand?

**Hon. Donovan W.F. Ebanks:** I, Donovan Ebanks, do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II, her heirs and successors according to law so help me God.

**The Speaker:** Mr. Ebanks, once again I welcome you to this Chamber. You may take your seat.

Please be seated.

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

**Students of 12<sup>th</sup> Grade Class of Triple C**

**Kerseanna Ewers, John Gray High School**

**The Speaker:** I would like to welcome to the Gallery this morning the 12<sup>th</sup> Grade Class of Triple C School who are studying local government. Welcome.

I would also like to welcome Kerseanna Ewers, a John Gray High School student on work [experience] with the Legislative Drafting Department. Welcome.

**STATEMENTS BY HONOURABLE  
MINISTERS/MEMBERS  
OF THE CABINET**

**The Speaker:** I have received no notice of statements from Ministers or Members of the Cabinet.

**GOVERNMENT BUSINESS**

**BILLS**

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

**The Speaker:** I recognise the Honourable Leader of Government Business.

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

I move the suspension of Standing Order 46(1) and (2) in order to allow the first reading of The Health Services Authority (Amendment) Bill, 2009.

**The Speaker:** The question is that Standing Order 46(1) and (2) be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 46(1) and (2) suspended to enable The Health Services Authority (Amendment) Bill, 2009 to be read a first time.**

## FIRST READING

### Health Services Authority (Amendment) Bill, 2009

**The Clerk:** The Health Services Authority (Amendment) Bill, 2009.

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

## SECOND READINGS

### Education Modernisation Bill, 2009

*(Continuation of debate thereon)*

**The Speaker:** The Honourable Minister of Education continuing his winding up debate on the Education Modernisation Bill, 2009.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, I too would like to join in welcoming the students who are here, and to say to them that I hope that their observation of the proceedings in this honourable House today might assist them a little bit in understanding how our local government works and how our Legislative Assembly works.

When we took the adjournment on Monday evening, I had started winding up the debate on this important Bill, the Education Modernisation Bill, which is designed to underpin and promote the significant changes, indeed, the transformation of our local education system. As I said at the start, the Bill under which education is currently administered is some 20-plus years old and there has been a huge shift in the way education is administered, a huge shift in the approach to teaching and learning across the world.

Over the course of the past four years, we in Cayman have striven to adopt many of those new approaches to teaching and learning, those new approaches to how education is administered and, indeed, in some instances we have ourselves developed new and novel approaches to education through consultation, through a great deal of careful thought and consideration. The purpose of this new legislation is to underpin and provide the legal framework for those new approaches, those new standards to be adopted and enforced if necessary.

Madam Speaker, I started by commending the Second Elected Member for West Bay—who was the only member of the Opposition to speak on this important Bill—for his careful analysis of the relevant provisions. I was delighted, and I wish to say so again, that

notwithstanding the tremendous criticism the Government and I as Minister, in particular, were subjected to by the Opposition over the course of these four years, that at this pivotal moment when we are putting to the country on the eve of the elections the legislation which will underpin all of the changes that we have made and allow other changes which are yet to be implemented to come into effect, it appears that (if we can take the speech of the Second Elected Member for West Bay to be representative of the view of all Members of the Opposition) that there has been an epiphany of sorts on the part of the Opposition.

While they have had to be dragged kicking and screaming to agree with anything that has been put forward by me or the Government to improve education, to improve outcomes for students, to improve teaching and learning in this jurisdiction, finally at this late stage they seem to have agreed that the approach of the Government and me, as Minister of Education, is in fact the right approach. At this late stage, Madam Speaker, a mere two months before the next general election, they have not put forward any alternative education plan. They have not taken issue with anything of consequence that has been proposed by the Government or by me in this Bill.

Madam Speaker, I am hopeful that what the Second Elected Member for West Bay has said is indeed representative of the views of the Opposition, generally. I say I hope so, Madam Speaker, because the Second Elected Member for West Bay is without doubt the most progressive thinker on that side of the House. Indeed, Madam Speaker, I would have been disappointed if he had taken serious issue with what is proposed in this Bill because over the course of the past eight and a half years, I have come to know that gentleman quite well. I know he gives very careful thought to these matters. And I know he has a deep and abiding concern for the future of the young people of this country.

Madam Speaker, many in this community have said to me that the views of the Second Elected Member for West Bay accord generally with the views of this Government. And often the question asked is, *Why is he on that side and not on this side of the House?*

*[laughter]*

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I value, as do my colleagues on this side of the House, the contributions of the Second Elected Member for West Bay.

The gentleman has much to continue to offer to the people of this country because of his insight, his ability, his education, his interest in the development of young people. Before I go on to deal with the concerns he raised, the opportunity will present itself again very shortly for that good gentleman, the Second Elected Member for West Bay, to decide where he should cast his lot and his allegiance if he truly

wants to achieve his full potential as a leader in this country and truly contribute powerfully to the development of policy, particularly as it relates to our young people and as it relates specifically to education. Madam Speaker, I would not want him to spend the best years of his life wandering in the political wilderness, ensconced on the Opposition benches for eternity.

The Second Elected Member for West Bay raised an issue in relation to clause 4(2)(a) of the Bill. He asked, Madam Speaker, I think understandably, what was meant by the phrase "otherwise than at schools". For everyone to be able to understand that, I think I need to refer to the particular clause.

Clause 4(2) provides that: **"The Chief Officer shall, at least once in each year, prepare and submit to the Minister a report containing such information as the Minister may specifically or generally, from time to time, require and at least the following- (a) information describing the standards of achievement of students receiving education in Government schools, assisted schools and independent schools, together with such information as may be available about the achievements of home schooled students [and this is the phrase that he questioned] and other students educated otherwise than at schools;"**

The question asked by the Second Elected Member for West Bay was, What is contemplated by "otherwise than at schools" since home schooled students are dealt with in the same sentence.

Madam Speaker, what is contemplated there is that there may well be other types of educational provisions outside of schools as we know them, and outside of the home schooling arrangements. What we have in mind are situations which now are rather inadequately dealt with through the alternative education facility that we have.

In looking, as we try to do at all aspects of education as we have gone through this transformation process, we have visited other countries and have looked at ways that students who do not fit neatly within the confines of that traditional school setting or home school are tutored. There is a concept in the United Kingdom. It is actually called "Not School" because it is not a school. It is essentially assisted virtual learning, if I may put it that way, and it is a concept which is working very well for many students. In fact, we have now had I think two instances where students who were unable to conform, or unwilling to conform, or whose circumstances did not allow them the wherewithal to attend traditional school settings, and who essentially were outside the traditional educational provision, have actually gone on to attend Cambridge through "Not School".

The fact that a young person finds it difficult to work within what we consider to be the traditional school setting does not necessarily mean that that individual is not very gifted, very talented or does not have significant ability. It just means that for whatever

reasons may obtain, whether it is their social condition or even their psychological state, they just do not work well within traditional school settings. So, one of the initiatives that is underway which is part of this transformation exercise [and] which must continue over the course of the next two, three, four years, is better provision for students in Cayman who do not do well in traditional school settings.

As I said, there is an acknowledgement on my part that what we do now in terms of alternative education is simply not good enough. I say all of that to say that the use of "otherwise than at schools" in clause 4(2)(a) is put there to cover these other possibilities which do not yet exist, but which are very much within the contemplation of this administration and my advisors.

Madam Speaker, the Second Elected Member for West Bay also raised an issue in relation to clause 6(2)(a) which provides for the establishment of regulations with respect to the membership and proceedings of the Education Advisory Council. I believe that his concern was that the number of potential members with the kind of experience and training which he felt would qualify them for this council was quite limited. Well, all I can say is that it is what it is. The population we have is the population we have. The various abilities, interest, and education of the people is what it is. So, we have to use individuals from the pool that we have.

I should also say that that acknowledgement was one of the contributing factors to the decision to re-establish this body as more of an advisory body rather than an administrative one, which is currently the case. So we are satisfied that the Minister will be properly advised by a combination of persons who serve on the Educational Advisory Council as well as his technical . . . his or her, for that matter, for it may not be me in this post next time around . . . as well as his or her technical staff in the Ministry and the Department of Education Services.

The same Member also raised an issue in relation to clause 7(4). He was concerned about the transition arrangements for the registration of non-government schools. I think the inference was that he was concerned that perhaps in this process of raising standards of ensuring that all schools meet the criteria that the possibility existed for non-government schools to become de-registered and therefore unable to continue as schools.

Madam Speaker, I wish to allay any concerns that that Member or anyone else listening to him may have because of what he said. This administration, in particular, has been very supportive of non-governmental schools, not just in the financial context, but also in a range of other ways offering support, guidance and assistance to schools as they have needed it. Therefore, it would be entirely wrong to suggest or imply that the purpose of this clause is to put private schools out of business.



The reality is that all non-government schools are already subject to a valuation under the auspices of the Education Standards and Assessment Unit, which was previously known as the Schools Inspectorate. We know and acknowledge that there are standards to which all schools are held. Even though at present there is no statutory requirement that they subject themselves to these evaluations, all private schools have cooperated over the years in this regard.

All schools have been inspected at some point. All schools have received a report. All schools know what it is they need to do to improve the various aspects of their operation, whether it is teaching and learning, whether it is administrative, or whether it is in terms of facilities as the case may be. So, Madam Speaker, none of these schools will be surprised by anything that is now required of them as we move through the process of having all schools, including the non-government schools, come under this new regime provided for in the Education Modernisation Law (as it will be when we pass it in this House, I hope shortly).

**The Speaker:** Honourable Minister, I know we started proceedings late, but it is normal for Members to allow visiting students to mingle in the Chamber with them. Would this be a convenient time for me to take a five minute break? The class has to leave by 11.30.

**Hon. Alden M. McLaughlin, Jr.:** I am very happy to oblige, Madam Speaker.

**The Speaker:** I crave the indulgence of this honourable House to suspend proceedings until 11.25 am.

**Proceedings suspended at 11.15am**

**Proceedings resumed at 11.31am**

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

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

### **Condolences extended to Mr Gould and family on the loss of his niece**

**The Speaker:** Before I call on the honourable Minister to continue his winding up, I would like to take this opportunity on behalf of all Members of this Legislative Assembly as well as the staff, to extend our deepest condolences to Mr Gould, who operates our equipment, on the loss of his niece, as well as to the entire family.

Honourable Minister of Education.

**Education Modernisation Bill, 2009**

*(Continuing)*

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

When we took the brief suspension, I believe I had just begun responding to the Second Elected Member for West Bay on the point he raised in connection to Part IV of the Bill. I think the point the Member was pressing there was the need to ensure that in addition to the parental duty to secure attendance at school by all children and young people, that perhaps we needed a more robust provision and actual acknowledgement in the Bill of this responsibility by Government or by the Ministry as well.

Madam Speaker, we have looked carefully at this again. What I can say, which I hope will offer some assurance to the Member, is that while there is no specific person named in the Bill as responsible for monitoring attendance the Bill places a duty on the Minister to promote education of the people of the Cayman Islands. It also establishes a compulsory school age so that all persons within that range are required to attend school. It is one of the fundamental duties of the Minister to ensure that that happens.

In the transformation process we have established what are now called "learning communities". We have appointed a number of registration and attendance offices in each of these learning communities. It is their specific duty to monitor school attendance, to assist in projecting school population numbers and so forth. It is their duty also to assess the potential reasons why a particular student is not attending school and to look into the social issues which usually lie behind that non-attendance.

So, while there is not an actual officer appointed, or a provision under which an officer may be appointed under the Bill, in the administrative arrangements which have been established there are these officers called "Registration and Attendance Officers". It is the view of the people who advise me that that is adequate, that we do not need to make specific provision in the Bill because the overarching duty of the Minister is sufficient so that ultimately the Minister himself, or herself, is the one responsible for ensuring that children attend school. Whatever administrative measures are necessary, whatever offices need to be created, and whatever persons need to be appointed to those offices is really a matter for the Minister to determine in his or her discretion. But ultimately, if there are issues with non-attendance, they are laid at the feet of the Minister responsible.

Madam Speaker, another point raised by the Member was in relation to clause 11(3)(d), which provides a defence to a charge against a parent or guardian of a child that the child had not been attending school as required under the Bill (in this case). I think that what the Member was concerned about was the possibility of . . . I had better read the whole subclause so that we can all understand what it is I am trying to address.

Clause 11 deals with the duty to secure attendance at school. Clause 11 (1) **“Subject to subsection (3), a parent or legal guardian of any child of compulsory school age shall ensure that such child receives full-time education suitable to his requirements either by attendance at school or otherwise as provided in section 12.**

**(2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of two thousand dollars.**

**(3) It is a defence to any charge under this section if the failure of a student to attend school on any day on which the school is open if-**

- (a) the absence is caused by illness or other unavoidable cause making his attendance at school not reasonably practicable;**
- (b) the day is recognized as a religious holiday by the religious denomination to which the student belongs;**
- (c) the student is suspended from school and the suspension is still in effect; or**
- (d) the student has been expelled and has not been given permission to enrol in another school.”**

Madam Speaker, as I understood it, and I might be wrong about this, but as I understood the concern of the Member, it was that there may be situations which allow students who have been expelled to not be required to make attempts to go on and continue their education. That is not something that we would wish to encourage. We would want for there to be a real incentive for students who have been expelled from one institution to seek, or their parents to seek to have them enrolled somewhere else, or by some other means ensure that they continue to get an education.

Madam Speaker, we have grappled with this. What we are proposing at the moment, and it will come perhaps with some refinement in the form of a committee stage amendment, is adding another subclause, subclause (4), which would read something along these lines: *All relevant authorities shall ensure that the permission referred to under subsection (4)(d) is granted expeditiously.* So there would be no lapse or a very short lapse in the time between when the student is expelled and when they have actual permission to resume school somewhere else.

Madam Speaker, the next point I have a note of is in respect of clause 12. My understanding of what the Second Elected Member raised was that he wanted to ensure that standards as they relate to home schooling were in place, and that we were careful to ensure that perhaps by omission we did not wind up with a situation where those who were engaged in home schooling somehow got less of an education than those enrolled in traditional schools.

I just want to draw to his attention that we are concerned about this. That is precisely why the Bill specifies in clause 12(2)(a) through (e) a range of

matters that regulations must be developed to cover. I am happy to give the Member an undertaking that these regulations will be developed in such a way to ensure that no child is disadvantaged simply because he or she is being home schooled rather than having their education provided for in a more traditional way.

The Member also raised a question in relation to the key stage provisions. I just need to find where they are referred to in the Bill. My understanding of the point he raised is that under the new Law compulsory education extends all the way up to age 17 now, and that *there is the possibility of a Year 13.* Not *the possibility*, there will be a Year 13 provision, which will actually go beyond the compulsory age to 18. Key stage 4, which is referred to in Part V, clause 15(2), actually only talks about the fourth key stage, that is, secondary school education in Years ten to eleven.

Madam Speaker, I need to explain what that means. As I said, the Bill provides that Year 12 will be compulsory. But the Brighter Futures Better Pathways initiative (the development of which is underway and which will actually begin in September 2010) anticipates that some provision will also be made for Year 13. For example, the International Baccalaureate Diploma Programme, which is a two year post-16 course.

The way the system will work is that students will do what we call their end of school exams, as we know them, at Year 11. They will then have the opportunity to do a range of things, but they will be required to stay on an additional year. They can re-sit examinations where they have not done terribly well so they can build their portfolio, if that is what they want; they can engage in a range of other things. They can go on and do A-levels (advanced levels) through their private school government subsidised programme, if that is what they want to do. They can engage in a number of work programmes which will involve significant work experience. They can do a range of technical and vocational courses, or they can go on and do the IB (International Baccalaureate Diploma Programme) which is a two year course.

Those who choose to do that or any other course which is ultimately adopted as part of the Brighter Pathways programme will have that additional year of provision, if that is what they want to do. But Year 13 would not be a compulsory year. It is a matter of choice.

Madam Speaker, the next point raised was in relation to clause 16(4), which is in the context of the evaluation of schools. And that is the evaluation of all schools, not just government schools. As I said when I resumed this morning, under this Law a valuation of all schools in the Cayman Islands will be for the first time a mandatory legislative requirement. Under the present system, non-government schools have to agree to be evaluated and assessed. As part of creating the legal framework for this, we concluded that there must be the ability, there must be the power under the legislation for the Chief Officer in the Ministry,

after taking advice from the Director of Education Services, to actually be able to do something to ensure that the standards in all schools are satisfactory.

There is little point in us evaluating and writing reports if ultimately Government is unable to do anything to ensure that attention is paid to those reports and requirements, in terms of improving the standards, are being met. So, clause 4, which caused the Member some concern because it essentially permits Government to put someone into the private schools to ensure . . . this is something of a last resort measure, but if after all of the relevant attempts are made the school is still not performing at a satisfactory level, this will allow the Ministry to put someone into the school essentially to take over control and direction to ensure that those standards are met. That is quite deliberate.

Aside from the fact that Government subsidises virtually all non-government schools substantially—now to a tune of \$2 million in direct contribution—the reality is that every student in our system is entitled to at least what Government regards is an acceptable standard of education. And every parent who pays good money to send their children to those schools will expect and are entitled to expect that their children will be properly educated.

There must be provision in the Law to ensure that schools which do not perform, after every possible measure is taken, every effort has been made through other means to get them up to the required standard, that if that does not work then something short of closing the school down must be available. And this is not about closing the school down, this is about putting in the necessary administrative officer or education professional to ensure that the school gets to where it needs to be.

Madam Speaker, there was also some concern raised by the Member about the proposed creation of an offence of obstructing the work of the Education Standards and Assessment Unit, in clause 16(8), which says, “**(8) Any person who obstructs the Director of Education Standards and Assessment or any person referred to in subsection (7) [which is someone who is working under the authority of the Director] in the execution of his duties under this section commits an offence and is liable on summary conviction to a fine of two thousand dollars.**”

Madam Speaker, I am not sure what the precise concern was, but, again, that is a deliberate provision because we cannot have people obstructing the work of the Director in these circumstances and there must be a consequence when that occurs. One would hope, and I do not think that in general such a provision would have to be used very often, but the Law intends to be comprehensive and there must be consequences to people's actions. This will ensure that we have the ability to prosecute if people are being unreasonable or obstructive.

Madam Speaker, a point was also raised about the establishment of the Council on Professional Standards in Education. My recollection is that the Member actually lauded the creation of this particular council because he understands and acknowledges that we do need to ensure that those who teach our children are up to scratch, are able to convey to our children the kind of education that is necessary and that in the case of the private schools parents pay for directly and in the case of the other schools all of us pay for indirectly.

I think his concern raised there was whether we have a sufficient pool of sufficiently qualified and experienced people to be able to carry out these very important functions of monitoring teacher performance and being able to deal with disciplinary issues and so forth that arise in the context of the performance of their duties. Madam Speaker, I am pleased to report that the one thing the education transformation process and significant consultation that has been undertaken has clearly revealed is that there are indeed many education professionals in the Cayman Islands who are demonstrating really good practice and high standards day in and day out.

I think we only need to look at the evolution of the National Education conferences since 2005 and the introduction of practitioner led workshops to see the increasingly important role that our own educators are making in professional development and in the improvement of learning and in the transformation of education. While we no doubt still have much to do in spreading this good practice and these high standards, it is significant to note that in my experience there is always some evidence of good practice in every school. As such, I do not believe that there is likely to be any shortage of suitably qualified persons to serve on this important body.

In terms of Part VIII of the Bill, I am happy to confirm to the Second Elected Member for West Bay that my Ministry's policy of developing clear and transparent guidelines for the funding of assisted schools will continue, and that where regulations are created this clarity and transparency will be incorporated into these regulations.

As the Member knows, and I think every other Member of this House is aware, in a relatively recent Finance Committee I made available to Members the guidelines we had developed in relation to how Government allocates the significant funding to non-governmental schools. We had developed some guidelines which actually rewarded (if I may put it that way) schools that have effective plans and programmes dedicated to specifically improving teaching and learning in their institutions, as opposed to simply saying that each school will get so much per student as has been the case in years past.

Just about everything we are doing is with the ultimate goal of driving schools, whether they be government or non-government schools, to seek higher standards of performance in relation to their teachers,

their administrators, and ultimately—because that is what this whole exercise is about—better outcomes for the students.

Madam Speaker, the Member also raised a point in relation to Part XI of the Bill, which deals with early childhood education. I think he wanted some explanation for the rationale behind the definition of “early childhood institution” and why that did not include a private residence in which care is provided for up to four children.

Madam Speaker, this is one that has caused a great deal of debate, discussion, concern over quite a number of years. As I indicated when I introduced this Bill, for quite some time we had gone down the road that there should be separate legislation dealing with early childhood education. We ultimately came around to the view that provision for education ought to all be contained in one Bill. Some of the other aspects of childcare, which are not education specific, are contained in the amendments to the Children Law, which was passed in this House earlier this month. The bits that are in this Bill are the education components of the overall care of children who qualify for early childhood education.

This Bill is for an Education Law. We have concluded that it should not—and so it does not—seek to legislate for childminders or babysitting services. Madam Speaker, ultimately a line has to be drawn somewhere. The use of four children for the threshold that we have adopted is typical in other jurisdictions and was recommended by early childhood experts. Effectively, if there are more than this number of children being catered to somewhere other than their own home for more than four hours a day, then that place is operating as an early childhood institution and will be caught by this Law.

The reason clause 26(3), which deals with discipline issues, is not mirrored in clause [24] is that discipline is considerably different in an early childhood setting as compared to a school setting. Early childhood teachers may, as a matter of course, have to restrain children in their care, whereas this is very much the exception in a school setting. In other words, if a two-year old child is doing something that he or she ought not to be doing and you tell them to “come here”, and they do not come to you, then the instinctive response of every responsible adult that I know is “if I tell you to come here and you do not, I am going to get you and bring you here.” You can do that without any problems with a two- or three-year old; but you ought not to be doing that in relation to a 12- or 13-year old because I think the response would be quite different.

That is why we could not simply export the discipline provisions from clause 26 into clause 24 because of the difference in ages of the children who would be covered by those respective provisions.

Madam Speaker, there was a point raised in relation to clause 28(2). I think the question asked by the Member was who, other than a teacher, may be

authorised to effect discipline in the same way as a teacher. As the Member suggested, this would include assistant teachers, teachers’ aides, educational psychologists, and counsellors, others who are working with the students in the context of the school setting.

The Bill provides a mechanism of checks and balances to ensure that this authorisation is properly administered. As I said when I introduced the Bill, every school—government and non-government—will be required under this Law to create and administer a written student behaviour and discipline policy. Corporal punishment will be abolished legally by this Bill, when it is passed. So it is important that expectations in terms of student behaviour and consequences in terms of the discipline policy are made very clear to all concerned—the parents and guardians of those who attend the school, and those who are required to administer the policy, that is, the teachers and others provided for in this particular clause.

Madam Speaker, the Second Elected Member for West Bay also discussed at some length Part XIII of the Bill and the provision for additional educational needs. I would like to reiterate that this is a significant new addition to the existing education legislation. The Education Law that we are operating under now does not make any specific provision for additional education needs. We felt that it is critically important that the Law does address this issue. There is a huge issue in relation to additional education needs and a significant percentage of those who attend school in these Islands do require some form of what people currently refer to as “special education.” We believe that “additional education” is perhaps a better term, and that is what we have adopted.

Madam Speaker, there is already a code of practice in operation which we have developed. With some minor refinements, this should serve very well as the code required when this Bill comes into Law. I cannot help but say that the principal responsibility for provision of additional education needs falls on government and on government Schools. By and large the private schools do not have the wherewithal and perhaps in some cases not the desire to deal with students who require something other than the standard provision for education.

So, while it is often said that the cost of education in government schools per student is much higher than in private schools, there are a number of very good reasons why. This is a big reason why.

If you look at the makeup of the government school population, you will find that the number of students who have been assessed as requiring additional education needs is significantly higher than that in the private schools. The reason for that is that the government schools are better equipped to deal with it, but also in the case of many private schools there is a lot less enthusiasm about having as part of their school population significant numbers of students who require a great deal of differentiated teaching.

Madam Speaker, I was pleased to hear from the Second Elected Member for West Bay repeated recognition of the relevance of career and technical education. This Government has consistently sought to highlight the importance of career and technical education and to improve recognition of the value attached to it. I believe that we have made significant progress in dealing with this issue and in reducing the stigma often attached to what we are calling "Career and Technical Education." Some call it "Technical and Vocational Education."

The complex and intricate plans for the future development of education certainly have career and technical education at the heart. When I introduced this Bill, I said that this was one of the pathways envisaged in the Better Pathways post-16 initiative at George Hicks Campus. This is critically dependent on the completion and utilisation of the two new high school campuses. Until we get those completed and the children presently at George Hicks as part of the cohort of students at the new schools, George Hicks will not be available for this particular purpose.

I say all of that to say that over the course of these four years and in this silly season which is upon us I have seen—and I am sure we will see and hear lots more in the next couple of months—about why we ought not to be doing this and why we ought not to be doing that; we could have done this and this would have been enough. This whole exercise, every aspect of it, including the Bill which is before us, is part of a very carefully thought out plan and programme to improve teaching and learning outcomes for students. That is the heart of it. All of these things are to get to that ultimate objective.

But all of these pieces hang together. When one bit of it does not continue, or one bit of it falls behind the schedule, it creates major issues for us. I say that to say this: The fact that we had to take the hard decision not to proceed with Beulah Smith has created the possibility of major operational issues for us in the next year or two. The whole programme was contingent on the complete evacuation of John Gray and George Hicks so that the Better Pathways programme could be initiated and the George Hicks campus would be available for the students who are coming through into the Year 12 and Year 13 programmes.

We have to work to make sure that that happens, and a big part of that is to ensure that Clifton Hunter (which was originally planned only to have three of the academies completed) be fully built out so that we will build all four academies. If we do not have full capacity at Clifton Hunter, we are going to wind up with a situation where some students in the high school system get to go to these new schools and others have to be educated somewhere else.

So, Madam Speaker, I could only smile wryly when I read the statements attributed to that old political dinosaur, Mr. Ezzard Miller, in which he was saying, among other things, that the children of the east-

ern districts do not need an expensive school like the one we are building at Clifton Hunter, and he wonders where we are going to find 2,000 students in the eastern districts to put at Clifton Hunter. Well, not only does that demonstrate a complete disconnect from the reality of what is transpiring in the education transformation process, Madam Speaker, but it is short sightedness at its worst.

Madam Speaker, none of the schools are designed to accommodate 2,000 students. At a maximum, each academy will accommodate 250. So if we do achieve four academies at Clifton Hunter we will have a capacity for 1,000 students. The plan initially was for 750 there, 500 in West Bay, and 1,000 in George Town.

I say all of these things to say that it is important for the country and elected members, and for those who wish to be elected, to understand that the process we have been going through and need to continue for at least another three to six years, as I see it, before we get the whole thing properly implemented (and by then we will be revising this and revising that because things change) . . . they need to understand that this is not some sort of piecemeal reform that we have tried to put a Band-Aid here and a patch there and introduce a new programme here. This is all part of a big, long-term programme—a master plan, as my colleague says—to improve the outcomes of our people in this jurisdiction.

It is not something that can be done in one fell swoop. It is not something that can be done in two, three or four years. It would be a tragedy of the most enormous proportions if this country were to put into office people who care less, who have no understanding or desire to understand what we are trying to do. In fact, because we can point to positive indicators in terms of performance already right across our system, what we are doing to improve the next generation of Caymanians in terms of educational ability, it tears my heart when I hear some of the nonsense put out there.

I do not mind at all, in fact I love it (the truth of the matter is) when I am engaged on these issues with people who have some desire, who have some concern about it, who challenge what we are doing in a positive way, as the Second Elected Member for West Bay has done today, and in the past has done. I cannot say the same about the rest of his colleagues; but I can say that about him. That causes us to think or rethink what we are doing.

But when I read the complete nonsense about people who have no interest until this point, who had no care about the future of our young people but, because they decided to run for election—people like Walling Whittaker—writing nonsense, Madam Speaker—

**The Speaker:** Can we get back to the Bill?

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

—writing nonsense in the paper that we have achieved nothing in relation to improved education performance, it tears my heart, Madam Speaker.

I wish that any of them—from the Leader of the Opposition to Elio Solomon, and all in between—would come and debate any of these issues with me in any forum and tell me and tell this country what their education plan is. What would they do that is different? Where we would get to, Madam Speaker, is where we are today—where the Opposition, after much sound and fury, concedes that what we are doing is at its heart the right thing.

Madam Speaker, I want to come back to this issue about career and technical education. Part IX of the Bill specifically provides for career and technical education and provides the Minister with the necessary powers to ensure that this type of education is suitably provided for in these Islands. There is an important point that I want to make, because I hear the debate: I hear it even among people close to me. There are a lot of people who seem to believe that we ought to decide very early in a child's life where they should go and what they should do because we say the early indications are such that they are bound to be brilliant at that. Madam Speaker, I do not subscribe to any such, what I call, limiting philosophy about what people are capable of, what they should do, and how we ought to educate them. That is why my philosophy in relation to the development of career and technical education differs from what I hear being propounded by many people.

The new national curriculum and the new campuses are designed to ensure that each child in the system gets an opportunity to have proper exposure to a wide range of education and subjects. Those who are naturally good at something will usually migrate naturally to that. But every child who comes through our system must have a sound, basic education. That is what the new schools that we are developing are designed to do.

When those who have had the basic education, who have had the exposure to technical subjects and vocational subjects as they come through, reach 16, then we will provide them with the opportunity to decide what it is they want to do in terms of education at age 17 and 18. If they want to pursue technical and vocational courses at UCCI or through the Better Pathways Programme, if they want to go into work experience, those opportunities are available to them.

What we ought not to do, is decide when children are 6, 7, 8, 9 or 10 that this is where they ought to go. Many of us never saw the light or whatever it was that needed to trigger our interest and enthusiasm for learning until later, particularly in relation to boys. I know, because I am speaking from my own personal experience in terms of where I wanted to get to and what I wanted to do . . . you are talking about late in life? You are talking to somebody who found all of that late in life.

I was 22 years old before I woke up one morning and said, "I am never going to get where I want to go if I do not go beyond what I have done. I need to go back to school." I was 22. There was never any doubt in my own mind (and I think in the minds of most people) that I had the ability. Nothing ever sparked it. I was content to get the basics, get some decent O levels and a few decent A levels. So, Madam Speaker, I know all about that.

That is why I cringe every time I hear people say, "That one ought to be an electrician; and that one ought to be a mechanic, and that one ought to do this." Let's give them the opportunity to be that if they want; but let's also give them the opportunity to do anything they want to do because of the basic education foundation they get through the primary and high school system. That is the philosophy that underpins what it is we are doing.

Madam Speaker, I think I have dealt with just about all of the issues that the Second Elected Member for West Bay raised. I am sure he will forgive me if I have missed anything.

I want to thank my colleague, the Fourth Elected Member for George Town, and my other colleagues who spoke as well. But he raised a valid point in respect of the importance of a reporting policy for child abuse. He noted that there was an absence of that particular provision in this Bill. Madam Speaker, it is an important point, but the omission is deliberate.

It is deliberate because this provision is actually incorporated in the Children [Bill], which we passed earlier this month. That subjects teachers to the regime of reporting so it was felt that it is not necessary to repeat that particular provision here. There is already in place a policy for Government schools and this will now receive any statutory support necessary or required from the Children Law.

Madam Speaker, I have spent quite some time dealing with the matters that have been raised by my elected colleagues. I want to thank them very much for taking the time to go through this Bill carefully as we have obviously all done. I hope what I have been able to say goes some way to explain further the provisions and make them clearer and addresses and allays any of the concerns they may have had about any errors or omissions in relation to what this comprehensive piece of legislation proposes to do.

Madam Speaker, there are still a number of other related points that I would like to make to round off my winding up on this very important Bill. I have just been handed a stack of papers—

**The Speaker:** Honourable Minister, is this a convenient point to take the luncheon break?

**Hon. Alden M. McLaughlin, Jr.:** That is where I was going to, Madam Speaker. Thank you very much.

**The Speaker:** Proceedings will be suspended until 2.00 pm.

### Proceedings suspended at 12.31 pm

### Proceedings resumed at 2.49 pm

**The Speaker:** Please be seated.

Let me apologise for the late start of the Legislative Assembly. I was of the opinion that it had already started. I had an eye doctor's appointment and I am quite upset that the proceedings have not continued.

The Honourable Minister of Education continuing his winding up on the Education Modernisation Bill, 2009.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Over the break and as a result of some discussions I had, I thought that I should say a bit more about the whole question of what we are calling "career and vocational courses" that are presently part of the curriculum.

As well as the usual academic courses, the following accredited vocational courses are now offered to all students at John Gray:

- Applied GCSE in Leisure and Tourism, which is an O-level course designed specifically for Cayman.
- Applied GCSE in Hospitality and Catering.
- Applied GCSE in Performing Arts.
- Applied GCSE in Health and Social Care.
- A BTEC in Music Technology.
- Institute of the Motor Industry Motor Vehicles Studies course is also offered now at level 1 and level 2 at John Gray.

This particular course is an industry standard internationally recognised course and the awarding body is the same one that is also used by UCCI.

Those are new courses that have been introduced as part of the transformation process over the course of the past four years dealing specifically with career and vocational study.

In addition, we are still offering:

- CXC Construction
- CXC Electrical and Electronics Technology
- CXC Technical Drawing
- GCSE Design Technology
- CXC Electronic Document Preparation and Management
- CXC Office Administration
- CXC Principles of Accounts
- GCSE Business Studies
- GCSE Food and Nutrition
- GCSE Child Development
- GCSE Dance
- GCSE Physical Education
- ASDAN Certificate of Personal Effectiveness.

Madam Speaker, the reason I have spent some time on this is to deal with the common misconception that there is not a sufficient diet of technical

and vocational or career and vocational studies available within the national curriculum and the offerings within the government high schools. These allow a proper base to be built for whatever it is that the student wants to ultimately pursue beyond the examination years.

Madam Speaker, I want to close my winding up on this important Bill by saying that all children are important. Along with the broader reforms in education this Bill has attempted to cater to individual student needs. The premise of the old Education Law (the one we are operating under) is now 25 years old. It was designed in another time for another era. Since that time, and particularly over the course of the last four years, much has happened to render this legislation inadequate to deal with the regulation of education in the Cayman Islands and the challenges and opportunities this presents in the 21<sup>st</sup> century.

A new legislative framework that provides for educational entitlement in the Cayman Islands, that empowers and liberates education professionals, and that fully reflects the degree to which education is central to the future of these Islands is therefore required. This, I believe, is achieved in the Bill before this House.

Madam Speaker, I want to conclude with some pretty stark realities about where we are in terms of adequate provision in terms of facilities for our students. This I hope will go some way towards having those in the community and particularly some of the recent crop of political aspirants understand why the construction of the schools, which are underway, is so critical and why, in fact, we need to do more.

The secondary intake for government schools, based upon the number of students in government primary schools, will soon reach 400 in each academic year—400 new students coming into the government school system every year. We are now projecting 398 in the year 2011-12, and 402 in 2012-13. This does not take into account students who move from non-government primary schools. This will mean at least a further 5 per cent increase in the total secondary student population on top of an already overcrowded provision over the next two to three years.

These capacity issues also impact our primary schools. For example, Prospect Primary has 45 students in Year 6, currently, and 76 in Year 4. Savannah has 39 in Year 6, and 56 in Year 4. These trends indicate that the secondary school population is going to grow significantly over the course of the next two to five years.

So, Madam Speaker, if I were in the Opposition or on the outside this House seeking to get in, I certainly would not be saying (as part of my case why I ought to be in here) that the Minister should not be making more provision for students in the government school system. I would be making the case that somehow, somewhere, Government ought to have

found the means to build the high school in West Bay. That would be my case.

The reality is that for far too long we and successive governments have ignored the critical need for more physical plant in this country in relation to education. That is why things are as critical as they are now.

Madam Speaker, I want to conclude by simply saying this: This Bill before the House, which appears to have support of both sides, is a hallmark piece of legislation for these Islands. It underpins much of the transformation process that has occurred over the course of these four years, and it provides the legislative framework and basis to continue this transformation exercise. It is critical, Madam Speaker. It is critical to continuing to improve provisions for education, critical to our continuing to improve outcomes for our students, which is the ultimate objective of all that we do.

Madam Speaker, this House will be dissolved in a few short days. In about two months, the people of this country will go to the polls again. In that election process, that campaign process, everything that the Government has and has not done will be the subject of scrutiny. That is proper and right. It is the way the system should work.

Madam Speaker, I say to this honourable House and all within the sound of my voice, that when coming to judge the performance (or otherwise), of this Government and (or otherwise) this Minister, in relation to Education (for which I am constitutionally charged with responsibility), I want everyone to ask those who are offering themselves to be representatives in this country what is wrong with what has been done by this Government and this Minister in relation to seeking to improve education provision in this country.

I want them to ask the Opposition, in particular, those who have had four years of mostly criticising what has been done or what was not done, what is their plan. What would they do differently? Ask them if the apparent position of the Second Elected Member for West Bay is, in fact, the position of the entire Opposition—that after all is said and done four years down the road, what the Government has done, and the Bill which the Government has brought to this House to underpin the transformation process is not so bad after all. And, in the end, when all the rhetoric is over, whether or not they accept that education has moved forward on my watch. If there are things wrong with what I have proposed or done, and perhaps there are, I am but human; what are they? If given the opportunity to sit where I sit, what would they do differently?

Will they carry forward the programmes, the policies and the legislation that have come on my watch or will they seek to dismantle it all and roll education back to where it was when I took office in May 2005? That is the critical question the people of this country have to answer.

So, Madam Speaker, I simply want at this stage to offer my thanks to all who have contributed to making this Bill a reality. I spoke at some length at the start about the assistance from the people of the National Union of Teachers in the UK. But, I cannot begin to say enough about the staff in my Ministry and the Department of Education Services and, indeed, even more broadly than that, particularly Mr. Vaughn Carter, the Deputy Chief Officer in the Ministry with responsibility for Education. Without his determination, drive, and interest, without that, this Bill would not be here today. It was a mammoth undertaking.

I also want to pay particular tribute to Mr. Bilika Simamba, legal draughtsman, who did what was necessary over the course of the past few months to turn the early draft into the Cayman Islands compliant piece of legislation. He has worked long hours under very difficult circumstances with a deadline looming, a deadline that none of us could turn back, which was the dissolution of this House. I want to pay tribute to him and to whoever assisted him in Legal Drafting for their dedication, determination, co-operation and willingness to see this through to the end.

Madam Speaker, this is a signal achievement for the Government, but more importantly for our people and particularly for our young people in this country. I shall forever be grateful for the confidence reposed in me those years ago for me to have the distinct honour and privilege of being able to pilot through such an important piece of legislation.

I thank you, Madam Speaker, and all Members of this House for your indulgence.

**The Speaker:** The question is that a Bill shortly entitled the Education Modernisation Bill, 2009, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Education Modernisation Bill, 2009, has been given a second reading.

**Agreed: The Education Modernisation Bill, 2009, given a second reading.**

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, may we have a division please?

**The Speaker:** Madam Clerk.

#### Division No. 13-08/09

**Ayes: 11**

Hon. D. Kurt Tibbetts  
Hon. Alden M. McLaughlin, Jr.  
Hon. Anthony S. Eden  
Hon. Donovan W. F. Ebanks  
Hon. Cheryl Richards

**Noes:**



Hon. G. Kenneth Jefferson  
 Ms. Lucille D. Seymour  
 Mr. W. Alfonso Wright  
 Mr. Osbourne V. Bodden  
 Mr. Moses I. Kirkconnell  
 Mr. Rolston M. Anglin

**Abstain: 1**

Ms. Juliana Y. O'Connor-Connolly

**The Speaker:** Honourable Minister?

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I do not think the House heard a response from the Second Elected Member for West Bay.

**The Speaker:** Honourable Minister, I did hear him say Aye. He did not say it on the microphone, but I did hear him say Aye.

The results of the division: 11 Ayes and 1 abstention.

**Suspension of Standing Order 46(4)**

**The Speaker:** I recognise the Honourable Minister responsible for Health.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I beg to move the suspension of Standing Order 46(4) so that the Health Services Authority (Amendment) Bill, 2009, can be read a second time.

**The Speaker:** The question is that Standing Order 46(4) be suspended. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 46(4) suspended to enable The Health Services Authority (Amendment) Bill, 2009, to be read a second time.**

**Health Services Authority (Amendment) Bill, 2009**

**The Deputy Clerk:** The Health Services Authority (Amendment) Bill, 2009. Second Reading.

**The Speaker:** I recognise the Honourable Minister of Health.

**Hon. Anthony S. Eden:** Madam Speaker, I beg to move the second reading of the Health Services Authority (Amendment) Bill, 2009.

**The Speaker:** The motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

Honourable Minister for Health.

**Hon. Anthony S. Eden:** Yes, Madam Speaker, thank you.

I would just like to read the actual title of the Bill, which is quite informative, and so that the public can know what we are doing. "A Bill for a Law to amend the Health Services Authority Law (2005 Revision) to change the composition of the Board of Directors of the Cayman Islands Health Services Authority, to establish a fund raising agency for the Authority; and for incidental and connected purposes."

Madam Speaker, honourable Members of this House will be aware that the governance model of the Health Services Authority has required scrutiny for some time and there has been a need also for changes to be made to change the functioning of the organisation. The principal purpose of the Authority is to optimise wellness to the people of these Islands by providing patient-focused care that is affordable, accessible and of the highest possible standard.

With the rising cost and complexities of healthcare, this task would be challenging even in the best of circumstances. However, as we are all well aware, this organisation has had some rather turbulent episodes in its history. Much has been done in the past few years to attempt to stabilise it, and this is beginning to bear fruit in a number of ways, not least in improved staff morale. However, this does not mean that we have merely attempted to smooth things over, Madam Speaker. This Bill itself is evidence of that. It indicates clearly that we are making tough decisions where tough decisions are needed.

A major problem has long beset the Authority is that its basic Board constitution and framework for action has been too much of a mix of different models. This Bill would clear away some of the muddle and streamline the overarching directional functions of the Board, an essential change if the Authority is to properly mature as a body.

I will pause here briefly, Madam Speaker, to thank the gentleman from Impact Consultants for certain observations and assistance that he provided in some of the preparations and decisions we made in these changes.

Accordingly, the decision was made to amend certain sections of the Law in order to improve the governance of the Authority, by new stipulations with respect to the nature of the Board, and create a properly regulated fundraising mechanism to support improvements of the healthcare facilities and programmes of the Authority, as well as contribute to operational funding requirements as and when necessary.

Madam Speaker, I will speak briefly to each of the major aspects of the Bill in turn. There are minor committee stage amendments, which I will speak to later.

Clause 4 seeks to amend section 8 of the Health Services Authority Law to vary the composition of the Board. This amendment will more clearly define and make necessary distinctions between the roles

and responsibilities of the Minister of Health, the Board and the Chief Executive Officer of the Authority.

Honourable Members will note that the Bill seeks to establish certain criteria for the selection of directors. The demands placed on the Board are of such a nature that business can no longer be properly managed by generalists. The most recent Board appointments were in fact selected in part based on having certain specific skills.

I would like to pause here to thank all of those Board members, past and present, for their contribution in assisting and for their dedication and for sacrificing their time to help us with this.

It has already proved its value in the recent performance of the Board, which has validated the view held in principle that specific areas of expertise should be stipulated to create eligibility for appointment to the Health Services Authority Board. This is the immediate background to the proposed new requirements for substantial knowledge and experience in the areas of finance, human resources, law and information technology, which have all been found to be quite critical areas of skill for the Health Services Authority. I would also ask honourable Members to note that those proposed legislative changes are part of an ongoing strategy to strengthen Board governance.

Another example is the short term appointment of a deputy chairman (which took place toward the end of last year) made with a specific intent on drawing on specialised skills of the appointee in that area. By all accounts the Board has benefited appreciably from the resulting exercises in terms of an enhanced understanding of their role in the organisation and the community.

Another change with regard to Board composition calls for a clear distinction to be drawn between the operational duties of the Authority management and the broad governance responsibilities of the Board establishing that employees of the HSA shall not be eligible for appointment. Naturally, the Board will continue to be advised by responsible employees of the Health Services Authority in their technical and professional capacities via the Chief Executive Officer.

Madam Speaker, similar to the amendment I was referring to, a provision will be called for in moving the relevant amendment to the effect that no public servant will be eligible for Board membership. Acute conflicts of interest arise when senior civil servants are called on to advise the Board on its approach to the Government. Then, on the other hand, when the matter comes to the Government, the same person may be called on to advise the Government how it should respond to the Health Services Authority. This certainly has not and does not lend itself to good governance. So we propose to change that.

Finally, it is proposed to establish that persons who receive more than 10 per cent of their annual remuneration from employment or other pecuniary interests in the health field will not be eligible for ap-

pointment to the Board. This is to ensure the establishment of a basic safeguard against conflicts of interest in the conduct of the business of the Board.

The second principal amendment is that clause 8 of the Bill seeks to amend section 17(1) of the Law to manage the approval process for applications by the Authority to increase fees for its services. Madam Speaker, the Board is responsible by law for prudent fiscal management of the Authority.

Currently, the Law provides that proposed fee increases must be submitted for approval by Cabinet. But if in a stipulated time they are neither approved nor disallowed by Cabinet then they shall be deemed to have come into effect. The amendments in this area seek to respond to problems occurring in the past. In the first instance, an obligation is created on the Health Services Authority to validate the financial need for any proposed fee increase. Secondly, the role of the responsible Ministry to review any such application is clearly spelled out with a specified time for its performance. Cabinet would similarly be required to make a decision in a specified time.

As to the final disposition of a requested fee increase, however, we propose a cleaner provision. Madam Speaker, it is proposed that either the fee increase will be approved by Cabinet or, if disallowed, then the equivalent amount will become a charge on the public revenue subject to the approval of this honourable House.

It will be apparent that the amendment aims for a balance to require accuracy and fiscal responsibility of the Health Services Authority, but provided this is satisfied to ensure that a responsibly managed Authority is not left without the means necessary to meet its primary responsibility for maintaining standards of patient care.

The financial stability of the Authority is further attended to in the amendment Bill by the third principal provision which allows for the establishment of the Cayman Islands Health Foundation and its governing entity, the Cayman Islands Health Foundation Committee. Madam Speaker, we in this honourable House all know how difficult it is to finance healthcare—not only here, but throughout the world. For those of us who visit hospitals, especially in the North America region, we see how effective a hospital foundation can be in providing assistance in raising funds for the operation of that entity.

