



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2012/13 SESSION

13 March 2013

Second Sitting of the Third Meeting

(pages 627–654)

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

Disclaimer: The electronic version of the *Official Hansard Report* is for informational purposes only. The printed version remains the official record.

PRESENT WERE:

THE SPEAKER

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

MINISTERS OF THE CABINET

Hon Juliana Y O'Connor-Connolly, JP, MLA	<i>The Premier</i> , Minister of Finance, District Administration, Works, Lands and Agriculture
Hon Rolston M Anglin, JP, MLA	<i>Deputy Premier</i> , Minister of Education, Financial Services and Employment
Hon Cline A Glidden, Jr, MLA	Minister of Tourism and Development
Hon J Mark P Scotland, JP, MLA	Minister of Health, Environment, Youth, Sports and Culture
Hon Dwayne S Seymour, MLA	Minister of Community Affairs, Gender and Housing

OFFICIAL MEMBERS OF THE CABINET

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

ELECTED MEMBERS

OPPOSITION MEMBERS

Hon Alden M McLaughlin, MBE, JP, MLA	<i>Leader of the Opposition</i> , Third Elected Member for George Town
Mr Moses I Kirkconnell, JP, MLA	<i>Deputy Leader of the Opposition</i> , First Elected Member for Cayman Brac and Little Cayman
Hon W McKeeva Bush, OBE, JP, MLA	First Elected Member for West Bay
Capt A Eugene Ebanks, JP, MLA	Fourth Elected Member for West Bay
Hon D Kurt Tibbetts, OBE, JP, MLA	First Elected Member for George Town
Mr Michael T Adam, MBE, JP, MLA	Second Elected Member for George Town
Mr Ellio A Solomon, MLA	Fourth Elected Member for George Town
Hon Anthony S Eden, OBE, JP, MLA	<i>Deputy Speaker</i> , Second Elected Member for Bodden Town
Mr V Arden McLean, JP, MLA	Elected Member for East End

INDEPENDENT MEMBER

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

OFFICIAL HANSARD REPORT
THIRD MEETING OF THE 2012/13 SESSION
WEDNESDAY
13 MARCH 2013
Second Sitting

The Speaker: I will call on the Honourable Premier to read Prayers today.

PRAYERS

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

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: Proceedings are resumed. Please be seated.

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

The Speaker: I have no messages or announcements at this time.

**PRESENTATION OF PAPERS
AND OF REPORTS**

**Ministry of District Administration, Planning,
Agriculture and Housing Annual Report for the
2008/09 Financial year**

**Ministry of District Administration, Works and
Gender Affairs Annual Report for the 2009/10
Financial year**

The Speaker: Honourable Premier.

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

I beg to lay on the Table of this honourable House the Annual Report of Ministry of District Administration, Planning, Agriculture and Housing for the [2008/09 Financial year](#); and the Annual Report of Ministry of District Administration, Works and Gender Affairs for the [2009/10 Financial year](#).

The Speaker: So ordered.

Would the Honourable Minister wish to speak thereto?

The Premier, Hon. Juliana Y. O'Connor-Connolly:
No, Madam Speaker. The reports are self-explanatory.

The Speaker: Thank you.

**Water Authority of the Cayman Islands Annual
Report for the 2010/11 Financial Year**

The Speaker: Honourable Premier.

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

I beg to lay on the Table of this honourable House the [Water Authority of the Cayman Islands Annual Report for the 2010/11 Financial Year](#).

The Speaker: So ordered.

Would the Honourable Minister wish to speak thereto?

The Premier, Hon. Juliana Y. O'Connor-Connolly:
No, Madam Speaker.

**Tax Information Authority (Tax Information
Agreements) Order, 2013**

The Speaker: The Deputy Premier, the Honourable Minister of Education, Financial Services and Employment.

The Deputy Premier, Hon. Rolston M. Anglin: I beg to lay on the Table of this honourable House the [Tax Information Authority \(Tax Information Agreements\) Order, 2013](#).

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

The Deputy Premier, Hon. Rolston M. Anglin: No, Madam Speaker. There is a substantive motion that underpins the laying of that order.

The Speaker: Thank you.

National Health Policy and Strategic Plan for the Cayman Islands 2012-2017

The Speaker: Honourable Minister of Health, Environment, Youth, Sports and Culture.

Hon. J. Mark P. Scotland, Minister of Health, Environment, Youth, Sports and Culture: I beg to lay on the Table of this honourable House the [National Health Policy and Strategic Plan for the Cayman Islands 2012-2017](#).

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

Honourable Minister of Health.

Hon. J. Mark P. Scotland: Thank you, Madam Speaker.

It gives me great pleasure this morning to table the National Health Policy & Strategic Plan which was recently approved in Cabinet. Since taking office I recognised the need for a clear path and direction for achieving health for the citizens and residents of the Cayman Islands. Many good and positive initiatives had been implemented previously and healthcare workers and practitioners continued to work very hard. But what was lacking was a guiding document to provide clear directions on how we intend and propose to achieve good health for all in the Cayman Islands.

Madam Speaker, this National Health Policy & Strategic Plan is a significant accomplishment for the Ministry and, indeed, the Government. With funding and some technical assistance provided by the Pan American Health Organization, we in the Ministry were able to develop this policy through a multi-sector stakeholder process. Stakeholders represented a mix of public and private sector healthcare providers, government and private sector health insurance repre-

sentatives, and other non-health line ministries and representatives from civil society.

The diverse range of stakeholders reflects the fact that health is something that crosses many policy areas and affects all of our lives. This National Health Policy & Strategic Plan outlines the vision, the values, the strategic direction objectives with regard to health and the health system. Let us not forget that in the Cayman Islands Constitution Order, 2009, the stated intention is to provide a comprehensive healthcare system for all of our residents. This National Policy & Strategic Plan is vital to health system development and will serve as an instrument to improve the health status of our population.

The vision of the National Health Policy is very simple: "Health and wellbeing for all in the Cayman Islands." Very simple, but far-reaching, Madam Speaker! That is what we like to see as a country; each and every resident achieving a state of health and wellbeing by having access to affordable, sustainable, high quality healthcare. Each person must also take responsibility for their health. This vision is not achievable unless we act responsibly in our daily living.

The World Health Organization definition of "health" states that "Health is a state of complete physical, mental, and social wellbeing and not merely the absence of disease." A state of wellbeing refers to being happy, healthy and prosperous. We must all take steps toward ensuring our health and wellbeing as individuals so that we can achieve the vision for our nation.

Madam Speaker, I will speak briefly to some of the value statements of the Policy. These statements will guide the efforts in realising the vision and to demonstrate that, at all times patients are at the centre of the healthcare system and must be treated with care and passion. The value statements are as follows:

- provide equitable and universal health services and programmes in a just and non-discriminating way accessible to all;
- healthcare in the Cayman Islands should be affordable, sustainable and efficient;
- provide services that are patient centered, comprehensive, integrated and holistic;
- employ multi-sectoral efforts, partnerships, and collaborations with various stakeholders to improve health and well-being for all;
- ensure that services are of high quality, safe, and dependable;
- the enhancement of personal responsibility and conscious raising for health through advocacy, health education and the provision of patient centered services;
- be accountable for health interventions, ensuring that interventions are based on sound evidence, geared towards measurable-

outcomes, with on-going assessments and evaluations;

- provide services in a caring and compassionate manner with respect for patients and clients while ensuring confidentiality; and
- acknowledge that the responsibility for protecting and restoring health lies primarily with the health sector and will work in a dynamic and innovative way with partners in other sectors, constantly seeking to realise health and well-being for all.

Madam Speaker, as I stated before, there are many good initiatives and programmes already in place which continue to benefit our residents, but we need to build on what we currently have to ensure that people live longer healthier lives.

Some of our strengths include:

- Legislation in many areas of health;
- Regulatory bodies for licensing of healthcare practitioners; and
- Various functions of the Public Health Department that continues to do excellent work.

Madam Speaker, this National Health Policy & Strategic Plan identifies nine clear strategic directions and for each direction two objectives that have been proposed. Briefly, the strategic directions are as follows:

1. Strengthen institutional capacity for leadership and governance.
2. Implement an equitable and sustainable health financing model.
3. Enhance human capital to ensure an available, competent, responsive and productive health workforce to improve health outcomes.
4. Promote the contribution of all sectors to health and well-being.
5. Achieve an educated, empowered health conscious population.
6. Further develop accessible, high quality integrated health service delivery networks based on the Primary Health Care approach.
7. Develop a robust health information system with multi agency linkages to improve the quality and coverage of health relevant information to be used for decision making.
8. Promote increased research for the production, dissemination and utilization of health relevant information, knowledge and scientific evidence for decision making.
9. Maintain the capacity to respond to and manage all emergencies and disasters to mitigate the impact on health.

Madam Speaker, as is outlined in the Policy and the Plan, the top five leading causes of death in the Cayman Islands in 2010 were: cardiovascular diseases, cancers, respiratory illnesses, diabetes, and

other external causes. This was not only a challenge to the Cayman Islands, but, indeed, to the world.

We must also strengthen our healthcare system by increasing our resources for health, building capacity and aligning priorities with the health needs of the population in order to achieve the goal of better health for all. With this Policy our work has just begun.

Going forward the Ministry will work with stakeholders to develop action plans and performance indicators to provide direction to our continued efforts to improve health.

In closing I would like to thank my Chief Officer, Jennifer Ahearn, who is here this morning, as well as Senior Policy Advisor Janett Flynn and the team at the Ministry for leading the process, the Pan American Health Organisation for their technical expertise and financial support, and perhaps most importantly, all the stakeholders who participated in the process without whom this Policy and Plan would not have been possible.

It was very encouraging and gratifying to work with the stakeholder group who were so enthused and committed to this process. I am extremely grateful to each one of them for their contribution to this important document.

Madam Speaker, I am very proud of this document going forward. It is going to guide our healthcare for our country as we go forward into the future for the next five years. I look forward to working with all the stakeholders in implementing this Plan and realising the vision of the Plan which is health and well-being for all in the Cayman Islands.

Thank you, Madam Speaker.

The Speaker: Thank you, Honourable Minister.

Cayman Islands Stock Exchange Ltd. Financial Statements for the year ended 30 June 2011, and Independent Auditor's Report

The Speaker: Deputy Premier, the Honourable Minister of Education, Financial Services and Employment.

The Deputy Premier, Hon. Rolston M. Anglin: Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the [Financial Statements for the Cayman Islands Stock Exchange Ltd.](#)

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

The Deputy Premier, Hon. Rolston M. Anglin: No, Madam Speaker. Just to say that it is good to see that the Exchange has reached the level of maturity that many had waited for, for quite some time in terms of making a profit on its own activities and not having to

rely on the government grant any further. It has attracted a clean audit report.

The Speaker: Thank you.

Sixth Report of the Commission for Standards in Public Life—27 February 2013

The Speaker: Honourable Deputy Governor.

The Deputy Governor, Hon. Franz Manderson: Thank you, Madam Speaker. Good morning.

I beg to lay before the honourable House, the [Sixth Report of the Commission for Standards in Public Life](#). The report covers the period 18 August 2012 to the 15 February 2013, in line with its constitutional mandate found in section 117(9)(g) of the Cayman Islands Constitution Order 2009.

The Speaker: So ordered.

Does the Honourable Deputy Governor wish to speak thereto?

The Deputy Governor, Hon. Franz Manderson: Just very briefly, Ma'am, to say that this honourable House may wish to note that during the reporting period the Commission sought to exercise its functions in a manner that achieved its constitutional mandate, which included promoting integrity within the public service.

To this effect the Chairman met with various key stakeholders within government in an effort to address issues such as Freedom of Information, the Commission's authority to investigate private matters of public officials, protocols for monitoring ethical conduct, and procurement in the public sector.

I encourage Members of the House and the public to familiarise themselves with the content of the report. This report is available at www.standardsinpubliclifecommission.ky.

Thank you.

The Speaker: Thank you.

**Cayman Islands Human Rights Commission
Annual Report 2012**

The Speaker: Honourable Deputy Governor.

The Deputy Governor, Hon. Franz Manderson: Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the third report of the [Human Rights Commission](#). The Report covers the period 1 January 2012 to 31 December 2012 in line with its constitutional mandate found in section 116(8) of the Cayman Islands Constitution Order 2009.

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

The Deputy Governor, Hon. Franz Manderson: Thank you, Madam Speaker.

Just very briefly I would like to say that during the reporting period the Bill of Rights, Freedoms and Responsibilities became enforceable on a local level. It is quite a milestone in our Constitution and in our development of our Islands.

The Commission has continued to promote, protect, and preserve the integration of human rights into everyday life by monitoring human rights legislation, policies and practice, participation in events, presentations and educational opportunities, engagement with the media and members of the public and investigations that report any breaches of infringement of human rights by public officials.

I encourage Members of the House and the public to familiarise themselves with the content of the report which is available on the Commission's website www.humanrightscmission.ky.

Thank you.

The Speaker: Thank you.

I wish Members would check their microphones to make sure they are turned off. There is a murmur that is interfering with my being able to hear the Members speak.

**Civil Aviation Authority of the Cayman Islands
Annual Report for the period July 2011–30 June
2012**

The Speaker: Honourable Deputy Governor.

