



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

OFFICIAL HANSARD REPORT

2019/2020 SESSION

Tuesday
28 July 2020
(Pages 1-70)

Hon. Barbara E. Connolly, MLA, Deputy Speaker

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PRESENT WERE:

DEPUTY SPEAKER

Hon. Barbara E. Connolly, MLA
Deputy Speaker of the Cayman Islands Legislative Assembly

MINISTERS OF THE CABINET

Hon Alden McLaughlin, MBE, JP, MLA	<i>The Premier</i> , Minister of Employment, Border Control, Community Affairs, International Trade, Investment, Aviation and Maritime Affairs
Hon Moses I Kirkconnell, JP, MLA	<i>Deputy Premier</i> , Minister of District Administration, Tourism and Transport
Hon Juliana Y O'Connor-Connolly JP, MLA	Minister of Education, Youth, Sports, Agriculture and Lands
Hon Dwayne S Seymour, JP, MLA	Minister of Health, Environment, Culture and Housing
Hon Roy M McTaggart, JP, MLA	Minister of Finance and Economic Development
Hon Joseph X Hew, JP, MLA	Minister of Commerce, Planning and Infrastructure
Hon Tara A Rivers, JP, MLA	Minister of Financial Services and Home Affairs

EX OFFICIO MEMBERS OF THE CABINET

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

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

Capt A Eugene Ebanks, JP, MLA	Elected Member for West Bay Central
Mr Austin O Harris, Jr., MLA	Elected Member for Prospect
Mr David C Wight, MLA	Elected Member for George Town West

OPPOSITION MEMBERS

Hon V Arden McLean, JP, MLA	<i>Leader of the Opposition</i> - Elected Member for East End
Mr Alva H Suckoo, Jr., MLA	<i>Deputy Leader of the Opposition</i> - Elected Member for Newlands
Mr Anthony S Eden, OBE, MLA	Elected Member for Savannah
Mr Christopher S Saunders, MLA	Elected Member for Bodden Town West
Mr Bernie A Bush, MLA	Elected Member for West Bay North

INDEPENDENT MEMBER

Mr D Ezzard Miller, MLA	Elected Member for North Side
Mr Kenneth V Bryan, MLA	Elected Member for George Town Central

ABSENT:

Hon W. McKeever Bush	<i>The Speaker</i> - Elected Member for West Bay West
Hon Joseph X Hew, JP, MLA	Minister of Commerce, Planning and Infrastructure

OFFICIAL HANSARD REPORT
SEVENTH MEETING 2019/2020 SESSION
TUESDAY
28 JULY 2020
11:04 AM
Second Sitting

[Hon. Barbara E. Conolly, Deputy Speaker, presiding]

The Deputy Speaker: Good morning.

I will invite the Honourable Premier to grace us with prayers; Honourable Premier.

PRAYERS

The Premier, Hon. Alden McLaughlin, Minister of Employment, Border Control, Community Affairs, International Trade, Investment, Aviation and Maritime Affairs: Good morning. Let us pray.

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

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

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

The Lord bless us and keep us; The Lord make His face shine upon us, and be gracious unto us. The Lord lifts up the light of His countenance upon us, and gives us peace, now and always.

Amen.

The Deputy Speaker: Please be seated.

Proceedings are resumed.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

The Deputy Speaker: None.

READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

The Deputy Speaker: I have received apologies for the late arrival of the Honourable Minister of Commerce.

PRESENTATION OF PETITIONS

The Deputy Speaker: None.

PRESENTATION OF PAPERS AND OF REPORTS

The Deputy Speaker: None.

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Deputy Speaker: None.

STATEMENTS BY HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Deputy Speaker: Honourable Minister of Financial Services.

Hon. Tara A. Rivers, Minister of Financial Services and Home Affairs: Thank you, Madam Speaker.

Madam Speaker, as required by Section 11(6) of the Public Management and Finance Law (2020 Revision) (PMFL), I make this Statement to Members of this honourable House with respect to the "exceptional circumstance" transactions that were approved by the Cabinet for the Ministry of Financial Services and Home Affairs during the 2018 Financial Year that ended on 31st December 2018. Such transactions were approved pursuant to Section 11(5) of the PMFL. I will also make a similar statement in regards to 2019.

Madam Speaker, this Statement provides details of the aforementioned transactions, which occurred in 2018. In April 2018, the Cabinet considered a request from the Red Cross regarding repairs and improvements that were urgently needed to the Red Cross Building. Although the Red Cross launched a community fundraising appeal to reach out to members of the public to support the initiative, there was a shortfall and the Red Cross requested that the government meet them half way with the project.