In order to assist the Authority to remain financially viable, this Foundation would solicit and accept donations as well as actively raise funds for the facilities and programmes of the Authority. The committee would consist of seven members appointed by the Governor in Cabinet. Madam Speaker, no person could be a member of the committee if he is a director or an employee of the Authority, or an employee of the Ministry of Health.

Supporters of this concept in the business community attest to the value the Health Services Authority provides to Cayman as an investment and tour-

ist destination, as well as its value to the resident population through provision and upkeep of high standards of care as well as readiness of access.

In recognition of this value, it is felt that strong support will be available to the Authority. But a specific structure is needed to ensure appropriate boundaries are maintained. This Bill would accomplish that and give the Health Services Authority a clear pathway to extra governmental support.

The proposed amendments will improve the functioning of the Authority to provide good governance for the people of these Islands. It is also hoped that with the establishment of the Foundation additional resources can be sourced through the generosity of the community for the operational funding of the Authority and the health needs of these Islands, and that this will be met.

Madam Speaker, I ask my colleagues in this honourable House to give favourable support to these short amendments which we know are much needed, and to provide a better source for our healthcare here in the Cayman Islands as we continue to strive to maintain international standards.

In closing I would like to thank all of those who assisted in preparing this legislation—legal drafting, the honourable Attorney General's office and especially under the leadership of Mrs. Myrtle Brandt, who put in some significant time on short notice.

I commend this legislation to the House.

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

Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

In looking at this amendment Bill and listening to the Minister's presentation, I can say that the financial viability of the Health Services Authority is one that is of continuing concern.

I recall during this term during a meeting of the Finance Committee of this honourable Legislative Assembly we were given a specific timeline as to when the Health Services Authority could look to have some semblance of independence as it related to its own financial survival. Much has happened since then. Certainly, all of those matters would have to be answered in what I understand to be the upcoming meeting of the Finance Committee and, as we move forward, in the election process.

Madam Speaker, the establishment of the entity that would allow private donations to the Health Services Authority is one that I do not believe one can reasonably argue against. However, I hope that the Government does not intend to send the message to our residents that access to and the provision of quality health care is being reduced in some way to the good heart and good will of our community and perhaps those who might be outside of our borders who might have an affinity to the Cayman Islands or to the whole issue of the provision of health care.

In clause 8 of the Bill, the amendment of section 17 (which relates to fees) provides for a framework that I hope the Minister and his team can expound upon so that this honourable House can understand precisely how this new regime is going to work.

It provides a mechanism in which the Board can make a recommendation to the Minister with responsibility for health services as to any increase in fees. It gives the Minister some 60 days after any submission of a fee increase request that would **“(a) require the Authority to verify the validity and reliability of the calculations which are the basis of the Board's determination; and (b) submit the fees to determined to the Governor in Cabinet.”**

My reading of that section (a) where it requires the Authority to verify the validity and reliability of the calculations, which are the basis of the Board's determination, is that it obviously puts the onus on the Board to show and justify why the increase is necessary.

Madam Speaker, we have seen in the past where there were certain services that were not on a charge master, I think is the terminology used, and thus certain services being offered and revenues not being collected. This basis, I presume, is going to be such that the onus is put back on the Board to justify the increase by showing the cost of provision of service. For example, if there is a specific procedure and the Authority determines internally through its cost accounting regime that that procedure costs \$150 to deliver, and it may be only charging \$100 at the time, that that sort of detailed calculation would form the basis for which they would be requesting of the Minister to increase the charge master to \$150 to cover the cost.

Madam Speaker, once that is done from an internal costing perspective, if the Minister refuses something else gets triggered. And that something else is that where an increase is disallowed, [clause 8] **“. . . an amount equivalent to the disallowed increase may be defrayed out of the general revenue of the Islands, subject to the appropriation by the Legislative Assembly of the requisite funds.”**

Madam Speaker, I hope the Minister can also tell us how they are going to ensure that an accurate number can be given for us to deliberate upon. If we use the example I just gave where procedure X is currently charged at \$100 but the Authority's internal cost to provide that service is \$150, it is not the \$150 that would be required to come to the Legislative Assembly. It is going to be the \$150 multiplied by the number of procedures.

That is where I am hoping the Minister can give us some explanation as to how we are going to feel comfortable coming to the Legislative Assembly through Finance Committee to ask for a block amount. That block amount is more than likely not to cover just one procedure. There will be multiple procedures and items on that charge master that may be seeking an increase. But we will then need to have some sem-

blance of an idea that the block we will be given is not simply a wish list, but is grounded in some sort of empirical data so that we can feel very comfortable that that block amount is . . . because after all, the Minister is going to have to come and ask us for, for example, \$1 million. That \$1 million will be broken out by procedure and by this proposed fee increase by procedure or line item of service in that charge master.

Madam Speaker, we also see that the Bill is strengthening patient privacy as it relates to access of documentation by certain offices, namely the Internal and External Audit Offices. Certainly, I believe that is something that is necessary. I do not think any of us can argue that point because, the truth of the matter is, all of us should be concerned about persons having their right to privacy as it relates to data contained in their medical records.

Obviously, when it comes to the financial side and whether or not a person owes the Authority money, that is a completely different line of argument. But in terms of medical records and the customers of the HSA, those ought to have as much protection as possible.

With those very brief remarks, I wait to hear the contributions of other Members and the winding up by the honourable Minister.

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

Second Elected Member for Cayman Brac and Little Cayman.

**Mr. Moses I. Kirkconnell:** Thank you, Madam Speaker. I rise to make a few comments on the Health Services Authority (Amendment) Bill, 2009.

I am sure it is the wish of every Member of this honourable House to improve our health services to everybody in this country. The Minister responsible has brought this Bill with that intention. He has explained it in a way that will have my support, Madam Speaker. I understand the new model and I certainly understand what he is trying to do when he talks about a Foundation where monies can be actually paid in and used for the good health of our community.

I turn to clause 4. It says, "The Board shall consist of seven directors . . ." and this is really the thrust of my contribution because I want to mention one of the things this Minister has done since he took over health services of this country. He recognised the unique need for input directly from Cayman Brac and Little Cayman. He appointed a member of the Board now sitting, Ms. Nola Bodden, who has given excellent input and has been valuable from the standpoint of health for Cayman Brac and Little Cayman. It is also her input that has driven the \$3.5 million upgrade that is now going on at Faith Hospital. When completed, kudos must go to the Minister and all those involved in that upgrade.

Madam Speaker, it goes on to say, "**(a) all of the directors shall be persons of honesty, integrity and good reputation, who have skills in management, motivation, organisation or negotiation; and (b) six of the directors shall have demonstrated to the satisfaction of the Governor in Cabinet substantial knowledge and experience in one or more of the following areas: (i) finance; (ii) human resources; (iii) law; (iv) information technology; and (v) other related fields.**"

Of course, my colleagues will all know that I and would loved to have seen the seventh identify Cayman Brac and Little Cayman.

In these remarks I am asking the Minister, in his reply, to just give his vision. With what he has already accomplished in the last four years I know that he has taken this under consideration, and I am quite sure that he has a vision of how input will come and how Cayman Brac's Faith Hospital will continue to be protected in a way that it directly has representation on the Board that is now going to be replacing the existing Board.

Madam Speaker, that is my concern. I am sure it will be answered in a very constructive way because I am sure it has been taken under consideration. But I just want to say that to my knowledge it is the first time we have had direct representation on that Board and at the end of this Minister's term he must know how well that has worked for my constituents.

With those few comments, I will vote in favour of this. Thank you.

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

Third Elected Member for George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

I rise to make my contribution to the Bill presented by the Honourable Minister of Health and Human Services as it relates to amending the Health Services Authority Law to change the composition of the Board of Directors of the Cayman Islands Health Services Authority; to establish a fund raising agency for the Authority; and for incidental and connected purposes.

I wish to commend my colleague and school friend, the Honourable Minister of Health and Human Services, for this amendment. I would like to talk on two points: one is the composition of the Board; and the second is on the corporation which is a fund raising committee.

First, the makeup of the committee: Madam Speaker, whereas I agree about not having any person who works in the Health Service or the public service on the Board, I wonder if the Honourable Minister has thought about who the stakeholders of the Health Services are. I refer to civil servants. I wonder, despite the fact that you might not want a civil servant who is

directly involved in the Health Services, if the Honourable Minister might not think about putting someone from the Civil Service Association. They are very competent people who are not part of the Health Services. That is a large group of people that directly affect the Health Services. So I would ask if he would think about that because I believe it is fair to have that representation on the Board.

The second part is the whole question of fundraising. When he brought this I told him it was good. I believe that is the way we should go when we have these government companies which in themselves can raise funds. And this is one of them. It is an entity that augurs a lot of social responsibility. A lot of people in this country and elsewhere would give to the hospital services.

I am glad about this because our population, because of the demographics of the world, has seen the most ageing people in this history. We call them the Baby Boomers. Judging from what happened recently, a lot of them will end up poorer. We certainly have our share of elderly that will require a lot of help from the state where health is concerned. So I am happy that we will put together a foundation that will supplement what the Government does so that our elderly and people who suffer from chronic diseases and our poor will be able to optimally utilise the Health Services without any question.

As my colleague said some time ago, you tell the ethos of a country when it looks after its children and its elderly.

With those few words, Madam Speaker, I would like to support the Bill. But I would also repeat and ask the Minister if he would reconsider someone from the Civil Service Association on the Board. Thank you.

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

Third Elected Member for the district of Bodden Town.

**Mr. Osbourne V. Boddén:** Thank you, Madam Speaker.

I rise to offer support to the Bill brought by my colleague the Minister for Health and Human Services. I would like to pay kudos to him and to his team at the Health Services Authority and the Hospital which has recognised the need to improve the framework for the Board of Directors, and to also address the issue of our Foundation.

I actually spoke to the Minister about this and he told me it was something that was being worked on. I must say that I am extremely pleased that it has gotten here so quickly—not that I did not believe him, but I know these things take time.

Partly because of my past life in the captive insurance industry I have known for a long time about the way that hospitals and healthcare institutions in the US are largely funded. Cleveland Clinic, the insti-

tution that my family and I use, in my mind is one of the best that the US has to offer. When you walk in there you see a plaque that tells you clearly that it is a not-for-profit organisation. It depends upon the good will of the community to a large extent.

There are many people who contribute to various charities and good causes in Cayman. Oftentimes we see the overwhelming support that, for instance, the Hospice Care receives. I know for a fact that as long as it is properly structured and people have faith in what is being done, that we will see a tremendous outpouring of support by members of our community for such a cause.

Healthcare is very expensive, Madam Speaker. We complain all the time about the tremendous burden that is placed upon Government to fund it. We keep getting more and more demands, as the Third Elected Member for George Town said. People are living longer and the need for healthcare continues to increase.

There are many wealthy individuals that pass on from this life and sometimes they are alone. They have tremendous resources and they would like to leave those resources to an institution that they know will continue to do a lot of good will in the community and further something as important as healthcare. There are other benefactors who, simply because of their tremendous wealth, would like to donate to worthwhile causes. Therefore, I believe it is important, certainly timely, for us to be looking at putting this into legislation for this to be facilitating. It has to be promoted. It has to be structured so that people have faith in what it is there for, and not abused in any way.

Madam Speaker, it is also important to underscore the fact that this is not to replace Government's responsibility. Certainly, it is only there to supplement. We would love to think that we could depend on this, but I know that would not be the case. It will take time for this Foundation to build up its funds and to invest them properly. That is another important area. We have to ensure that funds are invested properly and conservatively. In time it will ease the burden. I think it is a very forward-thinking move and I want to congratulate all those involved with bringing it to the Floor of this House.

Madam Speaker, another very important aspect in relation to how such a foundation should be structured (and I am sure this has been given consideration, but I would like to highlight it) is that we may have US citizens, in particular, who may wish to donate to such a cause. Often we have long-term residents and visitors to our shores who simply wish to assist in one way or the other with our community. We know that oftentimes they do. It is important that this is structured in such a way that when they make donations to such an institution that they receive tax credits back in the US. That will encourage them because, as we all know, the tax system is convoluted. But receiving tax credit to whatever institution you donate to, has to usually be a not-for-profit organisation. It is

something people use in their tax planning mechanisms.

Madam Speaker, this is really the thrust of my contribution on this important Bill. I think that it is certainly a move in the right direction. Again, I want to commend the Minister, the leadership of the Health Services Authority, and Ms. Yearwood at the hospital, all those involved, and the staff in the Ministry, for getting this here. I am looking forward to the day when some of the pressure can be eased from the ever-increasing cost of healthcare in these Islands. Thank you.

**The Speaker:** Does any other Member wish to speak? [pause] If no other Member wishes to speak, does the mover wish to exercise his right of reply?

Honourable Minister of Health.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I thank all those who contributed to the debate. In response to my colleague, the Second Elected Member for West Bay, I understand his concern. One of the reasons we made some of these moves—especially in reducing the size of the Board—[is that] the Law [specified] 13 members. It proved quite unwieldy and much time was consumed in just getting everybody together and some of the meetings would go for significantly long periods of time.

Madam Speaker, I said sometime last year that throughout the world—and it is a known fact that the highest percentage of GDP in the world is spent on healthcare costs. This is another driving factor that [led us] to make these changes. It has always been my dream from way back when (not the least of which when I took part in the People's Progressive Movement Government) to go about looking at a different way of funding the hospital. This brings more structure, Madam Speaker . . . And he is probably aware that towards the end of last year a comprehensive charge master was developed. As a matter of fact, it did not take effect until the first part of this year. For the first time it brings the Cayman Islands up to the same level playing field of the rest of the world where anyone who looks at a code on a [hospital] invoice knows what it means. One of the great difficulties we had in the past was coding for the insurance companies. If it was not the right code, we did not get paid for it. This is unacceptable.

I just want to say that another area we have been able to deal with is the standardisation of health insurance fees. There is a set amount for this, which will be incorporated into these charges, that by law the insurance company has to pay. So, it brings a better business relationship to the operations of the Health Services Authority.

For the information of the House and the Second Elected Member, and just to read what was there before, **“The Board shall from time to time determine the fees to be charged for the services provided by the Authority which shall become effec-**

**tive 90 days after their submission to the Minister unless disallowed by the Governor in Cabinet; and where an increase in fees is disallowed, the Governor in Cabinet shall identify a mechanism for the payment.”** This was another change that we have there. But we knew that we could not tell the Cabinet or the Legislative Assembly that they could do that. Prior to that it was a 90 day time period, and if those fees were not approved by Cabinet, or if they were not denied, they would automatically come into effect. But we wanted to put something with more structure.

As we all know, there are not many hospitals in the world that make a profit. But we wanted to gather and use to the best of our ability the limited funds that we have. We all know the situation around us throughout the economies around the world and we will be in a similar situation.

Our commitment, Madam Speaker, is looking at how we deal with our elderly and our youth, as mentioned by the Third Elected Member for George Town. We will be speaking a little bit more about this before the House is dissolved next week. But one area that we can be looking at which is very costly to anyone, is the treatment of diabetes and how we can handle and assist with that to help reduce these overwhelming costs.

I want to thank the Member for Cayman Brac and Little Cayman. It was really on his insistence, I must say, that the individual he suggested that we put on the Board has made a very positive contribution. I can tell you that she very well represented the people of Cayman Brac. One of the people in the designated category can easily come from Cayman Brac. I would be committed to seeing that this happens, or whoever comes here after me, whatever happens. I would hope they would look at this.

Just to note what my colleague, the Third Elected Member for George Town, said in regard to civil servants. The specific amendment prohibits that. But I know there are many good retired civil servants who would certainly still share that feeling of helping pensioners, making sure that their input on this Board would make a lot of difference.

My Chief Officer and I felt that on these boards it is important that we have not only technical people experienced in whatever field—finance, human resources, law, IT—but also a lay person who can represent the man on the street and give that input. This is one thing that we have started doing in recent times, making sure that we have someone out there who would represent that part of the population.

In closing, I want to thank all of those who have spoken in support this Bill, and for the tacit support of those who did not speak. A special thanks to my Chief Officer, Deputy Chief Officer, and also present with me today is Ms. Janet Flynn and Ms. Sheila Watler. These ladies have put a lot of effort into helping to get this Bill ready so we could get it down here.

I thank all members of the present Board under the chairmanship of Pastor Al. We have come a

long way. There is a long way to go, but with the support of my colleagues in the Legislative Assembly and with God's help, we can make a difference. It is about making things better for our people in Cayman and I know that is the committed work that we have done over the last three years and a few months.

Whatever happens after this that commitment will be there. Sickness is something that we all must face at some time or the other. When I started here back with the health insurance, I saw that as an investment to be used in times of great need; not just to go and get an aspirin or Tylenol. But health insurance was designed for when it is greatly needed. That has been the focus—not to put the strain on our people, but to make life better for our people; to keep them from serious trauma where they get their savings wiped out.

Thank you, Ma'am.

**The Speaker:** The question is that a Bill shortly entitled, the Health Services Authority (Amendment) Bill, 2009, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Health Services Authority (Amendment) Bill, 2009, given a second reading.**

**The Speaker:** Honourable Leader of Government Business, my eyes are getting smaller and smaller.

## **ADJOURNMENT**

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker, I understand your having to visit the doctor this afternoon.

Madam Speaker, there is also an industry briefing which is urgent and had to be scheduled for 4 pm..

I would therefore move the adjournment of this honourable House until 10 am tomorrow, at which time we will continue with the business on the Order Paper and whatever else is coming.

**The Speaker:** The question is that this House do now adjourn until 10 am tomorrow. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**At 4.03 pm the House stood adjourned until 10 am Thursday, 19 March 2009.**

**OFFICIAL HANSARD REPORT**  
**THURSDAY**  
**19 MARCH 2009**  
**11.00 AM**  
*Tenth Sitting*

**The Speaker:** I will ask the Fourth Elected Member for West Bay to say Prayers.

**PRAYERS**

**Capt. A. Eugene Ebanks:** Let us pray.

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

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

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

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

**The Speaker:** Please be seated.

**Proceedings resumed at 11.02 am**

**The Speaker:** Proceedings are resumed.

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

**Apologies**

**The Speaker:** I have apologies for absence from the Honourable Temporary First Official Member.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**Cayman Islands National Insurance Company  
(CINICO) Annual Report 2007-2008**

**The Speaker:** I recognise the Honourable Minister responsible for Health.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Cayman Islands National Insurance Company (CINICO) Annual Report 2007-2008.

**The Speaker:** So ordered.

Does the Honourable Minister of Health wish to speak thereto?

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

It is with pride that I table this Report. I am informed that this could be one of the first reports now finalised for the fiscal year 2007-2008. I want to thank the staff at CINICO for their endeavours.

Madam Speaker, as honourable Members are aware, CINICO is a licensed Class A insurance company wholly owned by the Cayman Islands Government primarily established to manage health care costs incurred by the shareholder. Madam Speaker, the company is also responsible for assisting other persons who reside in the Cayman Islands to gain access to affordable quality healthcare services, and for maintaining reinsurance to cover part of the cost of the catastrophic events.

Since inception the number of persons insured by CINICO has increased from 10,577 members as of 30 June 2004, to 13,511 members as of 30 June 2008. This represents a 28 per cent increase over a period of four years.

Operational Highlights

CINICO is a fairly small organisation currently consisting of a staff complement of nine employees. In July 2007 the company moved its operations from Elizabethan Square in George Town to the Cayman Centre opposite the airport Post Office. This provided far better accessibility to our elderly and disabled policy holders, and much needed office space.

During the year in review, CINICO developed a robust disaster recovery process which enables it in the event of a natural disaster to remotely resume operations in a short period of time. In continuing to strengthen this relationship with its reinsurance pro-



vider, and as a testament to the reinsurance company's confidence in CINICO's ability, the company was able to negotiate lower rates in 2007 and 2008 with slightly better terms.

In the past budget year, Madam Speaker, the company collected over \$1.2 million in claims from its reinsurance policy. For the financial year ending 30 June 2008, CINICO successfully negotiated direct contracts at preferred rates with several US providers. These agreements will allow the company to achieve its goal of minimising its dependency on outside parties once implementation is complete.

In addition, CINICO has one of the best Jamaican network agreements in the industry enabling it to offer quality medical care much lower than US prices.

Members of this honourable House will be aware that one measure of operating efficiency for an insurance company is the ratio of administration expenses to premium. Compared to similar size companies in the United States, I am told that CINICO's administration expenses to net premium were 11 per cent versus an industry benchmark of 15 per cent.

#### Financial Report

From a financial standpoint, CINICO's performance in terms of net income loss has improved during the past year as it incurred a significantly lower loss in 2007/2008 than it did in the prior year. The company's equity position improved from negative \$6.2 million at 30 June 2007, to \$200,000 at 30 June 2008. Madam Speaker, the increase is due to \$8.5 million in additional paid in capital from the shareholder to rectify previous year deficits. The equity injections were received to subsidise losses for the 2005/06 and the 2006/07 financial years.

Madam Speaker, as a Class A insurance company, CINICO is subject to the regulations of the Cayman Islands Monetary Authority (CIMA) which requires a minimum equity position of \$3 million. Thus, for the 2007/08 financial year the company was not compliant with this requirement. One of the continuing challenges that the company faces is the rising utilisation and healthcare costs which, coupled with the insufficient premium, has led to historical losses. However, CINICO is committed to addressing rising healthcare costs and other issues surrounding its profitability.

February 2008 the company commissioned its actuary to conduct a financial sustainability study. To date, management and the board are addressing some of the issues surrounding the historical negative performance. For example, management has made a presentation to government on how premiums could be decreased with limited cost sharing from participants. In addition, the shortfall in premium has already been rectified in the 2008/09 year to better match the risk the company insures.

Madam Speaker, I am happy to report that for the six-month period ending the 31 December 2008, CINICO earned a profit of \$1.7 million. Furthermore, coupled with an additional \$3 million equity injection received to subsidise previous losses, the current year profitability has allowed the company to accumulate for the first time (I am made to understand) \$4.9 million in equity. And, as a result, the company is now fully compliant with CIMA's minimum equity requirement.

Madam Speaker, Members of this honourable House can clearly gather from information in this Annual Report that the Cayman Islands National Insurance Company is not only now financially sound, but it is in fact carrying out its mandate as a Class A insurance company.

It is with appreciation for the work done by the Board of Directors and the management of the company, that I have just laid on the Table of this honourable House the 2007/08 Annual Report of CINICO.

Thank you, Madam Speaker.

### **STATEMENTS BY HONOURABLE MINISTERS/MEMBERS OF THE CABINET**

**The Speaker:** I have received notice of a statement from the Honourable Minister responsible for Health and Human Services.

#### **Community Well-being in the Face of the Economic Reality**

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I have entitled this: Community Well-being in the Face of the Economic Reality.

Madam Speaker, for some while now we have all been hearing about the global economic crisis, the subsequent slowdown in business and the effects that it will have on countries around the world. We cannot deny that we in the Cayman Islands are in for some rough times. Indeed, some of us are already experiencing these rough times.

Madam Speaker, recognising the serious nature and the scope of the current issues, my Ministry is actively pursuing cross-ministerial partnerships to align programmes and share resources as a means of dealing with the interlinked issues that are and will be facing us for some time to come. However, government agencies cannot and should not be expected to weather these storms alone. As the Minister tasked with ensuring that health and human services are provided to the people of these Islands, I am acutely aware that my Ministry has a role to play in protecting the most vulnerable within our population while ensuring the wellbeing of all.

#### Human Services

Madam Speaker, I wish to comment first on services which are aimed at enhancing social and emotional wellbeing. It is clear from recent statistics compiled by the Department of Children and Family Services, that the economic slowdown is already having an impact on the demand for their services. Financial assistance provided by the Department in the form of rental assistance, food vouchers, school lunches, and uniforms for the last six months (that is from July 2008 to December 2008) already almost equals the entire amount spent on these categories of assistance for the previous fiscal year.

Through the current financial year we have had to literally double the resource allocation for this department. But that, Madam Speaker, is the commitment of the People's Progressive Movement Government, to make sure we take care of our people in the most vulnerable positions.

Madam Speaker, as part of a long-term strategy the Ministry has been reviewing the criteria used to determine who gets financial and other assistance, and the demographics of the individuals involved. What we do know, which is also confirmed by the National Assessment of Living Conditions study, is that assistance, such as food vouchers, is predominantly utilised by female headed households with dependant children. Thus we must make the focus.

Informal discussions hosted by my Chief Officer with senior administrators from other ministries have also brought other challenges to the fore, such as unemployment, work for our returning graduates, the impact of the economic stress on our nation's mental health and especially on our young children, and securing adequate health insurance coverage.

Madam Speaker, departments under my Ministry have reported that they are already seeing the effect that the increased stressors have on our families. And I commend the proactive steps taken and thank the heads of departments for the input they have given to the Ministry resulting in the formulation of policies that will have a positive impact on the wellbeing of our people. It is clear that the economic issues we are currently facing have the potential to impact our nation's physical and mental health, our children's education and their current and future employment.

The NALC (National Assessment of Living Conditions) Report documents that 1.9 per cent of our population is poor and another 1.8 per cent is classified as being vulnerable. We are paying serious attention to these statistics and doing everything we can to prevent these numbers from increasing.

Madam Speaker, in my view, only cross-ministerial collaboration and public/private initiatives will allow us to find opportunities in the current situation and allow us to address the challenges holistically. We are also promoting personal responsibility, especially in regard to the family. People need to own up to the responsibility of taking care of their family members, in particular our elderly, our disabled and

our children. And just to pause there: the legislation we passed in this House recently addresses many of these areas. Whatever we spend now should be an investment in the future and not just a stopgap measure.

### Health Services

My Ministry further recognises that access to healthcare services and sufficient healthcare insurance is a crucial part of ensuring that people feel safe and secure. And as such it is a subject that I wish to draw attention to.

Currently, the Health Insurance Commission collects approximately \$2.2 million to cover the healthcare costs for those who are uninsured and classified as indigents. However, in the current financial year, 2008/09, local healthcare cost for this group of persons is budgeted at \$5.8 million. Work is well underway to implement policies that will help to narrow the gap between the amount collected and that which is paid out.

Madam Speaker, the Health Insurance Commission has recently received an increasing number of inquiries regarding what happens to your health insurance coverage if you loose or should change your job. All employed persons should make sure they maintain their health insurance coverage through these tough times.

Madam Speaker, I have sympathy for the fact that when one faces possible termination of a work contract, or has actually lost their job, health insurance might be one of the last things a person thinks about. However, it is imperative that employees and employers do all they can to keep the health insurance coverage in place. As such, employers are reminded that their health insurance obligations do not end when they decide to terminate an employee's contract. Equally, employees should not assume that continued coverage is automatic and they should know their rights under the law.

According to the Health Insurance Law employees health insurance ends on the first day of the month following departure from a job. However, if employees loose their jobs and are not immediately employed elsewhere they can keep the existing health insurance for up to three months from the date of termination of work, or until they gain new employment, whichever occurs earlier.

Madam Speaker, employers are also encouraged to ensure that premiums are paid on the first of every month. While some approved insurers provide reminder notices, premiums must be paid in a timely manner to ensure that there is no lapse in employees' health insurance coverage. It is imperative that employers proactively engage their staff on the issue of health insurance.

As soon as you know that you have to let someone go, do the right and decent thing. Sit down and discuss the matter immediately with them. I'm also aware of the criticism about the standard health

insurance contract. I know that especially with our low wage workers face difficulty in getting robust health insurance coverage.

There is a general consensus that the current level of healthcare benefits listed in the standard health insurance contract is not in line with today's healthcare cost. However, Madam Speaker, I caution that any legislated increase in benefits will be matched with increase costs of premiums for employers and employees.

Madam Speaker, if we want to ensure optimum wellbeing for all, we need to ensure affordable health insurance. This is why my Ministry and the Health Insurance Commission are consistently working to improve the system. The Health Insurance Commission Board made recommendations to the Ministry on an enhanced standard health insurance plan of benefits. In accordance with my directive the Health Insurance Commission engaged an overseas company to derive a premium rate for providing benefits under the new proposed standard health insurance contract.

The Actuarial Report states that the expanded benefits under the new plan would lead to increases in premium rates, and the segment of the insured population that would be most affected by the premium increases are persons insured only for the SHIC benefits (Standard Health Insurance Contract), that is, those without supplementary benefits. Madam Speaker, the current premium rate for the standard health insurance coverage ranges from \$67 to \$120 per month. Before revising the law, Government must ensure that the mandatory plan of health insurance benefits is not only adequate but is also affordable to the average employee/employer in these difficult times. Amending the standard healthcare plan is clearly not a decision that Government can make in a vacuum.

Madam Speaker, as the Minister who introduced mandatory health insurance coverage in these Islands—probably one of the first in the world—I wish to remind everyone that the standard health insurance contract was meant to cover on-Island care, brought in to transfer some of the cost from Government to the private sector. It was never meant to cover catastrophic care overseas, but provide people, at the very least, [with] access to impatient service at our local hospitals.

Madam Speaker, I wish to emphasise that to the best of my knowledge no one—Caymanian or non-Caymanian—has been denied access locally to urgent healthcare services due to a lack of adequate health insurance coverage. A myriad of plans are offered by insurance companies so anyone can obtain enhanced benefits over that offered in the standard health insurance contract. I must interject that it is a matter of priority, Madam Speaker. However, the question that still needs to be answered is how best to cost-effectively bridge the gap between the benefits in the basic standard plan and those in what is called the

premier plan; a plan which I understand is purchased by a large segment of our population.

Madam Speaker, Members of this honourable House should note that having received the report and feedback on the various questions surrounding the introduction and implementation of an enhanced standard healthcare plan, I assure you that the issue of affordable healthcare insurance for all remains high on my Ministry's agenda.

In a related matter, Madam Speaker, the Ministry is also working to introduce a primary healthcare package of services to be delivered through the district health centres on all three Islands. These services would include, among others, GP visits, routine diagnostic tests, some medication and basic dental service. A policy paper will be sent shortly to Cabinet recommending the delivery of this package of services at little or no direct costs to a segment of our population. This will, in fact, also have an impact on the benefits structure of the proposed standard health insurance contract.

Madam Speaker, in conclusion I want to make it clear that simply increasing health insurance coverage or providing social assistance is not the answer. The Ministry of Health and Human Services is not looking for quick fixes, but instead we want to find solutions that will put social development on par with the physical development of our Islands. There must be a national strategic approach to deal with the economic slowdown—and I know my colleagues are diligently working on that—and its effects. My staff is exploring ways to meet the growing demands creatively. The recent restructuring of health and human services and its department has laid the groundwork for such a response and has already proven to be a sound investment.

While agencies under the Ministry, Madam Speaker, are committed to supporting those who are most vulnerable and are well positioned to maintain the current range of services during these difficult times, if we are truly to achieve optimal wellbeing for all we will need public, private, and personal partnerships. As such, the community and businesses are encouraged to get involved in supporting our people during the difficult times ahead. Madam Speaker, we need to ask ourselves what can we do to get through this and how can we as a people stand together to weather some of the storm.

Today I would ask all Members of this honourable House to join in this crucial venture of ensuring optimal wellbeing for all.

Thank you, Madam Speaker.

## **GOVERNMENT BUSINESS**

### **BILLS**

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

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, I beg to move the suspension of Standing Order 46(1) and (2) to enable the Bills listed on the Order Paper to be read a first time.

**The Speaker:** The question is that Standing Order 46(1) and (2) be suspended. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

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

### FIRST READINGS

#### Public Management and Finance (Amendment) Bill, 2009

**The Deputy Clerk:** The Public Management and Finance (Amendment) Bill, 2009.

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

#### Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009

**The Deputy Clerk:** The Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009.

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

#### Stamp Duty (Amendment) (Temporary Provisions) Bill, 2009

**The Deputy Clerk:** The Stamp duty (Amendment) (Temporary Provisions) Bill, 2009.

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

#### Companies (Amendment) Bill, 2009

**The Deputy Clerk:** The Companies (Amendment) Bill, 2009.

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

#### Exempted Limited Partnership (Amendment) Bill, 2009

**The Deputy Clerk:** The Exempted Limited Partnership (Amendment) Bill, 2009.

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

The House will now go into Committee.

### House in Committee at 11.29 am

### COMMITTEE ON BILLS

**The Chairman:** Please be seated. The House is now in Committee.

With the leave of the House, may I assume that, as usual, we should authorise the Honourable Second Official Member to correct minor errors and suchlike in these Bills?

Madam Clerk.

#### Children (Amendment) Bill, 2009

**The Deputy Clerk:**

- Clause 1 Short title and commencement.
- Clause 2 Amendment of section 2 of the Children Law, 2003—interpretation.
- Clause 3 Amendment of section 4—parental responsibility for children.

**The Chairman:** The question is that clauses 1 through 3 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 through 3 passed.**

**The Deputy Clerk:** Clause 4 Insertion of section 4A—acquisition of parental responsibility by a step-parent.

**The Chairman:** I recognise the Honourable Minister for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Chair.

I move that clause 4 of the Bill be amended as follows: By deleting 4A (1)(b) and substituting the following- “(b) the court may- (i) on application by the step-parent after inquiry by the court into the family circumstances of the child; or (ii) on application by one or both parents and the step-parent, order that the step-parent shall have parental responsibility for the child.”; and by deleting 4A (3)(b) and substituting the following- “(b) the Department, on behalf of the child.”

**The Chairman:** The amendment has been duly moved and is open for debate. Does any Member wish to speak thereto?

If no Member wishes to speak, the question is that the amendment form part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendments to clause 4 passed.**

**The Chairman:** The question is that clause 4A, as amended, form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 4, as amended, passed.**

**The Deputy Clerk:**

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|----------|--|
| Clause 5 | Amendment of section 19—provision of services for children in need, their families and others. |
| Clause 6 | Amendment of section 22—provision of accommodation for children: general.                      |
| Clause 7 | Amendment of section 24—general duty of Department in relation to children it looks after.     |

**The Chairman:** The question is that clauses 5 through 7 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 5 through 7 passed.**

**The Deputy Clerk:** Clause 8 Insertion of Part IIIA—notification and investigations of abuse.

**The Chairman:** I recognise the Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Chair.

I move that Clause 8 be amended as follows: In section 32A(2)(n), by inserting after the word “occupation” the words “paid or unpaid”; in section 32A(5) by deleting the words “two thousand” and substituting the words “five thousand”, and by deleting the words “six months” and substituting the words “one year”; and in section 32D(a) by inserting after the words “Department” the words (and I thank you for this attention that you brought to us, Madam Speaker) “after consultation with the Attorney-General.”

**The Chairman:** The amendments have been duly moved and are open for debate. Does any Member wish to speak?

If no Member wishes to speak, the question is that the amendments do form part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendments passed.**

**The Chairman:** The question is that the clause, as amended, form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 8, as amended, passed.**

**The Deputy Clerk:**

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|-----------|---|
| Clause 9  | Amendment of section 36—parental contact etc. with children in care.                          |
| Clause 10 | Insertion of section 47A—authorisation of medical and psychiatric examinations by Department. |
| Clause 11 | Amendment of section 50—duty of Department to investigate.                                    |
| Clause 12 | Amendment of section 54—refuges for children at risk.   |
| Clause 13 | Amendment of section 68—welfare of privately fostered children.                               |

**The Chairman:** The question is that clauses 9 through 13 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 9 through 13 passed.**

**The Deputy Clerk:** Clause 14 Repeal of Part X—child minding and day care for young children.

**The Chairman:** I recognise the Honourable Minister for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Chair.

I beg to move that the Bill be amended by deleting clause 14 and subsequent number.

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak? [pause]

If no Member wishes to speak thereto, the question is that the amendment form part of the

clause. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment passed.**

**The Chairman:** The question is that clause 14 be deleted from the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 14 deleted from Bill.**

**The Deputy Clerk:**

- Clause 15 Insertion of section 88A—attendance in court by parent.
- Clause 16 Amendment of Schedule 7—foster parents: limits on number of foster children
- Clause 17 Amendment of Schedule 8—privately fostered children.

**The Chairman:** The question is that clauses 15 through 17 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 15 through 17 passed.**

**The Deputy Clerk:** A Bill for a Law to amend the Children Law, 2003 in order to provide for the mandatory reporting of possible cases of child abuse; to provide for the acquisition of parental responsibility by unmarried fathers and step-parents; and for incidental and connected purposes.

**The Chairman:** The question is that the Title do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

### **Cape Town Convention Bill, 2009**

**The Deputy Clerk:**

- Clause 1 Short title.
- Clause 2 Definitions.
- Clause 3 Application and scope.

Clause 4 Determination of where debtor or seller is situated.

Clause 5 Identification of an aircraft object.

Clause 6 Formal requirements for constitution of an international interest.

**The Chairman:** The question is that clauses 1 through 6 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 through 6 passed.**

**The Deputy Clerk:** [Part II] Remedies for Default.

Clause 7 Meaning of default.

Clause 8 Remedies of chargee.

Clause 9 Vesting of aircraft object in satisfaction; redemption.

Clause 10 Remedies of conditional seller or lessor

Clause 11 Additional remedies of creditor.

Clause 12 Additional remedies under applicable law.

Clause 13 Debtor provisions.

Clause 14 Relief pending final determination.

Clause 15 Procedural requirements for non-judicial remedies.

Clause 16 Derogation.

**The Chairman:** The question is that clauses 7 through 16 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 7 through 16 passed.**

**The Deputy Clerk:** [Part III] Registration in the International Registry.

Clause 17 Effect of registration.

Clause 18 Registrable rights or interests.

Clause 19 Validity and time of registration.

Clause 20 Capacity to effect registration.

Clause 21 Duration of registration.

Clause 22 Searches.

Clause 23 Evidentiary value of International Registry certificate.

Clause 24 Discharge of registration.

**The Chairman:** The question is that clauses 17 through 24 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 17 through 24 passed.**

**The Deputy Clerk:** Part IV—The Supervisory Authority and the Registrar.

Clause 25 Legal personality and immunity.

Clause 26 Standard and extent of liability to the Registrar.

**The Chairman:** The question is that clauses 25 and 26 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 25 and 26 passed.**

**The Deputy Clerk:** Part V—Effects of international interest as against third parties.

Clause 27 Priority of competing interests.

Clause 28 Insolvency.

Clause 29 Priority non-consensual right or interest.

**The Speaker:** The question is that clauses 27 through 29 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 17 through 29 passed.**

**The Deputy Clerk:** Part VI—Assignments of associated rights and international interests; rights of subrogation.

Clause 30 Effects of assignment.

Clause 31 Formal requirements of assignment.

Clause 32 Debtor's duty to assignee.

Clause 33 Default remedies in respect of assignment by way of security.

Clause 34 Priority of competing assignments.

Clause 35 Assignee's priority with respect to associated rights.

Clause 36 Effects of assignor's insolvency.

Clause 37 Subrogation.

**The Chairman:** The question is that clauses 30 through 37 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 30 through 37 passed.**

**The Deputy Clerk:** Part VII—Jurisdiction.

Clause 38 Choice of forum.

Clause 39 Jurisdiction under section 14.

Clause 40 Jurisdiction to make Orders against the Registrar.

Clause 41 Waivers of sovereign immunity.

Clause 42 Jurisdiction in respect of insolvency proceedings.

**The Chairman:** The question is that clauses 38 through 42 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 38 through 42 passed.**

**The Deputy Clerk:** Part VIII—General and transitional provisions.

Clause 43 Transitional provisions.

Clause 44 Regulations.

**The Chairman:** The question is that clauses 43 and 44 do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 43 and 44 passed.**

**The Deputy Clerk:** A Bill for a Law to give effect to the Convention and Protocol on International Interests in Aircraft and other Mobile Equipment signed at Cape Town on 16 November, 2001; and for incidental and connected purposes.

**The Chairman:** The question is that the Title do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

**Residential Tenancies Bill, 2009**

**The Deputy Clerk:** The Residential Tenancies Bill, 2009.

Clause 1 Short title.

**The Chairman:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Chair, under the provisions of Standing Order 52(1) and (2) I move the following amend-

ments to section 1 of The Residential Tenancies Bill, 2009.

Firstly, that the Bill be amended by deleting the marginal note to clause 1 and substituting the following: "Short title and commencement"; and by re-numbering clause 1 as clause 1(1); and by inserting after clause 1(1) the following sub-clause- "(2) This Law shall come into force on such date as may be appointed by order made by the Governor in Cabinet and different dates may be appointed for different provisions of this Law and in relation to different cases."

**The Chairman:** The amendments have been duly moved and are open for debate. Does any Member wish to speak?

If no Member wishes to speak, the question is that the amendments do form part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendments to clause 1 passed.**

**The Chairman:** The question is that the clause, as amended, forms part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 1, as amended, passed.**

**The Deputy Clerk:**

Clause 2	Interpretation.
Clause 3	Binding of the Crown.
Clause 4	Law to apply generally to all residential tenancies.
Clause 5	Exclusion of this Law in certain cases.
Clause 6	Parties to excluded tenancies may agree that Law shall apply.
Clause 7	Onus of proof.
Clause 8	Law generally to apply despite contrary provisions.

**The Chairman:** The question is that clauses 2 through 8 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 2 through 8 passed.**

**The Deputy Clerk:** Clause 9 Appointment of Residential Tenancies Commissioner, etc.

**The Chairman:** The question is that clause 9 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 9 passed.**

**The Deputy Clerk:** Clause 10 Mediation by the Commissioner.

**The Chairman:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Chair, under Standing Order 52(1) and (2) I move the following amendment to clause 10 of the Bill: That the Bill be amended by deleting sub-clause (9) of clause 10, and substituting the following: "The court shall only consider a dispute if the plaintiff shows that he had first sought mediation and either the dispute could not be resolved by mediation or the respondent refused to participate in the mediation process."

**The Chairman:** The amendment has been duly moved and is open for debate. Does any Member wish to speak?

If no Member wishes to speak, the question is that the amendment form part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 10 passed.**

**The Chairman:** The question is that the clause, as amended, form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 10, as amended, passed.**

**The Deputy Clerk:**

Clause 11	Agreed settlements.
Clause 12	Failure to reach settlement during mediation.
Clause 13	Obligations under tenancy agreements not suspended.

**The Chairman:** The question is that clauses 11 through 13 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**



**The Chairman:** The Ayes have it.

**Agreed: Clauses 11 through 13 passed.**

**The Deputy Clerk:** Clause 14 Tenancy agreement to be in writing.

**The Chairman:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Chair, under the same Standing Order I move that the Bill be amended as follows in clause 14: That clause 14(3) be amended by deleting the word "written."

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto?

If no Member wishes to speak, the question is that the clause be amended. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 14 passed.**

**The Chairman:** The question is that the clause, as amended, form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 14, as amended, passed.**

**The Deputy Clerk:**

- Clause 15 Contents of tenancy agreement.
- Clause 16 Inspection sheets.
- Clause 17 Variations and renewals of tenancy agreements.
- Clause 18 Change of name or address.
- Clause 19 Duration of tenancy.

**The Chairman:** The question is that clauses 15 through 19 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 15 through 19 passed.**

**The Deputy Clerk:**

- Clause 20 Security deposit.
- Clause 21 Security deposits to be held in trust.

- Clause 22 Investment of security deposits.
- Clause 23 Interest on security deposits.
- Clause 24 Security deposits not attachable, etc.
- Clause 25 Return of security deposit.
- Clause 26 Rent increases.
- Clause 27 Receipts for rent.
- Clause 28 Landlord to keep records.
- Clause 29 Apportionment of rent.
- Clause 30 Accelerated rent or damages prohibited.
- Clause 31 Tenant's goods not to be seized.

**The Chairman:** The question is that clauses 20 through 31 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 20 through 31 passed.**

**The Deputy Clerk:**

- Clause 32 Legal impediments to occupation.
- Clause 33 Vacant possession.
- Clause 34 Quiet enjoyment of the tenant.
- Clause 35 Outgoings.
- Clause 36 Tenant's responsibilities.
- Clause 37 Tenant's responsibility for actions of others.
- Clause 38 Tenant's fixtures.
- Clause 39 Assignment and subletting by tenant.
- Clause 40 Landlord's responsibilities.
- Clause 41 Landlord's right of entry.
- Clause 42 Landlord to give notice to tenant of intention to sell.
- Clause 43 Disposition of landlord's interest.
- Clause 44 Mitigation of damage or loss.

**The Chairman:** The question is that clauses 32 through 44 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 32 through 44 passed.**

**The Deputy Clerk:**

- Clause 45 Scope of this Part.
- Clause 46 Provisions to the contrary to be void.
- Clause 47 Termination under the provisions of the tenancy agreement.
- Clause 48 Surrender of tenancy.
- Clause 49 Notice of termination to be in writing.
- Clause 50 Termination by notice.
- Clause 51 Forfeiture of fixed term tenancy agreement.
- Clause 52 Notice before forfeiture.
- Clause 53 Relief against forfeiture.

Clause 54 Notice of termination by tenant on ground of breach of the tenancy agreement.

**The Chairman:** The question is that clauses 45 through 54 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 45 through 54 passed.**

**The Deputy Clerk:**

Clause 55 Compensation when premises not vacated.  
 Clause 56 Recovery of possession of residential premises prohibited except by order.  
 Clause 57 Terms of order for possession.  
 Clause 58 Warrant to evict.  
 Clause 59 Proceedings after tenant vacates.

**The Chairman:** The question is that clauses 55 through 59 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 55 through 59 passed.**

**The Deputy Clerk:**

Clause 60 Registration of tenancy agreements.  
 Clause 61 Landlord's consent to dealing with tenancy.  
 Clause 62 Lease of charged land.  
 Clause 63 Future tenancies.  
 Clause 64 Voluntary registration of tenancy agreement.

**The Chairman:** The question is that clauses 60 through 64 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 60 through 64 passed.**

**The Deputy Clerk:**

Clause 65 Destruction of premises and abatement of rent.  
 Clause 66 Abandonment of premises.  
 Clause 67 Abandoned chattel.  
 Clause 68 Violence for securing entry.  
 Clause 69 Unlawful acts.  
 Clause 70 Regulations.

Clause 71 Rules.

Clause 72 Contract to avoid law.

**The Chairman:** The question is that clauses 65 through 72 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 65 through 72 passed.**

**The Deputy Clerk:** Clause 73 Court may exempt agreement or premises from provisions of Law.

**The Chairman:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Chair, under the relevant Standing Order, which is 52(1) and (2), I move that clause 73(3) be amended by deleting the word "Commissioner" and substituting the word "court".

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto?

If no Member wishes to speak, the question is that the amendment stand part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 73 passed.**

**The Chairman:** The question is that the clause, as amended, form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 73, as amended, passed.**

**The Deputy Clerk:** Clause 74 Transitional arrangements.

**The Chairman:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Chair, under Standing Order 52(1) and (2), I move that clause 74(2) be amended by deleting the words "tenancy agreement" and substituting the words "an agreement which establishes a tenancy".