The Deputy Governor, Hon. Franz Manderson: I wish to lay on the Table of this honourable House the [Civil Aviation Authority of the Cayman Islands Annual Report for the period 1st July 2011 to 30th June 2012](#).

The Speaker: So ordered.

Does the Honourable Deputy Governor wish to speak thereto?

The Deputy Governor, Hon. Franz Manderson: I have no comments, Ma'am.

**Children and Youth Services Foundation Financial
Statements – 30 June 2010**

The Speaker: Honourable Minister of Community Affairs, Gender and Housing.

Hon. Dwayne S. Seymour, Minister of Community Affairs, Gender and Housing: Madam Speaker, I am pleased to lay on the Table of this honourable House the report and audited Financial Statements of the

[Children and Youth Services \(CAYS\) Foundation](#) for the year ended 30 June 2010

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

Hon. Dwayne S. Seymour: Yes, Madam Speaker.

As Members are aware, the function of the CAYS Foundation operations includes the management and operation of FBGH [Frances Bodden Girls Home] and a 24-hour residential facility for the youth who require care due to being deemed in need of care and protection, girls exhibiting offending behaviours that have been court ordered at the Frances Bodden Girl's Home, as well as the Bonaventure Boys Home, a 24-hour residential facility for youth who have been remanded or committed by the courts for youth rehabilitation services.

Section 70 Articles of Association of the CAYS Foundation states: "When the company has gross income of \$50,000 per annum or more, the books of accounts are to be subject to any annual audit review."

The CAYS Foundation has prepared financial statements which have been audited by the BDO [Binder Dijker Otte] Tortuga and the Office of the Auditor General and the trust activities and transactions for the year ended June 30, 2010, as required by section 52(1) and (2) of the Public Management and Finance Law (2012 Revision). These accounts have been certified by the Auditor General of the Cayman Islands as required by section 52(3) of the Law.

The certificate of the annual Auditor General, as shown on pages 3 and 4, show that the Children and Youth Services Foundation received a qualified opinion on the financial statement for the financial year ended June 30, 2010. This qualified opinion is based on the following: "In common with many charitable organizations, the Foundation derives a substantial proportion of its income from donations, fund raising events and similar activities, the completeness of which is not susceptible to audit."

In addition, the Foundation has a defined benefit pension plan. And a defined benefit pension asset or liability is not known as at the date of approval of the financial statements as an actuarial valuation has not been completed for the year ending June 30, 2010, and no amount has been recorded in the Foundation's financial statements.

Madam Speaker, while conducting the audit of the CAYS Foundation 2009/10 financial statements, it was the opinion of the Auditor General that except for the effect of the adjustments of 1 and 2 above, the financial statements present fairly, in all material respects, the financial position of the Foundation as of June 30, 2010, and its financial performance and its cash flows for the years then ended in accordance with International Financial Reporting Standards.

However, the following was raised by the Auditor General under "Other Matters" on page 4: "The [preparation] of these financial statements did not comply with the requirements of the Public Management and Finance Law . . . under the following sections:

Section 4: the financial statements are to be prepared in accordance with International Public Sector Accounting Standards. In the Auditor General's opinion, "there would be no material difference in the presentation and accounting of the transactions of the Foundation."

Section 52: The annual financial statements have been prepared and submitted four months and two weeks after the end of the financial year. "In this case, the financial statements of the Foundation were not prepared and submitted in the timeframe required to be in compliance with the Law."

Furthermore, Madam Speaker, it should be noted that supplemental information presented on pages 16 and 17 have not been audited by the Auditor General, and, as such, the Auditor General could not express an opinion thereon.

Madam Speaker, as can be seen in page 5, the Foundation has assets totaling \$915,954 at June 30, 2010, mainly made of \$575,472 cash equivalents, \$302,134 in accounts receivables, for which \$300,000 is receivable from the Cayman Islands Government for grants.

Additionally, it should be noted that the Government provided the building for the Bonaventure Boy's Home and the Frances Bodden Girl's Home at no capital cost to the Foundation. So, the buildings are not included as property for the Foundation on these financial statements.

As at June 30, 2010, the Foundation had a total of \$98,108 in liabilities, mainly made of \$29,543 payable to vendors for operating of the Foundation. Some \$68,000 in deferred revenue which represents \$41,628 deferred to 2011 for the family reunification programme; and \$26,937 of insurance proceeds deferred to 2011 to restore the building and fittings of the Frances Bodden Girl's Home to the condition they were in before a fire caused damage to the Home during the year end June 2009.

Additionally, the Foundation has total guaranteed equity of \$817,846 at June [30] 2010. The financial statements were approved by the Board on June 30, 2012 by Mr. Garth Arch, Chairman of the Board of Directors and Mr. Christopher Watler, Treasurer to the Board of Directors.

Madam Speaker, Members of the Legislative Assembly are aware that the CAYS Foundation is owned by the Cayman Islands Government which provides the majority of the grant income received by the CAYS Foundation. Therefore, the Foundation's total income for the year ended June 2010 was \$2,210,802, for a 13 per cent decrease in income, which comprised the following: Government granted

\$2,100,000; insurance proceeds, \$56,858; other donations, \$53,944.

Furthermore, the total expenses of CAYS Foundation were \$2,153,005, representing a 5.5 [per cent] decrease in expenses which resulted in the CAYS Foundation generating a net income of \$57,797. The CAYS Foundation net income increased the guarantors' equity by \$57,797 to bring the total guarantor's equity at June 30, 2010, to \$817,846.

Additionally, the CAYS Foundation cash position increased by \$214,117 to bring the cash and cash equivalents at June 30, 2010, to \$575,472.

Madam Speaker, in 2011, the CAYS Foundation operated in three physical locations: the Bonaventure Home, the Frances Bodden Home, and the Dotcom Building where the administrative staff are assigned, and which are divided into four operating programme schemes: the Bonaventure Boys Home, the Frances Bodden Girls Home, the head office, and an Education Team.

Furthermore, during the year 2010/11 the CAYS Foundation employed on average 34 persons. Additionally, the Foundation entered in September 2008 into a three year lease with annual lease payments of \$44,260. The lease expired in September 2011 and the parties agreed to move forward with the lease on a month-to-month basis under the same terms.

In closing, Madam Speaker, and Members of this House, the tabling of the CAYS Foundation account for the year ending June 2010 brings the Ministry of Community Affairs, Gender and Housing up to date with the accounts that have been audited by the Auditor General. I would like to take this opportunity to thank the Ministry and the agencies that fall under it for ensuring that these accounts were tabled in a timely manner. Thank you for your indulgence.

The Speaker: Thank you, Honourable Minister.

Cayman Islands (CINICO) National Insurance Company 2010/11 Annual Report

The Speaker: Honourable Minister of Health, Environment, Youth Sports and Culture.

Hon. J. Mark P. Scotland: I beg to lay on the Table of this honourable House the [2010/11 Annual Report of the Cayman Islands \(CINICO\) National Insurance Company](#).

The Speaker: So ordered.

Honourable Minister, do you wish to speak on the report?

Hon. J. Mark P. Scotland: Very briefly, Madam Speaker.

In accordance with section 52(1) and (5) of the Public Management and Finance Law (2012 Revi-

sion), I am pleased today to place before this honourable House the Annual Report of the CINICO for the financial year ended 30 June 2011.

The 2010/11 Annual Report discusses in detail the changes in the distribution of overall membership of CINICO. In terms of overall membership there was an increase of 4 per cent, the largest portion of this increase occurred in the standard health insurance contract plans which increased by 17 per cent over the prior year.

Membership in the civil servants' plan also increased by about 2 per cent, but has remained relatively flat since that point due to the continuation of the hiring freeze which came into effect around 2008. As a result of former civil servants reaching retirement age, membership in the civil service pensioners' category continues to increase with a growth of about 5 per cent.

Seamen's and veterans' category also had an increase in numbers by about 4 per cent due to new members joining after reaching the age of 55.

The report details the claims made during the 2010/11 year and the areas which had the highest incidence of referrals. Claims for the year ending 30 June 2011 increased by 1.3 per cent to \$47 million, up from claims of around \$46.6 million in the prior year.

Overall total expenses increased by \$5.5 million to \$52 million while total revenue of \$49 million was a decrease of around \$1 million (or 2 per cent) resulting in a loss for the year of around \$3 million.

Madam Speaker, the top five overseas diagnoses referrals for the year ended 30 June 2011 were carcinoma oncology, cardiovascular, musculoskeletal, renal and neurologic.

The annual report also includes the audited financial statements of the company. Members will note that the Auditor General's opinion is that the company's financial statements presented fairly in all material respects the financial position of the company as at 30 June 2011, and the results of its financial performance and cash flows for the year then ended in accordance with international financial reporting standards, and this is an unqualified opinion, which means that the information contained therein can be relied upon by readers.

I invite Members of this honourable House to peruse the report in detail. Thank you.

Cayman Islands Health Services Authority Financial Statements 30 June 2011

The Speaker: Honourable Minister of Health, Environment, Youth Sports and Culture.

Hon. J. Mark P. Scotland: I beg to lay upon the Table of this honourable House the [Financial Statements of Cayman Islands Health Services Authority 30 June 2011](#).

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

Hon. J. Mark P. Scotland: Briefly, Madam Speaker.

In accordance with section 52(5) of the Public Management and Finance Law (2012 Revision), I am pleased today to place before this honourable House the Audited Report of Cayman Islands Health Services Authority for the financial year ended 30 June 2011.

Madam Speaker, as you know, the HSA became an Authority in July 2002 under the Health Services Law. Since then the board and manager have continued their focus on improving the financial management of the Authority. The Authority provides primary and secondary levels of healthcare services for all three Islands and we know the facilities include the following throughout the Cayman Islands: the Cayman Islands Hospital in George Town, Faith Hospital in Cayman Brac, and community based services at Little Cayman Health Centre, George Town, General Practice Clinic, West Bay Health Centre, Bodden Town Health Centre, East End and North Side Health Centres, and the Public Health Unit, as well as the Lions Eye Clinic, Cayman Brac Dental Clinic, Merren's Dental Clinic and the George Town Dental Clinic.

Madam Speaker, reviewing the audited financial statements for the year ended 2011, the Authority reported revenues from Government and other sources of \$83.4 million and operating expenses of around \$83.7 million with a net loss for the year just under \$300,000. The Authority also reported assets of \$94.3 million, liabilities of \$10 million, with net assets of \$84 million. In the 2010/11 financial year, the Government injected \$1.8 million into the Authority which was used to make capital purchases.

The Auditor General completed his audit of the financial statements and issued a qualified opinion on the financial statements for the period ended 30 June 2011. A qualified opinion means that a portion of the financial statements could not be relied upon but the rest of the statements are reliable. This is a great improvement from the years of disclaimers of opinion for the HSA that have been received from the Auditor General for the previous six financial years. This qualified opinion is due to efforts made by the board and the management of HSA in response to recommendations made in previous years to rectify the shortcomings in practices and procedures of the Authority's operations.

Madam Speaker, the Auditor General pointed out four significant matters that formed the basis for the qualified opinion. The matters were: Ineffective controls over completeness of patient revenues, in ability to determine the completeness and valuation of the patient related accounts receivables, inability to ascertain the accuracy, existence and valuation of

year-end inventory, and uncertainties due to disclaimers of opinion on the prior year's financial statements.

Madam Speaker, all of these matters are being addressed and will continue to be addressed by the board and the management of the HSA. I am looking forward to the audit for 2012 year. In closing I would like to publicly thank the board and the management of HSA for their continued hard work and perseverance in producing these reports. I invite Members and the public to review the reports in detail.

Thank you, Madam Speaker.

The Speaker: Thank you, Honourable Minister.

National Gallery of the Cayman Islands Financial Statements – 30th June, 2012

National Museum of the Cayman Islands Financial Statements – 30 June 2010

The Speaker: Honourable Minister of Health, Environment, Youth Sports and Culture.

Hon. J. Mark P. Scotland: I beg to lay upon the Table of this honourable House the [National Gallery of the Cayman Islands Financial Statements – 30th June, 2012](#) and the [Cayman Islands National Museum Financial Statements – 30 June 2010](#).

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereon?

Hon. J. Mark P. Scotland: No, Madam Speaker, only to invite Members to peruse the reports in detail.

Segregated Insurance Fund of the Cayman Islands Financial Statements for the year ended 30 June 2010

Segregated Insurance Fund of the Cayman Islands Financial Statements for the year ended 30 June 2011

The Speaker: Honourable Minister of Health, Environment, Youth Sports and Culture.

Hon. J. Mark P. Scotland: I beg to lay upon the Table of this honourable House the Segregated Insurance Fund of the Cayman Islands Financial Statements for the year ended [30 June 2010](#), and the Financial Statements of Segregated Insurance Fund of the Cayman Islands for the year ended [30 June 2011](#).

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereon?

Hon. J. Mark P. Scotland: No, Madam Speaker. The reports have sufficient detail. I invite Members to review them.

Cayman Airways Financial Statements 30 June 2011

The Speaker: Honourable Minister of Tourism and Development.