The additional CI\$300,000 that was requested assisted with a number of enhancements to their building, including the following:

- The staircase needed to be rebuilt to code
- The upper floor was to be reconfigured to operate as a dedicated shelter, which would also double as a training facility;
- The lower floor was to be expanded to increase the capacity of the Thrift Shop; and
- Given the construction taking place around the building, the Red Cross Thrift Shop (the organisation's largest income generator) had to close down and, unfortunately, the Red Cross lost that revenue stream for several months.

Madam Speaker, the project was completed in January 2020, and since that time, the shelter has been activated on three occasions:

- After the earthquake in January 2020
- During the dump fire in February 2020; and
- Again during the dump fire in early March 2020

Madam Speaker, one of the challenges in determining the budget for the Prison Service is that the average prisoner does not have health insurance coverage, and as a result, the Prison Service has to budget for these expenses. Depending on the nature of an illness, such as a major surgery or hospital admission, this can exhaust the budget allocated to this expense.

Madam Speaker, both the additional funding for the Red Cross and the Prison Service were covered by reallocating savings from across the various departments in the Ministry of Financial Services and Home Affairs and Financial Services as follows:

- Savings of \$45,000 in FSA 1 was a result of a small decrease in professional fees
- Savings of \$130,000 in FSS 6 was realised due to a delay in recruitment of new personnel and reduced expenditure for professional fees
- Savings of \$210,000 in TIA 7 occurred due to a delay in the recruitment of new personnel and reduced expenditure in supplies and consumables

- Savings of \$245,000 in EMC 1 arose as a result of a shift in the implementation deadlines for the Motorola Project; and
- Savings of \$100,000 in EMC 2 as a result of the shift in the deadlines for the Motorola Project.

These savings totalled \$730,000.

Madam Speaker, also as required by Section 11(6) of the Public Management and Finance Law (2020 Revision), I make this Statement to Members of this honourable House with respect to the "exceptional circumstance" transactions that were approved by Cabinet for the Ministry of Financial Services and Home Affairs during the 2019 Financial Year that ended on 31st December 2019. Such transactions were approved pursuant to Section 11(5) of the PMFL. This Statement provides details of the aforementioned transactions.

As previously mentioned, one of the challenges in determining the budget for the Prison Service is that the average prisoner does not have health insurance coverage, and as a result, the Prison Service has to budget for these expenses. Depending on the nature of an illness, such as a major surgery or hospital admission, this can exhaust the budget allocated to this expense. This was the case in both 2018 and 2019, where additional funding to cover prisoner health care costs was necessary. This additional amount was covered by reallocating savings from across the Ministry.

Madam Speaker, a re-evaluation of assets across Government was conducted, resulting in an inflation of the depreciation charge. The impact of this was not known until after the approval of the 2018/2019 Budget. This resulted in an under-allocation of the provision for depreciation for the Prison Service.

The total shortfall of \$3,100,000 in PRI 13 for the Prison Service was funded from savings across other departments in the Ministry, as well as other outputs in the Prison Service. The savings were sufficient to cover the additional funds required. The details of the reallocation for 2019 were as follows:

- Savings of \$500,000 in FSA 2 due to a small decrease in professional fees
- Savings of \$300,000 in REG 11 due to an increase in third party revenue collected which was used to offset expenditure under this output
- Savings of \$700,000 in TIA 7 due to a delay in the recruitment of new personnel and reduced expenditure in supplies and consumables
- Savings of \$150,000 in NEM 1 resulting from the non-delivery of planned training due to unforeseen circumstances
- Savings of \$100,000 in NEM 8 due to reduced expenditure on the implementation of the national public safety radio system project

- Savings of \$250,000 in FRE 9 due to reduced expenditure in supplies and consumables
- Savings of \$100,000 in DCR 16 as a result of a delay in relocation to the new office accommodation, as well as a delay in the recruitment of new personnel; and
- Savings of \$1 million in PRI 16 as a result of anomalies with the system costing between Prison outputs which had been rectified for 2020-2021 reporting

Madam Speaker, these savings totalled \$3,100,000.

Madam Speaker, in 2019 there was an increase in CINICO [Cayman Islands National Insurance Company] premiums that resulted in increased funding from the Ministry of Finance. The increase of \$1,177,754 is reflected in the increased appropriations across the Ministry's Outputs detailed in this 2019 Supplementary Appropriation Bill.