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto?

If no Member wishes to speak, the question is that the amendment stand part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 74 passed.**

**The Chairman:** The question is that the clause, as amended, form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 74, as amended, passed.**

**The Deputy Clerk:** Clause 75 Repeals.

**The Chairman:** The question is that clause 75 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 75 passed.**

**The Deputy Clerk:** Schedule: Forms of notices; Service of notices.

**The Chairman:** The question is that the Schedule forms part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: The Schedule passed.**

**The Deputy Clerk:** A Bill for a Law to reform the law relating to Residential Tenancies; to define the rights and obligations of landlords and tenants of residential premises; to provide for a Commissioner to mediate disputes arising between landlords and tenants; to repeal The Landlord and Tenants Law (1998 Revision); and for incidental and connected purposes.

**The Chairman:** The question is that the Title do form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: The title passed.**

### **Education Modernisation Bill, 2009**

**The Deputy Clerk:** The Education Modernisation Bill, 2009.

Clause 1	Short title and commencement.
Clause 2	Interpretation.
Clause 3	Duties of Minister responsible for education.
Clause 4	Duties of Chief Officer.
Clause 5	Director of Education Services.
Clause 6	Establishment and duties of Education Advisory Council.

**The Chairman:** The question is that clauses 1 through 6 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 through 6 passed.**

**The Deputy Clerk:**

Clause 7	Registration of non-Governmental educational institutions.
Clause 8	Register of non-Governmental educational institutions.
Clause 9.	Register of Governmental educational institutions.
Clause 10	Compulsory school age.

**The Chairman:** The question is that clauses 7 through 10 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 7 through 10 passed.**

**The Deputy Clerk:** Clause 11 Duty to secure attendance at school

**The Chairman:** I recognise the honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Madam Chairman, in accordance with the provisions of Standing Order 52(1) and (2), I give notice to move the following amendments to the Education Modernisation Bill, 2009: In clause 11, by inserting after subclause (3) a new subclause (4): "(4) The Chief Officer shall take all reasonable steps to ensure that the permission referred to in subsection (3)(d) is granted expeditiously."

**The Chairman:** The amendment has been duly moved, does any Member wish to speak?

First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Just on a matter of clarification, I do not particularly wish to speak on this amendment, I do not have any problems. I do have when you go back to clauses prior to 11.

**The Chairman:** You have a question on the clauses prior to 11 that I have already put the question on?

There is nothing I can do about that now.

**Ms. Juliana Y. O'Connor-Connolly:** Well, Madam Chairman . . . never mind. I can find another clause that I can deal with.

**The Chairman:** You see, in committee stage, my interpretation has always been that we deal with the amendments, because when one debates the second reading is when they go through the Bill and make their comments and so forth. But anyway, we will leave it to the committee.

**Ms. Juliana Y. O'Connor-Connolly:** That is correct, Madam Chairman, but I did indicate to those concerned that I was not able to get a flight on Monday, and because there was a suspension on Monday evening for the business to be completed, when I did get a flight on Wednesday the winding-up procedure had started, so I did not have an opportunity to speak on it, and I tried other avenues. The only avenue that was left was to deal with it in committee.

I must apologise. I just recently sent a note in the hope that there would have been some of the concerns taken on board. That is not to be the case, so it then put me at this last minute to go back and look at those concerns having thought that maybe it would have been taken on board. So I did not hear when you put that.

That is just to explain.

If the committee feels that they want to go ahead with it, obviously I do not have the numbers to stop it. But I believe it would be a grave mistake as it relates to the two issues I discussed with the Ministry.

**Hon. Alden M. McLaughlin, Jr.:** Madam Chairman, the draft of this Bill has been out for four-plus months. There has been more than ample opportunity for anyone to comment on it. Notice was given that the Bill would be debated on Monday. The Bill was debated on Monday.

The Member has explained why she was not here. We have to take her at her word in that regard. And I am sorry that she was not here to debate it.

I am deeply sorry that the Opposition generally, with the exception of the Second Elected Member for West Bay, chose not to really participate in any debate on this very important Bill. That has troubled me greatly.

But, Madam Chairman, the Member would not even vote for the Bill.

Notwithstanding all of that, I listened at length to her concerns. I discussed them with my technical team. We are satisfied that the clause to which she refers is satisfactory. Essentially, that is the end of the matter.

She did not choose to speak to it even in committee stage at clause 10 just now when the opportunity availed itself. The question has been put and the question has been voted on.

I really do not know what more we can be expected to do at this very, very late stage. I really do not know.

**The Chairman:** First Elected Member for Cayman Brac and Little Cayman, you have other questions as we go along? Because the question has been put and carried on those previous sections.

**Ms. Juliana Y. O'Connor-Connolly:** That's fine Madam Chair. I still hold to the belief that section 10 is unconstitutional, so that will work itself out. But I have a concern, a question on clause 15, which we have not yet reached, and I can incorporate my previous concern which has been passed. I thank you for your indulgence.

**The Chairman:** Where am I now? Did I put the question on the amendment?

**Hon. Alden M. McLaughlin, Jr.:** You put it, but it was not voted on.

**The Chairman:** All right.

If no Member wishes to speak, the question is that the amendment form part of the clause. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Amendment to clause 11 passed.**

**The Chairman:** The question is that the clause, as amended, form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 11, as amended, passed.**

**The Deputy Clerk:**

Clause 12 Exemption from duty to secure school attendance.

Clause 13 Age of admission into reception classes.

Clause 14 Ancillary charges and reimbursements.  
 Clause 15 Power to prescribe national curriculum.  
 Clause 16 Education Standards and Assessment.

**The Chairman:** The question is that clauses 12 through 16 form part of the Bill. Those in favour please say Aye.

**Ayes.**

**The Chairman:** First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you.

By way of clarification I wish to ascertain from the Honourable Minister . . . as one reads clause 15 which says: "**The Minister shall establish a national curriculum, which shall be mandatory for the Government schools, and which shall comprise the core and other foundation subjects and specify in relation to each of the subjects . . .**" Is this meant to substitute the provision in the previous Education Law (1999 Revision) section 27, which read: "**Non-denominational religious worship and instruction shall be given in every government school.**" I have not been able to find an equivalent to a statutory right for our schools to have religious education taught in them.

**The Chairman:** Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Madam Chair, the structure of this particular Bill is such that for the first time there will be established by Law a national curriculum. The national curriculum, which is already prepared—in fact, it is already operational as of September last year—has in it as part of the subject content religious instruction as part of the core subjects which must be taught in government schools.

So, the concern expressed by the First Elected Member for Cayman Brac and Little Cayman is addressed that way. The subjects are not dealt with specifically in the Law; they are dealt with in the national curriculum. The national curriculum is mandated under this provision, section 15 in the Law.

So I believe the concern is addressed that way.

**The Chairman:** First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you.

Can the Minister explain what guarantee this parliament or this country has that the protection given under the old section 27 will be equally protected? Or has this protection been diminished to the mere discretion of whoever is drafting or directing the national curriculum.

**The Chairman:** Honourable Minister.

**Hon. Alden M. McLaughlin, Jr.:** I think the concern which the Member has, or not the concern, the belief that the Member seems to have that there was any mandatory requirement in the old Law that religious instruction in the Christian faith (which is what I think she is getting at) was required under the old Law is misplaced.

All the old Law required was that there was religious instruction in all government schools. It could have been instruction in relation to the Moslem faith or any other faith. So, I believe that those who drafted the legislation and most people who have read it, because of the Cayman context in which this was drafted (which is that the dominant religion is the Christian one) might have been misled all these years to think that there was a requirement that we teach the Christian faith in government schools. That has never been the case, although that has been the practice.

That practice continues. As I said, the structure of this particular Law . . . the Law does not deal with the specific subjects that must be taught. That is a matter for the national curriculum. The national curriculum has already been established. Part of what the national curriculum requires at the moment is religious instruction in all government schools.

So, I do not share the concern that the lady Member for Cayman Brac and Little Cayman appears to have, that we must write specifically into this Law that there should be religious instruction. That would go counter to the way the Law has been set up and the structure. That would be the only subject which was dealt with in the legislation.

Madam Chair, we have talked about this at some length overnight, and we are satisfied (as I believe is everybody else who has had a look at this) that the issue is appropriately dealt with in the national curriculum which is already established and is operational.

**Ms. Juliana Y. O'Connor-Connolly:** Madam Chair, I know I am perhaps encroaching on your patience, but I think this is a very, very important matter—certainly to me, and I would hope to more than myself. Seeing that we have said far and near for many, many years that we have been established upon the seas, and with the removal of section 27 from the old Law, although the Minister has attempted to explain that there is a way that it could be put into the curriculum has, in my respectful opinion, absolutely diluted our tradition and our culture.

My opinion is in no way misplaced. When I read it, it does say "non-denominational religious worship". And yes, traditionally, that has been Christian worship. But I am not advocating that we put that in because I understand the Human Rights move and whatever else that has been going on in that regard. But, Madam Chair, this removal is not just a removal

against me or any particular one; but I am here to say without any fear of contradiction that this removal here today, although it is being made to seem as minor and trivial, is a slap in the face of Almighty God himself.

People who do not believe in Him and those who come from other cultures who feel that God and the Christian heritage are not important to Cayman need to find a jurisdiction where they can do their little playing with.

And, Madam Chair, I will finish with this here: I believe that if at all possible we need to think today not about party, not about legislators, but [about how] our forefathers and previous legislators saw a need to set apart . . . just as this provision has set apart a separate section, part 15, dealing with Cayman Brac and Little Cayman, the current Government saw a need for the uniqueness of Cayman Brac and Little Cayman where the standard provisions here may not in all circumstances apply. I do believe that was the justification why the previous drafters set aside religious education. They had the vision and foresight to see that this black, sad day would come upon our Cayman Islands where a move would be made—and quite deceitfully, I respectfully say, without being insulting in any way to any of my colleagues here, or to the technocrats—to not include it.

Obviously, I am only one person, and my vote cannot change it; but I would certainly like to go on record before man and before God that I do not think that the high statutory level—especially with the Human Rights innuendos that have been going on here in Cayman—should be taken out without the public fully understanding that it is taken out from a higher statutory level to one where it is completely discretionary in the curriculum.

I thank you so very much for your indulgence and for the indulgence of my colleagues.

**The Chairman:** Honourable Minister.

**Hon. Alden M. McLaughlin, Jr.:** Madam Chairman, I have to say that I object to being called deceitful, particularly in this House.

What the lady Member has said is disingenuous. Truly disingenuous. She has proceeded on the premise that something has been taken out. Madam Chair, I said before that the national curriculum has been established. The national curriculum provides that it is mandatory for religious education to be taught. That national curriculum is operational. It has been operational since September 2008.

The draft of this Bill has been in circulation for four months. The lady Member demonstrated, at least to me, no interest whatsoever in its content. She never even bothered to come to debate it or to vote on it. And at this moment, because we are on the eve of election, she stands up on her pulpit and preaches her pious sermon to this House and to me inferring that somehow those of us on this side—in particular me—have less regard for Almighty God than she does.

Madam Chairman, I take this job very seriously. I wish that others in this House spent as much time thinking about these things as I do because then we would not be here discussing this at this late stage.

Madam Chairman, we are satisfied that adequate provision and protection is provided for in the framework of the overall legislation and the national curriculum to ensure that it is mandatory that religious education be taught in government schools. And I am satisfied to defend that anywhere.

**The Chairman:** The question is that clauses 12 through 16 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes and one audible No** (Ms. O'Connor-Connolly)

**Ms. Juliana Y. O'Connor-Connolly:** Madam Chair, is it possible for divisions in committee?

**The Chairman:** Madam Clerk.

Honourable lady Member, are you asking for a division on the entire 12 through 16?

**Ms. Juliana Y. O'Connor-Connolly:** If that is the only way we can do it; if not, on clause 15.

**The Chairman:** Then I will put the question differently so that we can get the division, if I may.

The question is that clauses 12 through 14 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes and one audible No** (Ms. O'Connor-Connolly)

**The Chairman:** The Ayes have it.

**Agreed: Clauses 12 through 14 passed.**

**The Chairman:** The question is that clause 15 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes and one audible No** (Ms. O'Connor-Connolly)

**The Chairman:** Is this where you want your division?

**Ms. Juliana Y. O'Connor-Connolly:** Yes ma'am.

**The Chairman:** Madam Clerk.

#### **Division No. 14/08-09**

*(On clause 15)*

#### **Ayes: 8**

Hon. D. Kurt Tibbetts  
Hon. Alden M. McLaughlin  
Hon. Anthony S. Eden  
Hon. V. Arden McLean  
Hon. Cheryl Richards

#### **Noes: 1**

Ms. Juliana O'Connor-Connolly

Hon. G. Kenneth Jefferson  
Mr. W. Alfonso Wright  
Mr. Osbourne V. Bodden

**The Chairman:** The result of the division is 8 Ayes and 1 No—

**Hon. Alden M. McLaughlin, Jr.:** Madam Chairman, I just want to note that what has been voted on is the provision of section 15, which established a national curriculum. So, what the lady Member has voted against is this provision which establishes a national curriculum.

**The Chairman:** Yes sir. She has voted against clause 15 forming part of the Bill.  
The Ayes have it.

**Ms. Juliana Y. O'Connor-Connolly:** Madam Chair, I made it absolutely clear because I was not convinced that it did not include a strong provision as 27 dealing with religious studies, and nothing else.

**The Chairman:** Clause 15 stands part of the Bill.

**Agreed: Clause 15 passed by majority.**

**The Chairman:** The question is that clause 16 stand part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 16 passed.**

**The Deputy Clerk:**

- Clause 17 Establishment of Council on Professional Standards in Education.
- Clause 18 Restriction on the employment of teachers.
- Clause 19 Registration of teachers.
- Clause 20 Power to make grants to assisted schools.
- Clause 21 Duties in respect of career and technical education.
- Clause 22 Tertiary institutions.

**The Chairman:** The question is that clauses 17 through 22 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 17 through 22 passed.**

**The Deputy Clerk:**

- Clause 23 Promotion and regulation of early childhood institutions.
- Clause 24 Corporal punishment and restraint in early childhood institutions.
- Clause 25 Regulations for early childhood education.
- Clause 26 Corporal punishment and restraint
- Clause 27 Student discipline.
- Clause 28 Disciplinary authority of teachers.

**The Chairman:** The question is that clauses 23 through 28 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 23 through 28 passed.**

**The Deputy Clerk:**

- Clause 29 Meaning of "responsible authority."
- Clause 30 Meaning of additional educational needs.
- Clause 31 Additional Educational Needs Code of Practice.
- Clause 32 Duties in respect of assessment of additional educational needs.
- Clause 33 Statements on additional educational needs.
- Clause 34 Duties in respect of additional educational needs.
- Clause 35 Evaluation of additional educational needs in schools.
- Clause 36 Additional educational needs of persons not of compulsory school age.

**The Chairman:** The question is that clauses 29 through 36 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 29 through 36 passed.**

**Deputy Clerk:**

- Clause 37 Use of premises, equipment, etc: Government schools.
- Clause 38 Use of premises, equipment, etc: assisted and independent schools.
- Clause 39 Duties in relation to Cayman Brac and Little Cayman.
- Clause 40 Nuisance and—

**The Chairman:** That's where we have an amendment.

**The Deputy Clerk:** Clause 40. Nuisance and disturbance on school premises

**The Chairman:** The question is that clauses 37 through 40 form part of the Bill.

**The Deputy Clerk:** No, no.

**The Chairman:** You have an amendment Mr. Minister on 40?

**Hon. Alden M. McLaughlin, Jr.:** On 40A, Ma'am.

**The Deputy Clerk:** That's a new Clause.

**The Chairman:** Okay, well, the question is that clauses 37 through 39 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 37 through 39 passed.**

*[inaudible discussion at table]*

**The Deputy Clerk:**

Clause 40 Nuisance and disturbance on school premises.

Clause 41 Regulations.

Clause 42 Repeal.

**Hon. Alden M. McLaughlin, Jr.:** Madam Chairman, there is a 40A.

**The Chairman:** It is a new clause, Mr. Minister, so it will come as soon as I do the question on these three. Then the new clause follows.

**Hon. Alden M. McLaughlin, Jr.:** That's fine.

**The Chairman:** The question is that clauses 40 through 42 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 40 through 42 passed.**

**The Deputy Clerk:** New clause 40A—Child abuse reporting policy.

**The Chairman:** Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Madam Chair, I move the following amendment to the Education Modernisation Bill, 2009: A new clause 40A, "40A (1) Every school or early childhood institution shall have a

written Child Abuse Reporting Policy which shall comply with the Children Law.

"(2) It is deemed to be a condition of a grant of Government funding to an assisted school or early childhood institution that there shall be for that school or institution a Child Abuse Reporting Policy.

"(3) The Child Abuse Reporting Policy for a school or early childhood institution shall apply in relation to anything that happens-

"(a) at the school or institution; and

"(b) while a student or child is engaged in activities away from the premises of the school or institution, arranged as activities of that school or institution; and each school or institution may decide that it shall apply at other times and in other places when the school or institution considers it appropriate for the protection of students and children.

"(4) In the preparation and revision of a Child Abuse Reporting Policy for a school or early childhood institution—"

**The Chairman:** Mr. Minister, I need to interrupt you, sir.

Neither the Clerk at the Table, or me or you saw that there was an amendment to clause 41.

**Hon. Alden M. McLaughlin, Jr.:** I saw that, Ma'am, but I presumed that 41 came after 40A.

**The Chairman:** But I put the question on 41.

*[inaudible]*

**The Chairman:** He was trying to tell me that 40 had an amendment, Mr. Leader.

Yes, which comes after everything, but it is 41.

Anyway, we have to recommit section 41.

### Recommittal of Clause 41

**The Deputy Clerk:** Clause 41 Regulation.

**The Chairman:** Mr. Minister.

**Hon. Alden M. McLaughlin, Jr.:** Madam Chairman, I beg to move the following amendment to the Education Modernisation Bill, 2009, by amending clause 41, by adding at the end of the clause the following words: "including transitional matters relating to the Education Council and Education Board established under the Education Law (1999 Revision) and any other matters relating to the operation of that Law."

**The Chairman:** The amendment is duly moved.

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



If no Member wishes to speak, the question is that the amendment stands part of the clause. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 41 passed.**

**The Chairman:** The question is that clause 41, as amended, stand part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 41, as amended, passed.**

**The Deputy Clerk:** Clause 40A Child abuse reporting policy.

**The Chairman:** Honourable Minister for Education, could we restart the 40A procedure to move the amendment, please?  
I apologise.

**Hon. Alden M. McLaughlin, Jr.:** It's okay, Madam Chairman. I was equally confused!

I move the following amendment to the Education Modernisation Bill, 2009: A new clause— "Child abuse reporting policy."

"40A (1) Every school or early childhood institution shall have a written Child Abuse Reporting Policy which shall comply with the Children Law.

"(2) It is deemed to be a condition of a grant of Government funding to an assisted school or early childhood institution that there shall be for that school or institution a Child Abuse Reporting Policy.

"(3) The Child Abuse Reporting Policy for a school or early childhood institution shall apply in relation to anything that happens-

"(a) at the school or institution; and

"(b) while a student or child is engaged in activities away from the premises of the school or institution, arranged as activities of that school or institution; and each school or institution may decide that it shall apply at other times and in other places when the school or institution considers it appropriate for the protection of students and children.

"(4) In the preparation and revision of a Child Abuse Reporting Policy for a school or early childhood institution regard shall be had to guidance which may from time to time be given by the Minister on matters relating to the reporting of child abuse."

**The Deputy Clerk:** [Clause 40A] Child abuse reporting policy.

**The Chairman:** The clause was taken to have been read a first time.

The question is that the clause be read a second time. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause [40A] to be read a second time.**

**The Chairman:** The amendment is open for debate. Does any Member wish to speak? [pause]

If no Member wishes to speak, the question is that the clause be added to the Bill as clause 40A. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: That the Clause be added to the Bill as Clause No. 40A.**

**Hon. Alden M. McLaughlin, Jr.:** Madam Chair, before we get . . . are we at the end of the Bill?

**The Chairman:** Just the Title is left.

**Hon. Alden M. McLaughlin, Jr.:** Madam Chair, I crave your indulgence in relation to the controversial [clause] 15, which led to the exchange between the First Elected Member for Cayman Brac and Little Cayman and me.

I have had a quick confer with my colleagues here. We have looked at subclause (3) in the Bill. We would like to recommit [clause] 15 and propose that we add to there the simple word "religion" which I think—I hope—would satisfy the concern of the lady Member for Cayman Brac and Little Cayman and will not do violence to the structure which has been established by this provision.

So, we would like to recommit [clause] 15.

**The Chairman:** The question is that clause 15 be re-committed. Those in favour please say Aye.

**Ayes.**

**The Chairman:** Those against, No.

**Ms. Juliana Y. O'Connor-Connolly:** Madam Chair, can I just make one quick comment please?

I wish to thank the Government for that reconsideration. That was all I was seeking to achieve. There was no hidden agenda. It was just a genuine

concern, and I am eternally grateful for that reconsideration.

**The Chairman:** Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

I am very happy that this was ended on a happy note.

Madam Clerk.

**Agreed: Clause 15 to be recommitted.**

#### Clause 15 Recommitted

**The Deputy Clerk:** Clause 15 recommitted.

Clause 15 Power to prescribe national curriculum.

**The Chairman:** Let's see if we can get it right now, Mr. Minister, because I am totally confused also.

I think you have to move the amendment to it.

**Hon. Alden M. McLaughlin, Jr.:** Yes, Madam Chair.

I move the following amendment to—

**The Chairman:** I have waived the two-day notice for the benefit of the Committee.

**Hon. Alden M. McLaughlin, Jr.:** I move the following amendment to the Education Modernisation Bill, 2009: By amending clause 15(3) so as to add the word "religion" after "to" and before the word "the" in the second line.

So that subclause (3) will read "The core and other foundation subjects shall include studies relating to religion, the history and culture of the Islands and shall otherwise be as prescribed by regulations made under subsection (5)."

**The Chairman:** The amendment has been duly moved. Does any other Member wish to speak? [pause]

If no Member wishes to speak, the question is that the amendment form part of the clause. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment passed.**

**The Chairman:** The question is that clause 15, as amended, form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 15, as amended, passed.**

**The Deputy Clerk:** A Bill for a Law to make provision with respect to Education in primary and secondary schools, in career and technical institutions, in tertiary institutions, in early childhood institutions and for life-long learning; to promote high standards in education and the teaching profession; and to make provision for related matters.

**The Chairman:** The question is that the Title do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

#### Health Services Authority (Amendment) Bill, 2009

**The Deputy Clerk:**

Clause 1 Short title.

Clause 2 Amendment of section 2 of the Health Services Authority Law (2005 Revision) – definitions.

Clause 3 Insertion of section 6A – establishment of the Cayman Islands Health Foundation and the Cayman Islands Health Foundation Committee.

**The Chairman:** The question is that clauses 1 through 3 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 through 3 passed.**

**The Deputy Clerk:** Clause 4 Amendment of section 8 – constitution of Board of Authority.

**The Chairman:** I recognise the Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Chair.

I move that the Bill be amended in clause 4, in the new section 8(5) proposed for insertion in the principal Law, by deleting paragraph (a) and substituting the following paragraph: "(a) a public officer as defined in the Constitution; or".

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak?

If no Member wishes to speak, the question is that the amendment form part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 4 passed.**

**The Chairman:** The question is that the clause, as amended, form part of the Bill. All those in favour, please say Aye. Those against, No.

**Aye.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 4, as amended, passed.**

**The Deputy Clerk:**

Clause 5 Amendment of section 9 – meetings of Board.

Clause 6 Amendment of section 12- immunity.

Clause 7 Amendment of section 13- indemnity.

Clause 8 Amendment of section 17- fees.

Clause 9 Amendment of section 24- audit of accounts.

Clause 10 Amendment of section 25- powers of director of Internal Audit Department.

Clause 11 Amendment of section 35- rules.

Clause 12 Insertion of Seventh Schedule- the Cayman Islands Health Foundation and the Cayman Islands Health Foundation Committee.

Clause 13 Savings and transitional provisions.

**The Chairman:** The question is that clauses 5 through 13 form part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 5 through 13 passed.**

**The Deputy Clerk:** A Bill for a Law to amend the Health Services Authority Law (2005 Revision) to change the composition of the Board of Directors of the Cayman Islands Health Services Authority; to establish a fundraising agency for the Authority; and for incidental and connected purposes.

**The Chairman:** The question is that the Title form part of the Bill. All those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

**The Chairman:** The question is that the Bills be reported to the House. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

The Bills will accordingly be reported to the House.

**Agreed: Bills to be reported to the House.**

**The Chairman:** The House will resume.

**House resumed at 12.34 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

## **REPORTS ON BILLS**

### **Children (Amendment) Bill, 2009**

**The Deputy Clerk:** The Children (Amendment) Bill, 2009.

**The Speaker:** I recognise the Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I beg to report that a Bill for a law, shortly entitled The Children (Amendment) Bill, 2009, was considered by a committee the whole House and passed with amendments.

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

### **Cape Town Convention Bill, 2009**

**The Deputy Clerk:** The Cape Town Convention Bill, 2009.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** thank you, Madam Speaker.

Madam Speaker, I have to report that a Bill shortly entitled The Cape Town Convention Bill, 2009, was considered by a committee of the whole House and passed without amendment.

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

**Residential Tenancies Bill, 2009**

**The Deputy Clerk:** The Residential Tenancies Bill, 2009.

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, I have to report that a Bill shortly entitled The Residential Tenancies Bill, 2009, was considered by a committee of the whole House and passed with amendments.

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

**Education Modernisation Bill, 2009**

**The Deputy Clerk:** The Education Modernisation Bill, 2009.

**The Speaker:** I recognise the Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I beg to report that a Bill shortly entitled The Education Modernisation Bill, 2009, was considered by a committee of the whole House and passed with amendments.

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

**Health Services Authority (Amendment) Bill, 2009**

**The Deputy Clerk:** The Health Services Authority (Amendment) Bill, 2009.

**The Speaker:** I recognise the Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you.

Madam Speaker, I beg to report that a Bill shortly entitled The Health Services Authority (Amendment) Bill, 2009, was considered by a committee of the whole House and passed with an amendment.

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

**THIRD READINGS****Children (Amendment) Bill, 2009**

**The Deputy Clerk:** The Children (Amendment) Bill, 2009.

**The Speaker:** I recognise the Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker,

I beg to move that a Bill shortly entitled The Children (Amendment) Bill, 2009, be given a third reading and passed.

**The Speaker:** The question is that The Children (Amendment) Bill, 2009, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The children (Amendment) Bill, 2009, has been read a third time and is passed.

**Agreed: The Children (Amendment) Bill, 2009, given a third reading and passed.**

**Cape Town Convention Bill, 2009**

**The Deputy Clerk:** The Cape Town Convention Bill, 2009.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill shortly entitled The Cape Town Convention Bill, 2009, be given a third reading and passed.

**The Speaker:** The question is that The Cape Town Convention Bill, 2009, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Cape Town Convention Bill, 2009, has been read a third time and is passed.

**Agreed: The Cape Town convention Bill, 2009, given a third reading and passed.**

**Residential Tenancies Bill, 2009**

**The Deputy Clerk:** The Residential Tenancies Bill, 2009.

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

Madam Speaker, I beg to move that a Bill shortly entitled The Residential Tenancies Bill, 2009, be given a third reading and passed.

**The Speaker:** The question is that The Residential Tenancies Bill, 2009, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Residential Tenancies Bill, 2009, has been read a third time and is passed.

**Agreed: The Residential Tenancies Bill, 2009, given a third reading and passed.**

#### **Education Modernisation Bill, 2009**

**The Deputy Clerk:** The Education Modernisation Bill, 2009.

**The Speaker:** I recognise the Honourable Minister responsible for Education.

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I beg to move that a Bill shortly entitled The Education Modernisation Bill, 2009, be given a third reading and passed.

**The Speaker:** The question is that The Education Modernisation Bill, 2009, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Education Modernisation Bill, 2009, has been read a third time and is passed.

**Agreed: The Education Modernisation Bill, 2009, given a third reading and passed.**

#### **Health Services Authority (Amendment) Bill, 2009**

**The Deputy Clerk:** The Health Services Authority (Amendment) Bill, 2009.

**The Speaker:** I recognise the Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker. I beg to move that a Bill shortly entitled The Health Services Authority (Amendment) Bill, 2009, be given a third reading and passed.

**The Speaker:** The question is that The Health Services Authority (Amendment) Bill, 2009, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Health Services Authority (Amendment) Bill, 2009, has been read a third time and is passed.

**Agreed: The Health Services Authority (Amendment) Bill, 2009, given a third reading and passed.**

**The Speaker:** That concludes the orders of the day. I will entertain a motion for the adjournment of this honourable House.

Honourable Leader of Government Business.

### **ADJOURNMENT**

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

Madam Speaker, we have completed the business on the Order Paper, but, with your indulgence, I just want all Members to know that there are five new very short bills that have been brought down to be put on business papers which we will be dealing with tomorrow. So I ask all Members to go through those bills so that we will be ready. They are not long bills and we would like to get through them as early as we can tomorrow and then we go into finance committee.

Madam Speaker, I move the adjournment of this honourable House until 10 am tomorrow.

**The Speaker:** The question is that this honourable House do now adjourn until 10 am tomorrow. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**At 12.44 pm the House stood adjourned until 10 am Friday, 20 March 2009.**

**OFFICIAL HANSARD REPORT**  
**FRIDAY**  
**20 MARCH 2009**  
**11.25 AM**  
*Eleventh Sitting*

**The Speaker:** I will ask the Second Elected Member for Cayman Brac and Little Cayman to say Prayers.

**PRAYERS**

**Mr. Moses I. Kirkconnell:** Let us pray.

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

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

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

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

**The Speaker:** Please be seated.

**Proceedings Resumed at 11.27 am**

**The Speaker:** Proceedings are resumed.

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

**Apologies**

**The Speaker:** I have no messages or announcements, but I would like to apologise to the press for

the late start. It was matter that we had no control over. I humbly apologise to Members and to members of the press.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**1<sup>st</sup> Supplementary Annual Plan and Estimates for  
the Government of the Cayman Islands for the financial  
year ending 30 June 2009**

**The Speaker:** I recognise the Honourable Third Official Member responsible for the Portfolio of Finance and Economics.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, let me also apologise for the late start of the House. The reason for the late start is [because] the document that I am about to lay on the Table is quite a big document—it is 200 pages—and having to bind 40 copies of that document took quite some time. So, the delay was actually caused by the Portfolio of Finance binding quite an extensive document.

Madam Speaker, I beg to lay on the Table of this honourable House the 1<sup>st</sup> Supplementary Annual Plan and Estimates for the Government of the Cayman Islands for the financial year ending 30 June 2009

**The Speaker:** So ordered.

Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker, just a brief contribution.

In accordance with Standing Order 67(1), the 1<sup>st</sup> Supplementary Annual Plan and Estimates that were just laid stand referred to Finance Committee. As the estimates will be considered in Finance Committee at the conclusion of today's business in the House, I do not need to say any more at this point in time except, with your permission, to move a motion in connection thereto.

**Motion to Approve Supplementary Appropriations  
Standing Order 67(2)**

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Section 10 of the Supplementary Annual Plan and Estimates just tabled contains the proposals for

supplementary appropriations in respect of the 2008/9 financial year. I beg to move, pursuant to Standing Order 67(2), that Finance Committee approve the supplementary appropriation proposals set out in section 10 of the 1<sup>st</sup> Supplementary Annual Plan and Estimates for the Government of the Cayman Islands for the financial year ending 30 June 2009, just tabled.

Thank you, Madam Speaker.

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

**Hon. W. McKeeva Bush:** Madam Speaker, having been here a long time I can understand the Government is experiencing severe management problems at this time. It is as plain as the nose on your face the kind of situation we have to deal with.

I do not know when we will be given time to go through this document that is Finance Committee papers—at least 200 pages long. We have been a reasonable Opposition. I certainly would crave time to go through this document. I say “I”, meaning the Opposition.

**The Speaker:** The Motion shall stand referred to the Standing Finance Committee.

**Hon. W. McKeeva Bush:** Madam Speaker, I only rose . . . and I beg your indulgence. But I only rose to solicit a reply on this matter. This is of extreme importance. The Opposition is only seeing this . . . I guess even the Speaker just saw it. It is of extreme importance that as the Opposition we get to examine this document.

**The Speaker:** Honourable Third Official Member, or Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, the Leader of the Opposition will be quite aware from his own experiences—

**Hon. W. McKeeva Bush:** It was never this bad, though!

**Hon. D. Kurt Tibbetts:** —that this is not something that has happened for the first time.

Madam Speaker, the House will be dissolved midnight on Monday. The technical people in the Portfolio of Finance have been working very hard, like all of us, to prepare these documents. They could not have been prepared before. We have the Bill—

**The Speaker:** Could I have quiet please, between the Government and the Opposition so I can listen to what the Leader is saying?

**Hon. D. Kurt Tibbetts:** —before the House, and we will be completing the Bills today. We will be dealing with Finance Committee right after that to ensure that

we are not caught by the Monday deadline without completing the business of the House.

It is not something that we have set out to do; this is just the way the cards have played themselves and everyone will simply have to do the best they can with the time we have.

**Hon. W. McKeeva Bush:** Madam—

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

**Hon. W. McKeeva Bush:** I crave your indulgence so that we can have this discussion because we have not, really. This should have been taken care of in Business Committee. But even with that the Government has been lax.

Madam Speaker, we, as the Opposition . . . at this point I must demand that we be given some time to go through these 200 pages of expenditure.

*[inaudible]*

**The Speaker:** Honourable Leader of the Opposition, I think the Leader of Government Business has said the Government's position, so we will move on to the next item.

**Hon. W. McKeeva Bush:** You do not think, Madam Speaker, since I am begging, there should be some sort of reconsideration of what he said?

**The Speaker:** I think he made the Government's position very clear.

**Hon. W. McKeeva Bush:** I think, Madam Speaker, he is hearing me. Reconsider his position. We need time!

**The Speaker:** Madam Clerk.

### STATEMENTS BY HONOURABLE MINISTERS/MEMBERS OF THE CABINET

**The Speaker:** I have received notice of a statement by the Honourable Minister—

**Hon. W. McKeeva Bush:** Madam Speaker.

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

**Hon. W. McKeeva Bush:** I do believe before you enter the next item that there should have been a vote on that matter.

**The Speaker:** On what matter?

**Hon. W. McKeeva Bush:** Was there not a motion moved?

**The Speaker:** The motion stands referred to the Finance Committee. There is no debate in this House under Standing Orders.

**Hon. W. McKeeva Bush:** Okay, Madam Speaker, I was just trying to make some sense for the Government.

**The Speaker:** I know.

I have received notice of a statement by the Honourable Minister responsible for Tourism.

### **CoeWood Public Beach**

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

I would like to provide an update on the redevelopment of CoeWood Public Beach. The plans for the new CoeWood Public Beach have been influenced by sustainable design and focus on the scale appropriate community based tourism concepts outlined in the Go East Policy document.

When I launched the Go East initiative, I explained the aims were to stimulate sustainable development in the eastern districts of Bodden Town, East End and North Side. The broad objectives were to:

- Distribute the economic benefits of tourism across a wider geographical and socio-economic sector at a scale and in a form appropriate to local residents.
- Embrace cultural and heritage tourism and put the spotlight on relevant attractions and activities.
- Improve the country's carrying capacity for tourism, including the better management of cruise tourism.
- Receive input from area residents on the various development and operational models which could be adopted.
- Identify ways to increase the level of Caymanian ownership of and participation in the tourism industry and then to work with these partners to enhance their delivery of a truly Caymanian experience.
- Increase the levels of local employment in the tourism industry, and by extension social improvements such as enhanced pride in the Cayman Islands history and heritage.

Madam Speaker, Go East endeavours to target five specific areas of tourism for development in these districts. These are: nature based tourism, health and wellness tourism, adventure tourism, agri-tourism, and community based tourism to complement other core areas such as diving, romance and families. These all serve to attract a discerning, socially responsible, higher-spending visitor and to strengthen the ties between visitors and their host communities.

The plans for the CoeWood Public Beach are based upon consultation that began from the early planning phases of the Go East policy and culminated

in a public meeting on 6 October 2008 to specifically discuss the plans for the site.

Broad-based community support was received for the project. On this basis plans were subsequently finalised and Planning approvals were recently obtained. The coastal works application was approved this week for the dock and launching ramp component of the facilities and the tendering processes have commenced for this project.

Steadfastly, and in consultation with residents, plans are proceeding to realise this enhanced public beach for the residents of Bodden Town, and for the guests we wish to welcome to our district, whether visiting for a few short hours or those who overnight with us.

Over the past four years, investments in and enhancements to the tourism product in Bodden Town have significantly increased the international recognition with international recognition having been received for the turtle nesting and with new projects being established in the district, including the National Trust Mission House, the Nurse Josie Senior Home, the Harwell McCoy Senior Community Park, and the Retreat at Lookout Gardens, a bed and breakfast.

Other new and exciting projects are underway such as a new bed and breakfast and new attractions including the White House in Pease Bay, which will specifically target cruise passengers.

Clearly, the current condition of CoeWood Public Beach is in conflict with and does not complement the blossoming tourism products in the district. The new CoeWood Public Beach will help to anchor the Go East initiative in Bodden Town by increasing the attractiveness of tourists into the eastern districts by providing enhanced facilities for residents and visitors to enjoy our beaches, by providing boat launching facilities for fishermen, and by offering entrepreneurial opportunities for residents of the districts to conduct light tourism businesses, such as food or craft sales in the dedicated kiosks on the site.

Other key features of the project include an enhanced car park capable of accommodating several tour buses as well as boat trailers, fully renovated bathrooms with access for the disabled, facilities for families, showers and a children's playground area to provide first-class family oriented facilities in the Bodden Town community.

In order to maintain best practice in environmentally responsible construction, careful attention has been given to sustainable design using LEED's (Leadership in Energy and Environmental Design) certified architects and recycling materials wherever possible from the existing structures on the property.

Madam Speaker, native plants are an essential part of the landscaping plans. Also included in the plans are kiosks influenced by historical Caymanian architecture from which artisans and food vendors from the local community can sell their products. Signage that highlights the significance of Bodden Town as the country's first capital and the gateway to



the eastern districts will also add to the cultural authenticity of the project. Enhanced beach facilities, including a roped-off swimming area and cabanas will also be established on the site.

As mentioned, Madam Speaker, there will be a small but significant coastal works component as part of the proposed redevelopment of the CoeWood Public Beach. A dock and launching ramp will be constructed as part of these plans. The lack of these facilities has been an issue for generations of local fishermen in the Bodden Town community. The launching ramp facilities have been designed to accommodate fishing boats up to approximately 21 feet in length.

To date, Planning approval has been secured for the land side portions of the project. The plans are now being reviewed by the Planning Department's Building Control Unit. Invitations to tender from qualified general contractors are now being advertised. This process is being conducted via the Central Tenders Committee. Furthermore, as I indicated earlier, Cabinet has also approved the coastal works portion of the project.

This project has the strong support of the people of Bodden Town. The Bodden Town community has openly expressed their frustration with the illegal activities that frequently occur at the CoeWood Public Beach which deter law abiding citizens and their families from enjoying these facilities.

As evidenced by the strong support at the public meeting held in October 2008, the CoeWood Public Beach means a great deal to the Bodden Town community. Many years ago it was the concerned citizens of the Bodden Town community who rallied support for and participated in building some of the same facilities that remain on the original site of CoeWood Public Beach today.

By moving forward with this enhanced project, and by acquiring the additional property we will once again turn the CoeWood Public Beach back into a hub of activity in the community and make it an attraction which the entire community is proud of and able to fully utilise.

Therefore, Madam Speaker, let me take this opportunity to make it clear that Government fully plans to back this investment with the necessary security to ensure that no illegal activities will take place at these enhanced facilities so that the good people of the district of Bodden Town and throughout these Islands can enjoy some wholesome activities with their families at the new CoeWood Public Beach facilities.

Finally, Madam Speaker, we expect that within the next few weeks construction contracts for the project will be awarded and a groundbreaking ceremony will take place at the site tomorrow at the commencement of the project. A public invitation to the event will go out as soon as we have a confirmed date and time.

Thank you, Madam Speaker.

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

**Hon. W. McKeeva Bush:** Madam Speaker, under the Orders, I would like to ask a question or two.

**The Speaker:** Go ahead.

### Short Questions Standing Order 30(2)

**Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

The Minister seems to be aware that there is unlawful activity taking place at the public beach. Can he specify what will be done to ensure that these go away?

He mentioned some coastal works component. Will that mean just a launching ramp will be built on it and a dock? Or is there some further component?

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

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

First, in relation to the security issues, we have had—I've said this publicly before—dialogue with the police in Bodden Town on this issue and there are ad hoc checks at this location to attempt to deter some of the illegal activities that go on there at night. We will continue to encourage the police to better monitor that situation.

However, we are saying that when we close this site in the near future to begin the redevelopment, when it is reopened as a completed facility it is going to re-open under new rules and regulations and with a security system in place. There will be some level of investment required to ensure proper security at this site, but it is a bit premature at this time, Madam Speaker, to talk in any detail about the type of security that might be installed there.

In relation to the question on the coastal works component, there are actually three different components to the coastal works. One is a launching ramp, as I mentioned in the statement. That is designed to accommodate boats up to approximately 21 feet in length. There will also be a small dock adjacent to the launching ramp. The third component is a designated swimming area which will be roped off on the west side of the beach. We want to separate the swimming area from the launching ramp and dock area.

I hope I have answered the questions, Madam Speaker.

**The Speaker:** Madam Clerk.

## GOVERNMENT BUSINESS

### BILLS

**Suspension of Standing Order 46(4)**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you.

I move the suspension of Standing Order 46(4) to enable the Bills upon the Order Paper to be read a second time.

**The Speaker:** The question is Standing Order 46(4) be suspended to enable the Bills upon the Order Paper to be read a second time. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Standing Order 46(4) suspended to enable the Bills upon the Order Paper to be read a second time.**

## SECOND READINGS

### Public Management and Finance (Amendment) Bill, 2009

**The Deputy Clerk:** The Public Management and Finance (Amendment) Bill, 2009. Second Reading.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

I beg to move the Second Reading of a Bill that is shortly entitled The Public Management and Finance (Amendment) Bill, 2009.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Madam Speaker and honourable Members, at present, by virtue of sections 57 and 64 of the Public Management and Finance Law, the Director of Internal Audit and the Auditor General respectively *could* access the medical records of a patient at a healthcare facility during the conduct of an audit. I placed emphasis on the word "could" because I am not aware of any patient's medical records being requested and accessed during an audit. Nonetheless, that possibility exists.

The purpose of this simple Bill is to effect the need for the Director of Internal Audit and the Auditor General to obtain the written permission of the Chief Executive Officer of the Health Services Authority to access a patient's medical record which may be required during an audit.

It is very important that I make it clear that access to financial records remains completely unencumbered during the course of an audit.

This Bill is a companion to the Health Services Authority (Amendment) Law, 2009, passed yesterday by this House. Therefore, Madam Speaker, I would respectfully ask all honourable Members to support this simple Bill. Thank you.

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

If no other Member wishes to speak, does the Third Official Member wish to exercise his right of reply?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker, only to say thanks to all honourable Members for their tacit support of the Bill. Thank you.

**The Speaker:** The question is that a Bill shortly entitled The Public Management and Finance (Amendment) Bill, 2009, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Public Management and Finance (Amendment) Bill 2009 given a second reading.**

### Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009

**The Deputy Clerk:** The Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Madam Speaker, I Beg to Move the Second Reading of a Bill shortly entitled, The Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the honourable mover wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Madam Speaker, the Bill that is now before this Honourable House seeks to amend the Customs Tariff Law (2002 Revision) to temporarily reduce the duties payable in respect of various goods. These various goods can be classified under the general heading of Building Materials.

The objective of the measures contained in the Bill is to provide a stimulus to the local economy and is to be considered in conjunction with certain reductions in stamp duty which I will speak to in my

presentation of the Stamp Duty (Amendment) (Temporary Provisions) Bill, 2009, which is on the Order Paper today as well.

Madam Speaker, the amendments contained in the Bill reduce the current import duty rates as follows:

Description of Item	Import Duty Current Rate	Import Duty Proposed Reduced Rate
Cement	20%	15%
Lumber	15%	10%
Veneers, plywood, compound or constituted wood	20%	15%
Iron and steel bars, rods, angles, shapes, sections and other iron/steel basic products	20%	15%
Structures/parts of structures of iron, steel or aluminium	20%	15%

Madam Speaker, these are temporary measures, and the Bill, if passed into Law, will come into force on 1 April 2009, and will cease to have effect on 1 January 2010.

Once again, the sole purpose of this Bill is to stimulate the local economy by lowering the rate of import duty on the various types of building materials that I have just mentioned.

Madam Speaker, I therefore commend the Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009 to this honourable House for passage. Thank you.

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

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, last year we asked Government to not only redraw their capital budget, but to redraw their plans for the way forward in this country, for we saw what was on the horizon. Well, I think they are famous for their sharp quip: that *Not on the kindest of mornings would [they] consider our request*, because it was an insult to the Financial Secretary (who just sat down) and his staff.

We made it plain that there was no insult meant. But obviously, something needed to be done—and the Government has acknowledged that at long last, albeit at the twelfth hour before they go to the polls.

Also, Madam Speaker, back in 2006 I stood here and said they were going to damage the economy if they put the 10 per cent back on, which we had taken off after the hurricane. It was too early and the country needed that period.

What has happened is that every year since the advent of this Government the economy has gone down. Every year! That means that people are worse off than they had been. This is a fair move from what we can see because you can believe, Madam

Speaker, that people are in trouble. And the worst is yet to come. But it shows that the Government should have taken note, should have listened to what the Opposition put forward back then.

We will support this only to say it's a little bit too late.

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

If no other Member wishes to speak . . .

The Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Madam Speaker, I presume after having sat on the Opposition Bench for the last four years, that the Government is going to make an attempt to convince the public that this Bill and the Bill to follow, which deals with stamp duty, is their way of trying to stimulate the economy, and that this is their way to try and help people.

Madam Speaker, I remember the PPM's first budget in 2005. I voted against that. I could see this sort of mismanagement coming. The Government brought a tax package, I think to the tune of some \$28 million. The justification at the time was that they were going to embark upon the most ambitious capital development programme that the country had ever seen, therefore, the monies would be needed. I clearly remember articulating the position at the time that, if and when the country needed to be taxed, we look at the situation and then we could say whether we agreed or disagreed. Many of the projects have not come to fruition to date.