Hon. Cline A. Glidden, Jr., Minister of Tourism and Development: I beg to lay on the Table of this honourable House, the [Financial Statements for Cayman Airways Financial Statements 30th June 2011](#).

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

Hon. Cline A. Glidden, Jr.: No, thank you, Madam Speaker.

Standing Business Committee Report Second Meeting 2012/13 Session of the Legislative Assembly

Standing Business Committee Report Special Meeting 2012/13 Session of the Legislative Assembly

The Speaker: Chairman of the Standing Business Committee, the First Elected Member for West Bay.

Hon. W. McKeeva Bush, First Elected Member for West Bay: I beg to lay upon the Table the Report of the Standing Business Committee for the Second Meeting of the 2012/13 Session of the Legislative Assembly, and the Report of the Standing Business Committee for the Special Meeting of the 2012/13 Session of the Legislative Assembly.

The Speaker: So ordered.

Does the honourable Member wish to speak thereon?

Hon. W. McKeeva Bush: I don't care to say anything. Probably what I say would be ultra vires the Standing Orders, so I won't say anything.

The Speaker: I would like the Order Paper to be corrected to reflect who laid the report on the Table. The Order Paper says it will be laid on the Table by the Premier.

Cayman Maritime Authority Annual Report 2009 – 2010

The Speaker: Honourable Premier, the Honourable Minister of Finance, District Administration, Works, Lands and Agriculture.

The Premier, Hon. Juliana Y. O'Connor-Connolly: I beg to lay on the Table of this honourable House the [Cayman Maritime Authority Annual Report 2009 – 2010](#).

The Speaker: So ordered.

Does the Honourable Premier wish to speak thereto?

The Premier, Hon. Juliana Y. O'Connor-Connolly: Yes. Thank you.

The audited financial statements just tabled consist of the balance sheet, the operating statement, cash flow statement and the notes to the financial statements.

The balance sheet of the Maritime Authority of the Cayman Islands as at 30 June 2010, shows that the total assets were valued at CI\$3.631 million and total liabilities at CI\$0.881 million, while the total net worth was CI\$2.750 million.

The operating statement indicates that the Authority reported for the 12 months ended 30 June, 2010, a deficit from operating activities of \$404,416. This is combined with \$131,785 and the non-operating revenue and expenses for the period ending 30 June 2010. The Authority closed with a net deficit of \$272,631 for the year ended 30 June 2010.

The statement of cash flows indicates that the cash and cash equivalents at 30 June, 2010, was \$1.496 million. The Auditor General's opinion issued a qualified opinion on the financial statements of the Maritime Authority of the Cayman Islands as at 30 June 2010. I thank you.

The Speaker: Thank you, Honourable Premier.

Cayman Maritime Authority Annual Report 2010 – 2011

The Speaker: Honourable Premier, the Honourable Minister of Finance, District Administration, Works, Lands and Agriculture.

The Premier, Hon. Juliana Y. O'Connor-Connolly: I beg to lay on the Table of this honourable House the [Cayman Maritime Authority Annual Report 2010 – 2011](#).

The Speaker: So ordered.

Does the Honourable Premier wish to speak thereto?

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

The audited financial statements just tabled consist of the statements of the financial position, statement of the comprehensive income and statement of the change in equity, statement of cash flows and the notes to the financial statements.

The financial position of the Maritime Authority of the Cayman Islands as at 30 June 2011 show total assets were valued at CI\$3.699 million and total liabilities at CI\$1.083 million, while the total net worth was CI\$2.616 million.

The statement of comprehensive income indicates that the Authority reported for the 12 months ended 30 June, 2011, a loss from operating activities of \$298,638 when this is combined with \$164,741 and the non-operating revenue and expenses for the period ending 30 June, 2011. The Authority closed with a net loss of \$133,897 for the year ended 30 June, 2011.

The statement of cash flows indicates that the cash and cash equivalents at 30 June, 2011, was \$1.315 million. The Auditor General issued an unqualified opinion on the financial statements of the Maritime Authority of the Cayman Islands as at 30 June, 2011. An unqualified opinion means that the financial statements are fairly presented in all material aspects which is also referred to as a clean opinion. I thank you.

The Speaker: Thank you.

Cayman Maritime Authority Annual Report 2011 – 2012

The Speaker: Honourable Premier, the Honourable Minister of Finance, District Administration, Works, Lands and Agriculture.

The Premier, Hon. Juliana Y. O'Connor-Connolly: I beg to lay on the Table of this honourable House the [Cayman Maritime Authority Annual Report 2011 – 2012](#).

The Speaker: So ordered.

Does the Honourable Premier wish to speak thereto?

The Premier, Hon. Juliana Y. O'Connor-Connolly: Just briefly, thank you.

The audited financial statements just tabled consist of the statements of the financial position, comprehensive income and statement of change in equity, statement of cash flows and the notes to the financial statements.

The financial position of the Maritime Authority of the Cayman Islands as at 30 June, 2012, show that the total assets were valued at CI\$3.641 million and total liabilities at CI\$1.04 million, while the total net worth was CI\$2.607 million.

The statement of comprehensive income indicates that the Authority reported and closed for the 12 months ended 30 June [2012], a loss of \$156,452.

The statement of cash flows indicates that the cash and cash equivalents at 30 June, 2012, was \$.901 million. The Auditor General in this case, again, issued an unqualified opinion on the financial statements of the Maritime Authority of the Cayman Islands as at 30 June 2012. This, again, is a clean opinion. I wish to thank the staff at the Maritime Authority for the diligent work that they continue to do, and we look forward to the day where the deficit disappears completely and they have reached the age of maturity.

The Speaker: Thank you, Honourable Premier.

Ministry of Education, Training, Employment, Youth, Sports and Culture Annual Reports for 2005/6, 2006/7 and 2007/8 Financial Years

The Speaker: Honourable Deputy Premier, the Honourable Minister of Education, Financial Services and Employment.

The Deputy Premier, Hon. Rolston M. Anglin: I beg to lay on the Table of this honourable House the Annual Report of the Ministry of Education, Training, Employment, Youth, Sports and Culture for the years ended 30 June [[2005/6](#), [2006/7](#), [2007/8](#)].

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereon?

The Deputy Premier, Hon. Rolston M. Anglin: No, Madam Speaker, these are quite old reports and, as we know, there has been a lot of catch-up over the years in terms of the audits of agencies across government. These are some of those.

Freedom of Information Law Committee Report on the review of the Freedom of Information Law, 2007 and the Freedom of Information (General) Regulations, 2008

The Speaker: Deputy Speaker of the Legislative Assembly, the Second Elected Member for Bodden Town.

The Deputy Speaker, Hon. Anthony S. Eden: I beg to lay on the Table of this honourable House Report of the Freedom of Information Law Committee on the review of the Freedom of Information Law, 2007, and the Freedom of Information (General) Regulations, 2008.

The Speaker: So ordered.

Does the Honourable Member wish to speak thereto?

Hon. Anthony S. Eden: No, Madam Speaker.

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

The Speaker: I have no notice of Statements by honourable Ministers and Members.

GOVERNMENT BUSINESS

Suspension of Standing Order 24(5)

The Speaker: Honourable Premier.

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

I move the Suspension of Standing Order 24(5) to enable two Government Motions to be dealt with during this Meeting.

The Speaker: The question is that Standing Order 24(5) be suspended to enable two Government Motions to be dealt with during this Meeting.

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

Ayes and one audible No.

The Speaker: The Ayes have it.

Agreed: Standing Order 24(5) suspended.

BILLS

FIRST READINGS

Adoption of Children Bill, 2012

The Clerk: The Adoption of Children Bill, 2012

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

Cayman National Cultural Foundation Bill, 2012

The Clerk: The Cayman National Cultural Foundation Bill, 2012.

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

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

The Speaker: Honourable Premier.

The Premier, Hon. Juliana Y. O'Connor-Connolly: I move the Suspension of Standing Order 46(1) and (2) to enable the relevant Bills on the Order Paper to be read a first time.

The Speaker: The question is the suspension of Standing Order 46(1) and (2) to enable three Bills on the Order Paper to be read a first time.

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

Ayes and one audible No.

The Speaker: The Ayes have it.

Agreed: Standing Order 46(1) suspended.

FIRST READINGS

Marine Conservation (Amendment) Bill, 2013

The Clerk: The Marine Conservation (Amendment) Bill, 2013.

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

Health Practice (Amendment) Bill, 2013

The Clerk: The Health Practice (Amendment) Bill, 2013.

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

Mental Health Commission Bill, 2013

The Clerk: The Mental Health Commission Bill, 2013.

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

Mental Health Bill, 2013

The Clerk: The Mental Health Bill, 2013.

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

Monetary Authority (Amendment) Bill, 2013

The Clerk: The Monetary Authority (Amendment) Bill, 2013.

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

Human Tissue Transplant Bill, 2013

The Clerk: The Human Tissue Transplant Bill, 2013.

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

Development and Planning (Amendment) Bill, 2013

The Clerk: The Development and Planning (Amendment) Bill, 2013.

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

Notaries Public Bill, 2012

The Clerk: The Notaries Public Bill, 2012.

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

SECOND READINGS

Adoption of Children Bill, 2012

The Clerk: The Adoption of Children Bill, 2012.

The Speaker: Honourable Minister of Family Services.

Hon. Dwayne S. Seymour: I beg to move the second reading of the Adoption of Children Bill, 2012.

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

Hon. Dwayne S. Seymour: Yes, Madam Speaker.

The primary aim of the Adoption of Children Bill, 2012, is to ensure that the Cayman Islands have a comprehensive framework that modernises its current provisions in both domestic and Inter-Country adoptions. In so doing, the Bill will bring the Adoption Law in line with aspects of the United Nations Convention on the Rights of the Child and the United Kingdom's Children Act 2003, the Hague Convention and the Protection of Children and Cooperation in respect of Inter-Country Adoption in the Children Law (2012 Revision).

Hence, with the successful passage of this Bill the Cayman Islands will demonstrate its commitment like many other countries around the world to promote best practice in adoption and ensure the best possible outcome for adopted children, their birth families, adoptive families, and everyone affected by adoption.

Madam Speaker, the document that lies before you 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-governmental agencies. Further, in

the last few months the Ministry's team has met with you, my fellow Members of the Legislative Assembly, to answer queries and address concerns. We have also reevaluated the Bill in line with recommendations on the Human Rights Commission and ensured that it is in compliance with the constitutional requirements.

Madam Speaker, it is therefore anticipated that this Bill, if enacted into law, will more than adequately provide regulating authorities with some power which is essential to ensure that the process of adoption is based on the paramountcy principle, and the adoption is a necessary and proportionate response to the child's need and situation.

Before I speak to the details of the proposed amendment, I think it is appropriate that I first discuss the broader context and issues which have made the need for such a Bill necessary in our country. Adoption is distinguishable from all other forms of social parenthood. It is with limited legal exceptions. The only legal mechanism for terminating the illegal status of a parent and the parental responsibility which goes with it, adoption is in effect a legal transplant involving the total replacement of one family with a new substitute family.

Madam Speaker, it is precisely this permanence which has so often been seen by adoption applicants as the major advantage of adoption over other solutions. Historically, the emphasis on adoption was on satisfying adult needs of one kind or another. However, in more recent times adoption has become a more child-centred process. Nonetheless, there remains considerable anxiety, especially in the context of inter-country adoptions in the light of the shifting of circumstances which may lead to adoption.

It has become increasingly evident that a single model of adoption cannot be appropriate in all areas. In particular, there has been a growing appreciation that the traditional secrecy of the adoption process must give way to a more flexible approach which allows for greater openness and inclusive relationships.

Madam Speaker, over the past 40 years our family structures have changed and have had to adapt to the increasing demands placed on them by economic, social, cultural and environmental changes. As a result, there has been an increase in the number of blended and single-parent families. As such, our legislation, programmes and services have become more flexible in order to ensure that our family units are being adequately supported. The amendments to the existing Adoption of Children Law do just this, while also ensuring the security of adopted children. More specifically, the major amendments to the existing law are as follows:

Clause 2 contains the main definitions. Significantly, the word "child" is defined to cover persons who have not attained the age of eighteen years. This brings the adoption legislation in line with other legislation.

Clause 8 introduces new provisions regarding adoptions from overseas. Such adoptions will not be recognised unless they are granted with the prior approval of the Board and upon completion of a satisfactory home study under the Law. This provides for more careful management of the process for bringing a child into the Cayman Islands in connection with an adoption. The rationale is to ensure that Caymanian residents follow appropriate procedures that are in line with international standards for the purpose of adoption.

The existing Adoption of Children Law does not contain provisions that specifically allow the views of the child to be taken into account. Hence, the Bill makes it clear that the welfare of the child is the paramount consideration for the courts and the Adoption Board in all decisions relating to adoption.

Clause 13, therefore, introduces provisions that provide a framework in which the child's views can be taken into account. Notably, it allows for an applicant for the adoption of a child who is at least seven years old to allow some other person to meet the child privately and make a report which will indicate whether the child (a) has been counselled as to the nature of adoption; (b) understands what adoption means; and (c) has any views on the proposed adoption and on any proposed change of the child's name.