Thank you, Madam Speaker.

PERSONAL EXPLANATIONS

The Deputy Speaker: None.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Deputy Speaker: None.

RAISING OF MATTERS OF PRIVILEGES

The Deputy Speaker: None.

GOVERNMENT BUSINESS

BILLS

SECOND READING

DOMESTIC PARTNERSHIP BILL 2020

(Continuation of debate thereon)

The Deputy Speaker: Members, we will now resume the debate on the Domestic Partnership Bill, 2020.

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

I call on the Honourable Minister of Finance.

Hon. Roy M. McTaggart, Minister of Finance and Economic Development: Madam Speaker, I thank you for allowing me the opportunity this morning to make a short contribution to the debate on this im-

portant and historic piece of legislation, the Domestic Partnership Bill, 2020.

Madam Speaker, the discrimination that this Bill seeks to put an end to, is one that has existed for many, many years in these Islands but was really brought to light and had the light shown on it since 2009 when we adopted a new Constitution, including a Bill of Rights for the first time in our history. Indeed, it is an issue that the current and previous government administrations that I have had the privilege to be a part of have struggled with. It is only now, in these waning months of our term of Office, that we have been able to reach a consensus to move forward with this Bill.

Madam Speaker, the Bill has its genesis in the constitutional challenge that was launched by Chantelle Day and Vickie Bodden in the Grand Court, seeking the right to enter into a same-sex marriage in the Cayman Islands. They also claimed, at a minimum, a declaration that provision should be made for them to enter into a civil partnership or civil union.

The Chief Justice, in his ruling, found that the Bill of Rights did give the plaintiffs the right to marry and therefore there was a violation of their rights. He further ordered that Section 2 of the Marriage Law be modified pursuant to Section 5 of the Constitution, so as to read that - "**marriage means the union between two people as one another's spouse**".

Now, the case was appealed to the Court of Appeal and the basic premise of the Government's appeal was that the Chief Justice erred in law and went too far because, according to the Cayman Islands Constitution, marriage is confined to couples of the opposite sex.

In November 2019, the Court of Appeal delivered its ruling in which it overturned the judgment of the Chief Justice and upheld the Constitutional definition of 'marriage'. It ruled, essentially, that marriage is confined to couples of the opposite sex, and that same-sex marriage is not a human right in Cayman. The plaintiffs have now appealed to the UK Privy Council as the final Court of determination. However, the Court of Appeal also issued a very robust and unequivocal declaration as it relates to the absence of a legislative framework in the Cayman Islands to recognise same-sex relationships contemplated by Section 9(1) of the Bill of Rights.

The Court of Appeal observed that it was apparent for several years that there is an obligation for this Legislative Assembly to provide such a framework, and that we had failed to do so; and therefore that failure to do so was "woeful".

The Court then phrased its declaration in the following terms:

"In recognition of the longstanding and continuing failure of the Legislative Assembly of the Cayman Islands to comply with its legal obligations under section 9 of the Bill of Rights

“And in recognition of the Legislative Assembly’s longstanding and continuing violation of Article 8 of the European Convention on Human Rights,

“IT IS DECLARED THAT:

“Chantelle Day and Vickie Bodden Bush are entitled, expeditiously, to legal protection in the Cayman Islands, which is functionally equivalent to marriage.”

They go on to say that:

“It is not appropriate to require undertakings from the Attorney-General, as is urged upon us by the Respondents. Moreover, proper fulfilment of its legal duty by the Legislative Assembly should provide the protection sought.

“A final observation

“We feel driven to make this final observation.

“This court is an arm of government. Any constitutional settlement requires the executive and the legislature to obey the law and to respect decisions of the court. It would be wholly unacceptable for this declaration to be ignored. Whether or not there is an appeal to the Privy Council in respect of same-sex marriage, there can be no justification for further delay or prevarication.

“Moreover, in the absence of expeditious action by the Legislative Assembly, we would expect the United Kingdom Government, to recognise its legal responsibility and take action to bring this unsatisfactory state of affairs to an end.”

Madam Speaker, the declaration of the Court of Appeal is very sobering and it has weighed heavily on my mind ever since the judgment was delivered in November. The Bill that we have before us debating this day is aimed at initiating the process of giving effect to the declaration of the Court of Appeal, consistent with our obligations under the rule of law, and as a matter of good administration.