After those initial missteps and blunders we again, in December 2007, tried to convince the Government all was not well. I am not going to stand here and try to make anyone believe that during the debate on the Strategic Policy Statement upon which the 2009 year end budget was based that our non-agreement was based on us having any crystal ball because we don't have it. It does not exist! However—

**The Speaker:** Honourable Second Elected Member, could you get back to the matter before the House and not previous debate?

**Mr. Rolston M. Anglin:** Madam Speaker . . .

**The Speaker:** The Customs [Bill].

**Mr. Rolston M. Anglin:** The Customs (Amendment) [Bill] which reduces duty rates . . . I am forced to inform the House why we are in this position and why this, in my humble opinion . . . because the Honourable Third Official Member who introduced this to the House has introduced it as an economic stimulus package. The fact that he said it is an economic stimulus package tells me that I need to debate the confines in which the economy currently exists and,

therefore, to paint a picture as to why I don't think this is going to be effective.

So, Madam Speaker, how we got here is of crucial importance, and I am also going to tie how we got here to why I don't believe this is going to work or indeed help poor people.

**The Speaker:** Honourable Second Elected Member for West Bay, I just want you to stay within Standing Order 48 which says: “. . . **there may be a debate on the general merits and principles of the Bill**”. All right? That is the Standing Order I am asking you to stay within.

**Hon. W. McKeever Bush:** Merits.

**Mr. Rolston M. Anglin:** All right, Madam Speaker.

**The Speaker:** And I'm not going to sit here and allow any Member to argue with me. I'm just reading the Standing Order based on what is in here.

**Hon. W. McKeever Bush:** He is not holding any argument with you.

**The Speaker:** You hush.

**Hon. W. McKeever Bush:** Madam Speaker, you know, really, we are not holding any argument with you and you should not make people believe that we are, because—

**The Speaker:** Honourable Leader of the Opposition, please, let us not continue with the argument. Let the Second Elected Member continue his debate please. Thank you.

**Hon. W. McKeever Bush:** We have a right, Madam Speaker—

**The Speaker:** I understand that.

**Hon. W. McKeever Bush:** —under the Orders to give the merits, and that is what the Member is doing.

**The Speaker:** Would you please sit down and allow the Second Elected Member to continue?

**Hon. W. McKeever Bush:** Throw me out if you want!

**The Speaker:** I'm not going to throw you out. That's what you want me to do, but I'm not going to do it.

Second Elected Member for the district of West Bay.

**Mr. Rolston M. Anglin:** Madam Speaker, the economy and the people are in really, really bad shape.

So, Madam Speaker, all informed commentators that were worth listening to were telling the world that what was to come in terms of the economic fall-

out, particularly in the United States of America, was going to be grave. They argued for about three months as to whether or not they were in recession in the United States of America.

In fact, history has always shown that if you simply look at the stock market you will oftentimes be misguided because markets tend to not react very quickly to certain changes and erosions in the fundamentals within an economy. So, Madam Speaker, there were those who simply looked at the Dow Jones Industrial Average and saw it going up to record highs and thought all was well and that the wave would continue forever.

In February of 2008, the Honourable Leader of the Opposition and I moved a motion asking the Government to take a cold look again at where the country was. And not only at the budget, or some of the discreet items that we have in here (which we will argue whether or not it is enough money), [but] we wanted a wholesale look at where we were. Re-evaluate the projects and programmes; try to ensure that the priorities aligned with where the country needed to go, could afford to go, and re-evaluate precisely where the economy was and try to ensure how we matched up Government's position and policies. Once you look at things like duty rates, the continuation of a duty rate is a continuation of a specific policy.

Madam Speaker, the truth is that the Motion did not pass. But one would have thought that to ensure that we were not some 14 months later coming to the House to say that we are going to reduce rates on specific items—mainly construction materials and stamp duty from the 1 April 2009—that the Government would have accepted the Motion. The truth is that even if they had accepted the Motion and done nothing, at least that would have been a tacit and real indication that the Government recognised all was not well and they were willing to do something about it.

Madam Speaker, thus far, in the presentation of this important Bill at this critical time, we have not heard one iota from the Government about who was consulted on this. What sectors of the economy did they speak to? Who informed this decision that it was going to be reduced from 20 [per cent] to 15 [per cent]? What private sector participants gave them information which suggests that this would actually do what it is disguised to do (which is to supposedly stimulate the economy)?

Madam Speaker, I know that after I sit down we are going to hear some of the usual uninformed rhetoric. We will hear things such as, *Well, if you reduce duties that means that people have to consume more*. Well, has the Government ensured that people are having more access to capital to build? Are they ensuring that people's plans are getting through Planning so that they can actually do something in this country and not be held up, not have projects frustrated—in some instances, for months? Not have people unable to move into their house because 10 windows were three inches smaller than they should be?

Have they ensured that the people who were intended to benefit are going to receive this benefit? How many people in this country are going to import cement? How many consumers are going to import cement? Because, absolutely, Madam Speaker, this has—

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** I hear mumblings about it is going to be sold.

Madam Speaker, you know what? I really hope and pray that the Members who are mumbling are really listening and recognising that their vote in February 2008 showed that they fundamentally did not get the point of economic performance and indicators!

**Hon. W. McKeever Bush:** Yes!

**Mr. Rolston M. Anglin:** And I say that with the greatest of respect. The greatest of respect! So, I don't why they are mumbling now and saying it is going to be sold. Sold to whom?

If people do not have access to capital to build, Third Elected Member for Bodden Town and Fourth Elected Member for George Town, how are they going to build? How are they going to build? How do we know they are going to purchase? How is it going to get passed on? What mechanism is there to pass on the 5 per cent reduction?

Again, who has been talked to? What systems have been put in place to ensure that after this is done, firstly, the duty concessions are going to be passed on because that is of crucial importance? Because if it is not going to get passed on all that is going to happen is that we are shifting the monies from the coffers of government to the merchants. That is all that would be happening. Consumers are not going to benefit.

Madam Speaker, I observed very carefully the body language in the House: After you asked the first time, the Honourable Leader of the Opposition rose. After you asked the second time, it was almost about to shut down, and I noted that the Third Elected Member for Bodden Town was about to rise.

Now, Madam Speaker, this needs explanation. We need to understand as the Legislative Assembly who has been consulted so that we arrive at the point where we say that codes numbers 25.11, 44.01, 44.11, 72.01, 73.01 are indeed the items that we need to be reducing at this point in time to ensure that we are going to have economic stimulus and the lives of people made better.

Madam Speaker, if we think about what is happening within the country, and about the fact that people are being laid off . . . We have companies that are closing or reducing staff. Some have left the jurisdiction. All of that creates less demand for construc-

tion. From what I can see, this is now domestic construction politics.

Madam Speaker, the gap between what we have been told so far and what we have been told is going to be the end result—which is economic stimulus—is so wide. How in the world should any of us as elected representative of the people even dare to prefer a vote without some form of explanation?

How do you get from simply reducing a number of tariff codes for these specific items—all of which are building materials—to saying, *Oh yes, this is going to stimulate the economy. This action is going to cause people to jump up and down in the streets and they are going to go and build. We have so many of our constituents who have so much money they are sitting on, that they are just waiting to spend it because Cayman is the land of milk and honey. All we have are a bunch of rich people hanging waiting to spend their money. Rich Caymanians waiting to spend their money and now the Government has come and reduced stamp duty so they are going to buy land and build.* So, that is going to stimulate the economy?

Madam Speaker, if the Government had come here and made a passionate plea to this House admitting that people are hurting and struggling to make ends meet . . . Social Services are turning people back saying they don't have money for rent assistance, they don't have money for food vouchers. That tells us that people are struggling and hurting. Any elected Member in here knows how much people are hurting because as elected Members we are a very good barometer.

We all know the numbers of people who are coming to our homes. People we never dreamt would come to us seeking assistance, finding themselves in trouble for basic necessities; people coming and saying, *I don't know where to go. I don't know where to turn to. I don't know what to do.*

**Hon. W. McKeever Bush:** Yep!

**Mr. Rolston M. Anglin:** Madam Speaker, on a daily basis we have new people coming to us, some of whom—this is the good one—do not even know where the Social Services Department in our district is! They have never been there. Never been there! Never been in this situation in their lives!

Madam Speaker, the Government can get up and say whatever they want behind me. I know that what I am saying is fact.

Madam Speaker, if the Government had come with discreet items that they thought were basic necessities of life and said, *Here are some items where we believe we need to pass some savings on to our people because in tough times we have sat down with the retailers and asked and they have given us an undertaking that they will work very closely with the Portfolio of Finance, and they will pass these savings on and ensure with their managers if they see that*

*certain items have gone up they will drop the portfolio a quick note . . . Come on, Madam Speaker, this is not the day of messenger pigeons. We can communicate. Communication is quite easy. Inform the Portfolio and say, Look, you may get some complaints, but X products have gone up in price. That is why that particular category is still at X price. This is not rocket science, Madam Speaker.*

If there was a genuine attempt to help the people of this country, the Government would not be coming with this at the twelfth hour talking about reducing duties on building materials.

Building materials?

*[inaudible interjection]*

**Mr. Rolston M. Anglin:** Madam Speaker, I cannot take this Bill to West Bay to the people who come to me for desperate help and say [to them], *Go eat some cement and lumber.*

Madam Speaker, I hear the cries about playing politics, but this Bill should have been entitled the PPM Re-election Political Ploy Bill! Talk about playing politics.

**Hon. W. McKeeva Bush:** Yes!

**Mr. Rolston M. Anglin:** Madam Speaker, you see, there are certain fundamental differences with us in this House. Some of us who are only glad to be here because we believe that that means the Honourable McKeeva Bush is not going to be Leader of Government Business. And there are some of us who are here because we have given up our lives for our country.

**Hon. W. McKeeva Bush:** Correct!

**Mr. Rolston M. Anglin:** Given up our lives for our country.

I am talking this way because the Government has failed miserably. And what makes me even more irate is when Members who should know better—should know better!—are then going to have all this chatter.

Madam Speaker, whoever is here on 1 January 2010 (which is when this is scheduled to expire) will look back. This Bill is going to have absolutely no affect. This is going to be an unequivocal failure. This is not going to stimulate the economy.

What is going to stimulate the economy is people who believe and who have the confidence that this country is going somewhere and is not a freight train heading down the track and going off the edge of a cliff. That is what is going to stimulate this economy.

I am here to say that I get around this country as much as these other Members do. I speak to as many people as they do. And I can say that the lack of confidence in the economy, the lack of confidence in the Planning Department and in the Planning proc-

esses, and how they just hold people up unnecessarily—so unfriendly, making people feel as if they are doing them a favour—that the fundamental problems which have plagued this country for years have not been dealt with.

But we have had some good times. If you look over the last decade or two we have had some good times, and it has masked a lot of the fundamental issues. There are people right now who tell me that until they have some confidence that processes are going to be improved and the prospects of this economy are greatly improved they are not going to do anything. I can think of two people right now. One, who would be looking to do a major office building, said that the plans are off. And the plans were off before the global financial crisis. That just sealed the deal for right now. They are now just waiting and seeing precisely how that will continue to play out.

Madam Speaker, I was hoping that the Government would say that they had sat down with people, not only within these industries but with people generally, especially developers who can make a big impact. If you have a developer who is going to build an office building or an apartment block, that has a really big impact in terms of employment, et cetera. Housing does as well, but as we know that is a single site much smaller in scale. Important, but smaller in scale in the scheme of things.

So, if the Government had come and presented this and said, *Here are the consultative meetings we have had, here is what we did, here is what we know. After hearing that this is the way we were thinking about going, people were encouraged and it seems as though they are going to move forward.*

Madam Speaker, there are people in this country whose appetite is so whet to hear something from the Government. There are people who have said that if they at least called some form of cross-sector meeting that they could get invited to and get some glimpse, view, or ray of hope, perhaps they would put some of their plans back on the drawing board.

Just this week I was speaking to a constituent. He is an honest man, so I can quote him. He has been battling some 24 months trying to get a project off the ground. Twenty-four months!

**An Hon. Member:** Whoa!

**Mr. Rolston M. Anglin:** Madam Speaker, he made it quite clear that he has reached the end of the line.

On the 20<sup>th</sup> day of March 2009—61 days from the general election—the Government comes to the Legislative Assembly and proposes that from 1 April 2009 until 1 January 2010 they are going to reduce by 5 per cent the rates on certain building materials.

Madam Speaker, I have not heard anything from the Government in terms of their ongoing projects. I hope this means that they have also negotiated with the contractors so they will see some reduc-

tion in the price of materials that have not been procured as yet for those contracts for the schools and government offices.

**Hon. W. McKeeva Bush:** Oh yes.

**Mr. Rolston M. Anglin:** If there is going to be a savings, some of those contractors are big enough and have the wherewithal to bring in materials and secure some of these savings, which should then be passed on to Government. I mean, that would be useful information for the House. Have those discussions been had? Have any commitments been given? In my opinion, this could have been a very neat exercise here today if the Government had actually done the work necessary to ensure and secure revitalisation of the economy.

Madam Speaker, this is why I brought the Motion up. Let us tie the Motion directly to this Bill. Had the Motion that we moved in February been taken on board, and had the Government at that time charged the Portfolio of Finance to go far, near, broad, deep and wide, run the gamut of this country, consult, find out, investigate what is happening with people, why projects are being held up, who is sitting on projects, who is not going to build, they could have also dealt with some of the other things, such as, people finding it difficult to stay in homes, et cetera.

Another novel idea would have been how we are going to secure capital to get more people into homes, and then come with a well established case to say, *Look, for the last 13 months here is what we found, here is what we believe can reasonably be expected to happen once we have passed this piece of legislation.*

Madam Speaker, the biggest fallacy and the most ignorant of positions is to simply assume that if you reduce a consumption tax it means people are going to spend more; if you reduce a consumption tax it automatically means that people are going to consume more. This Government cannot show any empirical evidence to show that. They can come and beg and plead in the House and hope that the public hears and will say, *Oh yes, that sounds kind of commonsensical that if you reduce the duties on these building materials people will automatically buy more of it.*

Madam Speaker, when you have an economic downturn, when people are struggling to make ends meet, when people are being laid off jobs, when there is a clear uncertainty in the air and people do not know what to do, these types of stimuli packages meet with very little success. In fact, any of them who will admit it would tell the House that 60 days before the election is a most uncertain time for most developers and businesses. In every country this is a global phenomenon. During an electoral process people will usually stand pat and wait for the results of the elections. They will then know who the government is and that gives an indicator of what people will do in terms of their queue.

It has been very clear to the participants in this economy and very clear to those outside the economy that, certainly, if the PPM are returned to office the economic prospects of this country are non-existent, which is basically saying they are dead.

**Hon. W. McKeeva Bush:** Dead!

**Mr. Rolston M. Anglin:** You see, Madam Speaker—

**An Hon. Member:** Prophet of doom!

**Mr. Rolston M. Anglin:** A prophet of doom—

**The Speaker:** Honourable Second Elected Member, please do not debate across the Floor. Debate the item before you.

**An Hon. Member:** They are on that side. Quiet them!

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker. I guess sometimes the only thing that will help is about 18 muzzles.

You can smile, Madam Speaker.

Madam Speaker, the one thing that I will not be muzzled on is what I do not fundamentally . . . when I really see something that I know in my heart of hearts is bad and it is not going to work.

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** Madam Speaker—

**Hon. W. McKeeva Bush:** You go back to sleep. You were all right until you woke up.

**Mr. Rolston M. Anglin:** Speaking of sleep, certainly the PPM seems to be trying to awaken from the slumber they have been in. We tried, we hollered, we moved a motion, we did what an Opposition ought to do—try. But, Madam Speaker, we were not successful.

Madam Speaker, let us go back to the point. Anyone on the Government bench who does not realise that this is the stand-pat time for people, that this is the time when developers are waiting to see what happens on May 20 . . . even having knowledge of this Bill is not going to help this country if the PPM Members are returned.

They can reduce this to zero, but if people do not have confidence, if people do not see that there is reasonable prospect to make money, a return on their investment, if developers of apartment buildings and office buildings see that (and we are going to deal with this in a couple of minutes) the financial services industry has been ignored as much as the Opposition has been ignored, and that they are continuing to shrink and their business prospects have been compromised because of legislation coming to this House two years after it has been requested, and they keep

hearing about businesses downsizing, why would they develop? Who are they going to rent to? Who are they going to sell the properties to?

Madam Speaker, we said to the Government from 2005 (and I remember using this phrase and almost running into trouble at the time), do not see the post-Ivan spending as bedrock economic activity. I remember calling it fool's gold. This Government and this country have skated for the last four years. The only reason this Cayman Islands economy was not in worse shape, and not in the shape it is currently in probably from about 24 months ago, was because of Ivan rebuilding.

That Ivan rebuilding created and sustained . . . There was no real new confidence in the economy. There was no real provable fundamental confidence in the prospects of the country. We have heard so many plans come and go. They said they were going east. There was a hotel that was going to be built in East End.

**Hon. W. McKeever Bush:** Go East has gone south!

**Mr. Rolston M. Anglin:** The Go East is gone!

And so, Madam Speaker, when we start to think clearly about all that has transpired over the last 48 months, whilst the Government has pulled a very cute political ploy, I would have advised them to throw in some stuff that ordinary people need to survive on a day to day basis. That might have helped them a little bit.

Madam Speaker, they do not care about what is going on in the country because we are only here, now, today, with a meeting of Finance Committee before us. We know that critical departments, like Children and Family Services, have been waiting for months to get additional money to help people who are really finding it difficult. The one thing that is hidden in this economy—and it is going to become more evident over the next 12 months . . .

Check the record of the Member who said “prophet of doom and gloom.”

Let us give another prediction. The other thing that is happening—and we have gotten massive complaints over the last four to six weeks in this vein—is that a lot of people's time on jobs is being cut. So, when the Department of Employment Relations went Island-wide and registered hundreds of people (in all fairness, some were looking for a new job, the vast majority were out of work), the one thing that has really not come completely to the surface yet is the number of Caymanians whose work hours have been cut. These are hourly wage earners.

If their time is cut, how is it that they are going to build on that room they might need to build? How is it that that single mother who needs to build on an additional room, because she and her three children are all cramped into a little one-bedroom place that she was lucky enough to get, going to do it if her time at her job has been cut?

Madam Speaker, the other thing we would have loved to have heard was for Government to say they also had a deep understanding of what is happening in the labour market and that they felt confident that this Bill would have some prospect of real economic benefit to the country.

Madam Speaker, they are going to get up behind me and say, *Shame on the Second Elected Member for West Bay, because he should know that if you reduce the price of something then people can buy more.*

Well, you know, that is a real amateur argument to make because the truth is that when it comes to building people do not decide, *Oh well, tomorrow the price is reduced, I can simply build another house or another set of apartments; I can simply erect an office building.* Madam Speaker, it does not work that way. Not in this sector.

**Hon. W. McKeever Bush:** Not on the kindest of mornings.

**Mr. Rolston M. Anglin:** Not even on the kindest of mornings, evenings, or noon times does it work that way!

Then, they are going to start talking about reducing stamp duty and how all of this is going to work—

**The Speaker:** We have not gotten to the Stamp Duty Bill as yet.

**Mr. Rolston M. Anglin:** Oh, I am sorry.

**The Speaker:** Can we stick with the Customs? Thank you darling.

**Mr. Rolston M. Anglin:** Oh, I am sorry, Madam Speaker.

I hope, though, that in the future what Government would do is . . . I think there is a provision for us to bring omnibus legislation when it is all related so we could debate it all at once.

**The Speaker:** When it happens.

**Mr. Rolston M. Anglin:** But that's another cue we will give. But come 21 May, those are the sensible things that will happen in this Legislative Assembly.

**Some Hon. Members:** Oh-oh!

**Mr. Rolston M. Anglin:** Madam Speaker—

**The Speaker:** Honourable Second Elected Member for the district of West Bay, is this a convenient time? because I would like to take the luncheon suspension at this time.

**Hon. W. McKeever Bush:** Going for lunch already?



**The Speaker:** Is it a convenient point for you?

Would you answer me on the microphone so that I can hear what you are saying?

**Mr. Rolston M. Anglin:** Yes, Madam Speaker.

**The Speaker:** Thank you.

Proceedings will be suspended until 2.00.

**Proceedings suspended at 12.40 pm**

**Proceedings resumed at 2.21 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

The Second Elected Member for West Bay continuing his debate.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

Before we took the luncheon break I had provided a brief historical perspective as to how we arrived at this position and what the Opposition has sought to do to assist the process over the last couple of years. We will continue to be as helpful as we can be. That is something that we take seriously.

Madam Speaker, obviously there are some actions that governments have tried over the years in regard to stimulating economic activity. One that has been commonly used has been the reduction in land transfer taxes, stamp duties. That has usually been met with a flurry of activity when that happens, particularly close to the date of expiration of such reductions.

As it relates to the temporary reduction of these various duties under the Customs (Tariff) Law to principally surround building materials, we believe that this is too little too late. We also believe that given all of the other economic conditions that prevail the probability is that this will not have the outcome that the Government is seeking. We must look at all things within the context in which matters arise and the circumstances in which we operate.

If you look at the global conditions and the impact that they have already started to have on our local economy, it is our view that there is very little prospect that these amendments—proposed one day before the House is set to be dissolved as a last gasp attempt—will be seen as doing something. In these sorts of times we need to have well thought-out and considered approaches.

In my humble submission, this is almost as desperate as the deadlines that I saw on the *CaymanNewsService* website a few days ago where the reporter was proffering that I, the Second Elected Member for West Bay, was being invited across the Floor. It all seems to be coming clearly into focus now as to the desperation of the Government to secure a majority on 20 May. They obviously feel very confident that they do not have the numbers to secure a majority so you see these sorts of plays in the press.

Then you see these sorts of measures hurriedly being brought to the House at the last minute. You see a plethora of legislation that relates to the financial services industry being brought at the last minute. Education Bill being brought at the last minute.

**Hon. W. McKeeva Bush:** Oh yes.

**Mr. Rolston M. Anglin:** Finance Committee, last minute. It seems like everything is last minute, last ditch attempts.

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** Madam Speaker, I heard the Minister say that I was saying nothing but—

**The Speaker:** Honourable Second Elected Member, would you continue your debate on the Bill and not across the Floor, please?

**Mr. Rolston M. Anglin:** Thank you for your sterling guidance, Madam Speaker.

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** I shall ignore them. I know that, too, is a strategy to distract.

Yes, desperation.

But, Madam Speaker, I thank you. You always treat me that way, so . . . thank you.

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** Madam Speaker, the Bill is a desperate, desperate, desperate attempt. I know that the Government is going to come behind me with all guns blazing. They will say all sorts of bombastic things, things like, *Well, what else could we do?*

They have the entire Civil Service at their disposal. They have the entire Portfolio of Finance at their disposal. Right down to trying to assist us to print simple documents a few months ago . . . they did not offer any assistance to the Opposition. I hope they will resist the normal temptation, which is, to get up and say, *Well, the Opposition does not agree with this, what do they propose?*

They very well know that in our democracy, which is still so immature, that we do not have a properly funded and organised Opposition as most other countries do. But, Madam Speaker, contrary to what the Minister of Education proffers—that I think like them—I thought this Government would have offered improvements in maturing democracy. But that too fell off the train somewhere in June 2005, if not before.

So, Madam Speaker, those are the sorts of very important things that the new administration after May 20<sup>th</sup> is going to need to turn its mind to. The uplifting of this country, the uplifting of institutions (impor-

tant institutions, democratic institutions) in this country has seen no improvement under the PPM. They still see it as winner-take-all and you do not seek to advance, heighten, and uplift democracy and how the country ought to be managed from an administrative standpoint as it relates to us as legislators. Their thinking is as bankrupt and backward as it has ever been in the country in that vein, Madam Speaker. So, I am not surprised that we also have this Bill.

They will also get up and say that with me being a qualified accountant, I should know that once they reduce these duties that there must be an increase in economic activity. Unless they are able to give us evidence to the contrary, everything that we have seen and heard indicates that people in large measure (people in general) are in a holding pattern. Many people have shelved and put projects on the backburner. We still do not know what happened to the cornerstone of the Go East Initiative, which was supposed to have been the hotel in East End, the Mandarin, which I understand is one of the top line hotels, very high end.

Madam Speaker, I certainly hope that when we hear from the Government they are going to give some assurance to the House that with the passage of this Bill (and they have the numbers so I presume it will pass) any savings derived by contractors who are engaged to complete the large capital projects, like the schools, and the government administration building, will indeed be passed on by those contractors to the Government.

I am still at a loss as to why the Government would have chosen to bring this and not, at a minimum, also bring some sort of reduction to duty as it relates to people's everyday living, that could really assist people who are desperately struggling in our communities. Our constituents are struggling. There is absolutely, positively no doubt about that.

Madam Speaker, the only measure I have seen that has done that, was the rebate on the fuel surcharge as it relates to CUC. But we know how that story went as well. I can recall either one or two of the Ministers chiding me at one of their press conferences saying for me to suggest that was amateur and obviously meant that I did not understand how the system worked. So it could not work. Yet, lo and behold, some weeks later that, too, was dressed up red and called a PPM initiative.

**Hon. W. McKeeva Bush:** Oh yes, they are good at that!

**Mr. Rolston M. Anglin:** Madam Speaker, this Bill provides no hope, little prospect for economic stimulation, and is a sure and certain sign of desperation and really, in my view, grasping at straws.

It will be interesting to hear precisely what the Government has to say. Thus far, the mover has told us what the Bill says in plain English, but not what the projections are. Certainly, we would hope that in addi-

tion to offering this Bill, underpinning it would be some form of projections based on data that Government has gathered from the consultations that they should have conducted to have some semblance of an idea as to what this stimuli would mean in real dollar terms.

We look forward to hearing the details and all of the proof. Thank you, Madam Speaker.

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

Honourable Minister for Tourism.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker. I rise to make my contribution to the Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009.

So far the Opposition has offered only confusion in their debate. It is certainly not clear what direction the Leader of the Opposition wished to go in when he got up to make his brief remarks. And the Second Elected Member for West Bay introduced much more confusion to the debate because he got up and he started to criticise the Bill before the House and talked at some length as to why it was going to fail, and about sometime in January 2010 we would all be suggesting or concluding that in fact this was one great failure.

Madam Speaker, I do not know what the Second Elected Member for West Bay had to eat for lunch, but he made a complete 360. Upon resuming the proceedings following lunch, he started off by talking about how this level of stimulus package had been offered by previous administrations whenever there were concerns with respect to the economy, and how it had created a flurry of activity, particularly towards the expiration of the incentive.

Then, Madam Speaker, he just concluded his debate by going in another circle and coming completely back to his original position, which was, that it was going to fail.

Madam Speaker, sometimes I think we give that Member more credit than he deserves with respect to what his understanding is of what makes an economy work. He ought to know, when he makes statements like, "how is the Government going to ensure that the incentives being put in place now are going to be passed on to the ultimate consumers", that market forces dictate what happens with respect to the prices.

And, Madam Speaker, we are certain because other governments faced with this situation that have put similar measures in place have understood that when this type of incentive package is put in the marketplace, the suppliers who are on Island understand that if it is not passed on to the consumers, if the consumers are not able to benefit from it, that it would simply frustrate the intention of the incentive and there would not be any additional volume for them to make business from. It is in the suppliers' interest to ensure that the benefit is passed on to the consum-

ers; otherwise it would be the suppliers who will in the end not benefit from it.

The Second Elected Member for West Bay also asked the question as to how our people are going to benefit from cement; and how is the resulting reduction in the cost of cement and other building materials going to benefit our people. Madam Speaker, I do not understand why that question would have been asked because the benefits to our people are obvious. If the cost of building materials goes down, it makes the cost of building cheaper and it gives an opportunity and makes it easier for Caymanians, particularly Caymanians who are perhaps building a home for the first time, to take advantage of those opportunities.

The Government has been criticised on a number of fronts in relation to this, and we have had all sorts of comments made with respect to the economy. In one instance the Opposition is taking the view that the challenges that the Cayman Islands economy currently face are unique to our country, and that somehow they have completely disregarded the global economic crisis, and they do not seem to link that to the situation in Cayman.

Of course, when it is convenient for them to do so, they are more than happy to do so. They make all sorts of comments about the Government's spending plan and the capital development plan and how we should not have embarked upon this robust capital development plan. Madam Speaker, this Government makes no apologies for the capital development plan and programme.

This country has suffered from a neglect of our infrastructure for at least 20 years. So, when we hear those types of comments coming from the Opposition, I hope that the people of this country are listening. I hope that the people of West Bay are listening. Madam Speaker, all of those projects—and we can examine them one by one if you wish. I will not go through all of them, but I will hit some of the highlights.

Let us start with the West Bay Bypass: What would have happened if this Government had not taken the bull by the horns and said we have to do this, and do it now? People simply spent too much time to get to work in the morning and back home after work. Look at the impact it had on the tourism industry. The Seven Mile Beach area is the tourism Mecca of the country. Look at the delays getting to and from the airport; of people going to their homes in West Bay, going to work in the morning. Look at the economic impact that level of congestion had.

We are criticised for it, but we make no apologies because we knew it was the right thing to do, and we did it because it was in the best interest of the country. And we did it even in the face of comments from developers of the Ritz Carlton that they were not expecting to have to invest in their portion of it because they had been told that they did not have to build that road for 10 years.

That was what we were facing, Madam Speaker. But we sat down and negotiated with them.

We worked it out and they paid for their portion of the road. The road was built, and now the people of West Bay and the tourism industry are reaping the benefits of that.

What would have happened in this country if we had not started the East/West Arterial? When you consider the amount of time the people of Bodden Town, East End and North Side had to spend in traffic every single morning of their lives before they could even reach their workplace. We dealt with that. And, yes, that is the first phase of the East/West Arterial. A second and third phase will come. It has to be phased, and we had to start it because the level of congestion on our roads was stifling our country and economy, and was going to bring this economy to its knees if we had not addressed it.

They criticise us for educational development programmes. I am saying all of this because they claim that we would not need to have this type of stimulus in place if only we had not spent money on anything and we have all this money available to use on various programmes and other projects and to help bridge the gap during these difficult times.

Madam Speaker, again, education is a subject that was neglected in this country for so many years. So many years! It was this Government that took the bull by the horns and addressed the educational needs of this country. We understand as a Government that education is the key to our future.

I take my hat off to our Minister of Education who has spearheaded that. He has our full support, and he knows that. The country is certainly aware that we have taken this very, very seriously. It was a campaign promise and a promise that we are delivering on.

Madam Speaker, we upgraded all of our health facilities in the districts. We built post offices. We built a post office in West Bay, or I should say we upgraded the post office in West Bay. These are all essential services, and services that the public demands. These projects cannot be done without funding.

Look at the level of investment we had to make in Hurricane Ivan recovery efforts. Look at the number of homes rebuilt in each of our districts. It had to be done. It could not be delayed. Can you imagine if that kind of investment had not been made? And we are doing the same thing now in Cayman Brac and Little Cayman in respect to Hurricane Paloma. The Government does not have the luxury of sitting back and saying, *Well, you know what? This global economic crisis is perhaps not going to turn around and we are not going to return to where we were before until 2012. So, we are just going to have to wait until then before we can do anything meaningful in terms of infrastructure and catering to the needs of the country.*

Madam Speaker, the Second Elected Member for West Bay made other comments with respect to this Bill and talked about the impact that it would have on developers and how developers were sitting back

waiting to see what was going to happen on 20 May, and that this Bill was really not going to make any difference. Perhaps he is right in relation to developers sitting back at this time and waiting until 20 May. Perhaps he is. And perhaps, Madam Speaker, they are waiting to see whether this country is going to return to that era where a developer would come into the country, have an interest in a development, and have to sit in a room with a politician who is asking for his 5 per cent, 10 per cent, or 15 per cent before he can get approval.

Madam Speaker, let me tell you, when this Government took office in May 2005, we had no end to the number of investment interests and developers who came to us and spoke to us about this issue and about how pleased they were to have this level of integrity sitting in public offices and that they were now comfortable in investing in this country again. So, they do not need to sit down and talk to us about 20 May and about developers waiting until then to decide on what they are going to do.

Perhaps they are, as I said, because they do not want to go back to that era of our past. And we are not going back there, Madam Speaker.

The Opposition, in their debate on this Bill, Madam Speaker—and I have to address this as well, because I do not understand what the objection is to a Bill of this nature, a Bill which is obviously going to assist the people of this country and give them the opportunity to build their houses and their businesses cheaper than they were able to before.

Is it one of timing? Because the Second Elected Member for West Bay mentioned that. But you see, Madam Speaker, again, perhaps he does not understand. This level of incentive is, in fact, all about timing. It is about timing because if you do it at the wrong time, the country will lose revenue. So the timing must be right. It must be right! And now is the time because we understand the challenges that are ahead. If we had introduced this prematurely, the country would have lost revenue, of course. It would not have had the level of impact it will have now.

Madam Speaker, the Second Elected Member for West Bay mentioned the Go East initiative and that the Government should have done more on that to stimulate more activity, et cetera. He mentioned what he termed the poster child, so to speak, the project that would essentially brand the Go East Initiative which he has identified as the Mandarin Oriental Development. All that says to me is that the Second Elected Member for West Bay simply does not understand the Go East Initiative. I do not know why that is the case, perhaps he has not read the policy document. Perhaps he was not even paying attention just this morning when I read that statement in the Legislative Assembly with respect to the update on the Coe-Wood Public Beach.

I took the time during that statement to again outline the key objectives of the Go East Initiative. And while the initiative is there to accommodate and

facilitate physical development, the focus of the Go East Initiative is about the development of our people. We have made that clear from the beginning. We said that there is talent in the eastern districts, whether they are fishermen, tour operators, artisans. There are crafts, and artisans, and talent in those eastern districts that were, up until this point, hidden. We needed an initiative that would give those individuals the opportunity to benefit from the tourism industry and get their share of the economic pie from the tourism industry.

Madam Speaker, we have made available the agencies that will assist with this. We have encouraged the people to go to the Investment Bureau if they have an idea with respect to tourism. And the Investment Bureau will help them develop a business plan. Once there is a feasible business plan, that triggers the next move, which is to the Cayman Islands Development Bank to secure the funding for that business. All along the way, the Department of Tourism is there to assist them with the advertising and marketing plans.

Madam Speaker, I explained all of this more than once. It is in the policy document. I went over a number of examples this morning—at least five physical projects, small businesses in the Bodden Town district that have developed since we launched this initiative. So they sit down there and start with their rhetoric about the Go East Initiative is going south.

You see, Madam Speaker, they do not like it because it is a positive initiative. They do not like it because it is an achievement of this Government. They do not like it because the people of the eastern districts are going to benefit from it. And they don't like it because the fact that the people will benefit from it is not in their interest at this time. But, Madam Speaker, it is an initiative that this Government is certainly very, very proud of and it is one that we are going to continue to follow through on and achieve a lot for the people of Bodden Town, East End and North Side.

In concluding my remarks on this Bill, I say again that it is not clear to me because the Opposition seems to be completely confused in debating this Bill so far. It is not clear to me how they are ultimately going to vote on this when we get to the vote. I heard the Second Elected Member for West Bay saying, *Well, you know, the Government is going to get it through anyway because the numbers are on their side.* What that says to me is that the Opposition intends to vote against this.

How can they, Madam Speaker, in good conscience, vote against a Bill like that? A bill that is going to give the people of this country the opportunity to build houses, businesses, and to make life easier, for them to build houses and businesses cheaper than they could before. How can a Member of this House in good conscience vote against this? They have to be accountable to the people.

If they want to vote against it, tell them to come and vote against it. But they are right on one

thing: the Government has the numbers on this side to pass it, and so it will.

I thank you, Madam Speaker.

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

Honourable Minister for Education.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, it is a pity that the Second Elected Member for West Bay, my good friend, has left the Chamber. But I am not at all surprised by his approach to this particular Bill because his political master is back in this House today and I know some reassuring was necessary on his part.

Madam Speaker, he is still a good man, and one that with the right influence and in the right company will still do wonderful things for this country.

Madam Speaker, this Bill, the Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009, is part of a package which this Government is bringing to this House at this time in an effort to stimulate development, construction activity in the country in these difficult times.

As some of my colleagues who spoke before me have pointed out, it is convenient for the Opposition to ignore the fact that the world is in the worst economic condition it has been in since the Great Depression of the 1930s. While in Cayman, thus far, the impact of it is nowhere near as serious as it is in most other places, there is no question that this country has felt and is feeling the adverse impact of that all around—from the impact on Government revenues to the loss of jobs, in some instances, on the part of some of our people.

Madam Speaker, the number of private sector development projects, construction that has been halted or not proceeded with is staggering. We have had as recently as last week, correspondence from one of the major construction companies who essentially pleaded with Government to press on with some of its capital projects which we have had to take the hard decision not to go ahead with. They tell us that many of their major projects, most of them, are coming to an end in the next few months. They are going to have to lay off construction workers, many of whom are Caymanian.

Unless the Opposition is living in a different Cayman than the Government is, every day we are met as representatives by people coming to us, particularly in the field of construction, saying they are having difficulty getting employment as construction workers. When people cannot work they have no income. They cannot pay their rent. They cannot pay their mortgage. They cannot spend money in the local economy. This is basic stuff.

Madam Speaker, we are not for one moment suggesting that this is some magic bullet that is going

to fix everything and create huge energy and excitement. In the present global condition, that is unlikely. But what we believe it will do, for those people who do have access to money, the combination of cheap money or access to money which they already have, plus reduced rates in terms of import duties on construction material, together with reduced stamp duty on the purchase of property (which is all part of that overall package) will have . . . and, Madam Speaker, I should say . . . No I will leave that for the next Bill. I will get in trouble, so I will not go ahead with what I was about to say.

The combination of those things plus some others (which will be debated in this House before the end of today, God willing) will have the effect of stimulating some real estate development construction activity. That is what this is all about.

The reality is that with the tax structure we have in Cayman, the fact is, because Government has to rely so heavily on inward investment, the tools Government has (whichever government it is) are very limited to be able to do anything in the local market. Very, very limited.

Madam Speaker, in relation to foodstuffs, there is virtually no duty on any foodstuff now because successive governments have taken this bit off and that bit off. It is only really what I may call luxury foods which attract any duty at all. So, in terms of what government can do to stimulate economic activity, it is very, very limited.

Looking more broadly, there are things which can be done and which we are doing to make the overall environment for business in Cayman friendlier, more attractive. Things like improvements in relation to the immigration regime. Those are all part of an overall approach to what we do. But to make things better, to bolster the economy, to prevent wide scale unemployment, as is the case in many other places, including the United States—some States are now in double digit unemployment numbers—we have nothing like that at the moment in Cayman.

The Second Elected Member for West Bay, my good friend, said it is too little too late. I have just dealt with the too little, but too late for May 20<sup>th</sup>? Madam Speaker, the world does not come to an end on May 20<sup>th</sup>, I do not believe. But that is perhaps indicative of the thinking of the Opposition. It is all about the election.

In everything we have done, Madam Speaker, this Government . . . and we get criticism from it, even from our closest supporters sometimes—you all haven't thought enough about the election in what you were doing. Madam Speaker, that has never been our approach.

If you read the manifesto of the PPM, there is no way that any government with all the resources in the world could achieve all of that in one term. But it was never intended that that document was a document for one term. This Government is building for the future, for the next generation and the ones to come

after that. The institutions we have sought to either improve upon or to establish are about creating a better Cayman, a more vibrant Cayman, a more democratic Cayman—even to our own detriment.

The Second Elected Member for West Bay says “you’ve done nothing to improve democratic institutions.” Madam Speaker, I know he knows better.

*[inaudible interjection]*

**Hon. Alden M. McLaughlin, Jr.:** We have spent so much time and effort, and in many cases (because we are the Government) it serves to our detriment, but we believe that is the right thing to do—whether it is weekly press briefings, so that we can be quizzed and criticised, even press briefings to which for a long time they were sending one of their candidates to ask us questions under the guise that he was a journalist. Even that we subjected ourselves to because we believe that openness and transparency and accountability are part of building the foundation of this country as a young, progressive democracy.

Madam Speaker, the Freedom of Information Law . . . the Government is being assailed by requests for information. And by and large everybody seems to give it credit and full marks that the information is being given.

So, I do not think we should pay too much attention to those. I really did not understand those remarks in the context of this debate anyhow, Madam Speaker. But as they were raised, I thought I would mention them. I will not spend a great deal of time on them because whatever people may think about this Government and its members, no one seriously says that we have not improved democratic institutions, accountability, transparency, openness, fairness, due process, all things, Madam Speaker, which were missing in large part from the last administration.

Madam Speaker, too late? I do not think that anyone who is building a house, proposing to build a commercial building, or doing any kind of development for which construction material is required will regard this Bill, which reduces import duty on a range of construction material, as unnecessary, too late.

Madam Speaker, I am a realist. Perhaps sometimes one of the greatest criticisms of me is that I speak too frankly and I do not soften it, and I am not as diplomatic and wishy/washy as some might think I should be. But I believe firmly in the democratic process. If it is the will of the people that this Government should be ushered out, so be it. God willing, we will all wake up the next day, brush ourselves off and get on with our lives. But the good ship Cayman will continue, and whether or not the next captain and crew are up to the job it will continue.

So, Madam Speaker, we do not think about provisions such as this as being too late, too little. It will all contribute to the overall benefit of Cayman in these most difficult of times.

Madam Speaker, the Second Elected Member for West Bay is right when he said he knew that I would come and ask where their plan is. But it is not the duty, he says, of the Opposition to say what they would do differently. Madam Speaker, two months before the election they ought not to be positioning themselves as the Opposition—although they are eminently qualified for that job. They ought to be positioning themselves as the government-in-waiting. And I, as someone who has the right to vote, want to know what the plan of the government-in-waiting is!

If I am being asked to vote for you, and not to vote for the Government that is there, whose plan I know—I might not agree with all of it, but I know what it is. They have written it down, articulated it, defend it and get criticised for it. I know what it is. But what would the Opposition do differently? Where is their stimulus plan, as he called it? We do not elevate these provisions to being the stimulus plan; nothing so grand, as far as we are concerned. It is a measure. It is a measure to improve the opportunities and the desirability of pushing ahead with construction and development in these difficult times. That is what it is.

What is it, exactly, that the Opposition would do? In fact, not even exactly—broadly. What is it that the Opposition will do (assuming they take office after the general elections) to change the course of the country to improve the economic fortune of the country?

Madam Speaker, for almost four years they have stood over there, and from every platform or pulpit that they could get access to, and beaten down virtually every proposal, measure, policy and programme that this Government has put forward. He talked about bankrupt? Madam Speaker, the country has been waiting for nigh onto four years to hear what it is that they would do that would be different in any respect, not just in relation to the economy—which is critical now—but in education (we just went through that), in health care, in tourism. What is it that they would do that is different? We are still waiting.

I suspect, Madam Speaker, that we will be waiting the night before election as we wait now. And when they get into office—if they get into office—they will be running around like chickens with their heads chopped off asking their handlers from somewhere else, *What do we do about this now?*

Madam Speaker, these are the most serious of times. These are times that the Opposition ought to be reaching its hand out to the Government if they have any ideas, saying, *This is what we think should be done, can be done to improve the prospect of Cayman riding out this economic tsunami without truly dire consequences.* But, Madam Speaker, nothing. Nothing! Lots of loud thunder, but very little rain.

Madam Speaker, these are not the times for the country to take chances on a Government led by the old and tired supported by the inexperienced and naïve. These are times when a steady hand, an experienced hand at the helm is what this country needs

to guide it through the rough waters of the next year or two years to come.

So, Madam Speaker, I do hope that for all the noise, for all the sound and fury that has ensued from the other side in relation to this Bill ( which all of us quite frankly thought would be uncontroversial) that they will not purely on the basis of political expediency vote against a proposal which is going to reduce the cost of lumber, steel, construction material in the hands of our own people; and, that they are [not] going to insist that our people, the men and women of these Islands, as well as those who we hope will come to develop, should pay more for construction material, should be charged more to build their homes, commercial buildings and otherwise.

Let there be no doubt about it, if the Opposition votes against this Bill (because they cannot vote it down), that is what they are doing. If they vote against this Bill they are insisting that instead of paying 15 per cent duty on some construction materials, the people should continue to be required to pay 20 per cent, and in other instances they are insisting that instead of paying merely 10 per cent for some material, they should be paying 15 per cent.

Madam Speaker, if they vote against this Bill they give the lie to their position that they are about making life easier, making life better, assisting the people of these Islands. It could only be spite or political expediency that would cause any Member of this House to insist that our people pay more for critical things they need that would require them to go against a Government which tries to make things easier for its people, which tries to stimulate development and construction activity in a time such as this. It would be heartless. It would be callous of them to take that position.

Madam Speaker, I wait with bated breath to see when the roll is called how each Member of the Opposition votes on this matter. I thank you for the opportunity to offer this brief contribution to what is a short but very important Bill.

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

If no other Member wishes to speak—Does any other Member wish to speak? [pause]

If no other Member wishes to speak does the Honourable Third Official Member wish to exercise his right of reply?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Only to say, that the debate on the Bill has been wide ranging and quite extensive. We have all heard the various points put forward by honourable Members of this House. I shall simply, on behalf of the Government, say thanks to all honourable Members for their contribution to this Bill and ask that they support the Bill before the House.

Thank you.

**The Speaker:** The question is that a Bill shortly entitled the Customs Tariff (Amendment) Temporary Provision Bill, 2009, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009, given a second reading.**

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

**Hon. Alden M. McLaughlin, Jr.:** May we have a division please?

**The Speaker:** Madam Clerk.

#### Division No. 15/08-09

**Ayes: 11**

**Noes: 0**

Hon. D. Kurt Tibbetts  
 Hon. Alden M. McLaughlin, Jr.  
 Hon. V. Arden McLean  
 Hon. Charles E. Clifford  
 Hon. Cheryl Richards  
 Hon. G. Kenneth Jefferson  
 Ms. Lucille D. Seymour  
 Mr. Osbourne V. Bodden  
 Mr. Moses I. Kirkconnell  
 Capt A. Eugene Ebanks  
 Ms. Juliana Y. O'Connor-Connolly

**The Speaker:** Eleven Ayes, no Noes. The Bill has been read a second time.

#### Stamp Duty (Amendment) (Temporary Provisions) Bill, 2009

**The Deputy Clerk:** The Stamp Duty (Amendment) (Temporary Provisions) Bill, 2009.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Madam Speaker, I beg to move the Second Reading of a Bill shortly entitled, the Stamp Duty (Amendment) (Temporary Provisions) Bill, 2009.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, the Bill that is now before this honourable House amends the Stamp Duty Law (2007 Revision), that is, the present Law. It seeks to amend it to temporarily reduce the rates of stamp duty in respect of the conveyance or transfer of certain immovable property.