These considerations are especially important in the context of adoption, indeed crucial where international adoption is contemplated since the risk of the child of the loss of cultural, linguistic, and religious background is too obvious where the child permanently moves from one family to another. The threat to the child's identity rights protected by Articles 7 and 8 of the United Nations Convention on Rights of the Child is palpable. The total severance of the parent/child relationship ought not to occur without a thorough examination of the parents' claim and interest, as well as those of the child. Moreover, due consideration should also be given to the child's cultural and religious background.

The current Adoption of Children Law does not address the issue as to the living arrangements of prospective adoptive parents immediately preceding an application. Clause 14 states that a couple applying to adopt a child should have been married and been living together as a married couple for at least two years immediately preceding the application.

However, a couple that has not been married for at least two years can adopt if they have lived together for at least two years, the last of which has been as a married couple, so long at the last of those years was spent living together immediately preceding the application.

Clause 15 allows even greater flexibility for adoptions. It allows a natural parent and a step-parent to adopt without the need to live with the child for the six months, as specified in clause 6(1) nor for the

couple to have been living together for the periods specified in clause 14(1).

Clause 16 provides for general matters relating to eligibility to adopt particularly in relation to the age of adoptive parents. The Human Rights Commission flagged the eligibility criteria in this clause as amounting to discrimination based on age which was stated at 25 to 65 years of age, and sex—for example, female sole applicant of male children and vice versa. In regard to age discrimination, this was discussed before making a draft public, but was determined that this limitation was justifiable under the Constitution. The policy reason behind the lower restriction beside that it is in current Adoption of Children Law (2003 Revision) is that before someone reaches the age of about 25 years it is likely that he or she is not settled enough in life to undertake the onerous responsibility of raising another human being. As to the upper limit of 65 years, the obvious reason is that a person in the twilight years of their life may not be equal to all the challenges of raising a child or living long enough to see the child grow into adulthood.

Indeed, the countries we have researched, such as the UK, Australia and others, have age limits. That said, the Ministry understands the concern of the Human Rights Commission that there is a discretion conferred on the court to grant adoptions to persons who are over 65 where there are special circumstances while there is no such discretion in relation to persons who have not attained the age of 25 years. The Ministry believes that such flexibility is justified also in relation to the lower limit. Accordingly, the Ministry has proposed to amend the Bill during the Committee stage to take this into account.

In regard to the concern about sex discrimination in clause 16(2)(a) and (b) of the Bill, the Ministry is satisfied that the clause allows for special circumstances to be considered unless the Grand Court is satisfied that there are special circumstances that justify making such an order. The discretion conferred on the Grand Court to grant adoption to a single parent of the opposite sex in special circumstances is enough to pass the test of validity under the Constitution.

In addition, after further consideration, the Ministry is proposing to remove clause 16(2)(c) and replace it with a simple provision to ensure that no adoption order is made where a sole applicant is known or reasonably suspected to have a sexual attraction to children, be it heterosexual or homosexual attraction.

Clause 17 provides for the Grand Court to dispense with consent in certain circumstances as where, for example, the spouses are living apart and the separation is likely to be permanent.

Clause 18 provides that, where the parent consenting to an adoption is below eighteen years of age, consent must be supported by at least one grandparent.

Clause 19 empowers the Grand Court to make interim orders for adoption.

Clause 20 makes a number of provisions relating to evidentiary matters.

Clause 21 sets out the principles which the Grand Court must consider before making adoption orders.

Clause 22 sets out the functions of the Grand Court in relation to adoptions.

Clause 23 allows the Grand Court, where it refuses to make an adoption order, in exceptional circumstances, to put a child under the supervision of the Department of Children and Family Services or another person.

Clauses 25 to 29 sets out the legal effects of an adoption order.

Clauses 30 to 39 make certain miscellaneous provisions. One of the most important is clause 37 which protects confidentiality. Board members are supposed to keep all information obtained in the course of their duties confidential.

The Ministry and Department of Children and Family Services takes the concern of timely processing of all adoption matters as being in the child's best interests. Hence, through the consultative process of the key stakeholders, the Bill streamlines and improves the efficiency of the adoption process by clearly setting out the duty, roles and responsibilities of all interested parties. In addition, the Department is presently undertaking recruitment to hire three additional social workers to handle casework matters and at the same time looking at the re-assignment of cases to facilitate having two or three workers who have proven to be adept at producing high-quality reports in a timely manner for adoption.

These workers will carry caseloads of a majority of all adoption matters in an effort to expedite home studies and court supervision reports.

Madam Speaker, and Members of this honourable House, I hope that you will give your wholehearted support to this legislation as this is a part of the machinery necessary to make the Cayman Islands a safe place for our children. I would like to also mention, while recognising that no law or bill will be 100 per cent acceptable to a whole House, and, yes, there will be queries, the Ministry and its staff have made some real aggressive attempts (if I might say) to ensure that Members of this honourable House were informed by providing two such sessions, one here at the Legislative Assembly at our last sitting, and one also at the Government Administration Building some weeks ago.

After that meeting at the Government Administration Building, after hearing queries here from our first meeting, we invited all Members and even after that meeting, for those Members who did not attend. It was all communicated to all Members and we also sent out electronic communication by email to all Members again, reporting on the meeting that was

had, the last meeting at the Government Administration Building, and also additional information on all the changes and all the mentions and concerns from the Human Rights Committee, and also additionally, pamphlets to ensure that all Members had substantial amount of information so that they could make an informed decision as to why to support this Adoption Bill.

Lastly, Madam Speaker, I wish to commend and thank all parties that have provided input, and all the staff involved in bringing this piece of legislation forward. I recommend that the Adoption of Children Bill, 2012, have a favourable consideration by this honourable House. Thank you and God bless.

The Speaker: Thank you, Honourable Minister.

Does any other Member wish to speak?
First Elected Member for West Bay.

Hon. W. McKeeva Bush: Madam Speaker, the Bill before the House has been on the Government's agenda for several years. In fact, it didn't just come up since December; it has been in the works. The previous Minister, Mr. Adam, the Second Elected Member for George Town, I would think had it in works for at least two years, if not three.

Madam Speaker, the Bill was tabled I believe here. I know it certainly went through Cabinet and caucus. At various times various positions have been taken because of various concerns on the Bill. I am somewhat pleased. There are some questions that I think can be answered in Committee. But I am pleased that the department, that has hardworking civil servants, and the Ministry, at the time headed by my colleague, and I think probably the same staff exists today. So we can say thanks to them for bringing this Bill at this point. This is the last [Meeting] of the House.

Madam Speaker, adoptions have been very concerning to various administrations over the years. From the time I was Minister of Social Services, or Human Services, even back in 1992 to 1997, these various problems on the matter of adoptions has been some problems to Government, contentions in the wider community. We can go back before 2000, sorry, before 1992, and you would find discussions and concerns existing about this matter.

I was elected in 1984. And we heard before that of adults being adopted. Various problems have arisen over the time and we had to come to grips at some point with some of the issues. And not everything is going to be smooth sailing in this matter. But the Government took a position to get the Bill and the Bill is finalised and brought here today. And I am glad that we are at this point.

I don't need to go into details, Madam Speaker. I do know of them, and I think they have pretty well been aired. There is a question of where a child is adopted by a single person and that person later con-

joins with a same-sex person. What happens? And the question is . . . the thought process is that we ought to have means to make changes in the best interest of the child and to keep within the norm of our laws and our Constitution. These are some of the far-reaching thought processes, but nevertheless, they exist and the concerns are there. But, these are not difficult to find ways and means to address.

We do know, Madam Speaker, that the United Kingdom has changed some laws in regard to same-sex marriages and so on. So, we can't think that there haven't been thought processes in that regard. I have had to tell them I am a marriage registrar. Not ever once am I going to perform or agree to any changes in any law in this country in that regard. So, safeguards have to be made because they can subtly get away with such things.

One thing we cannot do, though, is we cannot make the whole situation suffer because of what can be assumptions and so on. We have to bear in mind that we do not know the future, so we make plans and try to come to grips in legislation—sometimes difficult to do—to anticipate a situation or what kind of a situation could arise.

I won't go any further, Madam Speaker. I think others want to speak. Certainly, it will have our support on this side. When I say that, Madam Speaker, this side has three sides at least! I can only speak for four of us at this point in time.

Thank you kindly.

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

Does any other Member wish to speak?
Member for East End.

Mr. V. Arden McLean, Member for East End: Thank you, Madam Speaker. I shall not keep you long.

First of all, I wish to publicly applaud the new Minister for, in his short tenure of three or four months, taking such a bold step to address an issue in this country that has been the source of contention among residents, Caymanians in particular, for such a very long time.

Many of us have children. Some of us are not capable through . . . and because of physical reasons cannot have children. Many of us who have children do not necessarily take care of our children and those of us who do not have children want children and stand ready and willing to adopt those [children from persons] who have them but can't care for them.

Madam Speaker, it is, I hope, a new beginning for those who want to assist in being big brothers and big sisters, so to speak, in this country. I know there are many that get frustrated because of how antiquated the process has become. I trust that this will now streamline and make it easier and more efficient for those who wish to adopt to get it done in a timely manner.

I do know of many instances where it took an extraordinary length of time for people to finalise an adoption. In one case I know of a child . . . and not necessarily the fault of any entity or individual in particular, but it took a lady that I am aware of almost 10 years. The child was almost ready to graduate from high school by the time it was finalised. And it was eventually, which I thank God for. But, I have had the opportunity to review the majority of this new Bill. I believe it will now assist people much easier.

I know of a very prominent businessman and his wife who recently adopted a child from elsewhere and it took them a while (though not as long) to get everything in place. And that's what needs to happen. That child is as their own and it's refreshing to see people recognise their children as their own. An adoption means that those children have the same right as a child who is born by virtue of . . . from those parents. There are many children here that are worthy of being adopted. There are many. I want to see the process streamlined in order that we can do that.

I know the Minister in his introduction talked about the provision where, under the age of 18, you need to get the consent of the grandparent or parent. Madam Speaker, I trust that no one, no young ladies, teenagers, in this country, use that as a licence to have children. I hope not. I hope if they get caught up in that, that they recognise that they have a responsibility and they have to live up to that. And it is not a licence to be reckless, carefree, and then someone will adopt their child. These are serious responsibilities and we must all try to ensure our young ones—boys and girls—understand their responsibility. We cannot afford to not inform them that this is no licence to do what you want to do because there are enough men in this country now who are not worthy of having children. Many of them!

They won't take care of their children . . . you know I better not start, that for the campaign trail. That bothers me. And we will get to that one.

[Inaudible interjection and laughter]

Mr. V. Arden McLean: Anyway . . . they must take their responsibility seriously and don't grow old and be grandfather and not even know where their grandchild is, or how their daughter is, or where their daughter is. That needs to stop in this country. We need to enforce the laws so that we do not have to jump for the adoption law to try and save, and send the Social Services out there hunting down children so that we do not have a bleak future in this country.

Men must step up to the plate in this country, Madam Speaker, and stop seeking high office and not take care of their children.

Madam Speaker, I applaud the Minister. I wish him well. I thank him for at least trying to streamline this. He is very bold. I like boldness. We need go be a little bolder and stop some of these people, these

men, from not taking care of their children. That's where we need to start. We need to stop addressing the problem; we need to go to the cause. Because of the large social service [issues] in this country, this stems in part from men not taking up their responsibilities. And we are here talking about adoption, trying to assist that. It's the cause.

The only reason there should be need for adoption is if by birth you could not have it physically, or something as such where you cannot have a child. And then you have to search. You should have to search to get a child, to adopt. It should not be so easily available like we are going to the supermarket to shop. But the reason it is like that is because men do not take care of their responsibilities, Madam Speaker. And I am going to tell all of them what my uncle told me when my 20-year-old was two or three and running around my uncle's house breaking everything. I said, "Boy what am I going to do with you?" My uncle Johnny looked at me and said, "Raise him, son. Raise him, son, raise him." That's what we need to do.

Thank you, Madam Speaker.

The Speaker: Thank you, Member for East End. I think this is a good time to take the lunch break. We will suspend until 2.30.

Proceedings suspended at 1.00 pm

Proceedings resumed at 3.13 pm

The Speaker: Proceedings are resumed. Please be seated.

We were in the process of debating the Adoption Bill. The Member for East End had just concluded his debate. Does any other Member wish to speak? [pause]

Does any other Member wish to speak? [pause]

Second Elected Member for Bodden Town.

The Deputy Speaker, Hon. Anthony S. Eden: Thank you, Madam Speaker, just to make a few comments on this amending legislation.

This is something that all of us know has been entrain for a long time. Having spent time in the Ministry, I remember the great frustration at times and I remember, Madam Speaker, when you were part of the Adoption Board and performed outstandingly. I am sure you know what I am talking about. There were times where the Board's hands were tied. So, it is pleasing to see that the legislation has now come to fruition.

I too, like the First Elected Member for West Bay, had the concerns concerning certain sections there, but it is my great hope that they will be dealt with accordingly and that it will not be something that will get out of hand. I am sure as we all go forward under the Human Rights Legislation, which has taken

effect from earlier on, that there will be adjustments that we have to make. But I hope there will not be compromising situations in regard to many of these things.

Therefore, Madam Speaker, I just offer my support to this very important legislation. Thank you.