In other words, Madam Speaker, it seeks to set right a wrong that has existed for many years because of the inaction of this Legislative Assembly. For me, this issue is less about same-sex unions and more about ending the discrimination that has existed, unchecked, for many years. In today’s world, discrimination has no place, especially when it comes to any arm of the government, whether in the Legislature, the Judiciary, the Executive or the Administrative. It has no place in society today.

Madam Speaker, the Court of Appeal, in rendering its judgment, has handed us another opportunity (a second chance, so to speak) to do what we should have done in the first instance but failed to do. We have seen first-hand what can happen when we leave matters in other’s hands, in this case, our very

own Grand Court, rather than having the courage to deal with it ourselves. Does any Member of this honourable House really believe that if we leave matters as they are today and allow the UK to legislate for us the outcome will be more palatable? Colleagues, let us not waste this opportunity, let us seize the moment and do the right thing.

Madam Speaker, in general terms, the Bill reflects the provisions contained in the Bermuda Domestic Partnership Act, 2018; it is modelled on it. It is also aimed at creating a legal framework that, if it becomes law, gives recognition to same-sex relationships, which would co-exist alongside the traditional marriage institution under the Marriage Law as we know it. It also seeks to satisfy the declaration of the Court of Appeal that same-sex couples are entitled to legal protection that is functionally equivalent to marriage.

Of importance, it also allows for heterosexual couples and participants in platonic relationships to enter into domestic partnerships should they choose to avail themselves of that option. Furthermore, it does not interfere with the Constitutional and legal definition of marriage that is so important to the culture, heritage and moral upbringing of our Caymanian people. If I may be so bold as to say, in my view, this Bill will have broad appeal to a significant cross-section of Caymanian society.

Broadly speaking, the Bill provides a framework for the following:

- Clarity about the capacity of persons to enter into domestic partnerships
- Notice of domestic partnership and the issuance of licenses to enter into such partnerships
- The actual formalisation of domestic partnerships
- The registration of the domestic partnerships
- Circumstances under which such partnerships can be void or are voidable
- Appointment of domestic partnership officers and the protection of marriage officers (which is of grave concern to many of our churches and religious leaders today)
- Entering into domestic partnerships on the high seas (maritime); and
- The breakdown and dissolution of domestic partnerships

Madam Speaker, when one compares the framework to that of the Marriage Law, the logical conclusion I came to is that it does provide for a framework for same-sex couples that is functionally equivalent to marriage. Is it the same as marriage? No. Is it functionally equivalent to marriage? Yes. The operative phrase here, Madam Speaker, is ‘functionally equivalent’. What this Bill represents is our Government’s good faith attempt to provide a framework for domestic partnerships that is functionally equivalent

lent to marriage and I believe that it achieves that. It is not by any means a perfect Bill, but it is fit for purpose.

Madam Speaker, I wish to go on record in acknowledging those members of the public who took the time to write to me giving feedback on the Bill, including the Cayman Ministers Association and other groups that chose to write not just to me but to all Members of this honourable House. Included in the feedback were a few of my constituents, all of whom expressed their support for the Bill, I might add. Those who made specific recommendations for changes to the Bill were passed on to Legislative Drafting for consideration.

Madam Speaker, I conclude my contribution to this debate by acknowledging the bold and brave step taken by the Premier in releasing his Cabinet from 'collective responsibility'. What this means is that this is a conscience vote and every Member of the Government is free to vote as his or her mind or conscience dictates. For me, I know where I stand. I stand in support of the Bill and when the all-important vote is taken later I will be voting in the affirmative.

I thank you, Madam Speaker.

The Deputy Speaker: Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* I recognise the Member for Prospect.

[Pause]

Mr. Austin O. Harris, Jr., Elected Member for Prospect: Thank you, Madam Speaker.

I rise to offer my contribution to the Domestic Partnership Bill, 2020.

First of all, I would like to thank all of the Honourable Members who have offered their contributions to this debate thus far.

One of the problems with waiting to speak towards the end is that so much of what you wanted to say has already been said. In particular, the contributions of my colleague who just spoke, the Honourable Minister of Finance, you would swear that we were study partners and wrote our speeches together. As I listened carefully to his remarks, I often looked at my comments and thought, who is plagiarising whom? But repetition, as they say, bears emphasis.

So nonetheless, some of the remarks offered thus far have been very thought-provoking. Again, I thank the Honourable Members for sharing what I believe to be an honest representation of their views and those of their constituents. Likewise, I would like to thank the Honourable Premier for allowing the Members of Government the benefit of voting their conscience, which I will attempt to do here today.