This Bill is an integral part of the Government's strategy to stimulate the economy and is to be considered in conjunction with the reductions in certain import duty rates on building materials, as we just debated.

The Stamp Duty (Amendment) (Temporary Provisions) Bill now before this House amends the Schedule to the principal Law under the heading captioned "Conveyance or Transfer of immovable property". It does so as follows:

The rate of stamp duty for properties located in certain corridors of the Island in item (1) (and item (1) refers to the area along Seven Mile Beach and certain parts of George Town) where the current stamp duty rate payable by both Caymanians and non-Caymanians is 7.5 per cent, the Bill now before the House proposes to reduce that rate of 7.5 per cent down to 5 per cent. So, both Caymanians and non-Caymanians (if the Bill is passed) will pay stamp duty at a rate of 5 per cent in those particular areas.

The Bill goes on to say that the rate of stamp duty for Caymanians in areas other than what I just said, other than the Seven Mile Beach area and certain parts of George Town, presently those areas attract a 4 per cent rate of duty for Caymanians. The proposal in the Bill is to reduce this 4 per cent stamp duty rate for Caymanians to 3 per cent.

Finally, the stamp duty rate for non-Caymanians in areas excluding the Seven Mile Beach area and certain parts of George Town is currently 6 per cent. The proposal in the Bill is to reduce that to 5 per cent.

Madam Speaker, the proposal in the Bill is that the changes come into force on 1 April 2009 and will cease to have effect on 30 September 2009. Therefore, unless a similar piece of legislation is brought at a later stage, from 1 October 2009 onward the rates will revert to those rates specified currently in the Stamp Duty Law (2007 Revision).

Madam Speaker, the stamp duty reductions in the Bill have the support of the Cayman Islands Real Estate Brokers Association (CIREBA). For the benefit of this honourable House, the Government Ministers (and I was a part of that meeting as well) did meet with certain major real estate agents to discuss the proposals contained in the Bill. These reductions have the support of the Cayman Islands Real Estate Brokers Association.

Madam Speaker, I should also say that CIREBA will assist the intentions in this Bill by also offering a 20 per cent rebate of the commission that they, as real estate agents, earn on property sales to the buyers of properties. They have advanced the argument that it is important to bring the buyers to the ta-

ble. And in order to bring buyers to the table it is important to offer them some incentive. So a rebate of commission from the real estate brokers themselves to the buyers was deemed to be an attractive incentive to stimulate real estate activity in the market.

Madam Speaker, with those few words, plus an additional comment, that the concession for first time Caymanian property owners . . . previously, the highest rate of duty was 4 per cent. Of course, that would now decrease to 3 per cent if this Bill is passed.

Madam Speaker, the Brac stamp duty concession remains unaffected and in place. It is not affected adversely in any way by this Bill.

I therefore seek Members' support for the passage of this Bill.

Thank you.

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

First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

I rise on this side to offer our support as it relates to the proposed amendments contained in the Bill now before this House, dealing with stamp duty reduction. I would like to offer a few short comments in that regard.

We fully concur with and are cognizant of the reason and justification of the 2.5 per cent reduction as it relates to the West Bay area set out in the Schedule. However, we would all quickly recognise that that area of Cayman is the high-end area, and it would not actually directly affect the majority or any significant percentage of Caymanians as it stands, in that that is for the most part the beach area and the gated community area.

Obviously, we recognise that there are possible spin-offs. Certainly the real estate agents would have a vested interest in any advice that they gave. Obviously, with the stamp duty being reduced one would hope that it would stimulate or increase the turnover of the transfers which would enhance or augment their commission.

Madam Speaker, we also took note and would like to briefly comment on the other attempt with the reductions as it relates to the transferee, if it were a Caymanian, and the consideration that would be applicable in the other case, that case being a non-Caymanian. Previously, there was a 2 per cent variance between the two. We note that with this amendment, for whatever reason the variance now is only 1 per cent. We wondered if that was in the best interest in the balance of probabilities to change the variation if we were attempting to assist the Caymanian prospective purchaser of property.

In fact, Madam Speaker, we on the Opposition would ask the Government if before taking the vote they would be so minded to look in particular as it



relates to the Caymanian and carve out a bigger niche insofar as it relates to the duration of this period that is proposed, to make it a 12 month period for the Caymanian and consider whether within this framework of the current economic meltdown it would not be in the interest of all to not charge any consideration as far as it relates to the Caymanian. We are not just saying that for the sake of saying it. We are cognisant that although the full impact has not hit, as the Honourable Minister of Education (I believe) mentioned in his contribution, the world stage and meltdown has not fully impacted here, and there is probably worse to come even over the six or nine month period.

There is a good side to that in that the banks and loans and access to available capital is perhaps the best it has been in a very long time where there is not very high interest rates. If there was a way that we could rebalance the whole exercise where for the period of the next 12 months the Caymanian would not have to pay any stamp duty at all, when combined with the low interest rates, I believe we would be giving them the best opportunity to go and purchase property or build their homes.

Madam Speaker, I recognise that this will have an impact on the bottom line. But I believe as we try to nation build—and I believe that is the interest of all Members. Regardless of what side we sit on we are very interested and eager to do so during our tenure here. The best way to do that is to ensure that every single Caymanian who is capable and who has the desire, bar none, has the very best possibility to do that.

In normal circumstances we would not have asked for that because it is a package that goes together. We know that in the history of an economic meltdown there are peaks and valleys. We believe that because there is a valley here now, no government has been really successful in satisfactorily negotiating with the banks to cut down the interest they charge. But because of the global market forces they have no choice in that being extremely low now. We would ask the Government if they would consider from a holistic approach to extend the period of this benefit to Caymanians—and Caymanians only—and, secondly, if they would see fit as an attempt to maximise the possibilities that the economic downturn has brought for the Caymanians, and reduce what is being proposed, as opposed to by 1 per cent, to nil.

There is a precedent already set in the recognition in that the first time Caymanian owner has it. But that in itself, we believe at this particular time, is not good enough in that there are some Caymanians who are aspiring to climb into that middle economic strata. We believe that would also allow us to reconstruct and rebuild our middle class, which is very vital for any longevity or any sustainable development within our country.

So, I would be most grateful for a favourable consideration from the Government if they feel having the benefit of knowing all of the financial figures,

which we do not quite know ourselves because of being on the Opposition and not privy to the day to day financial activities, if they would give that favourable consideration. We would be most grateful.

I thank you.

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

Honourable Leader of Government Business.

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

As the Honourable Third Official Explained, this Bill is part of a wider effort to bring a bit of increased activity into the local economy. As my colleague the Minister of Education stated when he debated the other Bill, while we do not wish to fully classify it as a “stimulus package”, the fact is that it is meant to stimulate.

I listened carefully to the representative from the Opposition, the First Elected Member for Cayman Brac and Little Cayman. I just want to go through a few things by way of the requests she made on behalf of the Opposition.

Madam Speaker, let me just quickly summarise what the Bill is doing. The Bill is saying that in areas where stamp duty is now 7.5 per cent, which is mostly on the Seven Mile Beach but there are one or two other areas. There is one on Eastern Avenue, and I cannot be specific, but whatever areas are classified that the stamp duty on any transfer of land is 7.5 per cent, that now comes down to 5 per cent.

Whereas non-locals are paying 6 per cent across the board everywhere else, that is moving down 1 point to 5 per cent. Then Caymanians, generally speaking, who now pay 4 per cent transfer fee will, after this Bill is passed and comes into force, be paying 3 per cent. So there will still be a 2 per cent margin between what locals pay and what non-locals pay. The 6 moves to five and the 4 moves to 3, so there is still a 2 point difference.

Madam Speaker, what that means for first time Caymanian homeowners is that we will still have up to \$200,000 waiver on all stamp duty, and with a value between \$200,000 and \$300,000 then that first time homeowner will pay 3 per cent as compared to 4 per cent now.

[inaudible interjection]

**Hon. D. Kurt Tibbetts:** I am missing out between \$200,000 and \$300,000 because I believe as that stands now it is 2 per cent. Now, is there any differential between the \$200,000 and \$300,000?

Madam Speaker, just give me one second to make sure of something.

[pause]

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

What the Bill does not say now, but we will have a committee stage amendment, and this is what I realised when I was talking and was the reason I asked you to pause, Madam Speaker.

What happens now with first time Caymanian homeowners is that there is a complete waiver of stamp duty up to \$200,000. Between \$200,000 and \$300,000 value the stamp duty paid by the first time homeowner is 2 per cent. That is also going to go down a point to 1 per cent. So there will have to be a committee stage amendment to that.

I quite understand the very last request in itself. Certainly, that would be the utopia that we all desire. But I am also certain that everyone—Opposition, Government, everybody—knows the Government has to function. It takes a certain level of revenue for it to function. When we go into Finance Committee a little bit later on, we will be discussing much of that with what conditions prevail today.

So, it is not going to be possible for us to bring a stamp duty waiver for all Caymanians across the board, as per the request. That would put us to the point where even the very agencies that operate to perform the functions to facilitate those processes would not be self-sufficient. We really cannot go that far with it. The benefits will not outweigh the difficulties that would ensue.

It is, as I said, the utopia of any type of package we will be putting forward. But we certainly cannot responsibly make that decision, Madam Speaker.

The other aspect I wish to speak to, I would certainly ask the First Elected Member for Cayman Brac and Little Cayman and indeed the Opposition and my colleagues, to fully appreciate what I am going to say. One of the purposes behind this effort is to create activity within short order. It is a known fact, and when we had our meetings with the industry they expressed clearly from their own experiences that many people engage in contracts and wait out the whole effort to try to take advantage of whatever the window is and try to deal with closure as close to when the window closes as possible.

So, if we automatically extend that period of six months to a year that means (by the nature of the businesses and experiences of those transactions) you would probably take 10 months before you get the flurry you are looking for. Madam Speaker, the fact of the matter is that in times gone by when situations like these were put forward the matter can always be reviewed depending on the result it is bringing. And it can be done again.

What we do not want to do from the very beginning is state it for that time because we do not think that would bring the desired results. But it does not mean that at the end of the day it could not be repeated. I just want to explain that it does not allow what is being [sought] to happen; it just makes the possibility of that happening in a different fashion. That's all it does.

So, Madam Speaker, we have done our very best to achieve two things: to create confidence in people with a desire to spend to give an incentive for not only Caymanians but inward investment to occur; and at the same point in time we have looked to try to create enough activity that would generate revenue for the Government so that all of the various social programmes and everything else we are doing can be assisted in these trying times.

Madam Speaker, from the point of view of the Bill itself, I think that what we have done creates the best balance as we have thought it through and we have talked through with the industry. Which brings me to a point, Madam Speaker, [and if] you will allow me, please, because it is relevant.

I noticed in a contribution earlier, the Second Elected Member for West Bay, the guru (that's the name he was dubbed with for a while) . . . I am going to have to find a different one for him now though because he certainly did not display any guruism today!

He stood up, Madam Speaker, and was pontificating and trying to make the Government appear to have simply awakened one morning and thought up these things and, bam, just did it. Madam Speaker, we are continually interacting with all sub-sectors of industry. When these Bills are passed and become laws, as early as next week we will be interacting with suppliers to say to them (when this comes in force on 1 April), *Here are the mechanisms we are going to use to ensure that the decrease in the duty is passed on to whoever the purchaser is.*

We will be speaking to the contractors so that they have a clear understanding, Madam Speaker, that we will be using measures jointly because we expect collaboration and cooperation so that that is passed on to the homeowner.

These items have been carefully chosen because we have consulted industry, because these are the items that the industry says that no matter what you are doing these are the items that are used most. That is how we arrived at those.

**The Speaker:** Yes, but Honourable Leader, I cannot allow you to reopen a debate.

**Hon. D. Kurt Tibbetts:** Thank you, very much, Madam Speaker. I quite understand.

But having said that, Madam Speaker, the real point that I wish to make is that in all of these measures—including the Stamp Duty (Amendment) Bill—industry and the various sub-sectors have been consulted and the consultation will continue. So, it is not for the Second Elected Member for West Bay to say at any point in time, or to presume that the Government along with the Official Members has not done their homework. And, Madam Speaker, the exercise is not over yet.

This exercise is not about too little too late. This is but part of the package. The Council of Associations is meeting. I am made to understand by the

CEO of the Chamber that they have a meeting on Monday where they are going to be finalising recommendations from the various sub-sectors within the economy. [They] are going to be passing those recommendations on to the Government, whereby we will meet with them. I do not know what they are because I have not seen them. But those are the things that make the Cayman Islands a resilient territory, and it makes our economy a resilient economy—because there is collaboration.

As much as the Second Elected Member for West Bay would like to suggest that there is no interaction between industry and Government, that is absolutely not the truth! He either has his head stuck somewhere or he does not know what the truth is, Madam Speaker.

Back to the subject, Madam Speaker—

**The Speaker:** Thank you.

**Hon. D. Kurt Tibbetts:** This Bill is one that the Government certainly supports. We welcome the opinions expressed by the Opposition. I am certain the mover will wind up and we will move on to the other Bills. But, Madam Speaker, certainly, we continue to press on in these trying times making every attempt and working in collaboration with private sector in order to be able to weather the storm and, in fact, to thrive.

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

Honourable Minister for Education, if you are going to be more than 10 minutes, I will take a suspension because I need to take a suspension!

**Hon. Alden M. McLaughlin, Jr.:** Madam Speaker, I am totally in your hands, but I will not be 10 minutes.

**The Speaker:** All right.

**Hon. Alden M. McLaughlin, Jr.:** I won't.

Madam Speaker, I just want to add a bit to the debate on this Bill which, as I signaled when I spoke earlier on the Customs Tariff Bill, is part of the package aimed at stimulating more activity in relation to development generally.

I believe when the Honourable Third Official Member introduced the Bill he said that the Bill was developed in conjunction with and as a result of consultation with Cayman Islands Real Estate Brokers Association (CIREBA). And, Madam Speaker, I was not in the Chamber when the Honourable Third Official Member spoke, so I do not know how much detail he went into in relation to the agreement we reached with CIREBA. But, as Mr. Linford Pierson used to say, repetition bears emphasis. So, Madam Speaker, if I am repeating anything that was said, I do hope it will serve to emphasise the point.

We indicated to CIREBA that in order to ensure this does have the required effect, it would need

more than just Government taking steps to reduce the cost in relation to land transfers and the cost in terms of construction. It would require a concomitant effort on the part of the real estate brokers in relation to their commissions. Their commissions on land transfers or real estate sales are significantly more now in most instances than is the stamp duty on land transfers. So, Madam Speaker, they have agreed, as I understand it, to a 20 per cent reduction in their commissions in relation to land transfers.

It is believed that the impact of these three measures together will be significant, and that it will cause people who otherwise might be waiting out the present conditions to say, *Well, now is as good a time as there ever will be for us to purchase property, for us to develop property, for us to build structures.*

Madam Speaker, I say that in answer to what the Second Elected Member for West Bay said, as to whether or not there has been any consultation about this and how much does Government believe this is all going to yield, and so forth.

I listened to the First Elected Member for Cayman Brac and Little Cayman when she asked about completely removing stamp duty on land sales for Caymanians. Madam Speaker, that is a wonderful thought as far as making things easier for Caymanians. But it is precisely the kind of expression you would expect from an Opposition Member who is not charged with any responsibility for ensuring that Government has the wherewithal to meet its obligations.

Madam Speaker, the reality is, as we will come to see shortly in Finance Committee, that Government is challenged in terms of revenue. There has been a significant fall off in revenue as a result of what has happened around the world in terms of the recession. Government is struggling to ensure that it has sufficient revenue generated to be able to continue to conduct the affairs of this country and to administer government properly.

It is not possible, Madam Speaker, to simply entirely write off a major revenue stream. And, the effort is not just to benefit directly participants in these transactions. It is also the belief that these measures will stimulate more economic activity and more transactions and, therefore, improve government's revenue stream. Although the yield from each transaction will be less than is currently the case, it is expected that this will significantly increase the number of transactions.

Madam Speaker, I do not fault the First Elected Member for Cayman Brac and Little Cayman for her proposal. Perhaps if I were in the Opposition—with the luxury of no responsibility for the budget—I might make such a proposal as well. But it is not really the kind of proposal one would expect from an Opposition which plans to be steering this country in the next couple of months.

Madam Speaker, perhaps that is indicative of something.



ues as the surviving company; whereas in a consolidation, the constituent companies combine into a new company.

Madam Speaker, this Bill responds to requests from the private sector in relation to merger and consolidation provisions and reflects extensive consultation with the private sector as well as the review of Bermuda, BVI, Delaware and UK legislative precedents.

Madam Speaker, the salient clauses of the Bill are as follows:

Clause 251B requires the directors of constituent companies intending to merge to draw up a plan of merger or consolidation and specifies what it shall contain. It also sets out other procedural and technical requirements, including the shareholder and secured creditor authorisations and consents required to be secured by the constituent companies and submission requirements to the Registrar of companies.

Clause 251C enables the effective date of merger and consolidation to be deferred for up to 90 days from the date of filing of the plan with the Registrar.

Clause 251D provides a procedure whereby a plan of merger or consolidation filed with the Registrar can be subsequently terminated or adjusted as long as this is done prior to the effective date of merger or consolidation.

Clause 251E sets out the legal effect of merger and consolidation.

Clause 251F provides for additional procedures and checks where a foreign constituent company is involved in a merger or consolidation.

Clauses 251G and 251H set out fair value share buy-out procedures for minority shareholders who have not agreed to a merger or consolidation.

Madam Speaker, this Bill, along with the Cape Town Convention Bill, which was passed into Law by this Honourable House yesterday, and the Exempted Limited Partnerships Bill, 2009 (which is listed next on the Order Paper), is keenly awaited by industry. The Government is satisfied that the legislation fills a commercial need in a responsible manner.

Madam Speaker, I therefore commend the Companies (Amendment) Bill, 2009, to this Honourable House for passage.

Thank you.

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

If no other Member wishes to speak, does the Honourable Third Official Member wish to exercise his right of reply?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker, only once again to thank all honourable Members for their support of the Bill. Thank you.

**The Speaker:** The question is that a Bill shortly entitled, The Companies (Amendment) Bill, 2009, be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Companies (Amendment) Bill, 2009, given a second reading.**

### **Exempted Limited Partnership (Amendment) Bill, 2009**

**The Deputy Clerk:** The Exempted Limited Partnership (Amendment) Bill, 2009.

**The Speaker:** I recognise Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Madam Speaker, I beg to move the Second Reading of a Bill shortly entitled, The Exempted Limited Partnership (Amendment) Bill, 2009.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, this Bill responds to requests for upgrades to the Exempted Limited Partnership Law (2007 Revision) from the private sector and reflects extensive consultation with the private sector.

Clauses 2 to 9 and 11 of the Bill make miscellaneous simple clarifications to the existing Law. The most significant aspect of the Bill is in clause 10.

Clause 10 upgrades section 15 of the principal Law in relation to winding-up and dissolution of exempted limited partnerships. Industry has advised, and government has agreed, that in the current climate the existing section 15 fell far short of a meaningful dissolution framework for exempted limited partnerships.

The revised and improved section 15 was developed in close consultation with the Cayman Islands Society of Professional Accountants (CISPA). The provisions in clause 10 take the benefit as far as possible of the provisions for winding up and dissolution in the new (2007) Part V of the Companies Law, and cross-refer to those provisions to the extent sensible. The ultimate, longer-term objective is to have a self-contained framework for winding up and dissolution within the Exempted Limited Partnership Law itself (that is, without cross-referral), but in the interim, clause 10 is a significant and necessary improvement that addresses a current gap in the Law in the immediate term.

Madam Speaker, I therefore commend The Bill now before this House to all honourable Members and ask for their support of the Bill.

Thank you.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] If no other Member wishes to speak—  
Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

We are happy to see the long anticipated arrival of these Bills, that is, the amendment to The Companies Law and the amendment to The Exempted Limited Partnership Law. Whilst we are on the 20<sup>th</sup> of March, a mere one business day away from the dissolution of the House, the financial services industry has been agitating and wanting these proposed amendments for quite some time.

Madam Speaker, I think it is very fair to say that even the Honourable Minister of Education has recently admitted to such when he said to the press that whilst the amendments were requested some time ago it was due to, as I understand it, delays in the Legal Drafting Department as to why some of this legislation was not brought earlier. Or, as I understand it, he is saying resources generally.

Madam Speaker, I must say that when one looks at the contribution the financial services sector makes to the economy generally, but if we even look specifically at government revenue and the tremendous contribution that that sector makes, one would think that whatever resources are necessary would be allocated to ensure that legislation is brought in a timely manner.

As with all things, Madam Speaker, the longer you wait the more problems are not dealt with in a timely manner. Opportunities are missed because the jurisdiction does not have the legislative framework in order for industry to be able to produce and make products available that can enhance our capacity to increase business. As we know, with increase in business, not only does government receive additional fees from structures that are created, but it increases the possibility for employment and we know the knock-on effect that has on the general economy.

The participants in this industry make a real, tangible impact on the general economy. So, I am happy to see these pieces of legislation finally reach us because one can only assume then that the general lack of resources must now be sorted out because it was not long ago that I heard those utterances in the media. So for us to now have these pieces of legislation before us, we must really be making strides. I am happy to now have the possibility to offer support for these necessary and requested changes in legislation that have come from industry.

Madam Speaker, I must say that this has been quite an impressive last few weeks. It seems as

though whatever lack of resources that existed must in large measure have been corrected.

**The Speaker:** Honourable Second Elected Member for West Bay, merits and principles of the Bill, please. I can find that nowhere in the index.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

**The Speaker:** So, would you deal with them please?

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

**The Speaker:** Thank you.

**Mr. Rolston M. Anglin:** Thank you for your guidance, Madam Speaker.

As I said, the Bills are requested by the industry. Certainly, they are happy that they are here and are hoping that they can still take advantage of opportunities. Certainly, on the limited partnership side, the changes are going to be very useful.

Madam Speaker, with that said, I must say that this has been quite an eventful eleventh hour for us as a Legislative Assembly. More to come [in] Finance Committee.

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

Honourable Minister for Education.

**Hon. Alden M. McLaughlin, Jr.:** Thank you, Madam Speaker.

Madam Speaker, I would not have said anything except that I have been provoked to do so by the Second Elected Member for West Bay. I feel duty bound to indicate the Government's position in relation to this.

Again, Madam Speaker—and the Second Elected Member for West Bay was not in the Chamber when I said this in relation to the last Bill—the world does not end on 20 May as the Opposition seems to believe. There is a lot left, I believe, after that. At least I hope so.

The benefits that these various bits of legislation which are being passed, will provide and inure, I believe, well into the future. So, the reality is that a huge amount of work has gone into all of the legislation before this House in the last couple of weeks. There is nothing like a deadline to concentrate people's minds on getting things finished. And this Government is determined to complete the tasks we by and large set out for ourselves.

Madam Speaker, if I can speak to the resourcing issue I do not want the impression to continue that somehow the Legal Drafting people here are responsible for the delays and so forth. The issue is one of resources generally, specialists' knowledge of these important pieces of commercial legislation. That is what Government does not have sufficient of. We do

have some really good and critical people who work on these matters, but they are stretched to the max because of other duties and responsibilities in relation to a range of things.

One of the benefits of the new Constitution (assuming we get one) will be the ability to have a Minister with specific responsibility for Financial services, to have a directorate, or a unit directly under him or her, as the case may be, with the necessary personnel to be able to deal with these matters. It is not just a case of legislative drafting, it is a case of having people with the knowledge of the industry, of how these specialised products, services, and mechanisms work to be able to contribute to the overall piece of legislation that comes out. It is not just a technical matter of drafting.

Madam Speaker, I just want to say that the Government acknowledges that these are two Bills in particular that we would like to have had passed quite some time ago. We do not try to say otherwise. But they are here and it seems they will have the whole-hearted support of this House. I know from my almost daily discussions with people in the industry that they will be happy to have them, particularly in this time when unfortunately there is a tremendous amount of dissolution work around and, all indications are, with more to come. So, better regimes to be able to deal with these issues are very important to our industry.

With those few words, Madam Speaker, I want to thank you for your indulgence.

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

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** Madam Speaker, my colleague, the Second Elected Member for West Bay spoke on our behalf over here. And were it not for some of what was said by the Minister of Education, I would not rise.

Madam Speaker, I cannot leave it to be said that because we do not have a new Constitution with a Minister directly responsible, that we do not have these things quicker. Those are some of the things that have caused the Constitution to be put into question . . . because of what the Government has said.

There is no need for any unit or department if Government thought it necessary (we hope it would not, but . . .) to have been created or not created because we do not have a Minister. What we have under the present Constitution is that the Minister of Education is responsible for policy for this type of business.

**Hon. Alden M. McLaughlin, Jr.:** On a point of order, Madam Speaker.

#### Point of Order

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

**Hon. Alden M. McLaughlin, Jr.:** What the Honourable Leader of the Opposition has just said is misleading.

I have Constitutional responsibility for international financial services policy. I do not have responsibility for these types of matters. The clearest indication of that is that the Financial Secretary, the Honourable Third Official Member, is who has introduced these Bills. He has Constitutional responsibility for that.

But that is in no way my attempt to duck the Government's collective responsibility for matters such as this. We do accept responsibility. I did that when I stood up. I am just making it clear that what the Leader of the Opposition said is not correct.

**The Speaker:** Honourable Leader of the Opposition, he does have a point of order in that the Honourable Third Official Member is the person responsible for the legislation.

**Hon. W. McKeeva Bush:** Madam Speaker, if I had made that point, I would have been told that was not a point, that it was an explanation.

**The Speaker:** Honourable Leader of the Opposition, please—

**Hon. W. McKeeva Bush:** But I accept the Member's explanation.

What I do not accept is the red herring he is drawing across the whole issue. He is directly responsible because he is a Minister of Cabinet, and while he does not have that responsibility for finance, he has policy for international matters. And when you take one, you take the other because they cross paths.

And to say at this late stage that this work is not done because we do not have the unit to do it, and that a new Constitution which is not going to come into force until 2013—three years hence—

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** When is it going to come into force? When?

*[inaudible interjection]*

**Hon. W. McKeeva Bush:** Well, from the letter that Mr. . . . they are asking where did that come from?

**The Speaker:** Could we get back to the Bill before us—the Exempted Limited Partnership (Amendment) Bill, 2009, and not the Constitution please?

**Hon. W. McKeeva Bush:** In a debate, Madam Speaker,—

**The Speaker:** Would you stop—

**Hon. W. McKeeva Bush:** —in a debate—

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

**Hon. W. McKeeva Bush:** —I am allowed to debate—

**The Speaker:** Would you please, Honourable Leader of the Opposition—

**Hon. W. McKeeva Bush:** —I am allowed to debate what Members have said.

I am allowed under the Standing Orders—

**The Speaker:** Please take your seat.

**Hon. W. McKeeva Bush:** —to debate what Members have said.

**The Speaker:** Honourable Leader of the Opposition, I am asking to get back to the Exempted Limited Partnership (Amendment) Bill, 2009. I have heard what the Member said. You have already covered what the Member said about the Constitution, but now we are getting into the time that the Constitution is coming into effect and so forth.

Could we return to the item before us please?

**Hon. W. McKeeva Bush:** Madam Speaker, I have not finished what I want to say on what the Member said. And that is my prerogative!

I have not finished. And I would like that prerogative, even if it is just a word or two. I need to say what I want to say, debate what the Member said. That is my duty here, because we can't just have this stuff being left hung in the air so that people get the wrong impressions about the Constitution. And when he raised it, I need to say what I have said.

And, Madam Speaker, I thank you.

The Member is wrong. He knows he is wrong. But he is good at that. He is wrong that we need a unit to have gotten this work done. What we needed was for him to have paid attention to these matters that have been raised for some time by the sector—over two years, Madam Speaker, that I know about. So, it is absolutely wrong. They are running for cover at this late stage.

I suppose when I sit down one of the bright stools over there will say that I did wrong or something else, as I heard the Minister of Tourism cackling about. But, as usual, Madam Speaker, he was out of his depth too.

**The Speaker:** Does any other Member wish to speak? [pause]

If no other Member wishes to speak, does the Honourable Third Official Member wish to exercise his right of reply?

**Hon. W. McKeeva Bush:** [inaudible] me off.

**The Speaker:** Children.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Only, I believe for the fifth time today, to simply thank all honourable Members for their support of the Bill and for the contributions they have made.

**The Speaker:** The question is that a Bill shortly entitled, The Exempted Limited Partnership (Amendment) Bill 2009 be given a second reading. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: The Exempted Limited Partnership (Amendment) Bill, 2009, given a second reading.**

**The Speaker:** The House will now go into committee.

**Hon. W. McKeeva Bush:** This late stage in her life she wants to . . .

#### **House in Committee at 4.58 pm**

**The Chairman:** Please be seated.

[addressing the Honourable Leader of the Opposition] The person that needs to be replaced is you, since you want to get that way about it.

**Hon. W. McKeeva Bush:** That is your opinion. But it is you who decided you were going, not me!

### **COMMITTEE ON BILLS**

**The Chairman:** We are now in Committee.

**Hon. W. McKeeva Bush:** You had no business to make your party throw you out because you can't win.

**The Chairman:** I hope you are very sure you are going to win.

**Hon. W. McKeeva Bush:** Never sure of that, Madam Speaker, or Madam Chairman. But perhaps—

**The Chairman:** With the leave of the House, may I assume that, as usual, we should authorise the Honourable Second Official Member to correct minor errors and such the like in these Bills?

Would the Clerk please state the Bill and read the clauses.



**Public Management and Finance (Amendment) Bill, 2009**

**The Deputy Clerk:** The Public Management and Finance (Amendment) Bill, 2009.

Clause 1 Short title.

Clause 2 Amendment of section 57 of the Public Management and Finance Law (2005 Revision)—powers of Internal Audit Unit.

Clause 3 Amendment of section 64 of the Public Management and Finance Law (2005 revision)—investigatory powers of Auditor General.

**The Chairman:** The question is that Clauses 1 through 3 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 through 3 passed.**

**The Deputy Clerk:** A Bill for a Law to amend the Public Management and Finance Law (2005 Revision) to waive the procedure for assessing medical records in the course of an audit; and for incidental and connected purposes.

**The Chairman:** The question is that the Title do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

**Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009**

**The Deputy Clerk:** The Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009.

Clause 1 Short title, commencement and expiry.

Clause 2 Amendment of First Schedule of the Customs Tariff Law (2002 Revision).

**The Chairman:** The question is that Clauses 1 and 2 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 and 2 passed.**

**The Deputy Clerk:** A Bill for a Law to temporarily reduce various duties under the Customs Tariff Law (2002 Revision); and to make provision for related matters.

**The Chairman:** The question is that the Title do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

**Stamp Duty (Amendment) (Temporary Provisions) Bill, 2009**

**The Deputy Clerk:** The Stamp Duty (Amendment) (Temporary Provisions) Bill, 2009

Clause 1 Short title, commencement and expiry.

**The Chairman:** The question is that Clause 1 do form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 1 passed.**

**The Deputy Clerk:** Clause 2. Amendment of the Schedule of the Stamp Duty Law (2007 Revision)—rates of duty.

**The Chairman:** Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** As indicated by the Honourable Leader, the Government found it desirable to make a change to Clause 2. With your kind permission the notice period has been waived.

Therefore, in accordance with the provisions of Standing Order 52(1) and (2), I, the Honourable Third Official Member responsible for the Portfolio of Finance and Economics, give notice to move the following amendment to The Stamp Duty (Amendment) (Temporary Provisions) Bill 2009: That the Bill be amended in clause 2 by inserting after paragraph (c) the following paragraph: "(d) in paragraph (10)(b) by deleting '2%' and substituting '1%'".

**The Chairman:** The amendment has been duly moved and is open for debate. Does any other Member wish to speak? [pause]

If no Member wishes to speak, the question is that the amendment do form part of the Clause—

**Hon. D. Kurt Tibbetts:** Madam Chair, forgive me.

**The Chairman:** Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** We are addressing the amendment?

**The Chairman:** Yes.

**Hon. D. Kurt Tibbetts:** If I might just be allowed one minute to explain the amendment to make sure all Members are very clear before we take the vote on that section.

What obtains now for first time Caymanian homeowners is a complete waiver of the stamp duty if they purchase a property valued up to \$200,000. If the property is valued more than \$200,000, up to \$300,000, then those first time Caymanian homeowners will be paying 2 per cent on the total value. Anything beyond that, they will pay 4 per cent.

This amendment allows, if the property is beyond \$200,000 but not exceeding \$300,000, that those first time Caymanian homeowners will, instead of paying 2 per cent on the total value, after this is passed and comes into force, they will pay 1 per cent on the total value.

**The Chairman:** The question is that the amendment form part of the Clause. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 2 passed.**

**The Chairman:** The question is that the Clause as amended form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 2, as amended, passed.**

**The Deputy Clerk:** Clause 3 Savings and transitional provisions.

**The Chairman:** The question is that Clause 3 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 3 passed.**

**The Deputy Clerk:** A Bill for a Law to amend the Stamp Duty Law (2007 Revision) to temporarily reduce various stamp duties on documents relating to the conveyance or transfer of immovable property; and to make provision for related matters.

**The Chairman:** The question is that the Title form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

### **Companies (Amendment) Bill, 2009**

**The Deputy Clerk:** The Companies (Amendment) Bill, 2009.

Clause 1 Short title.

Clause 2 Insertion of Part XVA in the Companies Law (2007 Revision)—merger and consolidation.

**The Chairman:** The question is that Clauses 1 and 2 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 and 2 passed.**

**The Deputy Clerk:** A Bill for a Law to amend the Companies Law (2007 Revision) to regulate the merger and consolidation of companies; and for incidental and connected purposes.

**The Chairman:** The question is that the Title form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

### **Exempted Limited Partnership (Amendment) Bill, 2009**

**The Deputy Clerk:** The Exempted Limited Partnership (Amendment) Bill, 2009

Clause 1 Short title.

Clause 2 Amendment of section 2 of the Exempted Limited Partnership Law (2007 Revision)—definitions.

Clause 3 Amendment of section 4—constitution.

- Clause 4 Amendment of section 6—name and registered office.
- Clause 5 Amendment of section 7—modification of general law.
- Clause 6 Amendment of section 11—register of limited partnership interests.
- Clause 7 Amendment of section 12—right to account.
- Clause 8 Amendment of section 13—proceedings.
- Clause 9 Amendment of section 14—return of contributions.
- Clause 10 Repeal and substitution of section 15—dissolution.
- Clause 11 Insertion of section 26—de-registration.

**The Chairman:** The question is that Clauses 1 through 11 form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 through 11 passed.**

**The Deputy Clerk:** A Bill for a Law to amend the Exempted Partnership Law (2007 Revision) to provide for the regulation of de-registration, winding-up and dissolution of exempted limited partnerships and of changes in relationships between the partners of exempted limited partnerships; and for incidental and connected purposes.

**The Chairman:** The question is that the Title form part of the Bill. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

**The Chairman:** The question is that the Bills be reported to the House. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Bills to be reported to the House.**

**The Chairman:** The House will resume.

**House resumed at 5.09 pm**

**The Speaker:** Please be seated.  
Proceedings are resumed.

## REPORTS ON BILLS

### Public Management and Finance (Amendment) Bill, 2009

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I beg to report that a Bill shortly entitled The Public Management and Finance (Amendment) Bill, 2009, was considered by a Committee of the whole House and passed without amendment.

**The Speaker:** The Bill has been duly reported and is set down for a third reading.

### Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009

**The Speaker:** I recognise the Honourable Third Official Member

**Hon. G. Kenneth Jefferson:** I beg to report that a Bill shortly entitled The Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009, was considered by a Committee of the whole House and passed without amendment.

**The Speaker:** The Bill has been duly reported and is set down for a third reading.

### Stamp Duty (Amendment) (Temporary Provisions) Bill, 2009

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I beg to report that a Bill shortly entitled The Stamp Duty (Amendment) (Temporary Provisions) Bill, 2009, was considered by a Committee of the whole House and passed [with one] amendment.

**The Speaker:** The Bill has been duly reported and is set down for a third reading.

### Companies (Amendment) Bill, 2009

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I beg to report that a Bill shortly entitled The Companies (Amendment) Bill, 2009, was considered by a Committee of the whole House and passed without amendment.

**The Speaker:** The Bill has been duly reported and is set down for a third reading.

**Exempted Limited Partnership (Amendment) Bill, 2009**

**The Speaker:** I recognise the Honourable Third Official Member

**Hon. G. Kenneth Jefferson:** I beg to report that a Bill shortly entitled The Exempted Limited Partnership (Amendment) Bill, 2009, was considered by a Committee of the whole House and passed without amendment.

**The Speaker:** The Bill has been duly reported and is set down for a third reading.

**THIRD READINGS****Public Management and Finance (Amendment) Bill, 2009**

**The Speaker:** I recognise the Honourable Third Official Member

**Hon. G. Kenneth Jefferson:** I beg to move that a Bill shortly entitled The Public Management and Finance (Amendment) Bill, 2009, be given a third reading and passed.

**The Speaker:** The question is that a Bill shortly entitled The Public Management and Finance (Amendment) Bill, 2009, be given a third reading and passed. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: The Public Management and Finance (Amendment) Bill 2009 given a third reading and passed.**

**Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I beg to move that a Bill shortly entitled The Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009, be given a third reading and passed.

**The Speaker:** The question is that a Bill shortly entitled The Customs Tariff (Amendment) (Temporary Provisions) Bill, 2009, be given a third reading and passed. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: The Customs Tariff (Amendment) (Temporary Provisions) Bill 2009 given a third reading and passed.**

**Stamp Duty (Amendment) (Temporary Provisions) Bill, 2009**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I beg to move that a Bill shortly entitled The Stamp Duty (Amendment) (Temporary Provisions) Bill, 2009, be given a third reading and passed.

**The Speaker:** The question is that a Bill shortly entitled The Stamp Duty (Amendment) (Temporary Provisions) Bill, 2009, be given a third reading and passed. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: The Stamp Duty (Amendment) (Temporary Provisions) Bill 2009 given a third reading and passed.**

**Companies (Amendment) Bill, 2009**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I beg to move that a Bill shortly entitled The Companies (Amendment) Bill, 2009, be given a third reading and passed.

**The Speaker:** The question is that a Bill shortly entitled The Companies (Amendment) Bill, 2009, be given a third reading and passed. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: The Companies (Amendment) Bill 2009 given a third reading and passed.**

**Exempted Limited Partnership (Amendment) Bill, 2009**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** I beg to move that a Bill shortly entitled The Exempted Limited Partnership

(Amendment) Bill, 2009, be given a third reading and passed.

**The Speaker:** The question is that a Bill shortly entitled The Exempted Limited Partnership (Amendment) Bill, 2009, be given a third reading and passed. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: The Exempted Limited Partnership (Amendment) Bill 2009 given a third reading and passed.**

**The Speaker:** Honourable Leader of Government Business.

## **ADJOURNMENT**

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker.

We will be going into Finance Committee now, so I would move the adjournment of this honourable House until the completion of Finance Committee and the preparation of the report thereon.

**The Speaker:** The question is that this honourable House do now adjourn until Finance Committee completes its business. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.

**At 5.12 pm the House stood adjourned until the conclusion of the proceedings of Standing Finance Committee and the preparation of the Report thereon.**

**OFFICIAL HANSARD REPORT**  
**MONDAY**  
**23 MARCH 2009**  
**3.15 PM**  
*Twelfth Sitting*

**The Speaker:** I will ask the Honourable Leader of Government Business to say Prayers.

**PRAYERS**

**Hon. D. Kurt Tibbetts:** Let us pray.

*Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.*

*Bless our Sovereign Lady, Queen Elizabeth II; Philip, Duke of Edinburgh; Charles, Prince of Wales; and all the Royal Family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Cabinet and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.*

Let us say The Lord's Prayer together: *Our Father, who art in Heaven, Hallowed be Thy Name. Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, forever and ever. Amen.*

*The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.*

**The Speaker:** Please be seated.

**Proceedings resumed at 3.18 pm**

**The Speaker:** Proceedings are resumed.

**READING BY THE HONOURABLE  
SPEAKER OF MESSAGES  
AND ANNOUNCEMENTS**

**The Speaker:** I have no messages or announcements.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**Report of the Standing Finance Committee on the  
1<sup>st</sup> Supplementary Annual Plan and Estimates of  
the Government of the Cayman Islands for the Fi-  
nancial year ending 30 June 2009**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the Report of the Standing Finance Committee on the 1<sup>st</sup> Supplementary Annual Plan and Estimates of the Government of the Cayman Islands for the Financial year ending 30 June 2009.

**The Speaker:** So ordered.

Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Yes, thank you, Madam Speaker.

Madam Speaker, Finance Committee met last Friday, 20 March [2009], to consider two main items: the 1<sup>st</sup> Supplementary Annual Plan and Estimates for the year ending 30 June 2009; and it also met to consider a motion that the Committee approved, the Schedule of Supplementary Appropriations requested for the financial year 2008/09 (which was shown at section 10 of those Estimates).

Madam Speaker, section 10 of the Estimates is a schedule that contains 200 items of appropriation request; the vast majority of which were reductions to existing appropriations. Details of the individual appropriations were considered and approved by the committee on Friday evening. Therefore, I do not need to repeat such details now.

The Committee approved an increase to one of the appropriations, that is, DAP-9 which is the Management of Executive Assets in Cayman Brac and Little Cayman—an increase over and above the amount shown in the Schedule by \$466,255.

Madam Speaker, the Committee also approved the motion raised in the Legislative Assembly that Finance Committee approve the Schedule of Supplementary Appropriations requested for 2008/09 as shown in section 10 of the 1<sup>st</sup> Supplementary Annual Plan and Estimates for 2008/09.

The Committee also approved, as I said, but increased one of the appropriations contained in the Schedule by \$466,255.

The Committee also met this afternoon to review its Chairman's Report that has just been tabled, and the Committee approved the Report that has just been tabled. The Committee also agreed that I report the results of its deliberations to this honourable House.

Thank you, Madam Speaker.

## **STATEMENTS BY HONOURABLE MINISTERS/MEMBERS OF THE CABINET**

**The Speaker:** I have received notice of a statement by the Honourable Minister responsible for Tourism.

### **Update on the Owen Roberts International Airport Re-development Project**

**Hon. Charles E. Clifford:** Thank you, Madam Speaker. I wish to give an update on the Owen Roberts International Airport Re-development Project.

Madam Speaker, the Cayman Islands Airports Authority (the CIAA) is steadily moving forward with the redevelopment of the Owen Roberts International Airport. In 2004, the Civil Aviation Authority was split into two agencies—the CIAA, which is responsible for managing our airports; and the Civil Aviation Authority (CAA), which is responsible for regulatory matters.

Dating back to the formal creation of the Cayman Islands Airports Authority in July 2004, a number of important legal and financial matters remained unresolved preventing the actual separation of historical assets and liabilities. Following lengthy negotiations, a final settlement of assets and liabilities was achieved in 2007 paving the way for both the CIAA and the CAA to proceed with their audits for the years in question.

Since then, the CIAA has embarked upon the redevelopment project by using a portion of its operating surplus to complete Phase 1 which was preparatory site works valued at more than \$4.1 M. The completed site works include a new staff parking lot, re-designed traffic flow, which has resulted in one way traffic in front of the Terminal building, and reconfiguration of both Short and Long Term parking lots to facilitate increased capacity and optimize traffic flow.

In respect to the overall redevelopment, the CIAA has employed local financial expertise to help it assess and ensure the project's long term financial feasibility. Local firm, KPMG, performed a strategic and operational review of the CIAA, which included the preparation of a 25-year financial forecasting model. During this review, a calculation of the newly implemented Passenger Facilities Charge (PFC) was completed and in January 2009, this new PFC was

brought into effect to help fund the Terminal Expansion project.

Having secured the necessary revenue streams to augment its operating surpluses, the CIAA continued its due diligence by enlisting Deloitte to assist it in reviewing various financing options.

The initial Request for Proposal (RFP) for the financing package was issued in December 2008. Initial proposals have been evaluated and the decision taken to repeat the tender process so as to refine and maximize the competitiveness amongst financial institutions. This ongoing tendering process for the financing package is due to close on 3 April 2009. The process is similar to the process utilised by the Cayman Islands Government.

The revised RFP has been issued to local Class A banks and one overseas bank. The Central Tenders Committee (CTC) is providing oversight on this project to ensure value for money and necessary due diligence. This financing package is also expected to facilitate the construction of the required new airport in Little Cayman and some enhancements at the General Aviation Terminal.

The next steps call for the tendering process for the six pre-qualified local contractors to commence at the end of April 2009 once the designs are finalised by architects Chalmers Gibbs Martin Joseph (CGMJ) and RS&H. Construction is scheduled to commence in September 2009 and is expected to conclude in 2012. The redevelopment of the main terminal will result in the tripling of the floor space from 80,000 square feet to 220,000 square feet to accommodate projected traffic levels for approximately 20 years. Key components of the redevelopment include an expanded ticketing and flight check-in hall, a new arrivals hall, a domestic arrivals and departures hall, a new international departures hall on the second floor, and an expanded tarmac to accommodate three additional aircraft parking slots.

Additionally, the Government is presently involved in discussions that could lead to a public/private sector partnership that would facilitate a 2,000 foot extension to the runway at the Owen Roberts International Airport.

Welcoming the start of the preparatory works in early 2008, I stated that this proposed facility will better reflect Cayman's market positioning both as a high-end tourist destination and as a major global financial centre. The contemporary design will improve the aesthetic appeal and will assist in expanding passenger and airline capacity as overcrowding regularly occurs when passenger and aircraft movements are high.

Today, I reiterate the fact that our Islands' airports are the first and last part of the tourism product that people see whether they are here for leisure or investment purposes. And, in 2012 I expect that we will have a much larger, modern, user-friendly airport for the comfort of our visitors and residents that will pave the way for the continued development of the

Cayman Islands. Further, the CIAA is commencing the project on solid grounds having a healthy balance sheet, positive cash position, secured additional means for financing the project and having already funded the completion of preliminary works from its operating surplus.

Madam Speaker, I wish to express my appreciation to the Board and to the Management and staff of the CIAA for their perseverance, careful and prudent approach to this project and for their continued efforts to enhance the travelling public's experience both now and in the future.