The Speaker: Thank you Second Elected Member for Bodden Town, and Deputy Speaker, I might add.

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

The [Second] Elected Member for George Town.

Mr. Michael T. Adam, Second Elected Member for George Town: Thank you, Madam Speaker.

I rise to offer a brief contribution to the Adoption of Children Bill, 2012, and as the former Minister of Community Affairs, Gender and Housing, I was privileged to table the Adoption of Children Bill, 2012, in this honourable House during the last quarter of 2012.

Having been personally involved in the process in prior years, I have firsthand knowledge of some of the amendments necessary. A significant amount of due diligence, resources, and stakeholder consultations have been conducted over the years in the further development of the Bill, I should say. And I would like to commend the Ministry, the Department of Children and Family Services, the Adoption Board, many people who have served on there, the Legal Department, and all interested parties for their hard work.

As the new Minister has adequately covered the significant highlights of the number of changes that have been made to the existing Adoption of Children Law, and in the interest of time, I need not cover the details. However, Madam Speaker, as you have heard, This Bill seeks to repeal and replace the Adoption Law (2003 Revision) and to make that Law consistent with the Children Law, 2003 (Law 4 of 2003). In particular, aspects of this Bill implement provisions of the Convention on the Rights of the Child and the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption which entered into force on 1st May 1995.

Furthermore, in the Bill, the roles and responsibilities of interested parties involved are clarified in the adoption process, and it introduces respective timelines.

Madam Speaker, I applaud the new Minister for bringing the Adoption of Children Bill prior to the dissolution of this honourable House. I fully support the Bill and encourage all Members to vote in favour of this important legislation.

Madam Speaker, once again I would like to thank the present Minister, the Chief Officer, the Director of Children and Family Services, the Adoption

Board, and all the legal staff for their commitment and work in the Adoption of Children Bill, 2012. Thank you, Madam Speaker.

The Speaker: Thank you, [Second] Elected Member for George Town.

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

The Fourth Elected Member for George Town.

Mr. Elio A. Solomon, Fourth Elected Member for George Town: Madam Speaker, just to make a very short contribution and I think to some degree obviously is probably a bit of a recap, I think, in terms of some of the comments that have already been made.

Madam Speaker, as we talk about this particular piece of legislation I just wish to highlight, and perhaps one of those sections that has already been raised as a concern and I understand, obviously, from the Minister in having had the opportunity to speak to some of the (for want of a better expression) technocrats as well, that they believe that there is perhaps a bit of tightening that has already taken place as well as the possibility of further tightening in the legislation.

With that said, Madam Speaker, I believe that this particular piece of legislation should cause us perhaps to at least spend a few more minutes insofar as reflecting on the country and some of the ills and some of the things that continue to plague us. With that in mind, I want to highlight for the record that I believe that one of the major challenges that faces this country, and definitely anyone who has had a chance to sit in the Government chair, made observation in particular, perhaps in the seat of the Minister, would be fully appreciative that it is an issue that plagues us. And that issue is the issue of single parents.

Understand it, Madam Speaker, that whether one wants to approach it from a religious perspective, social perspective, scientific or otherwise, there is the challenge that I think the majority of persons out there actually want and try to encourage a situation where you have what we consider to be the traditional family unit, the mother, the father and naturally the children. Madam Speaker, I express that because I believe it is extremely important that we echo those views and understand them very clearly. The position I believe (if I can hazard to say so) is that the majority of people believe that the ideal circumstance is where you can end up in that sort of a position and that is perhaps the best way and the best environment and the best condition that the child or a child can grow up in.

That said, Madam Speaker, we live in an imperfect world. In that imperfect world we have to accept in that particular case a lot of things are not going to be perfect. And so we understand, for example, that though we may have a serious issue that affects us as

it relates to single parents, and I will stress that when we talk about single parents it should be gender neutral because there are single moms and there are single dads as well, even though, clearly, there are perhaps more single mom situations than we have single dads. We cannot be remiss and leave out the fact that there is a combination of both.

Madam Speaker, the circumstances are, and just to give a proper, some degree of ventilation to it, it is a serious issue. Many persons that come in contact with me everyday where you would have specifically single moms in this country that are going to find themselves saying *I can't perhaps even get milk for my children, pampers* and the list of things continues on. Challenges, where in one way, shape or another, the spouse or the partner of that person has run off and left him/her with those responsibilities. It is a very, very serious issue in this country.

I dare say perhaps it plagues others, but I am going to speak about what I believe I know the most, and that is about the Cayman Islands.

I stress that, Madam Speaker, because I think, I believe, that as legislators, that if we want to do something very, very positive for this country and see us continue to advance, and not just talk about the issue of finances, that one area that has to be addressed is the family unit. It is the fundamental building block of society. And when we start to modify that fundamental building block in one way, shape or another, I hazard to say that we are going to end up with sublimation, changes, modification, something that perhaps is a little less than ideal.

And so, Madam Speaker, when we look at it I dare say that if the Minister could rise and show the statistics that lie within the Social Services Department, or the Department, now, of Children and Family Services, they themselves would probably express as I see the technocrats lining the wall, they themselves would probably express that a big part of the challenge for us as legislators is to see how we can web and weave and work to fix this issue that plagues this country; the issue of single parents.

Madam Speaker, I encourage, not that it is there directly and in contravention to anything that has been said by the Minister, I raise it as a flag because I believe it is so important. It is very easy for us to focus on things such as the direction in terms of the finances of the country and other issues and perhaps overlook something so fundamental. Or perhaps if we haven't overlooked it, simply fail to give it the ventilation that it deserves. But it is a serious issue.

When many of us find ourselves in circumstances where we say there are crimes being committed in our streets. A lot of it, Madam Speaker, as they would say, you can follow it all the way home. Some way, shape, or another many of those challenges reside in the home. What were the circumstances? What was the environment that those children were

raised in? Each and every one of us in one way, shape, or another is a product of our environment.

Madam Speaker, as legislators in a very general way I wish to highlight that in terms of all the legislation I believe that we need to take a concerted effort to ensure that today and in the future, all of that legislation seeks in one way, shape, or another, where possible, Madam Speaker, to do what we can to find ways, creative ways, whether it is incentives or how we weave things together socially, financially or otherwise, to see what we can do to encourage what we understand and appreciate to be the traditional family unit to keep that family together. I believe there are too many things that unfortunately, for one reason or another, seek to aid the division of the family unit rather than actually keeping it together.

I think some would argue that there are some circumstances where the lawyer in that particular case, as an example, has just won (and hopefully they won't see that as too much of a stab against them), but they will say that some institutions benefit financially and otherwise from the division of the family unit but not necessarily benefiting from the unity of that.

Again, Madam Speaker, not that this is directly in terms of the specific line item of this legislation, but when we talk about adoption, when we talk about children, I believe it is very, very important to highlight how important this issue is of family unit and doing whatever we can as legislators to be able to bring, create and allow that sort of relationship in our communities to sustain.

Madam Speaker, with that said, I think the issue, then, as we reside in the imperfect world is to understand that even when we are plagued with the issue of single parents, it is a blessing nevertheless from God above that we have parents, whether a single mom or a single dad, that in all of this imperfection that we find ourselves in, are still willing to take and adopt a child and give a child the love that they believe the child deserves, to give them as much love as they can possibly do.

Even if the circumstances were to exist in the mind of that one specific individual that, yes, I would like to be doing this in concert with one, two or three other persons (however much that number may be) if there is one parent, one mother, if there is one father that is willing to give love to a child that perhaps so desperately needs it, then I believe that sort of legislation deserves our support.

Madam Speaker, I think there has been a ventilation of acceptance of the challenges that we understand exist in terms of the legislation with respect to say a person, a single person, male or female, can adopt a child. We understand the challenges. There is imperfection, there are challenges to it. But I believe the Minister has expounded before and I am sure perhaps he will expound again as to the different ways the legislation is being drafted to try to address those concerns.

The concerns are expressed as well, Madam Speaker, about is there a possibility because when we look at the legislation, not only must we look and say what are our intentions with this legislation, but understand all the ramifications, even those unintended consequences of a piece of legislation. I believe a good lawyer would say, we have to look at what it will possibly bring about, what it could possibly bring about and be able to see that we can do whatever we can to mitigate, reduce or eliminate those negative ramifications altogether.

When we consider that, Madam Speaker, to the point I believe raised by at least two Members in this honourable House, it would be the issue and understanding of saying that you can possibly have a situation with a single parent where the individual is adopting a child and end up, unfortunately, with a homosexual couple, which has been an expressed concern having adopted a child which I believe I can safely say at this point in time is perhaps not necessarily the position of the majority of persons in this country. Clearly, it has to raise a concern. But, again, I believe based on the expressions of the Minister and understanding the regulations and the processes that are supposed to take place via the Adoption Board, many of us feel comforted that that concern is being addressed.

Madam Speaker, just to ensure there is not a shadow of doubt I intend obviously and lend my support to the legislation. I thank the Minister for taking the time out this morning to be able to explain to myself and one or two other Members, despite the conventions that took place even prior to that, to obviously expound on some of these . . . or should I say to allow us to express our concerns and to be able to rebut and offer up some sort of remedy, if you like, to those concerns that were expressed.

Madam Speaker, just in closing, and just for summary, I just wish to highlight that as legislators the family unit, in particular the traditional family unit, is extremely important to this country, the Cayman Islands. I believe that as we look around and we talk about a myriad of different crimes that are being committed, myriad of different challenges that we face, it cannot be overlooked, that at the end of the day each and every one of us in one way, shape or another is a product of our environment, the immediate environment in terms of the family unit, and the surrounding environment. I am a strong believer that a good, strong family unit builds a good, strong neighbourhood. And a good strong, neighbourhood [builds a] great city, and a great city [builds a] great nation.

At the end of the day, if we do anything to weaken that family unit we are in turn in one way, shape or another creating that same ripple effect and it will have a negative effect on society.

I encourage us as we go forward to continue to keep that at the forefront of our minds in terms of legislation that we will put together as Government

today and Governments of the future. What are we doing in this particular piece of legislation to be able to encourage that traditional family unit to come together, stay together? I believe that in achieving that, Madam Speaker, and achieving that very simple goal, even perhaps as difficult as it will be, in achieving that I believe we will build a stronger, better and a greater Cayman Islands.

So, with that, Madam Speaker, again I lend my support to the legislation and I thank my colleague, the Second Elected Member for George Town who I know was very instrumental in terms of many years of hard work with respect to bringing the legislation to where it is today. And naturally, in no way to negate from the work of the now Minister from Bodden Town in terms of the efforts that he has put in as well as all of those persons who stand behind him armed with all of their expertise and willingness to assist.

With that, Madam Speaker, I thank you very much for the opportunity to have made this contribution.

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

The First Elected Member for George Town.

Hon. D. Kurt Tibbetts, First Elected Member for George Town: Thank you, Madam Speaker.

My colleague to my right has spoken on behalf of the Opposition and by now the Government and the country (that is listening) knows that the Opposition is in support of the Bill. It is one that many of us have had struggles with in various positions over the years, some trying to move forward crafting the new legislation and some of us experiencing here in the Cayman Islands among our constituents many difficulties and challenges because of inadequacies in the law and thank God it has gotten to where it is now.

Madam Speaker, I just have a few observations and these are personal observations, not really dependent on any support for the Bill, but I want to give those observations before we go to Committee that the Minister and his team from the Government on a whole, may wish to have some consideration.

There are several sections in this Bill when it speaks to contravention of the law, when it does become law, and any charges or convictions arising thereafter. Just about every one of them which attracts a fine and/or a prison sentence speaks to a \$30,000 fine or up to \$30,000 fine and one year in prison. Madam Speaker, I do not profess to have knowledge of many other jurisdictions, and I feel pretty confident and would hope that there were assessments done by way of looking at other examples of legislation that is in place. But me, personally, Madam Speaker, while these are not seen to be acts of extreme violence or perhaps even compared to other infractions of the law which might attract harsher sen-

tences, my belief is that one year, being the maximum possible conviction, is not enough. That's my view.

I am not going to argue the \$30,000. But, Madam Speaker, if someone, anyone, who either by way of trafficking or by simply using this adoption process as a method of earning money unlawfully so to speak, I believe that the deterrent should be stronger than what it is proposed in this legislation. I firmly believe that.

So, if by some strange chance someone were to ask me, I would tell them [it is] five years, not one. I don't know whether anyone will pay any attention to the statement, but I will say it once more. If I were asked, I would say five years, not one year. The truth of the matter is that it is rare, if at all possible, for someone to engage in such type of activity totally unknowingly and be caught without knowledge of the fact. That's my view. And I am certain there is room for that if and whenever that rare occasion were to occur, because what I am suggesting is not mandatory but maximum. So, individual circumstances can be looked at.

Madam Speaker, I really hope, personally, that my views will be taken on board. I believe very strongly that individuals who would do such a thing should be punished harshly. And they must know it so that they must think twice before they do it. That's my view.