Whilst not wishing to be repetitive, I will take some liberty in quoting what was already said, while seeking to share my views on the Bill that is before this honourable House.

Let me begin, Madam Speaker, by acknowledging that I struggled with this Bill. I can honestly say that personally, this has been the most difficult debate for me to prepare for, since being elected to Office just a few short years ago in 2017; and there have been some challenges along the way, but no one said this job would be easy, Madam Speaker. Difficult because the subject matter, in many respects, finds itself in conflict with the way that I and I dare say most, if not all Members of this honourable House were raised.

I will confess that I found myself praying fervently as I first examined my own heart on the matter, as well as considering the feedback that I received from my constituents, those in Prospect, as well as a number of comments from persons in other districts. On the subject of feedback or consultation, if I may pause for a moment to address or perhaps provide an account of what I did and did not do in this regard, and the reasons for it.

A lot has been said about the consultation that either was or was not provided to constituents or members of the public. As has been said, the Bill was gazetted on the 26th of June. However, what was gazetted was by no means suggestive that all of the Government were happy with the Bill, or worse, even understood many of the clauses contained therein. One of the comments that we remarked around at the Caucus table was that we are not all lawyers here, so forgive the questions if they seem mundane but we each sought to understand what the Bill proposed so that we could, in turn, explain it to others.

Many of these meetings included the Honourable Attorney General and his staff and I want to thank him and his staff for the time he took out of his otherwise busy schedule to provide this guidance. I understand this same guidance was afforded to Members of the Opposition and the Independent Members.

[Inaudible interjection]

Point of Order

Mr. Kenneth V. Bryan, Elected Member for George Town Central: Madam Speaker, I rise on a point of order.

The Deputy Speaker: Member for George Town Central, what is your Point of Order?

Mr. Kenneth V. Bryan: Madam Speaker, forgive me; let me get my Standing Orders.

Madam Speaker, the Member just said that the Members of the Opposition were awarded that same opportunity and that is not factual.

I actually requested the opportunity to speak with the Attorney General's Office to ask the same relevant questions concerning this Bill and I was not offered the same. So, he is not going to tell the people of this country that we—

[Inaudible interjection]

Mr. Kenneth V. Bryan: That is what he said.

The Deputy Speaker: Member for George Town Central, was that more a Point of Elucidation, as opposed to a Point of Order.

Mr. Kenneth V. Bryan: My apologies, Madam Speaker. Can the Member clarify what he said? Because I think he said the Members of the Opposition were given that opportunity. Do I understand correctly?

The Deputy Speaker: Member for Prospect.

Mr. Austin O. Harris, Jr.: Thank you, Madam Speaker. Again, with the greatest respect to the honourable Member, God gave us two ears and one mouth for a reason; to listen more than we speak.

I said I understood that the Attorney General extended the opportunity for most of the Opposition and the independent Members. This is what I understood. If it did not happen, certainly it did not happen, but it was my understanding that that occurred and certainly I apologise to the Member and the Members of the Opposition for misstating if, in fact, that opportunity from the Attorney General was not afforded to them.

Point of Elucidation

Hon. V. Arden McLean, Elected Member for East End, Leader of the Opposition: Madam Speaker, I do not wish to say that the . . .

The Deputy Speaker: Honourable Leader of the Opposition. What is your—?

Hon. V. Arden McLean, Leader of the Opposition: Elucidation.

The Deputy Speaker: Elucidation?

Hon. V. Arden McLean, Leader of the Opposition: Madam Speaker, I do not wish to say that the Member is stretching anything here, because he said it was his understanding. I merely wish to clarify that that opportunity was not given to Her Majesty's Official Opposition.

The Deputy Speaker: Thank you for that clarification, Honourable Leader of the Opposition.

Please proceed, Member for Prospect.

[Crosstalk]

Mr. Austin O. Harris, Jr.: Thank you, Madam Speaker; consultation, Madam Speaker.

In between the 26th of June and the 27th of July, I together with five other Members of this honourable House, including your Honourable self, also had commitments to the Public Accounts Committee [PAC] and was required to prepare in order to address the challenge; that is OfReg. Maybe some of you in this House may have heard of them and their exploits. This took up the weeks of July 13th and 20th and included six days of hearing in total, leaving me about a week to 10 days to hold any kind of public meetings or the like.