## GOVERNMENT BUSINESS

### BILLS

#### FIRST READING

##### Supplementary Appropriation (July 2008 to June 2009) Bill 2009

**The Deputy Clerk:** The Supplementary Appropriation (July 2008 to June 2009) Bill 2009.

**The Speaker:** The Bill is deemed to have been read a first time and is set down for a second reading.

#### SECOND READING

##### Supplementary Appropriation (July 2008 to June 2009) Bill 2009

**The Deputy Clerk:** The Supplementary Appropriation (July 2008 to June 2009) Bill 2009.

**The Speaker:** I recognise the Honourable Third Official Member responsible for the Portfolio of Finance and Economics.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, I beg to move the Second Reading of a Bill shortly entitled The Supplementary Appropriation (July 2008 to June 2009) Bill, 2009.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the Honourable Third Official Member wish to speak thereto?

**Hon. G. Kenneth Jefferson:** Yes, thank you, Madam Speaker. Just a brief contribution.

The purpose of this Bill, as all honourable Members will know, is to seek the Legislative Assembly's approval for the supplementary appropriations in respect of the Government's financial year that will end on the 30 June 2009. In order to undertake these transactions, the approval of the House is required

and that approval is sought via this Supplementary Appropriation Bill.

Madam Speaker, the Bill is very simple. It consists of three main parts: Clause 1, which gives the name of the proposed Law; clause 2, speaks to the Appropriation authority which, if the Bill is passed into law, would provide so that the supplementary appropriations can actually be incurred; and the third part is the Schedule to the Bill.

Madam Speaker, the details of the supplementary appropriations are shown in the Schedule to the Bill. Those items in the Schedule to the Bill have been considered by Finance Committee and that Committee has in fact approved those supplementary appropriations, that they be authorised in respect to the year to the 30 June 2009.

Madam Speaker, one of the items in the Schedule to the Bill, output group DAP-9, was increased by the Committee and thus the Schedule in the Bill will be accordingly changed in respect of this one item. And as those items were questioned and scrutinized in Finance Committee on Friday, this does not make it necessary for me to comment any further on the Bill.

Madam Speaker, I therefore respectfully ask all honourable Members to support the Bill.

Thank you, Madam Speaker.

**The Speaker:** Does any other Member wish to speak?

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush:** I have stated my objection to some of the Government's paths on expenditure. Certainly, I do so at this point, for I believe that the country is moving along a path where we can say it is dangerous.

We have more and more expenditure while there is an imbalance in our revenue. We see the debt servicing coming mighty close to its limit. The country stands at over \$29 million deficit, whereas projections were for a surplus of \$15 million. Therefore we can say that the swing has been well over \$40 million. This is not a good position to be in.

We acknowledge the crisis going around the world. However, we must acknowledge the failure to deal with matters in the early stages, when better plans could have been put in place instead of a rushed Finance Committee where we could not even study what was put before us.

To make matters worse is the fact that Government has not published any audited accounts in the past four years. And we may think light of it, and the Financial Secretary will make excuses because he might have to, but the fact is that we do not have those accounts. So, as Members of this House we cannot say what we have from what we do not have.

Madam Speaker, we all want to get out of here as quickly as possible, therefore I do not intend to carry on. But I must say that I am disappointed—to



say the least—that those accounts have not been given to us, because that is the proof of the pudding as to what the true position of this country is financially.

In no other way can it be tested. In no other way can any excuse clear the muddy waters with the finances. While we can say that we have had a Finance Committee—as I said, albeit a rush one where I could not have a chance to really peruse to the extent we would have liked to so as to get information—we say flatly that all is not well in the finances of this country.

Oh, I know somebody will probably rise behind me to tell me they have this and that, but where are the facts in the audited accounts?

**The Speaker:** Does any other Member wish to speak? If no other Member wishes to . . .

Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker.

Madam Speaker, the Bill before us was made very clear during Finance Committee. And I did not intend to speak to it, but the Leader of the Opposition has spoken and he has chimed along on the same points that he raised during Finance Committee, or at the beginning.

Madam Speaker, I just want to take this opportunity to explain so that there is no misunderstanding regarding the operational deficit, and I will do so as quickly as I possibly can.

When the budget was prepared for the 2008/09 fiscal year, Madam Speaker, the projections were that there would be a \$13 million operational surplus. Many events have taken place during the course of this fiscal year, and many of them were events over which we had no control. Many of them have incurred costs as a result. And to top that, Madam Speaker, there has also been a noticed downturn in the global economy which naturally would begin to affect our own local economy, thus causing the projected revenue at the beginning of the year to be revisited and for the new projections to show a shortfall of some \$22 million in revenue.

So, Madam Speaker, when we began to see that downturn (meaning the downturn in revenue) we know that there are two approaches which would be used. One would either be to find ways and means to increase revenue, which, normally, is through revenue measures or taxation—and certainly this Government was not going to be irresponsible and take that approach during these times. The other option would be to cut expenditure and that we did.

We called in our chief officers and CFOs and outlined the situation, and they went back and responded. And there was some \$17 million in savings that were realised. So, if it were left just to the shortfall in revenue, which is now projected at \$22 million, and the savings which were realised by the operations of government, we would still have had a surplus.

Notwithstanding that, Madam Speaker, there have been extra pressures put on the Department of Children and Family Services, and also on our overseas medicals. And to top all of that off we had the devastation caused by Hurricane Paloma in Cayman Brac and Little Cayman; more so in Cayman Brac. And, of course, the Government would have no choice but to respond to the rebuilding and recovery efforts over there.

Madam Speaker, as if that were not enough, we had, and still have, the ongoing police investigations racking up a nice chunk of money as extraordinary expenditure. And then because the challenges were to be great this year, we also have the Governor calling for a tribunal to do an investigation of a senior magistrate, which too will have cost being incurred in the millions of dollars.

When we add all of that up, Madam Speaker, we have a deficit of close to \$14 million operationally before extraordinary expenses. And for the Government to have not allowed that to happen, it would have meant that, given all that has faced us, we would have had to look to cutting the services that the people of the country not only are used to but deserve, and the Government made a conscious decision not to do that.

So, while the Opposition will rant and rave and chime about too little, too late and whatever else they have said, the facts are as I have said it and I dare say that given the same circumstances, if they were the Government, they would not have been faced with anything different.

**Hon. W. McKeeva Bush:** We would have done different though.

**Hon. D. Kurt Tibbetts:** Madam Speaker, the facts are the facts.

The business of the Government accounts I would prefer to leave that response to the Honourable Third Official Member who is piloting this Bill through. But let me say this: From the time we took office in May, the Elected Government has cajoled, requested and resorted to everything that we know how to try to get this situation rectified, Madam Speaker. Unfortunately, it is not one over which we have control.

The Opposition when they were the Government saw small signs of this because of Hurricane Ivan. And this has just been a situation that has extended itself for too long. I know that the situation is being rectified but, of course, that is something that is going to take several months to get finished. We have spoken about it on many occasions. But, as I said, I will leave the facts to be aired by the Honourable Third Official Member.

Madam Speaker, this is the last day of this House before dissolution takes place. We move from here into the campaign into the general elections. The country will know the facts. The Opposition will continue to say what they feel they have to say; the Gov-

ernment will outline all the facts to the people and the people will decide.

Thank you.

**The Speaker:** Does any other Member wish to speak?

If no other Member wishes to speak, does the Honourable Third Official Member wish to exercise his right of reply?

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Just to thank the two Honourable Members who spoke for their contributions to the Bill.

Specifically on the topic of the accounts and financial statements, I made my remarks in Finance Committee on Friday evening and outlined that in respect of the financial year ending June 2005 there have been in fact audited financial statements presented in this House for each of the individual 13 ministries and portfolios. The remaining step is for those audited financial statements to be consolidated to produce one overall set of financial statements. And the fact that this is not the same regime as in previous years . . . and, Madam Speaker, none of these comments should be taken as an excuse; they are simply an explanation.

The regime that we currently operate under is a totally different regime than in previous years. In previous years we operated under a cash basis of accounting, meaning that transactions were recorded when the particular transaction culminated in cash being paid or cash being received. That is not an appropriate basis in which to record transactions. The current basis that we operate under is one of an accrual basis in which we account for a transaction, not when it is received or paid in cash, but when the particular transaction arises, therefore we accrue for that transaction.

Madam Speaker, we had the previous regime in which the treasury controlled all of the payments of the entire government. We have moved away from that situation and we now have the current regime in which each ministry and portfolio has its own budget and is able to make decisions regarding its own budget.

Madam Speaker, the cash basis of accounting involved the situation in which major items of capital expenditure were actually accounted for as though they were operating items. And, again, this is not appropriate. The accrual basis of accounting does not operate as such. There was a clear distinction made between operating expenses and capital expenditures.

Madam Speaker, we had the situation in which moving to the accrual basis of accounting involved the Government having to compile a fixed asset register. That was a mammoth undertaking because previously items of capital had been expensed under the cash basis of accounting. So, there was a

considerable exercise taken to essentially reformulate the fixed assets of the Government.

All Government properties had to be brought on to its balance sheet. All of its items of machinery, be they vehicles or otherwise, had to be brought on to the balance sheet. All of its computers and furniture had to be brought on to the balance sheet. All of Government's buildings had to be brought on to the balance sheet. And so the exercise was a mammoth one and this was done by individual ministries and portfolios.

Madam Speaker, we also had the situation in which this new regime took effect on 1 July 2004. Two and a half months later, we had Hurricane Ivan (in September 2004). Madam Speaker, that was a major blow to the new accrual regime working smoothly.

The new regime required that by 1 December 2004 we had to be producing a strategic policy statement for the year that was going to start 1 July 2005. So, ministries and portfolios were then faced with the almost impossible circumstance of data and information being lost and destroyed because of Hurricane Ivan. Ministries and portfolios were faced with a decision: *Do I attempt to maintain and report quarterly transactions for July to September 2004? Or do I attempt to produce a strategic policy statement for the following year?*

Madam Speaker, I believe the sensible decision taken was that we needed to produce and concentrate more so on the Strategic and Policy Statement for the following year.

We then got into the calendar year 2005 and, again, we had the decision to make: *Do we concentrate on producing quarterly reports for the fiscal year 2004/05? Or do we concentrate on producing a budget for the year starting 1 July 2005?* We did the latter, Madam Speaker.

We also had the general election in May 2005.

So, Madam Speaker, the new accrual accounting regime started in very difficult circumstances.

Madam Speaker, the most recent position is that a decision has been made that an accounting task force consisting of existing civil servants will be put to the task of bringing the financial statements of individual ministries and portfolios up to date. Those internal accountants within the civil service will be joined by accountants hired in from outside the Government starting in the financial year 2009/10. So, from 1 July onward the existing internal team will be augmented by external accountants.

Madam Speaker, it is also the case that financial statements for individual ministries and portfolios do not just stop at 2004/05, but they continue on beyond that. And it is the case that some ministries and portfolios have in fact produced their financial statements for those subsequent years and have been, in fact, audited. The audit process obviously takes some time.

Madam Speaker, the position with respect to financial statements is well understood. The importance of having audited financial statements is well understood by the Government and the matter is taken seriously. As I said, the decision has been made to put a special task force onto this exercise and allow the chief financial officers to continue with their task of keeping a current year current.

With those words, Madam Speaker, I simply wish to commend this Bill to all honourable Members.

Thank you, Madam Speaker.

**The Speaker:** The question is that a Bill shortly entitled The Supplementary Appropriation (July 2008 to June 2009) Bill, 2009, be given a second reading. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: The Supplementary Appropriation (July 2008 to June 2009) Bill 2009 given a second reading.**

**Hon. D. Kurt Tibbetts:** Madam Speaker.

**The Speaker:** Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Can I have a division please, ma'am?

**The Speaker:** Madam Clerk.

**Division No. 17/08-09**

**Ayes: 16**

**Noes: 0**

Hon. D. Kurt Tibbetts

Hon. Alden M. McLaughlin, Jr.

Hon. Anthony S. Eden

Hon. V. Arden McLean

Hon. Charles E. Clifford

Hon. Donovan W. F. Ebanks

Hon. G. Kenneth Jefferson

Ms. Lucille D. Seymour

Mr. W. Alfonso Wright

Mr. Osbourne V. Bodden

Mr. Moses I. Kirkconnell

Hon. W. McKeever Bush

Mr. Rolston M. Anglin

Mr. Cline A. Glidden, Jr.

Capt. A. Eugene Ebanks

Ms. Juliana Y. O'Connor-Connolly

**The Speaker:** The results of the division, 16 Ayes and no Noes. The Supplementary Appropriation (July 2008 to June 2009) Bill, 2009, has been given a second reading.

**Suspension of Standing Order 47**

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, I beg to move the suspension of Standing Order 47 in order to allow the Bill on the Order Paper to be given a third reading.

**The Speaker:** The question is that Standing Order 47 be suspended. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: Standing Order 47 suspended to allow the Bill to be read a third time.**

**THIRD READING**

**Supplementary Appropriation (July 2008 to June 2009) Bill 2009**

**The Deputy Clerk:** The Supplementary Appropriation (July 2008 to June 2009) Bill, 2009.

**The Speaker:** I recognise the Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill shortly entitled The Supplementary Appropriation (July 2008 to June 2009) Bill, 2009, be given a third reading and passed.

**The Speaker:** The question is that a Bill shortly entitled The Supplementary Appropriation (July 2008 to June 2009) Bill, 2009, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The Supplementary Appropriation (July 2008 to June 2009) Bill, 2009, has been read a third time and is passed.

**Agreed: The Supplementary Appropriation (July 2008 to June 2009) Bill 2009, given a third reading and passed.**

**The Speaker:** I recognise the Honourable Leader of Government Business.

**Hon. D. Kurt Tibbetts:** Madam Speaker, this is it! For better or worse!

**Hon. W. McKeeva Bush:** Yep!

**The Speaker:** Thank God.

## ADJOURNMENT

**Hon. D. Kurt Tibbetts:** I have to move the adjournment of this honourable House sine die.

**The Speaker:** Before I put the question I will allow those Members who would like to say a few words.

Does any Member wish to speak? [pause] If no Member wishes to speak I shall put the question—Fourth Elected Member for the district of George Town.

**Mr. W. Alfonso Wright:** Thank you, Madam Speaker.

Madam Speaker, I am grateful for the opportunity to say a few words at the last sitting of the Legislative Assembly for this term.

Firstly, I am extremely blessed and grateful for the opportunity given to me by my constituents in the district of George Town to be of service to them over the past four years. I am a much more enlightened and mature individual. The time spent here has been good for me. I also believe that I have done my part in improving the lives of the people whom I represent in the district of George Town and throughout the country.

Before I came in here there were many things that I took for granted, many things that I believed legislators could correct and make happen by the flick of a switch or by [saying] aye or no. I did have the opportunity, thank God, to have been close to the current Leader of Government Business for quite some time. On many occasions he helped to sort things out for me and showed me the way that things really were, and that the ideal world that we think exists on the outside really does not exist.

I had some inclination as to how it works in here, but you can really only know that, Madam Speaker, when you experience it through being here for a period like I have been. It is always easier from the outside. I believe that all in this new group, which have just served their first term, will probably say the same thing. I dare say that even the older Members who have been here for multiple terms still find themselves in a position where they continue to learn something each time. It would be totally worthless time spent here if we did not learn something new all the time.

I have had the opportunity to become acquainted with many more individuals that maybe I just saw along the way. Being involved in politics as a representative for my district has exposed me to a lot of different scenarios and has caused me to meet many, many interesting persons. Many of them have made a positive impact on my life in my term here, and I dare say that, hopefully, I have done the same for at least some of them.

I believe that as a government, Madam Speaker, we have done extremely well with running this country under the circumstances. I believe that the country is on the right track. I understand that we were not perfect during our four-year term, and I dare say I don't think there is anyone who expected us to be. Then again, maybe there are those who figure that we should be perfect. That is just not possible. But I believe that we did the best we could do under the circumstances.

We have embarked on many projects and services during the last four years that have positively impacted the lives of our people. Some of those projects and services have been completed; some are in their infancy and underway.

Madam Speaker, I am a convert to political parties. I had my reservations about party politics before I got involved in it. We all know that the Cayman Islands have been involved in party politics for many years, we just did not have proper organisation in party politics. I dare say that I would have much preferred that it was not rushed upon us the way that it was, but I believe that party politics has been good for this country and is here to stay.

Madam Speaker, the notion of independents running for politics is one that scares me. One cannot even move a Private Member's Motion in this House without the support of another Member. So to think that this country should look towards independents to be in control will simply set this country back decades.

Any business or household must have some form or organisation. Companies must have managers, middle-level management, lower-level management and labourers. There must be some form of organisation. Someone must be in charge, and whoever is in charge must have help to run whatever organisation. Even in a family, where parents are in charge and older children are given responsibility to help with other kids, everyone must play their own role within a household to make sure that things work perfect. And that is done by members of that household or business understanding one another and knowing what it takes to keep things ticking.

Now, an independent can win an election—that happens all the time. But what do they have to do the first morning after they are elected? They have to go and look for someone. And the country benefits when individuals who get elected to office have common goals and have worked out what it is they want to do for the country before they get elected and not have to madly scramble and horse trade after election. The country's business is compromised by people getting together who really don't understand what they want themselves, [let alone] what the country wants.

Madam Speaker, I have been blessed to work with my colleagues in the Government. I dare say that for the most part I have had a very good relationship with most of the Members of the Opposition. For the most part we all understand and have a common goal.

I am grateful for my colleagues in the Government who have assisted me and taken my ideas on board showing respect for the things that I believe in. In the same way, I have learned a lot by sitting and listening to each and every one of them. And I believe that this country has benefited from the way that we have worked together, the way we have stayed together as a unit.

Many individuals figured that after we were elected that we would not see it through to another general election as a party. Well, I dare say that we are as tight now as we were then—maybe even a little tighter, because we know each other a whole lot better. I will never try to say to anyone that we don't have our differences; we have them all the time. As a matter of fact, we have some downright ugly arguments at times. But our respect for one another and our goal of understanding where we should end up always comes in to play and we end up with the best possible product simply by everyone being allowed to speak their mind and give their views.

[I am] so grateful for the type of leader that we have who respects the views of others and does not try to force his feelings or convictions on everyone else. So, whatever product that we come by, I can tell you that it is one that everyone has contributed to.

Madam Speaker, we continue to hear about the Cayman Islands being worse off, and people trying to blame the global financial crisis on the PPM Government. It seems as though everything that has gone wrong in the world is the fault of the PPM. But I want to remind everyone that the slowdown in Cayman's economy is primarily [due to] the decline in the US of sub-prime loans and bankrupt insurance companies which have led to many huge banks of household names failing. And we know that trickle down effect will always reach the Cayman Islands in some form or fashion. I dare say that right now the Cayman Islands is a lot better off than countries such as the US, Ireland, Greenland and many other countries.

Madam Speaker, last year alone there were over 1,125 billionaires and, because of the global financial crisis, that is now down to under 800.

So, I think we ought to understand exactly what is happening here and that circumstances always alter cases. We have a country to run. I believe that the PPM is the right party to be re-elected to run this country. We know and are familiar with what is happening. We have our finger on the pulse. I do believe that it is quite clear that none of the other groupings out there, including the current Opposition, have even come close to explaining what their plan is for moving this country forward, and can only set the country back if the Government changes. Worst if independents are in control.

At least the Opposition are a part of the current Legislative Assembly and know some of what is going on. But imagine this country being run by a bunch of independents. It would take them probably

12 months to understand what is happening. What happens to the Cayman Islands in that time?

Madam Speaker, I want to thank all of those who I have come in contact with during my tenure here. Many positive, some negative, but I thank them nevertheless, because I have come to accept criticism of the way I do some things as being just and have been able to understand and accept that for what it is and not become angry with people who have a different version of what they think you should do.

I want to improve the way I do things and a lot of times you have to sit back and listen to what people tell you. So, I have learned a lot through criticism, and I thank all those individuals. I am not bitter with any who oppose what I do or who have said negative things about me in the past. I have learned from a lot of them. Some simply oppose for the sake of opposing, and we will not be able to change their minds.

This is a job that I have enjoyed and I believe I have made a positive difference in this country. I am so grateful for the way that my other Backbench colleagues and I have worked and supported one another. We are a good team.

Madam Speaker, I thank you so much for your support and for all that you have done, and for your sage wisdom. You are always there willing to give advice and answer questions whenever we come to you regardless of the hour of the day or the time of the night. I am so grateful to have had this opportunity to work with you and to say that this country is a lot better off.

This country is a better place because you took the time and made the sacrifices to serve your country. I would like to take this opportunity to thank you on behalf of all of the people of this country for the services, Madam Speaker, for the good job you have done in serving the people of North Side and the country.

I want to personally say thank you to the 1,646 individuals who voted for me the last time, and to remind them that I need that support again—and more—to be re-elected as their representative for the district of George Town.

I am grateful for the way that I have been treated at the Legislative Assembly. I have gotten along exceptionally well with all the staff here. Some of them are no longer here, but most of them who were here when I came in are still here and they have treated me with much respect and have helped me along the way assisting me in being able to make a contribution to this country.

Whatever the results, Madam Speaker, I am eternally grateful to God for showing me the way and helping me through in dark times here. I have had some disappointing times here. I have had some times when I sat back and wondered why. But none of that was God's will; that was human beings who believe that it is their lot in life to make others miserable. And I can forgive and forget that. My thanks to God for all His many, many blessings.

If, at the end of the day, the people of George Town make a decision not to return me to office, I want to say that I will still be thankful. I will not be bitter. I have done much for my country since being a boy, and not being a Member of the Legislative Assembly will not stop me from serving my people. But I have embarked on a journey that is not yet complete and I ask the people of the district of George Town to consider re-electing me and my three other colleagues for the district of George Town—indeed, the entire PPM family—back to their respective districts.

Madam Speaker, I implore everyone to please make an effort to run a meaningful and sensible campaign. Let us deal with the issues that are at hand. The world is going through difficult times. What we need is cohesiveness. What we need are people who understand that it is the country that comes first, and that we do what we can to be civil to one another. Let us go through this campaign without any of the mud flinging or any of the dirty politics that have gone on in the past. Let our young people see that we as politicians can be kind and gentle to one another. Let us set an example for them.

Once again, Madam Speaker, I am grateful, I am willing, I want to serve; I have made myself available to my people of George Town and will continue to do so.

God bless! Good luck!

**The Speaker:** Does any other Member wish to speak?

Honourable Third Official Member.

**Hon. G. Kenneth Jefferson:** Thank you, Madam Speaker.

Madam Speaker, on behalf of the Official Members in the House I wish to thank all honourable Members on both sides of the House for their sterling efforts and contributions they made in the last four years, approximately. Madam Speaker, much business has been conducted and concluded during this parliamentary term and this has been for the advancement of these Islands.

I also wish to thank you, Madam Speaker, and the staff of the Legislative Assembly for all of your assistance and guidance that was rendered during the course of the last four years or so, and to say that often times you have acted as a mother hen pushing us along to get the business of the House done and we certainly wish to thank you for that.

Madam Speaker, the unrelenting march of time means that the work of parliamentarians will continue until our Heavenly Father brings life on earth to an end.

The Honourable Attorney General, the Second Official Member, who is presently on vacation, has asked me to extend his personal best wishes to all MLAs and to [express] his gratitude for their help during the past four years.

Madam Speaker, one of my favourite adverts is one that goes something like this: "You never actually own a Patek Phillipe", which is regarded by those who know as being the best watch in the world. "You never actually own a Patek Phillipe; you merely look after it for the next generation."

And so it is, Madam Speaker, with parliamentarians. We simply look after the Cayman Islands for its future generations.

Thank you.

**The Speaker:** Does any other Member wish to speak?

The Third Elected Member for George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

Madam Speaker, I rise to say thank you, *bon voyage, hasta luego, sayonara, arrivederci!*

*[laughter from the Speaker]*

**Ms. Lucille D. Seymour:** But I will be back with God's help and the people who put me here. However, before I go into that, Madam Speaker, I would like to say to you, thank you very much for your guidance, wisdom, humour, your way of handling us and keeping us on our toes, and last but not least, for being an excellent Speaker.

I was wondering the other day whether you were a better Speaker or a better politician. When I weighed the points I think they came out evenly. Therefore I would assume by my tally that you are not only a great Speaker but a great stateswoman and politician, and I thank you.

I thank you in particular because you are a woman and you have done a lot of things for women in this country. And you yourself know that this honourable House needs a lot of mother hens. Not to rib my colleague, the Third Official Member.

Madam Speaker, I would also like to thank my family, in particular my sister who really pushed me along to be here; and my childhood friends who still say to me that this was the best thing that I have done; to the netball fraternity that has given me an identity in this country; to the Central Scranton Community, a place where I grew up, for helping to be a great community leader; to my constituents and residents of George Town. I thank them for holding me up, taking me up by the legs, the arms, the feet, in guiding me and bringing me and sitting me in this seat which does not have my name, and for making me their representative, the Third Elected Member for George Town.

To my colleagues who sit on my right and on my left and immediately in front of me, I thank them for being there and bringing me back to earth many times when I became like a Don Quixote, because I perhaps have a lot of idealistic cues for this country.

Madam Speaker, my first address when I came in less than four years ago was to the people, thanking them and to say that the job that they had given us was a monumental task—and so it was, and so it still is. There is a lot to be done because there was a lot that was not done.

But who do you blame for that? Do you blame the system? Do you blame people? Who do you blame? Do you blame uncaring politicians who do not have the will to come into this honourable House and fight for the destiny of the Caymanian people? That is debatable, Madam Speaker. That is debatable! But it is also a good point because that is why we are here—to work for the people.

Madam Speaker, in my first address I also encouraged parents to continue to work for their children, and for them to change their own educational course so that they could empower themselves to get better jobs so they could make much more money. Therefore, they would not have to have two or three jobs and would be able to stay at home and work with their children. I remember that, Madam Speaker.

Madam Speaker, I also encouraged the frontier Caymanians and the new Caymanians to come together for the benefit of this country. Irrespective of ethnicity or nationality we are all Caymanians—some of us are frontier and some of us new Caymanians. I encouraged us at that time to come together to make this country a better place.

What have I learned in the last four years, Madam Speaker?

I have learned that politics is a nasty business with nasty politicians. But I have also learned that because of the PPM fraternity—

### **Suspension of Standing Order 10(2)**

**The Speaker:** Would you give me one moment so that I can get a suspension of the relevant Standing Order, as it is 4.30 pm?

Honourable Minister for Tourism.

**Hon. Charles E. Clifford:** Madam Speaker, I move the suspension of the relevant Standing Order to allow the business of the House to continue beyond the hour of interruption.

**The Speaker:** The question is that Standing Order 10 (2) be suspended. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: Standing Order 10(2) suspended.**

**The Speaker:** Third Elected Member for George Town.

**Ms. Lucille D. Seymour:** Thank you, Madam Speaker.

I was speaking about what I have learned in the last four years. I have learned that politics is a nasty business with nasty people hiding behind politics.

But I have also learned, Madam Speaker, that it is a great avocation, that if you are in it and you really care you can do a lot—small things, though, Madam Speaker, for the people. I have also learned that the closer you get to them the more of a human you become. That is what I have learned from the people of George Town. I have become more human than when I came in to this hallowed hall.

Madam Speaker, what else have I learned? I have learned that we have neglected skilling—S-K-I-L-L-I-N-G—people in the Cayman Islands, and that is unfortunate. And perhaps that is why there are the issues between the frontier Caymanians and the new Caymanians, because the perception is that the new Caymanians are more skilled.

The destiny of the Caymanian lies in this House. Therefore, when the Honourable Alden McLaughlin puts his projects and proposals with the support of the PPM—

**The Speaker:** Minister of Education.

**Ms. Lucille D. Seymour:** Sorry, Madam Speaker, Minister of Education.

His intention was that we must have a skilled and trained Cayman Islands. And for the last three years, ten months and something days, that is what he has been doing. And if there is a heavy heart that I will leave from this honourable House with, it is the perception of some people that he is wrong. That he should not go about skilling Caymanians, the frontier as well as the new; that he should not go about training up Caymanians. That is what I have learned, Madam Speaker.

I have also learned that this economic miracle was not evenly spread in its effect. It came down not like water but like cement, so that some Caymanians did not profit off of this economic miracle that we have put here. But, Madam Speaker, when I go back to 2005 I did not see a plan to encourage and develop more entrepreneurs and more local persons to develop so that they would not depend on a 40 hour work week. I understand that I will be lambasted and darts thrown at me afterwards, but this is my observation. I have spent an inordinate amount of time moving around this country on foot, in car, on bicycle, every means I have done. And I think I am factual, Madam Speaker.

Madam Speaker, what else have I learned in the years I have been here? That education must be the passport to wealth, to success and to social transformation. Social transformation and economic enhancement go hand in hand. And when you see a de-

crease in wealth then there is also an increase in a social slide in the country.

What else did I see and learn over the four years? That we must honour our aged, that we must bring the youth and the aged together. Madam Speaker, there must be an integration. Boy, the Honourable Minister, Madam Speaker, has gotten me quite nervous now. (That was just a joke.)

Madam Speaker, we need to honour our aged. And I am glad that a lot of my motions were on the whole question of the enhancement of the aged senior citizens and we brought forward a commission for the aged. They built this country. They allowed us to have warmth and harmony in this country.

I can think back on the Cayman of yesteryear and why people came here. They did not come here because it had all of these flashy buildings when they first came. They came here because we had beautiful warm people, lovely and honest people, Madam Speaker.

I grew up in the days when people were taught to fish. Today we want to hand them out fish. I believe that you must help people to stand up. I certainly do, and I will support anything that the Honourable Minister of Human Services brings here to help people to stand up. And with the economic times, we need to do that even more. But, Madam Speaker, we have generations of people to whom we have given fish. And I question that. I question why it is that we as politicians, in particular, are not encouraging our people to learn to fish [but], more so, giving them fish.

Madam Speaker, I think that where the Honourable Minister of Education is going will alleviate that. Perhaps not in this generation or right now, but when I look at the plan I think that is where we are going. We want to enable people. We want to empower people. We want people to be entrepreneurs.

Madam Speaker, what have I seen in our workforce? I can repeat almost the same thing.

You know, people sit down and talk about it's the PPM's fault that the people do not have jobs. You know I think sometimes and wonder if I'm an angel or an earthly person, because it would appear the PPM has to be angels because they are miracle workers. But I am an earthly person. I think the PPM are earthly people.

When you go back to our life, say 10, 15 years ago with our workforce, the people who sat in these hallowed halls who made the decisions should have seen all of this coming. We could have seen it more than we would have seen the global economic crisis, because not even the USA saw that. But we could have seen that our people were not as skilled as those we were bringing here to work in this workforce that we have. We could have seen that and we could have done something about it.

Madam Speaker, that is what I saw when I came in. And this is why we must emphasise education, education, education. And, Madam Speaker, that

is it. It is the passport to liberalisation, to democracy, to success.

What did I see over the last four years in terms of our cleanliness? It is better now! But it can be even much better than it is. Cleanliness is next to godliness and, Madam Speaker, notwithstanding that we have a department and a ministry that is responsible for the enhancement and tidiness of the Cayman Islands, that is something. And it is not irrelevant you know.

I will tell you something: When you do the research on crime there is close similarity between crime and untidiness. There is a close similarity between crime and places that are just rejected and looking derelict and look like a dump. We have to be careful with that. This is not just a government's job—it is our job. This is all of us.

Madam Speaker, what else have I seen since I have been here in the last four years? I have seen an increase of churches, Madam Speaker. And that is great. It means that the Cayman Islands people are keeping close to God. Hopefully, we are trying to be moral and Christian. And that is good. But what I have seen is that the churches, along with the community, must come together, extend that social arm so that the social transformation of the people, youth, children and everybody else is not just the responsibility of the Cayman Islands, is not just the responsibility of the Government in power.

And, Madam Speaker, this is very close to my heart, because I am the person I am because of a great church instruction, community instruction and a good mother. And I believe in that and I don't think we should move away from it. The Government was not in it at the time when I grew up. It was the building blocks of community. And, Madam Speaker, I believe that as a country we need to talk more with our faith based organisations in how to help our people, not just with their spirituality and their Christian ways, but also in terms, for example, with AIDS. We do not see a lot of the extension of the arm with that.

Madam Speaker, when we came in here, those are the things that we found. And these are the things that we have worked on. But it tells me that it takes time to move these things.

It takes money.

*[inaudible interjection by the leader of the Opposition]*

**The Speaker:** Pardon?

**Hon. W. McKeever Bush:** Is this a general review?

**Ms. Lucille D. Seymour:** Madam Speaker, these are things in my four years that I have seen. I am saying to my people, bon voyage, and these are what I have seen.

I know the Leader of the Opposition perhaps opposes my way of speaking, but he will have his turn, Madam Speaker.



Madam Speaker—

*[inaudible interjection by the Leader of the Opposition]*

**Ms. Lucille D. Seymour:** —I am comfortable in my skin—

**Hon. W. McKeeva Bush:** Carry on.

**Ms. Lucille D. Seymour:** —when I'm doing what I'm doing. I'm not cursing people berating them at all, Madam Speaker.

**Hon. W. McKeeva Bush:** Madam Speaker, I thought she was just speaking to me alone.

**Ms. Lucille D. Seymour:** Madam Speaker, at the end of . . .

Madam Speaker, can I speak alone please.

**Hon. W. McKeeva Bush:** You shouldn't call my name then.

I don't think this is a general *[inaudible]*—

**Ms. Lucille D. Seymour:** Madam Speaker, what else have I learned in my four years? I believe that I have learned that the Cayman Islands people are more politically savvy. I think they do not see politics as a dirty word anymore—that it is about the aggregation of interests. It is about their interests, our interests, everybody's interests. Therefore, I am more comfortable and they are more comfortable with me talking about politics. They don't see politics as a politician, and that is good.

Madam Speaker, I think what enhanced that is that we have gone in the hamlets in every nook and cranny trying to talk to people about the Constitution, which is the framework for our development.

Madam Speaker, my tenure here has been a wonderful one. I was 99.9 per cent happy, and I owe that to the people of George Town and also to the people of the Cayman Islands. Through this medium I want to say to them that my journey is not yet finished.

**Hon. W. McKeeva Bush:** Oh yeah?

**Ms. Lucille D. Seymour:** But at the end of the day, I have done well with them and they have done well with me. They have taught me and I have taught them. I have listened to them and they have listened to me. They advised me and I advised them.

So, Madam Speaker, my relationship with the people of George Town was a good relationship—and still is. They know where my heart is, that my heart is for the uplifting of the Caymanian people, that where I am they may be also—

**Hon. W. McKeeva Bush:** Yeah?

**Ms. Lucille D. Seymour:** —that their children will be better than me; that their sisters and brothers will be better than me—

**Hon. W. McKeeva Bush:** I hear ya, Lulu.

**Ms. Lucille D. Seymour:** —that they will not have the challenges that I had.

Even though, Madam Speaker, the majority of the people in this country that are Caymanians were not born into wealth, we have seen them ascend into wealth and into success, which means that with the right political concepts, with the right heart, with the right programmes, with the right mindset, all of our children can do well.

Madam Speaker, the evening is going. I could stay here all night. It's a topic I like.

**The Speaker:** I can't, though.

**Ms. Lucille D. Seymour:** But, Madam Speaker, I know that you have to ride to North Side and you also have to say your piece and I await that.

But, Madam Speaker, I say to my people and I say to the staff here, who have done so well, and the Serjeant, thank you.

I say again to my people that if they entrust me for another four years that I will fight for them that where we are now, their children, their family and their friends will have the same opportunity seeking peace, progress and prosperity for the Cayman Islands.

Thank you, Madam Speaker.

**The Speaker:** Does any other Member wish to speak?

Honourable Minister responsible for Health and Human Services.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

I rise to briefly speak on this winding up of Parliament.

First of all, I would thank God, my Heavenly Father, for giving the health to continue to serve the people of Bodden Town, my constituents, and the Islands in general.

Madam Speaker, I would like to take this opportunity to thank you. You and I and the Leader of Government Business are second only to the Leader of the Opposition for longevity in this Parliament, which would indicate to me that in those four terms we have served the people of these Islands.

I want to thank the staff of this Legislative Assembly for the hard work, dedication, long hours that they have had to put in, not least of all Saturday morning when this Parliament stopped in Finance Committee at approximately 12.50 am (Saturday morning)!

Madam Speaker, there are those out there who say that we do nothing. And the hours that they plan to serve . . . I think they are in for what a good friend of mine calls *[it]*, a shock of "surprisation".

Madam Speaker, as we all know, for every one of us this is a 24/7 job 365 days a year. It is about the dedication to our people and to making these Islands a better place for all.

I would like to take the opportunity to thank the staff and all of the departments that fall under my Ministry for the hard work and dedication that they have given to me to make these Islands a better place for all of us to live in. It is for all good intentions, Madam Speaker. There is no doubt in my mind that whatever happens after the next general election we will all continue to serve and do that which is right and best for our people.

I would encourage all to continue to serve for the betterment of our Islands and its people. Let us better serve and take care of our elderly and youth.

In my wind-up I would like to once again take this opportunity to admonish and beg parents and guardians, I beseech you to monitor your young children. Know where they are and whose company they are keeping. Make sure you know what they are watching on both television and the internet. As I have said dozens of times, the greatest investment a parent can make is the quality time you spend with your children.

I jotted a little note here, Madam Speaker. Just this morning I was speaking with Ms. Reba Dilbert. I promised her that I would offer congratulations on behalf of this Parliament for the accomplishment that she did. Certainly an ambassador for these Islands in what she has been able to accomplish in the arts and crafts and whatever.

Finally, in closing, Madam Speaker, let us all remember our Heavenly Father who has so wonderfully blessed these beautiful Islands in so many ways. We must not depart from His ways, always follow His guidance, and never, never compromise His standards for those of corrupt human beings.

I would like to take this opportunity, Madam Speaker, to wish to both sides of this House good health, including their families, blessings upon them. Always remember in this upcoming election that it is about the people we serve, our choice to make them better.

Going into two decades now, Madam Speaker, I have put myself forward for the people of Bodden Town. Once again on 20 May I go before them in humility and integrity as someone (as I have always said in many of my statements) [who is] always there for you.

They know where I come from. They know what I stand for. I never, ever compromise my standards for anyone. That was the way my dear departed parents raised me and I will live that until I go to join them at some time in the future.

Madam Speaker, this has been a special House. We have worked very closely and done much in these three years and almost ten months. I would encourage all of us to think along in that vein. We all had our misgivings.

For those of my competitors in Bodden Town who have said that we have done nothing, I would just request them to look at our last manifesto and see what we have done. I estimate between 22 to 25 different projects, Madam Speaker, which we promised that we would do and then some more. There are still a few left, not the least of which is the Savannah Gulley. But I am hoping once all of the bureaucracy, the opportunity of democracy in which people have the opportunity to object, that we will get that going.

But we have come a long way, Madam Speaker. There are rough times ahead. But I say that if we could survive Hurricane Ivan, with God's help we can survive anything. It brought out the best in all of us Caymanians, but we tend to forget so quickly. He blessed us so wonderfully, so very wonderfully. But we seem to have short memories.

And I will just remind my Caymanian people, remember the Israelites when they came out of Egypt, how they rejected Him. He kept them marching that mountain for 40 years until they finally listened to him. He is sending a couple of messages to us here in Cayman. Our future is ours. We can make the decisions and do the right things, but always remember how our ancestors lived, their closeness to God, their respect.

Let us get away from all the trash and rubbish on the television and the Internet. Let us get back to the standards we were brought up that brought these Cayman Islands, with our men at sea and our women at home managing our affairs to one of the most successful nations on earth.

Madam Speaker, as I know, you are heading for retirement. I want to wish you the best of everything. It has been an enjoyable experience working with you. Madam Speaker, I have the greatest respect in this world. May God bless us all!

Thank you.

**The Speaker:** Does any other Member wish to speak?

Honourable First Official Member.

**Hon. Donovan W. F. Ebanks:** Thank you, Madam Speaker.

I do not think I need to elaborate on the comments offered by my colleague, the Third Official Member, who ably spoke on behalf of us. But I felt that as it was possibly your last time in the Chair that I should personally thank you for the warmth, kindness, and guidance that you have afforded me as an occasional visitor to these Chambers, and to say that I have never taken any exception to the fact that you always double check my allegiance every time I come. I understand why, Madam Speaker.

Let me also add my thanks to other Members who are here for the collegial warmth that they extend to me as a visitor. I am indeed grateful for the relationship that I am able to enjoy with all of them. I would like to wish all of them good health and success

in their endeavours, whether they are in this arena or elsewhere.

If you would allow me, Madam Speaker, I think I should also, as one who has had the privilege to enjoy Bodden Town status for the last 27 years, but who, by birth, is a North Sider—

**The Speaker:** Hutland!

**Hon. Donovan W. F. Ebanks:** —and a Hutlander! to not miss the opportunity on behalf of—since I'm the only North Sider in the Chamber besides you—to say on behalf of the good people of North Side how grateful we all are to you for your extended term of service, and of how proud we are of the level to which you have ascended and the way you have conducted yourself in representing the community.

You have been an outstanding model to us. We are proud of you and wish you good health, much happiness and whatever the future holds for you.

Thank you very much, Madam Speaker.

**The Speaker:** Thank you.

Does any other Member wish to speak? Does any other Member wish to speak?

Honourable Minister responsible for Tourism.

**Hon. Charles E. Clifford:** Thank you, Madam Speaker.

Madam Speaker, over the past three years and ten months the people of Bodden Town have given me the privilege to serve in this honourable House as one of their representatives, and I want to take this opportunity to sincerely thank them for that privilege and support over this term.

Madam Speaker, I have spent only one term in this Legislative Assembly, but in terms of public services, this year (2009) marks 29 years of public service for me. I want to say a few words about that because I do not know that there is anything more satisfying and gratifying than public service.

Madam Speaker, as all Members of this honourable House will know, I started that service in 1980 in the Royal Cayman Islands Police Service (RCIPS). I just wanted to say a few words about that, because at this point in our history the RCIPS—which is certainly near and dear to my heart—is facing some challenges. While these are not challenges that are insurmountable, they are challenges that need to be addressed, and addressed quickly.

I speak about the police service, Madam Speaker, because I believe that the only real opportunity for us to get things where they ought to be in the RCIPS . . . and let us acknowledge here that we have some great police officers in this country. But we also have other great police officers in this country who are no longer in the Service. And while I am not going to stand here today to suggest that all of the former police officers are suitable for rehiring in the RCIPS, certainly a large number of them have left the Service in

circumstances and for reasons which really should not have caused them to leave the Service. Madam Speaker, there ought to be and there needs to be a programme of incentives to try to attract more of those officers back into the Service. And one just walked in front of me, Madam Speaker.

I say to the Serjeant-at-Arms and, indeed, all former police officers—particularly those who have left the Service more recently—that they need to consider rejoining the Service and helping to reinstate the confidence that is needed in the RCIPS.

Madam Speaker, I have to tell you that I have a great deal of gratitude for the Police Service. It has afforded me many, many opportunities; many training opportunities. I had opportunities to train with various other police services around the world, including the FBI, The Royal Canadian Mounted Police and Scotland Yard.

I was also very fortunate during my time in the Service to be able to study law at the Cayman Islands Law School to get my law degree and pass my professional practice course. I say all of that to say that there are great opportunities available for Caymanians in the RCIPS and I want to encourage those who had been there before and those who may be interested but have yet to make the move to apply to do so and to do so for love of country and with service in mind.

Madam Speaker, while I was in the Police Service (and again, this speaks to opportunities that can open up in the Police Service) an opportunity became available because the last three years of my 17-year service in the Police Service were spent in police administration. So I had the opportunity to work closely with central government, people in Finance and Personnel and other areas. And so, Madam Speaker, when the opportunity came for me to move out of the Police Service and into central government, I decided after 17 years to make that move and to join the Ministry of Tourism as the then Deputy Permanent Secretary and from there to Permanent Secretary. I eventually resigned from that post in 2004 and decided to seek political office subsequent to that. At this point in time I now serve the country as the Minister of Tourism.

Madam Speaker, serving the country as Minister of Tourism has certainly given me a much broader perspective on governance issues in the country. I want to take a few minutes to talk about tourism. I want to say that the strong public and private sector partnership that we enjoy today in the industry is something that we should all be very proud of, whether we work in government or in the private sector. It has served the country well and it is why we have had the successes that we have had in the last three years and ten months.

Madam Speaker, however we want to consider it, I have had to serve the country as Minister of Tourism during some of the most challenging times. When this Government took office the country was still very much devastated from Hurricane Ivan. The tour-

ism industry for the most part, with the exception perhaps of the cruise sector, was still very much in ruins and in need of recovery. We worked tirelessly at that effort and the tourism industry emerged with a much stronger tourism product than we had before the disaster.

I have served the country as Minister of Tourism during what we all know now was the international airline crisis, when airlines around the world went belly-up, closed down, returned aircrafts. In cases where the airlines did not go bankrupt and did not close their operations, there were significant reductions in airlift and in their route networks bringing additional challenges to destinations like the Cayman Islands.

More recently, Madam Speaker, we have been faced with Hurricane Paloma. While it has had more of an impact on Cayman Brac and Little Cayman, our Sister Islands are very much a part of this country, and what they had to face and continue to face with Hurricane Paloma during the recovery process is almost exactly (if not exactly) what Grand Cayman had to face following Hurricane Ivan. As I stand here today we are poised to reopen Cayman Brac to tourism in the very near future, and we are very pleased to be in that position.

Now, Madam Speaker, as if all of that was not enough, like all other countries in the region and around the world we are facing the global economic financial crisis. Notwithstanding all of that, Madam Speaker, the Cayman Islands tourism industry, despite what the naysayers may say, is performing well and has fared much better than most countries in the region. The numbers speak for themselves, and they are available for those who are interested.

Madam Speaker, I understood from the very beginning that in order for me, as a representative of my constituents of Bodden Town, to achieve the things I needed to achieve for the district, it was important for the economy of this country to do well. As we all know, the economy of this country is essentially supported by two industries, tourism and financial services.

So I understood very, very clearly from the beginning, that in order for me to have the funding that I needed for my other two colleagues, the Honourable Minister for Health and Human Services and the Third Elected Member for Bodden Town, to carry out the projects and programmes that we needed to do in our district, it was important for tourism and financial services to do well. Neither Bodden Town nor any of the districts would have done well unless we maintained a robust economy.

But these are challenging times and now more than ever experience is what counts. Now is not the time to change to the unknown and the unproven. Nobody in this country, Madam Speaker, should gamble with that. These are difficult times, and it is going to take a steady and consistent hand, a hand with experience to see us through these times.

Madam Speaker, those who will be opposing us in this upcoming general election have already begun the rhetoric. I am going to speak now specifically about my constituency of Bodden Town, because all you have heard day and night is that Bodden Town has been neglected and that the three representatives have done nothing.