Madam Speaker, the other point that I want to quickly bring is a point that is debatable. I will admit that maybe I am not grabbing it the way the crafters grab it. But when I looked under Part 2 of the Bill, which speaks to the Adoption Board and I see where in [clause] 4(2), "**The Chairman of the Board shall be an attorney-at-law with at least three years' post qualification experience.**" Madam Speaker, I certainly know there is a slight risk I run, and I wish not to speak in a manner which would be any discredit to someone who doesn't have any more experience than what this is saying, but my personal view is that this is a very important position.

Some people take this lightly because it is not something that happens every day in someone's life. But I believe that the chairman of this Board should have more experience than that. That's my personal view. You have individuals with three years' post qualification experience; maybe as good as you would want. And I am not suggesting no to that. But applying this as a general rule, my view is that it should be at least five. That's personal. And that has nothing to do with any individual. That is simply me sitting as one of the legislators in this Assembly and looking at what is being proposed. So that's my thought.

The other point which I wanted to make has to do with a section where they refer to two spouses. Part 4, Effect of Adoption Orders, [clause] 25 . . . and I won't bother to read (1), but following on from subsection (1) when they refer to subsection (2) and say, "**(2) In any case where two spouses are the adopters,**

the spouses shall, in respect of the matters referred to in subsection (1), and for the purpose of the jurisdiction of the Grand Court” . . . et cetera. I don't have to read that either. I am simply speaking about when it says “two spouses are the adopters.”

I believe that all of us would assume when we say two spouses, that, we are speaking to a husband and a wife. I want us to think about what I am going to say here now because I am not trying to make it more difficult than it is. But when we say “two spouses,” what do we mean? When we say “two spouses” (I ask again) what do we mean? I could stretch that, Madam Speaker, as far as to say it could be Mr. Brown and Mrs. Jones, because they are two spouses. They are not husband and wife, but one is a spouse and the other one is a spouse, so they are “two spouses.”

Madam Speaker, I leave that at that to see whether there is something that needs to be considered in that matter. It is just that it struck me as something that might need to be looked at and clarified so that in future there is absolutely no chance of something happening and by way of an existing piece of legislation you would have to go with a situation that comes to you that you don't believe is either sensible or should not be allowable under the legislation.

Madam Speaker, I just wanted to bring those short observations. I for one am indeed happy that we have gotten this far. We have had just about everybody who I have heard speak, express gratitude to all who have been and who are involved. I too would like to do the same. I believe that a lot of hard work has gone into this, and I hope that I didn't give anybody more work.

Thank you.

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

Minister of Education.

The Deputy Premier, Hon. Rolston M. Anglin: Thank you, Madam Speaker.

I, too, would like to offer my support to the Bill that is before this honourable House. Any of us who has been around the House for any period of time will know, as has been said, that this has been an area of real vexation for many of our residents. Certainly, we would have received the calls and pleas for assistance and to lend a receptive ear sometimes to persons who were seeking to adopt.

When we talk about adoption, we have to remember at all times to keep at the focus of our minds, children, and the great impact and possibility for hope that the adoption process provides for many children, countless children around the globe, including the Cayman Islands.

Madam Speaker, I believe that within our Islands, as small as we are, there are countless children who are in our schools every day who could benefit greatly from this process. Love and stability in a home

cannot be underestimated for it has the power to change lives. It has the real potential to save lives. This piece of legislation has been ripe for change for far too long. So I am happy that the majority of those, I believe, all who have spoken thus far, has voiced their support for the Bill before this honourable House.

I, too, would like to offer on behalf of the House thanks for all across various ministries and agencies of government and civil society who have in one way, shape or form, had an input and an impact on this final product. The country owes a great debt of gratitude to those persons, a debt of gratitude to those who have previously served on the Adoption Board. I believe it is safe to say that there are public officers, civil servants who have even moved on to other stages of their life who would have spent considerable amounts of time and effort in trying to get the country to this day. So we also, as a House, owe them a debt of gratitude.

When anyone visits a home that has children who have been adopted, one cannot help but walk away with an experience that is truly extraordinary and unique. Sometimes, it is particularly so when a married couple cannot have biological children of their own and have then gone the adoption route to have a family.

This Bill is about what we can do in this country for our children in order to provide a framework for them to transition into new families. As has been said, we must ensure in our journey toward creating a new legislative framework that we have enough belts and braces to try our endeavour best to facilitate a truly positive outcome being the result as it relates to the families, the adults that will be in the homes with these particular children.

Madam Speaker, I must pause and offer congratulations to my colleagues, the Second Elected Member for George Town and the Third Elected Member for Bodden Town, both of whom have had responsibility for this subject and have worked diligently and are passionate about ensuring that we see this legislation safely passed in this House. I must also say that I am relieved, because when we first got here this morning I wasn't quite sure what was going to happen. But I am glad that the Minister and his team through swift work have ensured those who may have had some lingering doubts about whether this was the appropriate legislation at the appropriate time, that that is not the case.

Madam Speaker, once we pass this legislation we are going to provide a legislative framework that will hopefully enhance the lives of many, many children in the Cayman Islands and many, many families who hope to adopt children. Thank you.

The Speaker: Thank you Honourable Minister of Education.

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

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

If not, I will call on the Minister moving the Bill to make his remarks.

Hon. Dwayne S. Seymour: Thank you, Madam Speaker.

I stand here proud today knowing full well the makeup we have in this House and seeing how we can work together and achieve the business of the House.

Madam Speaker, I have cousins who were adopted. One is an executive in a big firm in Cayman and one is a school teacher right now. Everywhere you go . . . I went to Cayman Brac just a month ago. We had a reception there. The first thing that was presented was someone who had an adoption in for a child. She had a nanny who had passed away, the child's father had passed away, and she went to one of the neighbouring islands and got the child and is now raising the child in Cayman Brac. This family already had some other children and if you could see the love, Madam Speaker, being shown to that child. They actually brought the child to see me. It's a young child, probably about 3 of 4 years old at this time, but they have had the child for some time now, probably before the first steps.

Madam Speaker, this is very important in the lives of many. I can only say that I appreciate all the comments made today, the contribution, and I have taken the contributions made by all Members seriously. I took the time to note as much as I could and will comment on that also.

Madam Speaker, some of the most important figures in the world today that some may not know were adopted went on to lead very productive lives and became superstars after being adopted. I crave your indulgence to allow me to mention just a few names that people may recognise at first instance. One such name is Marilyn Monroe, the iconic actress. She spent most of her childhood in foster homes because her mother wasn't able to care for her. After spending her formative years in the orphanage she returned to live with her mother at [age] 7, but that didn't work out. She was sent back to an orphanage after her mother was admitted to a mental institution. When Marilyn turned 11 she went to live with a friend who later adopted her. Because of financial problems they too had to give her up and return her to an orphanage again. At the age of 15 Marilyn was given an option to either marry or be adopted again. She chose to get married at the tender age of 15.

Madam Speaker, everyone knows the famous country singer Faith Hill. She was adopted by a devout Christian couple who raised her alongside two biological children at a very early age. Everyone knows the success that she has had.

We can also mention John Lennon. He came from a turbulent background. His mother was aban-

doned by her husband and the father did not reappear to help the young mother cope. The maternal aunt, Mimi, had to raise John Lennon.

Nelson Mandela, former President of South Africa, as a child lost his father to tuberculosis. In order to respect a debt that lay between Nelson's father and himself, a Thembu King informally adopted the 9-year-old boy.

Babe Ruth was also adopted. Dave Thomas, owner of Wendy's. Malcolm X was also adopted. Steve Jobs of Apple Computers was also adopted. Jamie Foxx, and the list goes on. Most people recognise those names.

Madam Speaker, I want to thank the First Elected Member of West Bay for his contribution and support of this Bill. Recognising also that this has been in the House for some time, I thank the Business Committee for putting it on the Order Paper today. It was on there from the previous Minister, the Second Elected Member for George Town.

I want to thank the Elected Member for East End for his comments and also noting that there is that very grave concern about parents marrying same-sex marriage and the anticipation the Bill has in terms of trying to deal with this possibility. I can also say that if you had a single woman who adopted a child and one year later she decides to go to Las Vegas and marry a person of like manner, same sex, and has already adopted a child (this was one of the concerns of Members) and would come back to Cayman as a married couple, the only difference is that marriage . . . the Constitution speaks about marriage in section 14. **“(1) Government shall respect the right of every unmarried man and woman of marriageable age (as determined by law) freely to marry a person of the opposite sex and found a family.”**

So, the Constitution is still there and it protects the sanctity of marriage between a man and a woman. While I note that, I also want to note some of the responses from the Human Rights Commission of the position of the UN on same-sex marriage.

With regard to the European Union [EU], the European Human Rights Standard, Article 8 of the European Convention on Human Rights protects the right of a family life which, generally speaking, is similar to the right to found a family under section 14(1) of our Constitution. However, I am advised that the European Court on Human Rights has not yet considered whether same-sex relationships constitutes family life, nor has it considered whether same sex couples should have a right to adopt children. Public events in Europe at present seem to support this observation. For this reason there is a margin of appreciation applied by member countries of the EU as to what constitutes marriage. The Cayman Islands have taken advantage of this margin of appreciation of defining “marriage” in heterosexual terms. Accordingly, the current draft Adoption Bill in restricting the right to allow married couples to adopt is not in violation of

any clearly established principle enunciated by the European Human Rights system.

Madam Speaker, the Member for East End went on to talk about childless women and men who want a child and can't bear one, can't bring one forward, and [wants to] adopt a child. This is very important for many people in this country and outside. They should have that right to do so. I am glad we brought this Bill forward to improve on the Adoption Law.

The Member for East End also went on talking about fathers who won't take care of their children. I know that when I went on the 1,000 Man March that they had some few years ago . . . you know, there are things you can do even if you are not living in the same house as the child to ensure that the child understands that you still love and care for them and that you are there for them no matter what. One of the commitments they asked fathers to do on that 1,000 Man March many years ago in Cayman, was to, if you were not living with the child, to at least call them every day. I can't understand how a person can bear a child or father a child, or make a child, and then turn their back on those precious souls. How they can do that, Madam Speaker, is beyond my thought.

I was fortunate to have my grandmother in my life. She was there and it wasn't called an adoption. But that was the role of the family structure back in those days and the grandmothers played a great role. Grandmothers are not playing the same role now because some of the grandmothers are just 25 years old.

[Inaudible interjection]

Hon. Dwayne S. Seymour: So that's a mistake twice!

Madam Speaker, the Second Elected Member for George Town, who was the former Minister of this portfolio, I thank him for his support, not only here in the House by mention, but also by attending all of the meetings to ensure that we got this Bill to a point where we could bring it forward and definitely even up until today, Madam Speaker, in a sidebar trying to get some clarity and helping other Members try to appreciate what we are trying to achieve. I thank him very much for that. The former Minister and I go way back.

The Fourth Elected Member for George Town in his comments reminded us of the family unit. I think that is so important. As Mother Teresa said, if everyone goes home and loves their family, the world would be a better place. I definitely thank him for his interest this morning in trying to seek clarity.

Madam Speaker, I want to thank the Second Elected Member for Bodden Town for his comments and support. It will definitely help us in our efforts to get this Bill passed. He has offered his full support and I thank him for that.

I want to thank the First Elected Member for George Town for his support and his contribution. I

took note of his observations. I definitely agree with the Member that the one year imprisonment would not have been seen as a deterrent. That is being taken into consideration. We have brought it to amendment stage. Secondly, Part 2 [clause] 4(2), the Adoption Board, in terms of the pre-qualification experience, the Member had a suggestion for the number of years. An increase will also be put forward at Committee stage as I also agree on that with the First Elected Member for George Town. I definitely thank him. After speaking with the technical team I think we can move forward in supporting some of your comments and contributions.

Madam Speaker, as I wrap up, I want to thank all Members of the House whether by speech or whether silently, their contributions are well noted. You are going to make some child happy, and it will be noted in history that you supported this Bill so that we can have a clear path with our adoption process.

I want to thank the Chief Officer, Ms. Dorine Whittaker, the Director of DCFS, Ms. Jen Dixon, Ms. Debbie Webb-Sibblies, Deputy Director of DCFS. I want to thank Ms. Nicole Carter, Adoption/Foster Care Coordinator; Mr. Bili Simamba, Senior Legislative Counsel. Ms. Debbi Ann Whittaker, Senior Policy Advisor. Ms. Sophy Broad, Policy Advisor. I want to thank the Adoption Board and its Chair, Ms. Rosie [Whittaker-Myles]. She actually stayed on. She's been on there for a number of years. We thank her for seeing this through, and the whole Board. I think if I am not wrong, Madam Speaker, you also are on this Board, the Adoption Board. I thank you also. I think I am correct in saying that.

Madam Speaker, again, I want to say thank you all and some child is going to be happier. It's a beautiful day in the Cayman Islands. Thank you.

The Speaker: Thank you, Honourable Minister.

The question is that a Bill shortly entitled, The Adoption of Children Bill, 2012, be given a second reading.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The Adoption of Children Bill, 2012, given a second reading.

Cayman National Cultural Foundation Bill, 2012

The Deputy Clerk: The Cayman National Cultural Foundation Bill, 2012, second reading.

The Speaker: Honourable Minister of Health.

Hon. J. Mark P. Scotland: Thank you, Madam Speaker.

I move the Second Reading of a Bill entitled, The Cayman National Cultural Foundation Bill, 2012.