Madam Speaker, the East/West Arterial, the first phase was opened within the last three years and ten months. I wonder who did that. It was this Government—the People's Progressive Movement.

Madam Speaker, we have repaired, refurbished and upgraded many roads in the district. We have installed speed bumps, we have installed street lights. None of us are going to stand before this honourable House today and suggest that all of the work is done. That is never the case. No government has ever been able to achieve that. And so there is still a lot of work to be done. We understand that but we have proven that we are prepared, willing and able to do it. And so continuity is important.

We have repaired, rebuilt and renovated too many houses to count in the Bodden Town district damaged as a result of Hurricane Ivan. I wonder who did that. It was done within the last three years and ten months. Madam Speaker, it was the PPM Government.

Madam Speaker, when I came into central government in 1997 (I think it was) in the Ministry of Tourism, from that point . . . and I understood that even before 1997 there was talk about the issue with respect to the Savannah gully and the problems that the residents of Savannah and Newlands faced as a result of that. Madam Speaker, from 1997 there was a budget in this country to address that problem. And it was never addressed in any real way until this term—in the last three years and ten months—when we got the expertise on board that we needed to study the problem. They have completed the study. We have had public consultations in Savannah and Newlands. They have recommended the solution. We have identified that the funding will come more than likely from the Environmental Protection Fund and so, once we get now beyond the Planning permission—and I understand as well that there are one or two objections to the proposed solution, and the objectors must have their say as well. But once we get beyond that point we then move to the solution and to the installation of the seawall for that community.

So, I say all of that to say that regardless of what our critics might say about us, this Government—the PPM Government—has done more in relation to that project than any other government in this country. And I can say that here today without any fear of contradiction. The truth of the matter, Madam Speaker, is that nothing was done in the past. And the same is true in relation to the flooding issue in the Cumber Avenue area of Bodden Town.

We have had the issue recently again, as you know, and while many residents in that area will tell

you that this has been a problem they have been experiencing from the time they can remember, we brought the National Roads Authority in. They have done the study. They have prepared a report and have come up with what they believe is the most appropriate solutions—because as we understand it, there is more than one component to the solution that they are recommending.

So, Madam Speaker, again, the next phase with that is to move to the implementation to address that problem.

Madam Speaker, the little Post Office in Savannah that had existed there for so many years and served the community well, while it was an attractive little post office, the Bodden Town community, in the Savannah and Newlands area, in particular, being the fastest growing area on the Island, very rapidly outgrew that post office and it could no longer cater to the needs of the community. And so, Madam Speaker, we built a new post office in Savannah with, I think, 2,000 post office boxes.

**Mr. Osbourne V. Bodden:** Twenty-five hundred.

**Hon. Charles E. Clifford:** Twenty-five hundred post office boxes. Again, Madam Speaker, done in the last three years and ten months. So, who would have done that? The People's Progressive Movement Government.

Madam Speaker, in consultation with the three MLAs for Bodden Town, the Ministry of Agriculture established market at the Grounds in Lower Valley, a weekly attraction and one which is well patronized and certainly attended by many people on the weekends. There are plans for a much more enhanced agri-tourism attraction at that site. I certainly thank the Minister of Agriculture, the Leader of Government Business, for his interest in that. And as he knows, he has my Ministry, the Ministry of Tourism's full support in moving forward with that project.

Madam Speaker, I have spoken more recently about the establishment of a coast guard, and while that is not a district project, I mention it simply because the marine base that will support that enhanced Marine Unit will also be situated in Savannah and Newlands, and is now under construction.

Madam Speaker, we became aware even before we were elected that the rather informal arrangements for launching boats in the Newlands area was inadequate for the demand presented by the community. And so we have established a proper launching ramp in Newlands. As I now speak, the dock which will be adjacent to that launching ramp is under construction. Those who use those facilities will know that, particularly on weekends, there is significant demand for them and they are well appreciated by the community. Again, done in the last three years and ten months. And I wonder who did that! The People's Progressive Movement Government.

As part of the Go-East Initiative, Madam Speaker, we also announced that we would be enhancing the beach facilities in Bodden Town—the gateway to the eastern districts. So, we purchased two parcels of property, one on the east and one on the west side of the CoeWood Public Beach. I won't necessarily go into any detail here because I gave an update on that project in this honourable House just a few days ago. But we have all the property that we need to proceed with that project and we are certainly proceeding with it. As I indicated recently, we will be doing a groundbreaking ceremony for that shortly. All of the permits are now in place with the exception of the building control permit which is now being considered by that unit. The coastal works licences are in place and we will be breaking ground there very shortly. Madam Speaker, again, all done in the last three years, ten months.

When we took office in May 2005, no attempts had been made to rebuild our destroyed civic centre in Bodden Town. We took this project on board and we very rapidly got the plans developed and proceeded to repair and upgrade the facility. I say upgrade because the Bodden Town Civic Centre, while it has been reopened for some time now, actually has an additional floor. What we have been able to do as a result of that is to reserve space on the bottom floor of the facility for the Vehicle Licensing Unit for the eastern districts. And as I speak now, the partitions are being installed on the second floor of the civic centre for the Vehicle Licensing Unit.

*[inaudible interjection]*

**Hon. Charles E. Clifford:** Sorry?

*[inaudible interjection]*

**Hon. Charles E. Clifford:** The bottom floor. What did I say?

*[inaudible interjection]*

**Hon. Charles E. Clifford:** On the bottom floor of the civic centre for the Vehicle Licensing Unit for the Bodden Town, East End and North Side districts.

Madam Speaker, when we took office the Library in Bodden Town was also still laying in ruins; completely destroyed from Hurricane Ivan. We moved rapidly to get that repaired and reopened, and not just as a library, but as a library and learning centre with computers and learning areas.

I should take a moment here to thank Mr. Bob Watler for donating the labour and materials for the roof on that project, and on behalf of the community I wish to offer him our thanks and appreciation for his community spirit.

Madam Speaker, just yesterday we reopened the G. Haig Bodden playing field in Bodden Town. I will stick my neck out here to say that the most excit-

ing part of the ceremony was the two (should I call them) accurate penalties that were scored by the Minister of Education and myself.

*[laughter and interjections]*

**Hon. Charles E. Clifford:** The keeper didn't stand a chance, Madam Speaker, but it was certainly a very nice occasion. The facilities have been upgraded and I want to thank our colleague, the Minister of Education, for focusing on this project and for repairing the facilities and the bleachers and the stand for the enjoyment of the Bodden Town community. I also take the opportunity to congratulate the Bodden Town team for their victory yesterday—a four to one victory in the quarter finals at the Bodden Town playing field.

Madam Speaker, the Bodden Town Primary School field was also relit in the last three years and ten months. Again I ask, who did that? It was the PPM's Government!

Madam Speaker, when we took office in 2005 the only district in this country not to get a "Dart Park" was the Bodden Town district. We asked why. Why was it that the Bodden Town district is the only district that did not benefit from that programme? And so we started work on that programme and, again, in the last three years and ten months we were very, very grateful that we were in a position to open the Harwell McCoy Senior Community Park in Bodden Town.

Madam Speaker, we take the opportunity to thank the Dart Foundation for their contribution to that. As I understand it, the facility now is in the operational control of the Parks Unit.

Madam Speaker, the Nurse Josie's Senior [Center] was opened in Bodden Town in the last three years and ten months. Again, in opening that facility and the Park itself, there was a house which was actually encroaching on the Park and had been extended onto a portion of Crown property. I took the decision to use funding from my Ministry to purchase that house so that it could be incorporated into the Nurse Josie's Senior Center and the Park and in consideration of where the Mission House is in proximity to all of that, that we would bring all of those components together.

Working closely now with Ms. Tessa Bodden from the National Trust, will essentially become an opportunity for us to offer some dedicated tours around that area which will involve the Mission House and the Nurse Josie's Senior Center.

Madam Speaker, I wonder again who did that! It was this Government—the People's Progressive Movement!

The playing field in Breakers was upgraded with new playfield equipment, and work is continuing on that site. Again, done in the last three years and ten months! There are also plans for a postal kiosk in the Breakers area.

Madam Speaker, they say we have done nothing. I wonder who did that!

We have installed guardrails in the Breakers area. Those of us who would have gone up there after Hurricane Ivan will know that there was significant damage to the road in Breakers as a result of Hurricane Ivan. The road had to be essentially rebuilt in that area and we have now installed guardrails in the Breakers area.

Madam Speaker, we have completed site works for the Bodden Town Emergency Services Centre, and this project began originally as a fire station for the Bodden Town district because that is a project we had committed to during the campaign. But, Madam Speaker, lessons were learned during Hurricane Ivan and we all know that the police officers had to evacuate their Bodden Town Police Station during Hurricane Ivan due to flooding from the sea. So, we decided to enhance this project and not just build a fire station, but build this Emergency Services Facility that will house the fire station, the new police station and a medical emergency response unit.

Madam Speaker, while that project, as was announced by the Honourable Leader of Government Business, has been temporarily put on hold, it is obviously going to be proceeding. We have completed the site works, we have ordered the fire trucks for the facility and the fire service is in a position to staff up for that station whenever the appropriate time is in order to ensure that there is adequate staff when the facility is opened.

Madam Speaker, we have also completed the site works for the new Bodden Town Civic Centre which will also double as a category-A hurricane shelter. This project has been temporarily put on hold but the site work continues and will be completed shortly. This project was necessary because the original civic centre (the one which we have repaired recently and is now used as a meeting centre) is not suitable as a Category-A shelter. And we learned lessons from Hurricane Ivan. But it is in fact a Category-B hurricane shelter that will be used to house individuals following an event, particularly individuals who may have lost their homes.

So, Madam Speaker, again all done in the last three years and ten months! I ask again, I wonder who has done that. The People's Progressive Movement Government.

We have recently vested property in the National Housing Development Trust for the construction of affordable homes in the Pease Bay area. So, the property has been vested, plans are being developed and the programme is advancing. I wonder again who has done that. The People's Progressive Movement Government.

When we took office in May 2005, our national historic site, Pedro St. James, also was there in ruins, essentially destroyed by Hurricane Ivan. We rebuilt it, reopened it, and it has been used very heavily for community events since that time. I wonder who did that.

Madam Speaker, we see what we term a small town blossoming in the Savannah and Newlands area, where you can go to that little Countryside Shopping Village and essentially access just about any kind of service that you would need. We see other restaurants in the area and we participated in and facilitated the opening of the Countryside Shopping Village. It is certainly something that the Savannah and Newlands community and, indeed, the eastern districts appreciate because now they don't necessarily have to go all the way into town to access those services.

So, Madam Speaker, I mentioned all of that to get back to where I started in relation to district projects. Because when they go to the community to claim that the PPM Government—and specifically the three Elected Members for Bodden Town, myself, the Honourable Minister for Health and Human Services and the Third Elected Member for Bodden Town—have done nothing for the district, they really ought to look at our record. They ought to speak from facts and stop attempts at misleading the people.

Madam Speaker, I have also been reminded that through a partnership with St. Matthews University, they have established a veterinary school adjacent to the Department of Agriculture in Lower Valley. This is a great example of the type of public/private sector partnerships that can and should be undertaken in this country to ensure that we achieve the type of infrastructure we need.

Madam Speaker, I was not actually going to speak about this issue today (this next issue which I am going to talk about), but given recent events I believe that I ought to say something about it. I am not going to be long on this subject, at least, I hope not.

**The Speaker:** Honourable Minister, if you are going to be another 20 to 25 minutes I think I have to take a suspension.

**Hon. Charles E. Clifford:** Madam Speaker, I'm going to be at least 10 to 15 minutes.

**The Speaker:** Okay.

**Hon. Charles E. Clifford:** So, if it is convenient now we can . . .

**The Speaker:** Go ahead.

**Hon. Charles E. Clifford:** Okay.

**The Speaker:** But if everybody is going to speak for an hour we will be here until midnight.

**Hon. Charles E. Clifford:** Madam Speaker, I want to mention the Commission of Enquiry, because there was much said about that.

What I did in 2004, when I resigned from office as Permanent Secretary and decided to seek po-

litical office subsequent to that, is certainly no secret to this country. What I had to say I said very clearly and very loudly from the public platform during the last election campaign. The then Governor, Dinwiddy, clearly saw nothing wrong with that.

Madam Speaker, when these allegations were originally made about me removing files from the Ministry I said very clearly and very publicly from the very beginning that I had taken my personal files with me. I even wrote a letter in the newspaper that said that. The then Governor clearly saw nothing wrong with that. In fact, he even wrote me a letter indicating that he understood this to be the normal practice and that, therefore, he did not see the need for any further action.

Madam Speaker, when his successor decided to establish this Commission of Enquiry, I wondered about it. I wondered about it because I certainly did not have anything to hide; I said what I had to say during the last campaign. As I said, I said it very publicly. But I decided it is best to allow this to run its course, and so it did, Madam Speaker. But I have to tell you that there were times during that Commission of Enquiry that I began to ask myself the question whether I had done the right thing; whether it was right for me, in seeing certain irregularities in government, to challenge them in the way that I did.

I began to question that and to question myself. Questioning notwithstanding, I came to the conclusion that regardless of how my opponents felt about the situation, what was more important than anything else to me was sticking to those traditional Caymanian principles of honesty, integrity and doing what had to be done without fear or favour.

You see, Madam Speaker, I feared that this country was rapidly heading down the road of institutionalised corruption. And that is not something that I could have lived with without trying to address it in some way.

Madam Speaker, I have to tell you that while that was a challenging time for me, I believed then and I believe now that I did the right thing. No one can convince me that the people of this country have lost their moral compass. No one can do that! And I am convinced that the majority of people in this country are law abiding citizens and are people who would have preferred to have the knowledge that they did leading into the last general election, than to go into that general election without that knowledge.

Madam Speaker, it was a significant risk that I took, and a sacrifice that I made leaving what was a relatively comfortable job in the public service as permanent secretary for the very, very unpredictable and uncertain political waters that I entered into subsequent to my resignation.

Madam Speaker, I mention that because I want to contrast the approach here to what has recently happened in the Turks and Caicos Islands. But before I go there I want to say this: In establishing the Commission of Enquiry here in Grand Cayman in rela-

tion to this matter, what happened there was one of the worst possible messages that could have been sent to the public servants in this country. Because what it said, Madam Speaker—albeit perhaps in a rather indirect and disguised way—what it said to public servants was: If you see irregularities in Government don't you dare expose it, because if you do you are going to face something like this (a commission of enquiry).

I want to say to public servants today, Madam Speaker, because I think I owe it to them, I want to say to them today that this Government's position is, if you see irregularities anywhere, expose it! No one can do anything to you. We have moved on from that era, Madam Speaker. This is now a government in the sunshine. Freedom of information is here to stay whether people in this House like it or not!

**An Hon. Member:** Whether some people.

**Hon. Charles E. Clifford:** Whether some people in this House like it or not, because I am clear that the people on this side of the House like it—we brought the legislation, Madam Speaker.

But I wanted to say that to public servants because it would be most unfortunate if this situation sends that type of message to them. That needs to be corrected, that they should not expose irregularities because this is what they will face.

So, let us contrast that to what happened in the Turks and Caicos Islands. What happened in Turks could certainly be very, very instructive to Her Majesty's representative here.

Madam Speaker, what happened here was a Commission of Enquiry into the exposure of the irregularities in government. What happened in the Turks and Caicos Islands was actually what a commission of enquiry should be used for, and that is to enquire into the actual corruption itself.

What happened, Madam Speaker? Why did that not happen here? Why was there not an enquiry into the irregularities?

There are a whole series of Auditor General's Reports lying on the Table. Yet, while we hear statements that the Royal Cayman Islands Police Service is not equipped and cannot be trusted to investigate corruptions within its own ranks, it is somehow good enough to investigate it in other areas. Madam Speaker, I wonder about all of that and why there was not some special team of trusted advisors or investigators to look into this matter.

Madam Speaker, what has happened in the Turks and Caicos is that the Government has been brought to its knees. The British Government has taken direct rule of the Turks and Caicos Islands. I feared, Madam Speaker, if we had not changed course in 2005 we could possibly be facing a similar situation.

**Hon. V. Arden McLean:** And the suspension of the Constitution.

**Hon. Charles E. Clifford:** Madam Speaker, the Turks and Caicos Islands' Constitution has been suspended with the exception of those parts that relate to the Governor, the police, the judiciary and other essential services, such as that.

What we suspect is going to happen next—

**The Speaker:** Honourable Minister, can we move off of Turks and Caicos Islands?

**Hon. Charles E. Clifford:** I am going to move off—

**The Speaker:** We are just singing swan songs this evening.

*[laughter]*

**Hon. Charles E. Clifford:** Well, Madam Speaker, I said I was not going to spend much time on this so I just want to complete my thoughts on this because we believe that what is going to happen next, based on the press release, is a full fledged criminal investigation in the Turks and Caicos Islands. And I suspect that net is going to spread rather wide. And we already know that at least one local company has been implicated in that.

So, as I said before on national radio, I encourage the people of Cayman to pay attention to that, look at the reports and let's see where that all leads.

**Hon. V. Arden McLean:** I never been there in my life.

**Hon. Charles E. Clifford:** Madam Speaker, I have certainly outlined our achievements in the district. I want to take this opportunity now to thank all of the staff in my Ministry and, indeed, in all of the agencies and departments under my Ministry, the Department of Tourism, Department of Environment, Cayman Islands Investment Bureau, Cayman Islands Development Bank, Tourism Attractions Board, Public Transport Unit, Liquor Licensing Unit, Port Authority, Airports Authority and Boatswain's Beach.

I take the opportunity to thank all of the hard-working staff in all of those agencies for their support and implementation of this Government's policies.

Madam Speaker, I am very proud to stand here today as the Minister of Tourism in a ministry that has an all Caymanian management staff. Madam Speaker, I have a team of dedicated, qualified and energetic Caymanians at the helm in the Ministry; the Permanent Secretary, Mrs. Gloria McField-Nixon, the two Deputies, Mrs. Oneisha Richards and Mr. Samuel Rose; the Manager of Corporate Communications, Mrs. Andrea Fa'amoe; the Human Resources Manager, Mrs. Dawn McLean-Sawney, and, of course, I would like to thank my personal assistant, Mrs. Nata-



sha Bodden for her support over the course of this term.

Madam Speaker, I wish to thank the broader civil service and public service for their commitment to the cause and for their hard work over the course of this term, in particular, the staff in the Legislative Assembly for their very, very hard work, on behalf of the Members of the Legislative Assembly. We know that at times it is challenging for them, but we certainly appreciate their diligence and hard work.

There are things that I look forward to in the future, Madam Speaker, such as the promotion of another one of our very young Caymanians, Mr. Shomari Scott, to the substantive post of Director of Tourism. I certainly hope that that will happen in the not too distant future. He is very capable and has the support of the private sector.

Madam Speaker, you have announced your retirement from politics. I have had the privilege of working with you, both as a public servant and since May 2005 as Minister of Tourism. I want to sincerely thank you, Madam Speaker, from the bottom of my heart for your wisdom, your counsel and your guidance to all of us in this honourable House.

Madam Speaker, we know that you are tough sometimes. But that is how a Speaker is supposed to be. And we understand that when we get in the heat of debate it takes an effective Speaker, like yourself, to keep us all in line. And so, Madam Speaker, I too take my hat off to you and thank you very much for your advice and guidance, and for your long service to this country and to the people of North Side.

Madam Speaker, we wish you the very best in your retirement and as always, we are here for you if you need anything.

Madam Speaker, I just want to close by saying that what we have managed to achieve in this country and, in my case, in my constituency in Bodden Town particularly, has been the result of team work—the Minister of Health, myself and the Third Elected Member for Bodden Town working together. And I want to, in particular, thank the Third Elected Member for Bodden Town because as the Backbench Member of the team he has been on the ground doing the work, providing the feedback, carrying the dialogue with the Minister of Health and me. Madam Speaker, we have worked as a coherent team and the results, as I have indicated, speak for themselves.

Madam Speaker, as I said, this is certainly not the time for us to change direction. Experience counts now more than ever, and we have proven that we have that experience and we can deliver on our promises. So, I humbly ask in my concluding remarks today for the people of Bodden Town who have given us the privilege to serve them for the last three years and ten months to support us again in the general election on 20 May [2009] so that we, the three MLAs for the district of Bodden Town, can continue the very important work we have started on their behalf.

Madam Speaker, I wish God's richest blessings on all Members of the honourable House, on yourself, Madam Speaker, and on the people of Bodden Town and indeed the wider Cayman Islands community. I ask God to continue to protect these beloved Islands that we all call home.

I thank you, Madam Speaker.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause]

Third Elected Member for Bodden Town

**Mr. Osbourne V. Bodden:** Thank you, Madam Speaker.

Madam Speaker, I stand here this evening very honoured and, indeed, privileged to have served my country and the district of Bodden Town for the past three-plus years. It seems not long ago when we came in here and sat against the opposite wall and waited to be called to take our seats with nerves wrangling and so much to learn and so much to do. Here I am now, Madam Speaker, having served my rookie term, thanks to the people of Bodden Town, a much wiser and much more able representative.

The learning curve was steep. There are no books to tell you the Do's and Don'ts. We are governed by our Standing Orders in this parliament and we get by with that and with the assistance of our colleagues. We learn the demands of the job every day, which are many.

Madam Speaker, it has been a very gratifying and educational period for me, one where I feel I have given it my all and I have served well along with my two colleagues, the Minister of Health, [the Honourable] Mr. Eden, and the Minister of Tourism, [the Honourable] Mr. Clifford. We formed a formidable team in the district of Bodden Town, one that works hard and that works well together.

I see that the Opposition's campaign sign is up on Guardhouse Hill. On the bottom of that banner it says "Bodden Town deserves better." Well, what I say to that is that it is a pity that the sign came out four years late. Madam Speaker, Bodden Town has had better.

As I said at a recent meeting, when people were asking about what we were doing to stimulate the economy and the stimulus package we have been working on as a government, we are not handing out funds as they are doing in the US. We have put our money where our mouths are and put money into projects for the betterment of this country. As I said then too, the US was still playing catch-up in many ways because we got rid of Bush in 2005! It took them until 2008.

We have worked hard, Madam Speaker. This is an honest, hardworking Government. I am so grateful to my Minister of Tourism who outlined the many projects. I do not have to go over that. Anyone listening can tell what Bodden Town—especially the district

of Bodden Town, which was neglected for so long—got during this administration. We make no apologies for that. We have a lot more to do, but we have achieved much.

Bear in mind, Madam Speaker, that we came in the aftermath of Hurricane Ivan with everything in chaos—government, society, and infrastructure. Everything needed to be rebuilt. The previous administration had started the process, but we had to wrap that process up, Madam Speaker. And that was not easy work.

Not long after that we then embarked on a constitutional modernisation process, which took a lot of our time in the planning stages. Although we launched the actual public segment of that back in January 2008, the work on the constitutional modernisation process and all of our behind-the-scenes work with our consultant and our secretariat had been going on from 2006. There was so much work being done. Unfortunately, we are now exiting office in the midst of a worldwide economic downturn.

We had Hurricane Paloma [hit] our sister isle of Cayman Brac. We have had our share of challenges, Madam Speaker. In three years and ten months, to have overcome so much and to have achieved so much is phenomenal. Maybe we have been too ambitious for our own good. Maybe we did not take enough time to boast and talk about what we were doing; hence, we get accused and [people say], *We didn't know that. You guys should have said that. You guys should have told us that.*

We have had a Government that has held weekly press briefings—the first time in the history of this country—telling the people what is going on. We have had our Ministers and MLAs on talk shows on TV. We have had articles in the newspapers. We have spoken from other public forums, such as meetings. Yet there are those who prefer not to hear, just so that they can criticise and say, *The Government has done nothing, we need change.*

Madam Speaker, as I said, we had our change in 2005 and we are moving on. The good people of Cayman understand the need to keep the good ship Cayman stable.

We cannot be blamed for everything that is broken in these Cayman Islands. We have had to embark on a serious and very ambitious infrastructural project. We are accused of putting the country in debt and mortgaging the future of our young people. Madam Speaker, our children know better because they understand that this Government is concerned about developing them through its educational policies, through its opportunity for all Caymanians, through its fair policies, through the large number of scholarships granted [by] the Minister of Education with his drive and his zest to improve and offer a first class education in these Islands—the number one priority of the PPM, one that we make no excuse for, Madam Speaker.

We are constantly working to find ways and means through immigration policies and all of our work related policies to find ways and means to improve the lot of each Caymanian. I firmly believe, and I make no excuses when I say this, that once they are prepared academically and mentally to take their rightful position, Caymanians should have it. This is their country, Madam Speaker. Any country that does not take care of its own I do not think is any country at all.

We welcome foreigners. We embrace people who wish to come and reside here and make this their home. This is the only sensible way we can grow as a country. We have to get over this mentality that, you know, *I am Caymanian but you have Cayman status.* The great USA is a country of immigrants. But I maintain that the people to whom we give Cayman status should be the right people. This country is small enough to know who that is, Madam Speaker. And once we do that we will benefit from what people are bringing to us and they will benefit from being a part of us. We can be a strong island nation, Madam Speaker.

My vision for this country is for our people to do the very best, not just to sit at the edge of the table and pick up scraps, but to sit at the table. There are those who wish . . . and they are not necessarily in this House because I believe that what I am saying here is shared by both sides of this honourable House, Madam Speaker. It is a common view. But there are those among us who would say that it is sufficient for Caymanians to simply develop these islands and get the spill-off benefits, as it were.

I say we should be at the forefront of that development, Madam Speaker. I make no excuses for that. I believe that if we prepare our people, and it will take time through education, but there is no reason why we cannot have 90 per cent, 95 per cent literacy in this country. We should strive for 100 per cent, for that matter, but we have to prepare our people academically and otherwise and re-tool whoever needs re-tooling to ensure that they take their rightful place.

Madam Speaker, that is my vision. I hope that I will be part of the next Government because I am confident that the PPM will be returned to office. We have served well. And with all of our detractors, the sensible people know that there is always a silent majority in this country. Those who run up their mouths on the talk shows day in and day out are not the only voices; they are not the only votes out there, Madam Speaker. The people voted us in, in a large landslide victory and I believe that the people will return us to office to continue the good work.

The one thing we do not need at this time, Madam Speaker, is shifting direction. Yes, we have borrowed and we are financing a lot of what we are doing. But we are doing that within limits that are set out in the Public Management and Finance Law. It is not unlike your home, where you borrow sensibly what the bank will allow you.

As revenue shrinks, we shrink our projects. We do not like to, but we have to cut back. And we have done that, Madam Speaker. We have shown prudent management. We have shown reprioritising of projects. We have taken on the most important stuff and left the rest to come behind. That is why we have a lot more to do.

As my good friend, the Minister of Tourism, said, no government, no administration can come in here and do all the work. This is one job you cannot work yourself out of because there will always be need for more and more work to be done. An administration will be judged on its merit.

Madam Speaker, I have been honoured to serve in this honourable House with colleagues on this side and with colleagues on the other side of the House. I believe we have been a good class of legislators. Yes, we have had our times when things have gotten a bit heated, but generally we are a fraternity and we have to look out for one another.

Many people do not understand the work of what it takes to be a representative. And a lot of people are shouting up now saying that the country needs change, and they are going to come here and bring in all this experience. Madam Speaker, the experience is here; it is a proven team that we have working together. My colleagues and I in Bodden Town have an excellent relationship. There are no hidden agendas. We work openly and transparently with one another. I know that applies to all of the districts in which we have representation.

So, Madam Speaker, I want to thank everyone that has made my first term in office an enjoyable one. I will start by thanking the good people of Bodden Town. I have enjoyed working with them and working for them. I think I have listened. I have answered. I have gone the extra mile. Nothing more than what is expected, Madam Speaker. But it has been a very humbling experience and one where it is the ultimate in public service. I have served publicly in terms of community pretty much all my life in community groups through the Lions Club. But when one comes to political office, you are then at the wishes and fancies of everyone 24/7. You also have to consider your own family at the same time.

I want to also thank my family who have stood by me every step of the way and continue to do so. I thank them for their patience and understanding the long hours away from home.

Madam Speaker, I would like to thank the staff of the Legislative Assembly who I have had an excellent relationship with. They have made my stay here comfortable and serviced all my requirements as needed.

I would also like to especially thank you, Madam Speaker. You remind me sometimes of my mother—tough, but loving! You are the mother hen of this House. You take your chicks in the right direction. Your advice and gentle nudges now and again prove so useful. We certainly enjoyed having you as part of

our team, although, because of your duties as Speaker, not the way we would have liked. But you made it clear that your duties as Speaker were separated from your representative duties. Therefore you kept a respectful distance. But you did represent well all the same, Madam Speaker. You fought for your district and you performed admirably as the Speaker of these Islands.

So, Madam Speaker, as you move on from political life . . . I won't say retirement, because I know you. You're young and fit and still ready to rumble! But as you move on from being a political representative, I would like to take this opportunity to wish you all the very best.

Madam Speaker, I know there is much more to be said and I have pretty much outlined what I have observed and what I have tried to do in my first term here. I am hoping that, with God's help and the good people of Bodden Town, I will be returned once more on 20 May to be a representative of Bodden Town and a representative of these Cayman Islands that I love so dearly.

I thank you.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause]

If no other Member wishes to speak I will do the final remarks from the Chair—

Fourth Elected Member for West Bay.

**Capt. A. Eugene Ebanks:** Thank you, Madam Speaker.

Madam Speaker and honourable Members of the Legislative Assembly, first I would like to congratulate you, Madam Speaker, on your retirement. You have served the country well for many years, and for that we applaud you. I want to wish you every success in your future endeavours. At the end of this legislative term I want to take a brief moment to thank all of you for the hard work and dedication you have shown in managing the affairs of the country.

A big thank you to all the hardworking staff of the Legislative Assembly. It has been a pleasure working with you and I look forward to working with you in the future.

I would especially like to thank God for giving me the health and strength, and to the good people of West Bay for their continued support and faith in me. I want to assure the good people of West Bay that I will continue to serve them in the future as I have in the past eight years. Even though there have been many challenges, I have enjoyed my years of service and my colleagues and I have achieved many legislative victories on behalf of the good people of these Islands. God willing, I look forward to the opportunity to serve, if it is the will of the people, for yet another term.

As we move from the Legislative Assembly into this campaign season I implore each and every

one to remember the people of these Islands. They are hurting due to the effects of the global recession, the crises in the financial services and the rising cost of living. There is a storm brewing, and at the eye of the storm is the financial mess that began with businesses abroad, but was made worse by our Government's inaction.

There is another set of equally important issues that also deserve our attention. There are hundreds of people living in poverty right here in these beautiful Islands. Education still does not prepare our students for the jobs of the future. And drug abuse continues to destroy our families and hinder our forward progress. People are being left behind and they are waiting for their Government to lend a helping hand to pick them up, to dust them off and to tell them it is going to be all right. They need leadership now more than ever. And it is imperative that we work together to provide good leadership for the people of these beautiful Islands.

Although we may not always agree, I pray that we always have the wellbeing of the Cayman Islands at heart. May God bless each and every one of you and every person in the Cayman Islands.

Madam Speaker, I thank you.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause]

If no other Member wishes to speak, I will make the final remarks from the Chair.

As all Members of this Legislative Assembly—

Second Elected Member for Cayman Brac and Little Cayman.

**Mr. Moses I. Kirkconnell:** Thank you, Madam Speaker.

First of all, Madam Speaker, let me say thank you for your service. Your commitment to this House and to this country has been unwavering. No matter who you ask in this country about the Speaker, or Edna Moyle, they feel like they have a very special relationship with you. Sometimes when they have heard you on the radio they ask about you. I like to say her bark is a little bit worse than her bite!

But I have had the good fortune over the last three-plus years to have actually travelled abroad with you. They ask, What is Ms. Edna really like? It is always pleasing for me to brag about you, Madam Speaker. I brag about your service to this country, your service to the people of North Side, and your service to the people of the Commonwealth; the positions you have held worldwide. For me, personally, when you introduced me as a freshman member, people respected that introduction. They would know it had come from somebody who had served well and it opened doors.

I believe one of the biggest qualities that you bring is that you are so willing and you so want to pass down your knowledge and your experience and

your global influence to people who come after you and to help us be better at representing this country. Madam Speaker, this House and the people of North Side will lose a great Statesperson upon your retirement. Your daily responsibilities will be eased, but I know that they will be no less because that is the type of person you are. I will tell you that I am so happy for your family who will now have more time with you and they will enjoy that time.

With those words, Madam Speaker, from the bottom of my heart I wish you God's richest blessing for the balance of your long life ahead.

I also want to thank the competent staff of the Legislative Assembly; the Clerk and her able staff; the Serjeant (and the Serjeants who were here before). He has treated us all extremely well, even today, allowing us access a little bit longer to the building.

Madam Speaker, one of the most unique jobs I believe in this country of ours is what Ms. Anita has. If there was ever a person that should know what is going on . . . sitting in the dining area as debates finish when she so ably puts out food to nourish us into the afternoon; the conversations that she overhears and what she sees as far as the camaraderie and the fraternal relationship, the back-and-forth, and the friendships that develop in that room. I believe she would be very willing at some point to share some of those very positive things that happen.

Madam Speaker, I want to thank the people of Cayman Brac and Little Cayman who elected me to this honourable House. I will be forever grateful for the immense opportunity to represent them and speak for them on the Floor of this House. These four years have given me an education in governance and human condition that could never be duplicated by classroom schooling or purchased with all the gold in the world. I thank God for this opportunity and for His guidance throughout my term.

Madam Speaker, I wish to thank all Members of this honourable House for their help and support. The Official Members have been helpful and forthcoming with information. The Opposition has certainly taught me the Westminster system of governance and the role that they play and what they do.

My colleague from Cayman Brac and I have logged more miles than most back and forth during our time here. My fishing conversations with Captain Eugene, and travelling with others has been a good time to learn and understand the system of democratic governance the Commonwealth has.

Madam Speaker, being on the backbench allows me to see the responsibilities of the Ministers and the work and time that each one of them puts in 24/7, and some of the victories and things they have achieved for the country. I take great pleasure when the Minister from East End was dubbed the Minister that fixed Malfunction Junction! It was so quickly done, and he's done more with different roundabouts in this country.

Madam Speaker, the other Ministers have been helpful to me, and I must thank them for all that they have done and for the times they have gone out of their way in helping with the requests that I have brought here for Cayman Brac and Little Cayman and my contribution for other things in this country. They have always been willing to listen and take much consideration of my input.

My class of backbenchers here have allowed me great friendships, friendships that I would not have been blessed with had I not come to this honourable House, had I not been given this opportunity by the people of Cayman Brac and Little Cayman. The Third and Fourth Elected Members for George Town have given me much help. I have enjoyed exchanging information and thoughts. The Third Elected Member for Bodden Town sits next to me and, although we came at the same time, for some reason I thought he knew a little bit more about the House. I always had to ask him questions. What I liked was that whether or not he knew the answer, he always gave one!

*[Laughter]*

**Mr. Moses I. Kirkconnell:** Madam Speaker, we have enjoyed the camaraderie here in this House on both sides. With the advent of Paloma, our daily routine has changed for me and for Cayman Brac and Little Cayman. I take this opportunity to thank the Members of this House, elected on both sides and Official, for their help and support in making sure that the immediate and future needs of the people of Cayman Brac and Little Cayman are being met.

Madam Speaker, as we move through the first Paloma period our purpose must be clear. Our commitment to rebuild and upgrade our infrastructure and homes must be steadfast and our continued assistance to those in need, unwavering. The resilience of our community has certainly been hastened by community spirit and by sharing the workload between church groups, Red Cross, private sector benefactors and the Government. Paloma has taught us once again what is so important and what it means to be a community. But make no mistake, Madam Speaker, we still have a long road ahead of us.

Madam Speaker, our country has to face a world crisis, a financial crisis and un-trodden waters where nobody knows the direction. But the Government has stood up and taken a course to better the lifestyles in this country.

The Sister Islands must continue to rebuild. And each of us must take personal responsibility for our actions. As each of us goes about campaigning for the 2009 election, let us be mindful of our Caymanian brothers and sisters, let us deal with the serious issues at hand and let us offer solutions. As we point out needs, let us remember that we are all part of these great Cayman Islands and must be committed to acting for the good of this country to build it, not tear it down.

Madam Speaker, in closing I again thank Almighty God, the Members and staff of this honourable House, my family, co-workers and all the people of Cayman Brac and Little Cayman who have encouraged and supported me these last four years. I especially want to thank my committee and extended committee for their commitment to making Cayman Brac and Little Cayman a better place. I appreciate their hard work and insight.

They have allowed us to accomplish much in these four years. They have taught us that when we all work together as a team is when our Islands succeed.

Madam Speaker, may God's richest blessing follow everyone in this honourable House.

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause]

We have five and a half hours before dissolution. Does any other Member wish to speak? [pause]

Second Elected Member for West Bay.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

We are at that stage in the process where we get to give our final words. I must say that this is my third time. If memory serves me correct . . . second time, sorry. If memory serves me correctly, this one seems to be taking on a new twist in that we are certainly speaking at some great lengths. I will do my best not to be too long.

*[laughter]*

**An hon. Member:** Oh Lord!

**Mr. Rolston M. Anglin:** First, Madam Speaker, I need to give thanks. Every day in parliament we start off by praying. So I give thanks to Almighty God for these four years that all 15 of us have been allowed to be here to serve our people. Whilst we have had some personal setbacks within our respective households we have also had some personal joys. So, as I reflect back we have much to be thankful for as individuals.

Madam Speaker, let me also thank the good people of West Bay for these last four years that I have had the distinct honour and privilege to be one of their representatives. For in this form of government people go to the polls and select who will be their voice. As said earlier, there is no nameplate on the back of any of these chairs. These are identical, and they are here to simply facilitate the passage of time. Every four years until Christ returns, absent some major event like Hurricane Ivan, these Islands will hold elections.

Madam Speaker, I also want to give thanks to the wider Cayman Islands community. Certainly, in these last four years I have, from a personal standpoint, gotten to meet and interact with a lot more people. I think all of us who have been here longer than

one term will attest that the longer you serve, the more people get to know you, the more people get to hear you, and it certainly increases the scope for that interaction outside our respective districts. And that is good for the country. It is good for us, for we are one Cayman Islands.

I want to thank our hardworking committee for the district of West Bay for all of the work they have done, all the guidance they have offered, the friendship they have afforded each of the four of us. I thank them in advance for all of the hard work they will do for us. In fact, Madam Speaker, as we speak I was just in communication with a member of the committee. They are meeting right now.

Madam Speaker, the four of us, the Honourable Leader of the Opposition, the Third and Fourth Elected Members for West Bay and I, are going to attempt to continue to write history. Never in the history of our district has the same group, the same team, been re-elected for three consecutive terms.

Madam Speaker, I would also like to thank you and the entire staff here at the Legislative Assembly for the last almost four years. The guidance and assistance has been much appreciated. So, from the bottom of my heart, I would like to thank you all.

I would also like to wish you well, Madam Speaker, for whatever the future holds for you. May it be fruitful and may whatever you wind up doing be enjoyable, something that will be challenging for you, nonetheless. My feelings are that while you would have earned a well deserved break after having served your district for four consecutive elections, certainly I would presume that there would be enough to keep you busy.

Madam Speaker, I thank the members of the press that we have met over the last four years. We are a transient society, so one of the real frustrations that we do have is that we also have a transient press. It is often times frustrating from our standpoint because they will be reporting on an issue that has raged in terms of debate, points and counterpoints that have spanned years when they were not here. So, often times when they are reporting they are at a grave disadvantage because they report what was said on one debate here without having the benefit of having the historical context in which some of the issues we debate are surrounded. But I thank them for the work that they do because they are an important part of any free and fair society.

Madam Speaker, last but not least, I would also like to thank my family, in particular my wife. Without their love and support I would not have even gotten involved with politics eight and a half years ago. Over these past eight and a half years, without that love and support, I would not have made it thus far. They keep me going.

Not to brag, but I am reminded that I am in a household filled with women—my wife, and three lovely daughters. During this term, we had one addition ourselves. I must say that four years ago, whilst I

thought the family was set, time and God's work only go to show us that whilst we may plan, we do not know His master plan. I must say that He has been extremely good to me, as he has been to all of us; but He's been extremely good to me. God's protection is so important to us and our families.

Madam Speaker, if I have omitted any important persons or institutions in my long thank you, I apologise. But those are the ones that come to mind as I am here on my feet.

During the last week, in particular since last Wednesday, I had been tempted to put together a short personal explanation because if there is one thing that the press does well here in Cayman, is to create good headlines. Sometimes those headlines can be very catchy.

*[inaudible interjection]*

**Mr. Rolston M. Anglin:** I am reminded [of the word] "sensational".

Madam Speaker, as we know, for the last two years one of the Government's ploys has been, at every opportunity, to seek to cause strife and division amongst our camp. I see that as a conscious, strategic move. After all, when one is at war, and the prize in this case is a majority at the polls on 20 May 2009, they say that all is fair in love and war. I know that there has been a concerted effort on the part of the Government to try at every opportunity to somehow give praise to some member of the Opposition and in the same breath discredit others to create friction and strife internally.

Madam Speaker, one thing I can say is that the Government has succeeded at being consistent at that. The Minister of Education in his debate on the Education Modernisation Bill made some comments, the majority of which in my mind were strategic, some in half jest, but certainly 100 per cent in desperation, which caused two media houses to have a sensational headline that said that I, the Second Elected Member for West Bay, was invited to join the Government.

Madam Speaker, in truth and in fact, there was no such invitation. But what the Honourable Minister did was very strategic in nature. I do not believe (although there is no way for me to be 100 per cent sure) that the press was involved with the conspiracy. But certainly, they took the sequence of events and sensationalised it so that it has caused a furore and a lot of discussion in the wider community. Whilst it happened here, what it has done is cause a lot of people to read . . . because you know how people are. People often times see a headline and do not read the details in terms of the article. So, whilst it was a complete desperate attempt by the Government to cause strife, they were ably assisted by sensational headlines, and so we got this little fire storm.

Madam Speaker, I took it as the Minister's admission that he is confident that he and his party

will not be successful at the polls on 20 May. So, as a strategy [he] tried to drive a wedge—divide and conquer—between me and my party.

Madam Speaker, one thing continues—

*[inaudible interjections]*

**Mr. Rolston M. Anglin:** Madam Speaker, if there is one thing I can say about the Honourable Minister of Education, it is that that young man is consistent. If he believes that he needs to convince the world that the sky is purple, he is going to be unrelenting in trying to convince the world that the sky is purple.

But, Madam Speaker, I can say unequivocally that I—a founding member of the United Democratic Party—am going to go into this campaign season and give it everything I have to ensure that there is a change in government in this country. I believe that in these four short years the collective future of the Islands has been shaken and greatly compromised. As a young person myself, but in particular a young father, that has to give me grave cause for concern. It will naturally cause me, with the kind of makeup that I have, to give it 110 per cent (if there is such a thing) to ensure that we get the necessary change. For, Madam Speaker, there is a better way forward in this country.

Madam Speaker, as I look back on these four years, whilst there is no four-year span in the history of mankind that has not had challenges, I have seen so much opportunity lost. Due to a lack of productive vision I have seen decisions made and work not done that could have put us on a much firmer footing than we are. So, Madam Speaker, the Government is going to continue to make the point that there is a world recession, and that so much has happened internationally that the public should not “blame” them, and that they need to have an opportunity to try to turn things around. Madam Speaker, that is the only plea that the Government can make at this particular point in time, for so much has happened in these four years that could have been avoided.

One of my colleagues on the Government bench said a little earlier in his contribution that he has his finger on the pulse. I would like to believe that all of us get around our communities and have our fingers on the pulse. And, Madam Speaker, the pulse is weak. There are long breaks in between. This country is in desperate straits.

Madam Speaker, there are some notable events that the People’s Progressive Movement have seen during their four-year tenure: local events. We had the ill-fated government and Royal Cayman Islands Police helicopter debacle. We had the infamous Caribbean Catastrophic Insurance Fund debacle. We saw last Friday hurried and last-ditch attempts to try to smooth over the neglect of the financial services industry by hurrying through legislation that has been requested for some two years.

We see that the Government is now trying to get in place information exchange agreements as it relates to tax matters with other countries. Yet, the Prime Minister of the United Kingdom is making it quite clear that, as far as he is concerned, that type of “cooperation” is not what he sees as the way forward in the new world order. So there is real doubt as to what good that is going to do us long term. As far as he is concerned, you can have as good a regime as you want, but he believes that there is a better way forward for the big countries. And that better way would be to not have to mess around with any of these information exchange agreements, and that we ought not to exist—period—because we distort international markets, we allow, under the guise (according to him) of legal structures, people to behave in certain ways in terms of what they can move on and off of their balance sheets to reside offshore as a way forward that ought not to exist.

**The Speaker:** Honourable Second Elected Member for the district of West Bay, I am going to take a suspension of 15 minutes.

**Proceedings suspended at 6.54 pm**

**Proceedings resumed at 7.12 pm**

**The Speaker:** Please be seated.

Second Elected Member for West Bay continuing. When I so suddenly interrupted you, and I am sorry, I think you were talking about Gordon Brown, just in case your memory may have slipped you. But I had been sitting in here since 3.00.

**Mr. Rolston M. Anglin:** Thank you, Madam Speaker.

I hear chatter from the other side saying that I misquoted. But I think it is clear to all concerned, and I am not surprised that the Minister would think so because I really believe there is a complete disjoint between what the Government thinks it needs to be doing and precisely what the international world is saying that we should be doing and where they are heading.

Madam Speaker, the one thing we have seen in the last few weeks is a real admission by the Government that they have left everything for the last minute. We have had an extremely heavy legislative agenda over the last several weeks. We have seen last ditch efforts to go to Washington to have people understand the Cayman story and the Cayman message, according to what we understand. We hear that they have a large PR firm engaged. However, there needs to be continual and consistent dialogue and relationship building with the movers and shakers in the US House of Representatives and Senate. We must ensure that we are not seen as a distrusted small population with a very large financial services sector.

When you just wash up on someone's doorstep every once in a while, you are naturally going to be received with suspicion. The fact is that there is no PR firm in the world that is going to be able to tell the Cayman story the way it needs to be told. PR firms can help with some messaging, but we know that the world of politics works most effectively when politicians talk to politicians. We are like any other fraternity in the world. And when we take real notice is when we engage and talk to each other face to face.

Madam Speaker, some of the lame excuses about there being a campaign in the United States and this and that . . . the bottom line is that in four years' time we ought to have recognised that there needed to be consistent representation with our counterparts in places like London and Washington. Consistent, Madam Speaker! There is only so much that our agents can do.