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

Hon. J. Mark P. Scotland: Thank you, Madam Speaker.

As everyone would be well aware, the Cayman National Culture Foundation has been established now for close to 30 years, having been first formed as the Cayman National Theatre Company. I can remember as a high school student theatre productions being done out at the old Royal Palms Hotel. In those days we would have had persons like Mr. Geoff Cresswell, who used to be a drama teacher at the high school, Dr. Frank McField and others who would have been in that theatre company. That was the genesis of what eventually became the Cayman National Cultural Foundation and a law to establish that Foundation was passed in October of 1984.

The main functions and objectives of the Foundation at that time were to stimulate and facilitate the development of culture generally, to develop, maintain and manage theatres and other cultural facilities and equipment given to or acquired by the Foundation and to organise cultural festivals, stimulate the development of local talent by means of training and workshops, competitions, exhibitions, pageants, parades, displays and such other activities as the Foundation may from time to time determine. And to do such other things that the Foundation may from time to time declare and shall have been previously approved by the Governor in Council and published in two issues of the Gazette. And, lastly, to do anything necessary or desirable to assist persons interested in developing cultural and artistic expression including the preservation and expiration of Caymanian culture and heritage.

Madam Speaker, an important point to note about the Cultural Foundation is obviously the contributions made by the Harquail family and the establishment of the Harquail Theatre and all that happened on that property over the years. There was a significant contribution made by that family and it has been very important in the development of the Cultural Foundation and how that Foundation has carried out its functions and objectives over the years.

Madam Speaker, the Foundation has always been and continues to be one of the major beneficiaries in terms of Government funding for cultural preservation. In years gone by funding would have been upwards or around the million dollar mark on an annual basis with some budgetary reductions in the past few years. Funding is still somewhere around \$400,000 to \$600,000 per year, so very significant in terms of funding that Government allocates on an an-

nual basis for cultural entities. Indeed, the Cultural Foundation is but one of the cultural entities that Government supports, the others being the Gallery and the Museum and, to a certain extent, the National Archives through the Ministry of Education.

Madam Speaker, the Foundation itself is an important entity to Government and to the preservation and promotion of culture and heritage for the Cayman Islands in general and it has done a significant job of protecting and promoting that culture and heritage over the years.

From the time this Law was implemented in 1984, over the years there have been reviews. The Law itself is now found to be somewhat outdated. It's almost 30 years old. I think a review was done from around 1992 when new amendments were drafted in but were never implemented. So, on taking office in 2009, I sought to take up that review again and get some input from stakeholders, from the Foundation itself so we could bring those changes forward. Madam Speaker, the result is the 2012 amendment.

In general, the Bill seeks to update the 1984 Law and make the CNCF management functions much more efficient and accountable and to bring the CNCF in line with the requirements of the Public Management and Finance Law as a statutory authority. As I said earlier, work had already been undertaken to update the CNCF Law back in 1992. In fact, the 1992 Law was passed, but it was never, ever commenced.

The CNCF had requested that the Law be commenced, but at that time the Ministry had concluded that the amount of time that had transpired since then, without it being commenced, we would undertake a review and this is what has resulted.

Madam Speaker, some of the major changes we will be making to the [Law] include changing the management structure of the CNCF from a council which now has between 7 and 15 members who are elected at a general meeting, to a 9 member board of directors appointed by Cabinet. Madam Speaker, this brings the CNCF in line with other cultural entities where, as a major statutory body that receives funding from Government, Government will appoint the board and there will be persons who question why Government would move to appointing the board. But the Law itself also speaks explicitly to how the Minister of Culture would have input in the running of that foundation itself.

Section 20 says, "**The Minister with responsibility for culture may, after consultation with the Foundation, give such general directions in written form as to the policy to be followed by the Foundation in the performance of its duties and functions as appear to the Minister to be necessary in the public interest.**"

I said earlier that the Foundation has done a significant job in preserving and promoting Caymanian culture. But I do believe that that could be enhanced by changing this governance structure somewhat to

where the Government, as a major benefactor, is appointing persons who have Caymanian culture and heritage more at heart (so-to-speak) in terms of the work that they have done over the years. In fact, we have been consulting with the Foundation itself and there seems to be a differing view emerging now as to in terms of what the Foundation feels their role is as a cultural entity, in that in one piece of correspondence we received, they now say that the most important responsibility of the CNCF is to protect the gifts that were made primarily by Mrs. Harquail and others to the people of the Cayman Islands and the purposes for which the CNCF holds those assets. Their concern is that the legislation we are drafting does not provide the protection for those gifts.

Madam Speaker, we are not doing anything at all to in any way detract from the gifts. I acknowledged earlier the significant gift by Mrs. Harquail. In fact, one of the amendments to be made is that Mrs. Harquail and her estate will always have an opportunity to have a person on the board of the Foundation. But we feel that moving in this direction gives us a much greater opportunity to really utilise the Cultural Foundation in the protection and preservation of Caymanian culture and heritage, and also for the opportunity of these cultural entities working much better together.

In fact, we were very pleased recently when we had the function, the "Red Sky at Night", just a few weekends ago where there was much collaboration between the National Gallery which is right next door (a stone's throw away from the Harquail Theater) and how they collaborated together on that event which went exceptionally well.

Madam Speaker, we look forward in the future to all the cultural entities collaborating in a much greater level in terms of our cultural preservation and promotion.

Madam Speaker, with that very brief introduction, the changes are really to bring the Cultural Foundation much more in line with the Public Management and Finance Law. The major change is the appointment of the Board itself.

The Bill also retains that all real and personal property of the CNCF must be held in trust for people of the Cayman Islands, which is very important, especially for sponsors of the Foundation. So, you can rest assured that any funding or other support they may give to the CNCF will be to the benefit of all the people of the Cayman Islands.

These items certainly highlight the changes to the CNCF [Law]. It will bring the Cultural Foundation in line with the Public Management and Finance Law and I commend it to all Members of this honourable House and look forward to their support. Thank you.

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

First Elected Member for Cayman Brac.

Mr. Moses I. Kirkconnell, Deputy Leader of the Opposition, First Elected Member Cayman Brac and Little Cayman: Thank you, Madam Speaker.

I rise to make a short contribution to the Cayman National Cultural Foundation Bill, 2012. I've listened closely to what the Minister very ably presented and, Madam Speaker, we are in support of this. He explained that it brings it into compliance with the Public Management and Finance Law. It also protects the property that is vested which is very important. And the overall culture of the Cayman Islands. Anything that we can do to protect that and move it forward, I think everybody in this honourable House agrees that we need to do that.

Madam Speaker, the Minister has brought this here today. It obviously is something that is needed. We are in support of the Cultural Foundation and in support of this Bill.

The Speaker: Thank you.

We need to make a decision as to whether we will continue beyond the hour of 4.30.

Suspension of Standing Order 10(2)

The Premier, Hon. Juliana Y. O'Connor-Connolly: I move the suspension of Standing Order 10(2) to continue the business of the House beyond the hour of 4.30 this afternoon. We were anticipating and communicated that we wished to work until 7.00 pm, if Members are in concurrence.

The Speaker: The question is that Standing Order 10(2) be suspended to enable the House to continue proceedings beyond the hour of 4.30 pm to 7.00 pm.

All those in favour please say Aye.

Hon. W. McKeever Bush: Madam Speaker, can the Premier indicate how long she expects the House to go?

The Speaker: She said 7.00 pm.

[Inaudible interjections]

The Premier, Hon. Juliana Y. O'Connor-Connolly: Madam Speaker, it seems that we are getting expressed and unexpressed intimation that we could work perhaps until 5.00 pm. The House cannot continue without a quorum, so we are happy to reach consensus and work until 5.00 pm.

The Speaker: The question is that Standing Order 10(2) be suspended to enable the House to continue proceedings until 5.00 pm.

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

Ayes and one audible No.

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

The Speaker: At the moment of interruption the First Elected Member for Cayman Brac had concluded his contribution on the Adoption Bill. *[sic]*

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

[Inaudible interjection]

The Speaker: I am sorry, the Cayman National Cultural Foundation Bill.

Does any other Member wish to speak?
[pause]

If not, I will call on the mover of the Bill to conclude his contribution.

Hon. J. Mark P. Scotland: Madam Speaker, just to say thanks to all Members for their silent support of this Bill. Thanks to the First Elected Member for Cayman Brac and Little Cayman for his verbal support. We are confident that the changes here are certainly in the interest of greater protection and preservation and promotion of our culture and heritage. In fact, one of the first items or the next item on our agenda would be to the development of a cultural policy, something that I wanted to try to do in the past four years but obviously with other pressing matters we were not able to get to. But it is something that I would certainly like to see done for our country that we have a defined cultural policy which would be taught in schools, throughout the whole performing arts arena, and so on.

Again, just to say thanks to all honourable Members for their support of these amendments to the Cayman National Cultural Foundation Bill.

The Speaker: The question is that the Cayman National Cultural Foundation Bill, 2012, be given a second reading.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Cayman National Cultural Foundation Bill, 2012, given a second reading.

Marine Conservation (Amendment) Bill, 2013

The Deputy Clerk: The Marine Conservation (Amendment) Bill, 2013, second reading.

The Speaker: Honourable Minister of Health.

Hon. J. Mark P. Scotland: I beg to move the Second Reading of a Bill entitled The Marine Conservation (Amendment) Bill, 2013.

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

Hon. J. Mark P. Scotland: Thank you, Madam Speaker.

I rise to present minor amendments to the Marine Conservation [Law].

The purpose of amendments to this Bill is to include a provision which will protect all species of rays in Cayman Islands waters and to also introduce tenure of three years for members of the Marine Conservation Board.

To provide some background information on the current situation I would like to start by stating that the Southern Stingray (*Dasyatis americana*) is the primary reason why visitors and residents alike visit Stingray City and the sandbar. Such represents a very important economic asset to the tourism economy of the Cayman Islands.

In watching a documentary some months ago on sharks in Belize (but you can draw an analogy to that), when you think about the value of a stingray (or, in this case a shark), the tourism industry in Belize, the value of a live animal is so much more than the value of what you could get from . . . you know, if those animals are taken for their fins and other parts, but the value to the economy of a live animal is so much more significant, so much more in terms of dollars to the economy. We can talk about stingrays in the same way in that analogy.

Currently, stingrays and all other rays have no form of protection outside of the Wildlife Interaction Zones and marine parks environmental zone.

Since 2002, the number of stingrays at the sandbar and Stingray City attraction has declined dramatically. Recent surveys show that the decline continues. While to date no exact reason has been determined for the decline, it is believed that fishing pressures and "incidental takes" (as it is called, Madam Speaker) are the likely reason.

Madam Speaker, the decline in stingrays in our local waters represents a very serious threat to the viability of the sandbar as a continued tourism attraction. In other countries stingrays represent a fisheries resource and some are targeted. Evidence here suggests that some of the immigrant population which targets stingrays may be resident here in the Cayman Islands. That would be very disturbing if, in fact, it is so.

The Eagle Ray (*Aetobatus narinari*) and Manta Ray (*Manta birostris*) also represent charismatic marine fauna which are popular with divers and snor-

kelers and are also valuable contributors to our marine biodiversity and the tourism economy.

We can understand the need to make the amendment to the Marine Conservation Law to insert a definition of “ray.” This is with a view to including those rays as species that are subject to the prohibition in section 6(5) of the principal Law, to which the rays are added under clause 4. So, section 5 of the Law will now say: “Whoever, in Cayman waters, takes, injures or has in his possession -

- (a) chitons;
- (b) periwinkles;
- (c) bleeding teeth; or
- (d) rays,

taken from Cayman waters is guilty of an offence.”

So, Madam Speaker, that is the significant amendment to the Law. Also, we are making another amendment, where the current composition of the Marine Conservation Board is such that the Board now is appointed by the Governor, but the appointees [hold office] at the pleasure of the Governor at this time. The change being made is to put a timeframe on those three-year appointments. Of course, appointments can be renewed, but for the time being, the appointments will have a definite period to them. This brings it in line with many other boards of similar nature, rather than having a board where persons have been on there for, in some cases, 15, 20, and more years.

Those are the two major changes being made to the Marine Conservation Law at this time and I would ask Members for their support.

The Speaker: Thank you.

Does any other Member wish to speak? [pause]

First Elected Member for Cayman Brac and Little Cayman and Deputy Leader of the Opposition.

Mr. Moses I. Kirkconnell, Deputy Leader of the Opposition: Thank you, Madam Speaker.

I rise to make a contribution to the Marine Conservation (Amendment) Bill, 2013. I am going to take the Minister’s last explanation and talk about that first. And that is the limit of the time for board members.

We are in favour of limiting of the time. But I would like the Minister to consider that if every member is replaced at a three-year period, then [there is] no continuity to the Marine Conservation Board, which is very necessary. In looking at it, you could make it a shorter time, obviously, and it can be adjusted. I am sure that you have already thought of that.

Madam Speaker, the protection of stingrays is extremely necessary. I want to read you a short note that I saw in a tourism advertisement. It says: “Your [Stingray City Antigua](#) Snorkel Adventure will be the highlight of your vacation, and an experience that will live with you forever. Visit us at Stingray City Antigua.”

The point is that Stingray City was formed because of the feeding of the stingrays in the North Sound and this generation has benefitted extremely well from it. If you talk to any person coming off one of the five or six cruise ships in harbour today, I would venture to bet that 90 per cent of those knew something about Stingray City, and a big percentage wanted to visit there if they could get a seat on one of the boats going.

Madam Speaker, if you go throughout this world, we are known for Stingray City. We are known for the experience and we are known for how it is handled by our tour operators. If you come here as a stay over visitor, one of the things you want to do before you leave Cayman is see Stingray City. If we do not protect the stingrays that are there it will not be long before, as the ad says, “Stingray City Antigua” will be an experience you never forget.

This is a proactive commercial step to protect one of the largest industries we have in our tourism product that we offer. It is something that is long overdue. I believe that is why it was brought here today, to have it looked at in this session so we could get it approved and enacted. We are in support of it. Thank you, very much, for your time.

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

Member for East End.

Mr. V. Arden McLean: Thank you.

Madam Speaker, I rise to make a short contribution in support of the protection of Rays (stingrays, as we know them) without going too far into the scientific names: Southern Stingray, Eagle Ray, and the Manta Ray. People will call them “Devil Ray” and the likes, locally, “Chew-chew” and that kind of common name is applied to those. I believe it is timely. I believe it is right because of the value Stingray City has to the tourism industry in this country.

However, we have to also take into consideration that there are people in this country who fish along the beach and hook these rays. We need to educate people that they should just cut their line once close to the ray, and lose the hook, to ensure that it stays alive. Growing up I recall catching them to fish for sharks. It was a long time ago. I don’t hear of that being done now, but I trust that the public will recognise that it would be considered illegal after this have been passed into law to take them from Cayman waters.

Madam Speaker, I also support the other section of this amendment which tries to streamline the appointment of the board to ensure that there is some control over the appointments made thereon. I think the Minister is right when he says that there should be the ability to appoint to that board and to revoke membership when necessary.

Madam Speaker, I know the Minister in his enthusiasm to protect the rays did not touch on a number of other amendments which I believe are necessary in this Marine Conservation Law which was enacted in 1978, but was heavily amended in 1985 after Sir Vassel became a minister in this country to protect the marine environment. I do not know when certain sections of this law were put in place, but the reason I highlight it now is because the Minister has brought an amendment to this Law to say that Cabinet, the political arm, should have control over the appointments to the board. Likewise, I believe that the elected arm, whilst responsible to the electorate for the appointment to those boards, and should be, then they should also be responsible and held responsible for any restrictions placed upon the populace through this Marine Conservation Law. But they do not have the responsibility for it, such as spear guns and the taking of grouper from our waters.

Section 3(8) of the Marine Conservation Law is heavily used by the board to justify, and it is giving them the authority to issue directives. Madam Speaker, with your permission I will read that. Section 3(8) of the Law says: **“The decisions of the Board shall be put into effect by directives issued under the hand of the Chairman and decisions generally affecting the public shall be gazetted.”**

This must be the only entity outside of Cabinet and this Legislature that can gazette its own directives. And they are not elected! And we are held responsible and get unelected as a result of it too! That is a serious matter, Madam Speaker. I don't know when it got there, Madam Speaker, I can't tell you that.

Section 3(9) says: **“In all other respects the Board shall have control of its own procedure.”** That is fine.

Madam Speaker, since 2003 they have issued three such directives. In 2011, on the 11th day of November, in exercise of the powers conferred by [Part III] section 6(8) of the Marine Conservation Law (2007 Revision), the Marine Conservation Board gives notice that it has issued the following directives. This notice may be cited as the Marine Conservation (Grouper Spawning Areas) Notice 2011. The operation of section 6(7) of the Law is suspended in each designated grouper spawning area for a period of eight years from the date of commencement of this notice.

Madam Speaker, I do not believe that Cabinet or Parliament, once we have legislated law, should get involved in the day to day operations of the board. But law must be made here, and policy set in Cabinet. I have worked closely with the Marine Conservation Board to . . . coming from East End, I have worked with the residents, the fishermen, concerning this grouper spawning hole at Coxen Bank. Madam Speaker, they have made representation to me, which I passed on to the board, and to members of Cabinet,

that they are prepared to, and would support a catch limit on groupers.

They believe that as a result of representation and the lack of response by the board, that the board is abusing its power in that prior to any response going out to those fishermen, whether they are part time or otherwise, they have gazetted it. No response. Madam Speaker, I was elected by the people of East End to represent them and I don't think that they intended for me to come and make laws for someone else to decide how they should live in East End. They want it done here or in Cabinet. I believe that this provision in this law needs to be changed.

Madam Speaker, I believe the course of action should be that the board recommends to Cabinet and Cabinet makes the decision on what the policy should be.

I recall in 1985 when the late Sir Vassel Johnson introduced strict restrictions on the taking of marine life, particularly conch and the likes, from the waters. I recall Sir Vassel meeting with the residents of East End and they took him and abused him, verbally, that is, about the proposals. Within years, Madam Speaker, those same people were converted and they were so converted that they were defending what they had beaten up Sir Vassel about, only a few years prior to that.

Madam Speaker, the First Elected Member for George Town recalls all this and he knows that that is a fact. They did it to protect their environment. At the beginning they saw it as an encroachment on their way of life. Subsequently, they saw the need for it and they fought for it. They fought to ensure that it was enforced. They have fought more to enforce the protection of the marine life in East End than successive Governments has, including the one I was part of, because we refused to put priority on it and put money into it and ensure that there were sufficient marine officers to enforce it and protect it. I am guilty! Hold unna hands up, all unna—guilty!

We should have done this a long time ago. So when we crucify the law, and I am here crucifying the law and talking about how the residents say the Marine Board is abusing its power, we also need to point a finger at ourselves, Madam Speaker. We have done very little. We like to talk about how important it is to the tourism industry. But to speak the truth, the truth will set you free and make you feel good tonight when you go lay down. I'm guilty too, Madam Speaker, because we should have done more. Successive Governments should have done more when the financial resources became available. We should have done more to protect it.

Maybe that is the reason why the board, in their infinite wisdom, found this provision and they are trying now to enforce it. But, Madam Speaker, as I said, I have worked closely with the resident fishermen, part time, full time, avid fishermen, and recreational fishermen, to try and make recommendations to

the board. And they are prepared to settle for catch limits how. But they are viewing that from the perspective that it will preserve the future. It will continue the continuity of the heritage that is heavily steeped in the water, particularly in the outlying districts, the rural districts—East End, Bodden Town, North Side, West Bay (to some extent), Cayman Brac, Little Cayman.

It is about fishing. And for those who do not go back that far, many of us can. That is why the people understand. They understand and get it. Don't take people for fools. They have been doing it all their lives. And then you have people who purport to defend in these big positions and they are buying every little conch that people go and catch. They are so small you have to use finishing nails to nail them down so you can clean them. That is what they do. That is their contribution. Out of one side of their mouths they are spouting protection, and in the other side go the conch that they just bought illegally for their dinner table!

Therein lies our problem. In the meantime . . . I know, Madam Speaker, nobody is going to die if they don't catch a grouper. Nobody is going to fall down from weakness and we have to take them to the hospital to put them on drip. Absolutely not! It is a cultural thing, and it is an entitlement that they feel they should be able to go and catch a grouper.

Why can't we put limits on it? The reason is that the politician has no control over it. Absolutely none! And there are people who would prefer it to stay this way, but when they want something else done they run to the politician to change that. But there are people who would prefer to keep it this way so that the Conservation Board has total control. I know there are people in this country who will curse me now you know. But you know what? If they say it behind my back it can't hurt me. What the ears don't hear the heart doesn't grieve.

Madam Speaker, the other provision in the Law is section 15: **“(1) Whoever has a spear gun in his possession in the Islands or takes any marine life with the aid of a spear gun in Cayman waters or has in his possession any marine life taken from Cayman waters with the aid of a spear gun is guilty of an offence unless licensed by the Board who may, in granting such licence, make such conditions as to possession and use as it may think fit.”**

Madam Speaker, on 6 March 2009, under my watch, in accordance with the powers conferred by sections 3 and 15 of the Marine Conservation Law (2007 Revision), the Marine Conservation Board gave the following directives [found in The Marine Conservation (Amendment) Directives, 2009]—and it is renumbering some stuff, [including the Law]. But the key is, by inserting after [section 6(1)], as renumbered, the following paragraph which says: **“(ee) Subject to paragraph (2) it will prohibit the licence holder from manufacturing or causing to be manufac-**

ured within the Islands any spear gun or any part of a spear gun;”; and [(c)] by inserting after paragraph (1), as renumbered, the following paragraph- **(2) Notwithstanding paragraph 1(ee), a licence holder may manufacture a type of spear gun known as a “hook-stick” which is a rod or stick of three and one-half feet or less in length with a fish hook at the end thereof.”**

Now, Madam Speaker, let's just talk about why that is done. They gave the directive that you could make a hook stick with a hook (a regular fishing hook they are talking about) at the end so that you could get lobsters. That's all that is used for. You can't take fish in the boat with a maximum three and a half foot hook stick . . . you can't put a big hook on the end of it. So, they put a number 14, or something like that, or maybe a number 10, 12 or something, and you get up under the rock and catch the lobster.

Now, they prohibit the spear gun. But they give you a hook stick to catch lobster. And you can only catch five of them. But what they have done is allow all those who are on work permits on these dive boats to go out at night with a hook stick that is legal and take our lobsters. And, we have adults, Caymanian men—generations . . . I used to spear fish. Now I'm even afraid of the water on me to bathe now, Madam Speaker. I can't jump into the sea any longer. But I have two sons. And they love it. But they have to go with someone to do it.

There are many people in this country who owned spear guns before and now they want to teach their sons, and maybe daughters, but they can't do it. Madam Speaker, I have said for a very long time that what we need to do is licence the spear gun in the same manner that we licence firearms, in that you are of good character, you are what-have-you, what-have-you, and you have to pay. And you are restricted on how the spear gun can be used and the likes. If you are found using outside of that remit, you will pay a price. But here we are . . . all of this cannot be done, or cannot be enforced in the absence of marine officers. So when we are talking about it, it doesn't make sense to change it unless we put money where our mouth is, and that is to put marine officers on the ground or on the water, wherever that may be.

Madam Speaker, generations of Caymanians have conducted spear fishing. Why? Is it such a lethal weapon in this country when every other country in the world does it? Did we have such horrible experience with spear guns that we had to ban it? We had to prohibit it? I don't think we did, Madam Speaker.

The days that many people in East End were diving, who are now departed, like the blessed memory of Darby Bodden and the likes, who was very selective in what he shot. If it wasn't big he wasn't shooting it, where he only needed one. We already have bans on things like jewfish and the groupers and what-have-you, so I don't know. I see some young men, and I am not going to call their names because

they are in high positions in this country, and I don't know if they have licences because the board might not have . . . very good friends of mine. And [sometimes] they will call me and say they went to 12-mile Bank or 60-mile Bank and they are diving and shooting Wahoos. I am not going over there in that water, Madam Speaker.

These are kids . . . not kids, but these are young men who risk those things, who go and do that. But they can't renew their spear guns. They have to continually repair them. I believe what needs to happen is that you charge people for any parts they are bringing in, 100 per cent. I believe they do that for bullets or firearms. You charge 100 per cent or 150 per cent duty on it.

Caymanians need to have a sense of belonging. I said here in January or February that we are not giving our people a sense of belonging and legacy and historical perspective and the ability to do what our forefathers did. We are going to be an endangered species soon ya now! Everything we knew will be in the past. Everything we ever did will be in the past. I know a colleague of mine likes to say that there is no future in the past. There is! Or you don't know where you are going in the future. There is a lot of it. And, if we make the mistake of destroying the past, our children will never understand the future. Or, if we make the mistake of banning our past, because it was so bad, there is nothing for us. Everyone else will create a new neon sign. Our neon sign will be gone. And you call it paradise, and then you kiss it good-bye. That is what is going to happen.

My grandchildren (hopefully) won't even know what I did, unless they go to the Archives and it likely be twisted from there anyhow. All they will know is that I came up in here and ran up my mouth. What about the many times I dived for conch? What about the many times I went spear fishing? I can't get there now, but it should be left . . .

The Speaker: Does the Member have much more to say? because I have allowed a lot of leeway. We have gone 15 minutes over the five o'clock hour.

Mr. V. Arden McLean: Madam Speaker, I have a little more, but I will close off so we don't have to . . .

The Speaker: You will continue your debate tomorrow then.

Mr. V. Arden McLean: Okay, Madam Speaker. Thank you, very much. Tomorrow. Thank you.

The Speaker: A lot of advisors in here now.

Honourable Premier, can we have a motion for the adjournment please?

The Premier, Hon. Juliana Y. O'Connor-Connolly: I move that this honourable House be adjourned until 10.00 tomorrow morning.

The Speaker: The question is that this honourable House stand adjourned until 10.00 tomorrow morning.

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

Ayes.

The Speaker: The Ayes have it.

At 5.15 pm the House stood adjourned until 10.00 am, Thursday, 14 March 2013.