Madam Speaker, those who can provide real access to our counterparts in major countries and our counterparts that actually have a say is of crucial importance. The reality is that we need to build as many strong relationships as possible because as recent history has shown, people can and do have meteoric rises in the world of politics. Five years ago, most of the free world did not know who Barack Obama was.

When you engage consistently with consistent face time . . . we have to change the way in which we do business from an international perspective. We must. We have much at stake. We offer the world much. But as long as we are seen as the pirates of the Caribbean, and as long as that is the only message, and as long as we are not going to take a different approach, we will not be successful.

At certain times in certain countries we all know how politics work. We know that people will get up and say and do what they please no matter how much you talk. But, Madam Speaker, when you build real relationships, and when you get trust and when you actually penetrate and not just have superficial relationships, you can make impact. And this country has the wherewithal to do it. We have resident in this country some of the brightest minds.

I would put our lawyers, our accountants and our other professionals in the private sector, particularly in the financial services, up against anyone in any country. I personally saw that myself when I lived and worked in New York. During that secondment I also had opportunity to work in Canada and Curacao. This country has untapped potential and capacity. But we cannot continue to act small, play small and then expect to be taken for real players, taken seriously. We cannot expect that is the way the world will receive us. We have to be engaging.

We know there are people who are going to be naturally suspicious. And some many never ever change their minds. But the truth is, Madam Speaker, the more you engage and the more you are able to prove and the more people are able to see the proof of what you have said, the more human beings are

apt to accept and have their minds changed. This has to be done consistently, Madam Speaker. We cannot just have this as an exercise that is seen to be done on one-off occasions.

I know that someone will get up behind me and say, *Well, how do we have time to do all of this and all of that?* Madam Speaker, the reality is this: If we recognise the importance of the industry to the economy, to our collective future, to the bottom line of Government's budget, we would recognise that that time is time well spent. This country cannot under any circumstance afford to lose the industry. It is that simple. If we look at nothing more in the Government budget, we will see that Government does not have the capacity to survive absent the monies this country collects in fees from the financial services industry. It cannot. It is plain and simple. It cannot.

So, Madam Speaker, some might say, *Well, if the industry is not here and many of the professionals that are here leave, then that's reduced cost to government.* Someone might try to make that sort of silly, insane argument. But the reality is that that industry employs many professionals that are positive economic contributors. In other words, many of those people have wage-earning capacity and therefore purchase and rent properties, and very rarely cause any direct charge on the public purse. So they are positive contributors. Their presence and the presence of the industry allow the Government to do what it needs to do by way of provision of services to the Caymanian community. None of us can overstate the importance.

Everything that we can humanly do has to be done. I believe that the Government has not done that. I am not saying that they can pick up and live in Washington or in London; but I am saying that what has been done has been way too little, way too late.

Madam Speaker, let us look at the state of the budget. Let us look at the state of the economy. Let us look at the level of borrowing. Let us look at the commission of Enquiry, otherwise known as Cliffordgate. Let us look at the true state of tourism.

I am amazed at the contribution offered by the Honourable Minister of Tourism. Amazed! If one thing has been proven, it is that it is possible in four short years to really compromise the industry. We need look no further than the state of affairs in our relationship with the cruise sector. We need look no further than that. Madam Speaker, our collective future has been greatly compromised over the last four years. We need a new way forward. There is, Madam Speaker, a better way forward.

Madam Speaker, what the country has clearly seen is that it is possible to put together a well orchestrated campaign. It is possible to easily put together the best orchestrated smear campaign, but miss the fundamental point, which is that after all of that, governance and leadership is what will move the country forward. Painting the Honourable Leader of the Opposition black, painting the Second Elected Member for



West Bay black, painting any of my colleagues on this side black is not going to assist the country. Trying to tarnish reputations is not going to move the country forward.

Madam Speaker, all we heard about was the necessity for this audit or that audit, this investigation, that investigation. What has the country gotten? Where is the country four years later? Yes, they rode in on a high horse and on a high note. But it certainly has not moved the country forward in the way that it needs to be moved.

As I said, the smear campaign is the long suit of the People's Progressive Movement. I hear them chattering even now, talking about the Turks and Caicos Islands. But, Madam Speaker, I want to know what does that overseas territory have to do with the failures of the People's Progressive Movement Government? It is yet another tactic—the usual tactic, to point at somebody else, point long enough and consistent enough and say the same thing over and over and over, and you hope the public believes you and trusts you.

This Government had four years. They came in as the first party to run in current times under a party slate and win the elections. They formed a strong majority of 10 to 5. They had the numbers to make whatever changes needed to be made. They said it was going to be honest government, a government in the sunshine. Madam Speaker, whilst there was some legislation mooted and some was being worked on even as the elections approached in 2005, they have not come up with one single new piece of legislation that would move the country forward in terms of open and transparent government.

Freedom of information? Motions were moved on that so long ago. The legislation was being drafted as the elections happened last time. I know they want to say that that one is theirs. All right, it was passed on their watch. What new have they done?

Board meetings are still closed. You still hear all of the whispers and rumours about who took advantage of their position on boards. You still have people calling you because they are trying to figure out what stage this plan is at, that plan is at . . . Madam Speaker, a lot of things that should have happened in the last four years given the mandate and the platform the PPM ran on . . . so much was promised, so little was delivered.

Madam Speaker, I can say without fear of contradiction that we do have our finger on the pulse, but the pulse is weak. The country is haemorrhaging. We have seen what we predicted from 18 months ago. Eighteen months ago we predicted what was coming down the pike in terms of Government's budget position.

Prophet of doom and gloom, they said.

All I can say is that we are now in deficit. We see monies being voted as it relates to important social service programmes at a time when unemployment is on the rise. People's hours are being cut.

They are not showing up on the unemployment statistics. I was talking to a gentleman over the weekend. He was telling me the situation at his workplace. He was lucky. His hours have only been cut from 45 to 40. A friend of his working in the company in his department—last one in the door—had his hours cut from 45 down to 25 hours. He is not going to show up in the unemployment statistics. But that is a person whose family is not going to make ends meet.

Another colleague had his hours cut from 45 to 35 hours a week. The company did it in a way they thought fair—the longest tenured employee had the less amount cut; the newest person in the door had the most hours cut. But our people are hurting. Yes, we have our finger on the pulse. The pulse is weak! If we do not recognise that, we are not living in reality.

Madam Speaker, the people of this country are going to go to the polls on May 20<sup>th</sup>, God willing. Quite honestly, they have two basic choices; they either vote for a government that has proven that it cannot get the job done as it relates to managing the economy and government budget, which is the crux and cornerstone of the country. You can promise as many promises as you want in terms of services, but if the economy is weakened and government's budget and financial position continues to deteriorate at the rate in which it has, we cannot deliver on the promises. Let's look at it, Madam Speaker. In the last four years we had a tax package of \$20-plus million. Yet we are now projecting a \$29 million deficit. If it were not for that \$20-plus million tax package, that deficit would be in the region of some \$50 million.

The other choice is to vote for a party that has proven that during difficult times . . . look at what we had to live through. We had to live through the attacks on the World Trade Centre, our greatest trading partner, the United States, going to war in Iraq and Afghanistan. We had disease outbreaks that negatively impacted tourism—hoof and mouth disease, SARS in Asia—Hurricane Ivan. Madam Speaker, we have proven beyond a shadow of a doubt that when it comes to tough times we can manage. We can get the job done.

At the end of the day, it is that simple—our people are either going to vote for a Government that had everything going their way when they took office, who rode the momentum of the Hurricane Ivan rebuilding and did nothing else to secure the economy, and as soon as that collapsed, you see the state we are in. It is exacerbated by the fact that the world itself has gone through an economic downturn. Made worse, compounded!

Madam Speaker, at every election people will say that this election is important. Every election is important because the country selects for four years the direction the country is going to take. I am of the view that the choice is quite simple.

Madam Speaker, I like challenges. I look forward to the next 50-something days of campaigning. I feel very confident that the good people of the Cay-

man Islands are going to make a change for a better way forward.

Will I pick up licks? We are all going to do that. That is the nature of the game. I care not about that because the truth is that if we care about that, then this is the wrong thing to be in. If you are worried about a couple of licks, the shadow boxing is about to end and we are going to get ready to rumble. Whilst the money might have been pulled from under the rug of one of our local heroes, boxer Charles (the "Killa") Whittaker, what I can say is that the United Democratic Party is ready for the fight. We believe that we offer the country the greatest possibility and the best chance to secure our collective future.

Madam Speaker, I wish God's speed on the Cayman Islands, that He will continue to bless us. I wish that God will continue to protect our young people. I wish for all of us, outside our political lives, to do whatever we can to assist in that process. Madam Speaker, I wish for God to continue the way He has blessed these Cayman Islands despite the challenges we face. And Madam Speaker, I look forward to those who will return here May 27<sup>th</sup>, God willing.

I hope and pray that the good people of West Bay will continue to see fit to support me, for I will continue to work on their behalf. I wish for the good people of West Bay to continue to support my colleagues and me because we will be seeking an unprecedented third consecutive term as the same team. The good people of West Bay have blessed us and kept their faith in us.

Thank you.

**The Speaker:** Does any other Member wish to speak? [pause] If no other Member wishes to speak—

First Elected Member for Cayman Brac and Little Cayman.

**Ms. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

I rise first of all to thank Almighty God for the wonderful privilege of having served my constituents some 12-plus years, and for the strength and integrity to be sustained for the duration of that time.

I wish to take this opportunity also to thank you, Madam Speaker, the Clerk of the Legislative Assembly and all of her staff, in whatever capacity they have served, for all of the help they have given to me during this time in the various capacities that I have served.

I wish to thank all honourable Members of this House both on the Government side as well as on this side. It has not been an easy four years. This is the first time during my political career that I have been on the Opposition backbench for the entire term. Whatever experience, I believe is one that the soul needs. It has taught me patience and tolerance; it has taught me to establish a deeper faith in the Lord God himself, and it has taught me that we are a resilient people and that we will overcome.

I wish to thank my immediate and extended family for agreeing for me to work long, arduous hours, to be away from home for quite a bit of time. I wish to once again thank the people of Grand Cayman who during and certainly after Paloma came to our rescue, and who continue to give even as we speak here tonight.

Madam Speaker, when I first decided to run for public office I quite easily attached to the scripture that said "it is not by might or by power, but it is by my spirit, thus saith the Lord." It is with that background and inertia that I look forward to commencing this campaign in 2009. I look forward to being nominated on Wednesday of this week by my constituents in Cayman Brac. They know, without a shadow of a doubt, that I have made their goals and objectives my primary concern. I have sacrificed quite a lot financially and otherwise, but that is what I set out to do.

Madam Speaker, I look forward to campaigning, as I have done in previous years, to run a clean campaign, to realise that first and foremost that regardless of what party we are in we are all Caymanians. I would ask that we exercise due diligence to ensure that it is a safe campaign. While we get into the heat of campaigning and everything else, and adversarial politics, there are young Caymanian eyes looking upon us. We have the older Caymanians who also do not come from an aggressive type of cultural background and they expect us now as the trustees of governance for the next few weeks to perform in a way that would be pleasing, first and foremost, to Almighty God.

At the end of the day, yes, there is an election to win. And, yes, both parties and independents will have their own perspectives which will be varying in many respects. But, Madam Speaker, I would hope that we would see that we are not our greatest enemies. We are now on a global stage and there are many competing factors that would like to see the Cayman Islands, our beloved home, go down. If we do not save it, Madam Speaker, then who [will]?

So, I urge all of my colleagues on both sides of the House, those outside of the House, to campaign to the best of your potential; but not to the extent that it leaves a divided country. We see neighbouring Caribbean countries where that has been allowed to go on and crime has just gone out of control to where the very persons that each party thought they were protecting had to leave the jurisdiction to seek a better livelihood.

Madam Speaker, not only was I born here, but I have every intention to be laid to rest in my beloved Cayman Brac. I would like to leave a better legacy than I inherited when I came along, so I ask Members to search deep into their souls as they get ready to campaign and do not try to retain or obtain power at whatever cost, because there is a cost to every action. I ask us to remember that "He hath founded it upon the seas." We are a Christian nation. We can be angry but sin not. And in whatever we do, remember that

at the end of the day we are still our brother's and sister's keeper.

I wish the best for all of my colleagues. I wish for God's will to be done. At the end of the day, whoever is the best man or woman successful at the polls, I believe those are the ones for that appointed time. We are instructed that God raises up in authority those whom he wishes to. And if we would seek his will and his righteousness, he will always direct our path and our steps. We can rest assured that we will have done what he has set out as his purpose.

Madam Speaker, hurricanes have a way of giving us a different perspective about life. Not only was it a second blow for me, having seen the destruction to my own property and otherwise by Ivan, but with Paloma we have lost a significant number of constituents, people whom we knew very well. I mean, even as recent as last Sunday, a very dear friend of mine, Mrs. Joyce Ryan . . . when she called me the night before coming to Cayman, she did not even herself realise that within two weeks she would no longer be here. That is just how our lives are—like a flower that fadeth away. And do you know what? Fifty years from today most of us will not be here.

So, let us take time, first and foremost, to make sure that we set our priorities right as we go into this election and that we exercise every sense of reasonableness in our arguments, that we try as much as possible to stick to the issues to the things that we feel would give us a better way forward and that would make a better Cayman Islands. I realise it is politics and we have to defend our positions and our names, but let us . . . come Wednesday, we are going to defend our positions as eloquently and as well articulated as we can. But let us do so against the background that we are trying to nation build. As part of that process, education in the schools is very important. And I have always supported that. But the greatest education we can give is by our actions, because they always speak louder than words.

Madam Speaker, as in all elections, I shall do so prayerfully not only for myself but I can honestly say for all Members, all of my colleagues here and all those who wish to be politicians. We had to start somewhere. We did not gain our experience over night. All of us had our first day, first speech, and our first motion here. If we are going to transition this country there has to be room for other new and innovative ideas. But, Madam Speaker, let us not try to elevate or promote ourselves by pushing others down. Let us do it from a debate perspective. And may it be known that Members in this House go down as not only the best campaigners but the best debaters that this country has ever seen. I believe that we have the audacity for hope and that we have the building blocks for a better Cayman.

Madam Speaker, in closing I can honestly say that win, loose, or draw, that is what I have committed to do. As a single representative I know that I cannot control, neither would I seek to control, but it would be

my earnest desire and my continued prayer that we would look at the bigger picture, the economic and sociologic crossroads that our Islands are at and see what we can do to improve it. I believe that if we do that, Madam Speaker, regardless of who forms government or where we sit (if we are privileged to come back), when history is written we can rest in tranquillity that we truly did not attain personal elevation, but in everything we did it was for the betterment of these Islands we call home.

Again, I wish everyone the very best and I trust that if it is God's [will], we will have the privilege of coming back here to carry on the business of this country. I thank you, and I thank my honourable colleagues.

**The Speaker:** Does any other Member wish to speak? [pause]

Honourable Minister responsible for Communications and Works.

**Hon. V. Arden McLean:** Thank you, Madam Speaker.

With that plea from the First Elected Member of Cayman Brac and Little Cayman, I guess there is very little else to say in here tonight. But I will try to keep mine brief and to the point.

Madam Speaker, as we bring this legislative session to a close, it will be the last one for this term, and this honourable House will be dissolved in about four hours and ten minutes. I take this opportunity to thank God Almighty for giving me the strength and good health to see another four years through in these hallowed halls.

Madam Speaker, I would also like to thank the people of East End for electing me for a second term as their representative. I have been the representative for the district of East End for about eight and a half years. It is with great gratitude and a sense of humility that I thank them. Madam Speaker, were it not for the people of East End, I would not have matured the way I have thus far. I probably would not have had as many grey hairs if I were not in here, but that is part of this life!

Because of the people of East End, I have had the opportunity to dine with kings and walk among the poor. It has given me a broader understanding of this life. I have seen life, I have witnessed death; I have seen it all. Tonight I walk away from these hallowed halls with the hope that I continue as a representative of East End. I know that I can hold my head high, knowing that I came here with one goal, one simple goal, and that was to represent the people of East End, in particular, and this country in general, to the best of my ability. I believe that I have done that.

When I set out to go into politics, my father told me one thing. He said, "The only thing that you have that you can call your own is your name." He paused and he said, "I gave it to you. Do not destroy it." I hope as he lies in his almighty rest that he can

look down upon me and be proud that I followed what he asked me to do.

Madam Speaker, I could not have gone through these eight and a half years without the help of my family—my wife, my two children, my mother, but very importantly too, my siblings. I have said in this honourable House before that I am not overly concerned about how the public measures me in my behaviour or in my conduct. I am more concerned about how my siblings measure me. They are my greatest critics. If I do anything wrong I could get away with it from the public much quicker than I would get away with it with my siblings.

My father gave me an instruction again, and he said, "One at a time. No brothers, no sisters involved in politics. You are in it; you go forth and do what you have to do." I have kept that promise too. I have never once made either one of my brothers or sisters get involved in politics. They were taught to work hard and get what they wanted. Not one has even been on a board, Madam Speaker. I am very proud of that.

Madam Speaker, I have worked very hard for the last eight and a half years, but, in particular, for the last four. We have had many challenges in this country. My family has been there to support me and I thank them from the bottom of my heart. If one does not have one's family alongside of him, one has lost the central piece of the jigsaw puzzle. Tonight I am eternally grateful to them for their support.

Madam Speaker, I say to all of those newcomers that this is not a joke. A friend said to me a few days ago that sometimes it appears that people are taking this for a joke and that it appears that some may consider this a ticket to their financial security. Madam Speaker, the 15 of us in this honourable House know that it does not go like that. If you have no social conscience, and if you do not have a big heart, there is no place in politics for you.

If you do not want to work towards making your fellowman's life better, then find something else to do because that is what this is about. And I have thoroughly enjoyed helping people. That is one of the things I remember most about my father. And all my aunts and uncles who have passed on taught me a sense of community. If you do not have that, this is not the place to secure your financial future. Be paid for what you do, but do what you are required to do.

I have worked very hard, Madam Speaker. There are very few mornings when I did not go to my office before 8.30; and very few evenings when I left it before 5.00. But I approached this as a job where I could help the people that I love—the beloved people of the Cayman Islands. Madam Speaker, I am going to be around here for a long time. I do not need any honours, nor do I need any pat on the back. This is but for a time in my life. At some stage I am going to move on too. I do not know when that is, I just hope the people of East End will see fit to consider me as their representative for another four years.

No one in this country can say that I came in here on the heels of anyone; nor can they say that I did not stand and do what I had to do. Madam Speaker, I had no one in front of me to teach me how to do it. But there are Members of this honourable House who were here when I came here, such as the Leader of the Opposition, the First Elected Member for Cayman Brac and Little Cayman, the Leader of Government Business, the Minister for Health, and your good self, Madam Speaker. Madam Speaker, I am eternally grateful to you all. Whilst you may think that you did not teach me much, trust me! I captured it all. And there are a number of conventions that I have perfected as a result of your teachings.

Madam Speaker, there are a number of challenges facing this country that I would like to continue to work on. There are things that fell under my ministry that I would like to continue. In particular, if I am returned here as a Minister I can promise this country that on day one I am going to work on Mount Trashmore. And just in case I am not, I have left sufficient information for whoever goes there as Minister to continue to remove Mount Trashmore from the eyesight of the people of this country.

We have the global financial crisis on our hands. We have the G-20 and, in particular, the G-8 who seems hell bent on going on any financial centre in this world. That is a challenge for us, Madam Speaker, but we have made many strides in the right direction to ensure the future of financial services for the people of this country. This Government has done much work in that direction. And I would like to come back to continue that. I believe it is fair to say that this Government deserves another term.

Madam Speaker, what I am about to say . . . I am very conscious that the Standing Orders tell us about not speaking ill of Her Majesty, but I am very concerned with the direction that the Prime Minister of England is going in when it comes to the Cayman Islands in particular. I know that this goodly gentleman is looking to prop up his popularity in England. But I say to him that it should not be at our expense. Is it that this gentleman wants us to be holding our hands out to him or his government, or the next government, whoever that may be? Madam Speaker, that has never been a part of this country. We have done what we had to do to ensure the security of the people of this country. I take it as an offence for the Prime Minister to be so direct, so blatant and so cruel to an Overseas Territory.

Another challenge that I hope we have overcome is negotiating a new constitution for the Cayman Islands. The people of this country will go to the polls on May 20. But for the very first time they will have the added responsibility (other than voting for their representative) of voting on a new proposed constitution. Madam Speaker, since this constitution has been negotiated and has the green light, so to speak, from both sides of this honourable House I encourage the

people of this country to return an affirmative on the acceptance of this constitution.

Madam Speaker, it makes no difference who is elected. Fifteen people have to be returned here on the 27<sup>th</sup> day of May (or thereabout). I beg this country to give them a new constitution to work with. The current Constitution has been in place for 30-odd years. There is no document in the 21<sup>st</sup> century that governs anywhere that does not need some kind of tweaking. No one says that the new proposed constitution is perfect, but we have to start someplace. It is much better than the one that is currently in place.

Madam Speaker, I encourage the Members of this honourable House and all of the newcomers to talk, to debate the new proposed constitution. We have to understand that the future of this country transcends each and every one of us, and that it matters not who is here. If we are returned, so be it; if we are not, there will be—that is a given—15 Members here. But it does not mean that there will be a new constitution if we do not educate our people on the benefits of a new constitution. My plea to all of those who are standing in this general election is to ensure that the people of this country understand as far as possible the proposed new constitution.

Madam Speaker, all of us will be campaigning in the upcoming process. I do not wish to cast any aspersions on anyone, but I know that in 2005 this country set a course with the PPM at the helm. The one thing that I know is that I am comfortable with every member of the PPM. They did not in any way take anything from this country. I know people have made their accusations. But I can assure this country that honesty was at the forefront of the governance by the PPM Government. We have kept the faith. We have run the race for four years. We have steered the same course.

Madam Speaker, a couple of hours ago I received an email about how the Premier of Turks and Caicos resigned today. Somewhere in that farewell resignation speech to the general public he said that to those to whom much is given, much is expected. Madam Speaker, I believe the PPM Government has given much to our country too. It was expected of us and we have delivered.

The infrastructure of this country had been neglected for many, many years. For instance, 20 years prior to my taking office a little over 5 miles of new roads were built. The country has grown in all of those years and no one paid attention to the infrastructure to accommodate all of those people who were coming, be that through indigenous births or otherwise. For 30-odd years we have talked about a high school in Frank Sound. At long last it is on its way. This country can be proud of the achievements in the last four years. There is much work to be done, Madam Speaker. I look forward to being the Minister responsible for Communications, Works and Infrastructure. I look forward to representing the people of East End for another four years.

There is much time to talk about our accomplishments and achievements over the last four years because we have two months of campaigning to do. For all of those who for whatever reason thought that this campaign was over, my message to them is that it has only just begun. I do not know who else is going to roll over and play dead, but I will not! And I am sure that it will not be any of the 9 in here and the 1 outside, that is, the 10 of us.

So, my good friends on the Opposition, remember, whilst I do not advocate acrimony, I will not roll over. I am not prepared to do that. I deserve to defend my tenure. These grey hairs around my temples did not just come so; they came from worrying about doing something for the people of this country and I deserve to defend that. So, when you plan your trip to the eastern end, be prepared to understand that I am coming back.

Mind you, that is not to say that you are not welcome in the community. If you want to come and campaign, that is fine by me too! But speak the truth because when you start encroaching on Arden McLean's integrity, you are going to be answered. Trust me. Regardless of whom it is. It could be my brother, it could be my sister. Do not question my ability to get the job done. I am going to reply to anyone who questions my integrity.

Madam Speaker, I know when I start I do not like to stop. But I am going to stop, Madam Speaker.

**The Speaker:** Good, because I have to go to North Side.

**Hon. V. Arden McLean:** All right. Thank you.

Madam Speaker, all that is left for me to do is to thank you on behalf of the people of North Side, in particular, and on behalf of the people of this country in general. I would like to thank you for your tenure. You have served your country well. You have managed this House very well. We have had moments of tense response, we have had moments of questioning your ruling (in my mind), but at the end of the day everyone in here has had respect for the Chair while you were there.

There were times when you may question that, Madam Speaker, but regardless—

**The Speaker:** I'll carry that to my grave.

**Hon. V. Arden McLean:** —I believe that we in this honourable House have had one of the best relationships that I know, and that is across the aisle, Madam Speaker. But for you, Madam Speaker, I thank you. This country can be proud and the people of North Side can be proud.

That is not to say that I expect you to fade into the sunset.

**The Speaker:** Going to plant roses!

**Hon. V. Arden McLean:** Well, if you are going to plant roses, Madam Speaker, I certainly will come and tear the thorns off the roses with you. Or trim them off so that we may present them to the Members of this honourable House.

**The Speaker:** We will have tea together in the rose garden.

**Hon. V. Arden McLean:** Tea together in the rose garden. Wow! We are getting quite higher up in the Atlantic, eh?

**The Speaker:** Mm-hmm.

**Hon. V. Arden McLean:** Madam Speaker, I really appreciate your time. Again, I appreciate all of those little things that you taught me. I will never, ever, forget them.

Madam Speaker, there were other Members in here when I came. They have since gone. But there was one Member here (who is gone now) that I always had that affinity to, and that was Captain Mabry [Kirkconnell]. He served his country well too. I am extremely proud of Captain Mabry.

Madam Speaker, I would like to thank the staff of the Legislative Assembly. I have always been afforded a very good relationship. The lady from East End, if she does not get me on the phone the first time she will call me about four or five times to make sure that I get the message about a committee meeting and that kind of stuff. And I appreciate that. I really appreciate that. And if they did not get me they would call my ministry, and if they did not get my ministry they would call the other phone. But they made sure they got their messages to me.

Madam Speaker, all of them have shown me the utmost respect in here. I would like to go on record to thank them for that respect shown to me. Even though the Deputy and I grew up together, she never once called me "Arden" in eight and a half years.

**The Speaker:** I trained her.

**Hon. V. Arden McLean:** She has always said, "Mr. McLean." Never once has she called me "Arden", and we grew up next to each other. We are family. She has never lost the respect for the position. And I am thankful to you, Sharon, for that.

Madam Speaker, I would like to thank the press. I know that I have had my time with the press. I have really had some times over the last four years where I questioned objective journalism in the press. But I recognise that they were merely doing their job and that they were questioning my job. Nevertheless, by and large I found them to be okay. I see Mr. Stoner is in the press gallery. He has a lovely young lady, his wife, and I believe she is a little better than he is.

And, Madam Speaker, another one that I really need to make mention of is Wendy Ledger. She

is not here tonight. I was going to rib her a little bit, but she is okay too.

**The Speaker:** You don't have time to rib anybody.

**Hon. V. Arden McLean:** Madam Speaker, I would like to thank her for all of her reporting. I look forward to them all.

There are many others. At Radio Cayman, Jay Ehrhart is a very capable young man. All of those at CITN are very persistent, particularly the young fellow that went there just now, Kenneth Bryan. Oh Lord, Madam Speaker, he has more enthusiasm than an elephant! He will not give up. But that is what reporters should do, and I believe that he will go far in this world of reporting.

Madam Speaker, last but by no means the least, my staff at the ministry. What would I have done without my PA, Leisa Welcome? Madam Speaker, there is nothing I asked Leisa for that she could not put her hands on immediately. She has kept me sane. I would like to publicly thank her. As my colleague said, that is not an easy job—keeping me sane!

Madam Speaker, I have challenged many young men in my ministry. They came from the private sector to work with me and I have challenged them. Some from the public sector as well. I know sometimes they must regret that they came to me because of my demanding attitude, but I was very glad a few days ago when one of them publicly thanked me for teaching him as much as I have. That tells me that I have done a stellar job. Even if only one got something from me, then I believe I have done something. I believe I have done a job worth doing.

Madam Speaker, I know that the chief officer, the deputy and all of the ladies in my ministry, all of the staff from all the departments and authorities have seen working for me as a challenge. But the one thing we can rest assured of is that we got the job done. Madam Speaker, my tenure as a Minister has been a very challenging one. Thank God for the staff that I have had some ease in those challenges.

There is much to be done in the ministry. I have thoroughly enjoyed the subjects that I have had as a Minister. Those are the only ones that I know. I do not know anything about tourism, I know less about teaching anyone, and you know they cannot give me health!

*[laughter]*

**Hon. V. Arden McLean:** And Cayman Brac District Administration . . . hands off. But that is what I know. That is all I know—the technical things in life. I believe with the help of the staff I have done a fair job.

What I do know, Madam Speaker, is that whether I measure [up to] that or not, I will know how good my stewardship was on May the 20<sup>th</sup>. I look forward to that democratic process because that is what this is about. At the end of the day, not one of us can

do anything about it. The choices are for the people. But I promise you, Madam Speaker, that on the morning of the 27<sup>th</sup> . . . the First Elected Member for Cayman Brac and Little Cayman said “win, lose or draw”. There are no draws in this. To the victor go the spoils. It is the first one past the post. That is not to be disrespectful to her.

On the morning of the 27<sup>th</sup> whoever is sworn in here I will be sitting somewhere along this wall—on either that side or this side. I will not walk away from the democratic process in this country. My children are here and their children and their children’s children will be here. I hope.

Madam Speaker, all that is left to be said now is to say thank you to my colleagues for four years of friendship, and that is across the aisle. I look forward to all 14 of us coming back here. I do not know how we would operate without the kind of friendship we have had. And I mean that sincerely, Madam Speaker.

I wish all the best to my colleagues and they should not be so acrimonious on the campaign trail. Someone has to win and someone has to lose. Madam Speaker, I look forward to the campaign which begins in about three hours.

Thank you very much, Madam Speaker, and thanks to all honourable Members.

**The Speaker:** Third Elected Member for West Bay.

**Mr. Cline A. Glidden, Jr.:** Thank you, Madam Speaker.

Before the dissolution of the Legislative Assembly I would like to say a few words about my term here as well. I would like to start my contribution by thanking God for his support, guidance and continued blessings to me and my family. This last term, these last four years, we have seen some good times specifically as a family, and some real difficult times as we all have—we all have some good memories and some not-so-good memories of events that have occurred in each of our lives during this period.

Madam Speaker, after thanking God, I would like to thank my colleagues in the Legislative Assembly, both on the Opposition and very much so my colleagues on the Government side, and especially you, Madam Speaker. The Members of the Government have placed their confidence in me to serve as Deputy Speaker. I take that as an honour that Members have placed that trust for these four years in my abilities. I hope that I have been fair in the periods of time it was required of me to deputise for you.

Madam Speaker, I specifically want to thank you for your guidance during this time. As all Members have said, there were times that we would have questioned within our own minds . . . of course, none of us like to be questioned or challenged. But you have done your job, Madam Speaker, and you have assisted especially us younger Members who needed

that guidance and that motherly support during that time.

Madam Speaker, I know you will have your comments, but I have been asked by my family, specifically by my father who was your Serjeant for a period, to extend his good wishes to you. I am sure he will speak to you but also publicly he wanted me to extend his thanks for your support while he was the Serjeant-at-Arms.

Madam Speaker, we all here wish you well in your planting of roses and your enjoyment of tea in your rose garden!

I too would like to thank the staff of the Legislative Assembly for the respect and support they have shown to each and every Member during these difficult times. As mentioned, sometimes we go on real long. For example, on Friday night we were here until 1.00 am. And the staff were there as pleasant as ever doing whatever was required of them. While it may sometimes seem that we take them for granted, I can honestly say that we do not. There is appreciation and respect from all Members.

Also, the civil servants we have had to call upon and make demands of during our term. Sometimes as members of the Opposition we know that we put the civil servants, especially, in difficult positions, making those demands and not being sure. But I can say that they have always done their best to accommodate those requests that might have seemed oh so unreasonable at times, I am sure. For the most part they have been around here for a long time and we know that we have a strong civil service.

Madam Speaker, as we come to the end of this term of legislators, we have had acrimony. There has been heated debate, but never a lack of respect or understanding for us as individuals. As politicians we will disagree, but as human beings—as Caymanians—we are all in this together working toward the same goals even though we might disagree and have a different method of getting there.

Madam Speaker, there will be the democratic process on 20 May, and a contested election. As usual we will have people contesting the seat I was so privileged to have been elected to in the district of West Bay. For people in that district who are running, I wish them well in their campaign. Hopefully we will have a clean, safe, honest campaign. Come 20 May the people will decide whether my colleagues and I are deserving: the Honourable McKeever Bush, the First Elected Member for West Bay; Mr. Rolston Anglin, the Second Elected Member for West Bay; and my colleague, Captain Eugene Ebanks, the Fourth Elected Member for West Bay. Also the First Elected Member for the district of Cayman Brac and Little Cayman, Ms. Juliana Y. O’Connor-Connolly, as well as our other colleagues who are running on the United Democratic Party’s slate in the various districts around the Islands.

Whoever is given the good fortune of being elected come May 20 will have significant challenges.

We see that the financial service [industry] is under attack. We see there is a need for proactive strong leadership on that front. We saw the release today showing that through proactive leadership and required lobbying the OECD is proposing to remove Switzerland, Austria and Luxembourg, from the black list currently being drawn up by the OECD for the G-20 Summit.

It shows that there is still time to negate some of the negatives that could come from being black-listed on that list that we keep hearing about. So far, we have heard about meetings. We have heard about trips to Washington. And we do not know yet what the results of that will be. We do know that from all appearances it seems that we will appear on another black list which could be detrimental to our financial industry.

Madam Speaker, the next group of legislators will have to deal with concerns in the community about crime. We have seen just in the past few days that serious crime has taken a significant toll on the Cayman Islands. People are scared. People are shocked. This is not something we will ever get used to. With the callous murders we have had in recent times, the community is worried.

We see on the front page of today's paper "Government sees red." We have a deficit and we are worried about our revenue streams, which seem to be getting more and more restricted as we go along. There is an expectation that things will get worse before they get better. There is much concern with the national debt. As our revenue streams continue to restrict, the spending requirements continue to out-strip the revenue. Our national debt will continue to increase. Our country is in a difficult time, Madam Speaker.

The last time we stood here and had these farewells, we had just gotten past Hurricane Ivan. Everyone felt that we had gotten through that pass, there has to be a much better time. We were looking forward to an improvement. But, Madam Speaker, the situation now is that people are concerned. Jobs are being lost. We have had increasing unemployment. Caymanians cannot make their payments. I am sure all Members are inundated with people coming to their doors who cannot meet their bills, utilities being turned off. Times are hard, Madam Speaker, and getting harder.

We see that the Government is doing what they feel is necessary to do. We have a stimulus package. The people coming to me are saying that they do not see how that stimulus package is going to help them. They are reducing duty on cement and on steel and lumber. We are hoping that in some way that will trickle down and assist those people who are losing their homes and cannot pay their utility bills. Only time will tell, Madam Speaker, if that stimulus will actually help; but the indications are that while the Government is trying their best, their best obviously has not been good enough.

Madam Speaker, the Member is asking me what the answer is. I think we will get the answer on May 20<sup>th</sup>. I think we will get new representation that will give us an opportunity for a better way forward.

Madam Speaker, we have to acknowledge that they have tried their best, and I do not doubt that they have tried their best. I think that all Members have tried their best. I think after seeing the best that they have to offer is when most people determine that they are now in a worse position than they were four years ago. The only logical conclusion for the smart people of the Cayman Islands will be that, yes, you have tried your best, but the best was not enough. So we have to try something new.

Madam Speaker, we were hoping this was going to be just the normal farewells and best wishes. But, as usual, while most Members would have found it plausible to do that, we recognise that some Members have decided to make the same attacks. It is hard to understand how certain Members can get up and start talking about corruption, and those same Members will be the Members that should have the least to say on those issues.

We heard the Minister of Tourism speak about corruption and institutionalised corruption, making reference to what occurred in Turks and Caicos. Madam Speaker, I find that ironic because the process in Turks and Caicos started with a Commission of Inquiry. I am sure, Madam Speaker, you and all Members in here will remember our own Commission of Inquiry which was called on for that same Minister who referred to corruption. When we talk about those skeletons—it's not even a skeleton in the closet because it is out of the closet, Madam Speaker.

He talks about what could have occurred in Cayman. We have to wonder, if we had had such an aggressive investigator as the one in Turks and Caicos, what would have happened to the good Cayman Islands under the leadership of the PPM based on that Commission of Inquiry because that Member was found wanting in the Commission.

That Member was found guilty of official misconduct and all for personal interests. When we try to talk about the reasons for it, supposedly it was for whistle blowing. It was made very clear that the only reason for it was for his own personal gain and that of his party to get elected.

That would be the Minister that would stand on the Floor . . . I heard it in the last debate and I was tempted at that stage when we were talking about the incentives and the stimulus package. He got up and started talking about all this corruption. Madam Speaker, it is similar to what occurred in 2005. We heard there were going to be all of these investigations, and that all of this information was coming forward, and that the Leader of Government Business at the time was going to be found guilty of all these matters.

At the Government's hands, the country went on these witch hunts. We had this investigation here,



an investigation there, an investigation over there, and an investigation everywhere. At the end of the day, what came out of those investigations? It was found that nothing was done wrong.

So, while all the allegations were made, lo and behold, Madam Speaker, those people making the allegations of corruption ended up getting a Commission of Inquiry. Even though attempts were made to stop it—there were challenges to the funding and all the rest—the Governor insisted that we needed to have a Commission of Inquiry. Lo and behold, those same Members who were talking about corruption were found guilty of official misconduct.

Madam Speaker, you would have thought that after getting those kinds of findings that that particular Minister would have left the talking and the allegation making to other people this time. But you see, Madam Speaker, we do not seem to learn from those mistakes. So, we get back to the same old corruption again.

Madam Speaker, one thing we can say is that in all of this PPM Administration we have not had any investigations. That is true. But the reason why we have not had any investigations is because we cannot get audited accounts. If we did not get audited accounts for the Auditor General to investigate, we cannot get any investigations. So those investigations from the audits will have to come at a later time. But out of the one thing we did get—the one Commission of Inquiry—we got a finding of wrongdoing. If we got a finding of wrongdoing for that, Madam Speaker, I can only imagine what we will get later on.

I hope that when we talk about people who live in glass houses should not throw stones, I hope that the particular Minister, while I know there are concerns . . . Madam Speaker, I have heard there are concerns. And you know that when desperation sets in we understand that all kinds of things have happened to those positions, that seat for Minister of Tourism has been all around. Promises are being made . . . I understand that desperation will set in.

People on that side have gotten up regularly and have talked either about their achievements or their accomplishments during their term. But it is obvious when one particular Minister has to get up and start talking about corruption—

*[inaudible interjection]*

**Mr. Cline A. Glidden, Jr.:** Well, Madam Speaker, maybe there were achievements thrown in there. But the point is that when you have those kinds of skeletons that would be an embarrassment to the rest of the group, when you have the Minister of Communications getting up next to that Minister and saying there was this virtue, purity and honesty in his Government, when the only finding of dishonesty so far has been the Honourable Minister of Tourism. In all these other investigations going on there has not been any.

Prior to that the Minister of Education said he could feel good about all his Ministers and know they will do nothing untoward, nothing questionable, because he makes them know that if there is anything questionable either they will be resigning or he will be resigning. He should not force us, by finding the need to talk about corruption, to have to remind the public about those statements. If they had those achievements, the Member should have been happy to discuss those.

Madam Speaker, I understand the Member wanted a corruption commission of inquiry. Maybe he is talking about things to come. I do not know. Maybe we will find, when we do get those audited financial statements . . . I hope that we will not end up like the Turks and Caicos thing where we start a commission of inquiry and then we run into significant problems. But, only time will tell because even with the openness and transparency of the Government we have not been able to see those financial accounts. And the Public Accounts Committee has not had the opportunity to get into any of those investigations.

Madam Speaker, if we had stuck with accomplishments . . . but I can see why there would be a challenge with that. We see what has occurred. We saw the statement this morning. We see that the Minister of Tourism is worried about the lack of accomplishments. We see that we still do not have a cruise ship port. We see that we have some proposal out there somewhere. I do not even know if there is support for that proposal within Government. But we do know that the numbers are down.

I can remember two years ago expressing how we had heard the cruise line saying that they were going to be cutting the numbers, that ships would stop coming. After I had spoken, after I gave that warning (and we talk about prophet of doom), the Minister got up and said, *Oh, no, no, no. This is just normal. Some of the ships are being redeployed but there will be no overall loss. This is for a short period of time.* Lo and behold, Madam Speaker, what do we see? We see the numbers down significantly over the four-year period. And we are expecting them to drop further.

Madam Speaker, we had a situation with air arrivals. I know now we are going to try to use all of the excuses to go on. We have the concern with the airport. We see that the Minister has, again, tried his best I am sure, to get the new airport. But so far we have a new parking lot. We do not know what else is happening with that and then we hear about this great Go East initiative. Supposedly all of the development was on the other side of the Island and we were going to do some tourism development there. So far I have not heard any raving improvements or endorsements of that initiative.

I guess what this discussion has shown me is that the reason why that Minister talked about corruption is because he has little else to talk about. I can only assume that he found that he was successful in

doing it three years and a bit ago—he figures that that was his main ticket here the last time. It was not on a track record, it was on corruption and his expectation that if he was going to expose all this corruption (I assume he thinks) that that is the way he will be successful again.

Madam Speaker, he has been given an opportunity—an opportunity that is not afforded to too many people—to prove himself. He has had four years to do that. I have confidence in the smart Cayman people that when the grades are given there will be a big F on the part of those accomplishments in tourism.

We see that there will be games played as to who will step in. We saw the Minister of Education trying to show up those numbers a few weeks ago in offering seats to Members on this side. Madam Speaker, of course the press would pick up on that. One single Member, Madam Speaker. I assume they just need to replace the one they feel pretty sure they are going to lose! I am sure that as it gets closer there will be requests for additional Members, but are they looking for—

*[inaudible interjection]*

**Mr. Cline A. Glidden, Jr.:** Maybe, Madam Speaker.

We do have challenging times ahead for the next group. I want to assure the Cayman public that the United Democratic Party has an able and willing team to take on the significant challenges that will be here facing the next group.

Madam Speaker, the Leader of the United Democratic Party has a track record of taking us through difficult times. In 2001 when we had that same deficit, or maybe a worse deficit, we came forward with a plan that allowed the country to get back on track, allowed us to get back to having surplus budgets. It was a difficult time. We knew that we had just borrowed some \$52 million to get us past the . . . even the recurrent was \$26 million, I think. The solution offered was to borrow again.

Madam Speaker, the United Democratic Party, under the leadership of the Leader of the Opposition, made a very difficult decision. I remember when the current Minister of Education got up and talked about killing the goose that laid the golden egg and that this package was going to destroy the financial centre and destroy the stability of the Cayman Islands. And we have seen, Madam Speaker, that that did not come to pass. We have seen that the country has benefited significantly from that increase in the revenue base. We saw that that increase actually allowed the People's Progressive Movement to carry on what would be termed the "spending spree"—an acknowledged biggest capital investment programme the country has ever seen. And even with all of that we have seen that the PPM has got us into unprecedented debt, even with an increased revenue stream.

We have seen that that increased revenue stream allowed us to embark on the ambitious school projects that will supposedly, and hopefully, be the saviour of our education system for the Cayman Islands. Even though there were other Ministers who came before, whether it was Mr. Truman Bodden, Mr. Roy Bodden, Mr. Benson Ebanks, in my opinion they all had the best interests of the Caymanian students. They all attempted to improve the education system of the Cayman Islands. We have seen supposedly under the PPM Administration what will be a new day in education. We can only hope—because we came here and voted for that money, and supported education—we can only hope that it will create an improvement for our young people.

But so far, Madam Speaker, even with the money in place, we have not seen one new classroom yet. What we can say is that under the Minister of Education under the United Democratic Party we did get a new school in that term. We got a new school even though there was Hurricane Ivan, even though there was a change of Government after 2001. Even during that period we got a new school. And guess what. It only cost some \$10 million to do. I think it was \$13 million.

Time will tell whether or not the Minister of Education has made the significant contribution to education that he feels he has made. I will say that just like the Leader of Government Business, the Minister of Works, the Minister of Health, the Minister of Tourism, I do feel that he genuinely thinks that what he is doing . . . but I keep saying, Madam Speaker, that while it is fine to plan, and while the intentions are good, only time will tell. So to get up and start talking about the same system that gave him his education, that gave us our education, and to say prematurely, in my mind, that he is doing something dynamic and greatly improving education, is a bit premature.

All the other previous Ministers can in their minds all look at the achievements they made. We hope that the new Minister of Education—the United Democratic Party's Minister of Education—will be doing things that will also give results and give a bright future to our young people.

Madam Speaker, it is late. I recognise that this is the start of what we commonly refer to as the silly season. The campaign will begin in some three hours. I look forward to and pray for a safe, honest and peaceful election.

**The Speaker:** Hope so.

**Mr. Cline A. Glidden, Jr.:** Madam Speaker, I look forward to continuing to serve the wonderful people of the Cayman Islands if I am chosen to do so. It has been a privilege and an honour to have been given the opportunity for the past eight years and ten months to serve in the Legislative Assembly. I too can say that I have learned a lot from my colleagues in here: the Honourable Leader of the Opposition, you,

Madam Speaker, the Leader of Government Business, the Minister of Health and my other colleagues, those who have been here, my colleague the First Elected Member for Cayman Brac and Little Cayman, those here before me, those who came in with my same class, the class of 2000, and also those who came in, in the class of 2005. This is a continuous learning process. I have much appreciation for all those who have helped and assisted me to learn the system that we refer to as the legislative system and this democratic system of government.

Madam Speaker, I hope I have done my job to the satisfaction of the good people of West Bay, who have given me the honour of being their representative. I know I have not been able to achieve everything they would have wanted or expected me to achieve. I do not know how long it will take, so I cannot make any promises of when I will achieve everything I am expected to achieve. What I can say is that I look forward to continuing with my colleagues in working hard to better serve the people of the Cayman Islands after 20 May, and to better serve specifically the people of the beautiful district of West Bay, of which I am proud to be the elected representative.

Madam Speaker, I wish you well with your future plans. I wish my colleagues on this side of the Legislative Assembly and also on the Government bench well. I wish for them good health. I look forward to a clean, safe and honest election. Thank you.

**The Speaker:** Does any other Member wish to speak? [pause]

If no other Member wishes to speak, I would just quickly like to thank the staff of the Legislative Department, particularly Ms. Sharon. She and I both live the furthest from this building.

I will address the people of North Side through television as I am certain they prefer me to get safely to North Side before the wee hours of the morning.

The question is that this honourable House do now adjourn sine die. Those in favour please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. This honourable House is now adjourned sine die.

**An hon Member:** Hip, hip hurray!

**At 9.15 pm the House stood adjourned sine die.**