Simply, in my opinion, Madam Speaker, there was not enough time to organise and host such a meeting that would speak on such a polarising topic as this has been, not just this time, but every time the issue has been raised in the public domain. Also, I believed that the public meetings, in many respects, were not necessary because I believe this issue, which I believe the Leader of the Opposition mentioned in his remarks, has been well ventilated in the public domain for a great many years and most people's views on this topic are entrenched and will not be changing any time soon.

So again, it was my view that the public meeting offered very little, by way of seeking meaningful feedback. Instead, Madam Speaker, I opted to use electronic means to receive feedback from my constituents. It appeared to work very well during the three or four months of COVID lockdown. Certainly, there was no reluctance on the part of my constituents to reach out to me, and vice versa, in order to provide assistance and it has proven once again to be a useful and non-intrusive way to survey people, allowing them to think about the question and respond in their own time.

I would like to thank all of my Prospect constituents who responded and it is an honour to represent you. Hopefully, you will let me maintain that honour after you hear what I have to say today.

Before moving on, let me say that electronically, I was able to survey the opinions of approximately 636 people, that is the membership of the various groups and what-not that I have in my list of contacts. While that number is nowhere the majority of the overall constituents in Prospect, those who did respond, the feedback was evenly divided between those who had support for the Bill and those who outright refused the Bill and/or demanded broader consultation.

Unlike the Cruise Referendum Bill, Madam Speaker, of the 636 people surveyed I would average that about 23 per cent of that overall number provided me with feedback. A small number, I think fitting of some of the numbers that we have heard from some of the other members, but not an insignificant num-

bers so as such, I thank those persons who chose to reply.

As the Premier noted in his remarks, lest we get ahead of ourselves, this is not a question of morality, Madam Speaker. This is not a question of whether same-sex relationships are either right or wrong in the sight of God. This is not even about marriage as the term is referred here in the Cayman Islands. If anything, it is about preserving the definition of marriage as it is defined in the Cayman Islands, and as is enshrined in our Constitution. As such, Madam Speaker, it is also not a constitutional crisis.

Instead, as the Premier alluded, this is about the rule of law and the incontrovertible fact that the Cayman Islands are in breach of its own law, that being section 9 of the Bill of Rights namely, the right to provide private and family life. And the subsequent order to the Legislative Assembly, which in the opinion of the Court of Appeal, has been doing all that it can—all that we can, Madam Speaker—the Court of Appeal is referring to us, Elected Members, avoiding to face up to our legal obligation out of fear, out of politics, out of whatever.

While it has been stated before, I believe it is worth repeating because it serves to highlight the nature of the challenge that has been put to this honourable House and us, as duly elected representatives of the people. We heard the same from the Honourable Minister of Finance, but to teach us to repeat, in its final observation, the Court of Appeal stated:

“This Court is an arm of government. Any constitutional settlement requires the executive and the legislature to obey the law and respect the decisions of the court. It would be wholly unacceptable for this declaration to be ignored. Whether or not there is an appeal to the Privy Council in respect of same-sex marriage, there can be no justification for further delay or prevarication.”

Madam Speaker, in so doing, in its final judgment, though the Court of Appeal accepted the Government’s assertion when it filed its appeal to the original ruling by the Chief Justice, that the Chief Justice overstepped his bounds by attempting to amend the Marriage Law under his own authority. As such, the Court of Appeal struck down that order as being unlawful, they have agreed that the right to create and implement law belongs exclusively with the Legislature—all of us.

However, they also found that marriage in its traditional sense is not in peril nor is it in need of further protection under the law. However, they observed that section 9(1) of the Cayman Islands Bill of Rights requires the Legislative Assembly to provide a legal status functionally equivalent to marriage, not identical.

Lest we forget how we got here. This is not an instance, though we have experienced it here in the Cayman Islands, of a foreign national, not a resident, not a permanent resident, not a status holder but a

work permit holder coming to this Island and demanding of us that we extend to him and his spouse the same rights as he enjoyed in a foreign jurisdiction. This is not that conversation. We are here today because one of our own, a Caymanian who seeks to be recognised not as less than, but equal to, in the eyes of the law. A Caymanian makes it somewhat more difficult for those of us who were elected to serve the people to ignore.

In the Court of Appeal’s final observation, a failure to do so (that is, to provide a functionally equivalent legal status) would likely result in the United Kingdom recognising its legal responsibility and taking action to bring this unsatisfactory state of affairs to an end. That is, Madam Speaker, the crux of this issue. The Cayman Islands are in breach of not just the European Convention on Human Rights but more importantly our own Bill of Rights; and either we correct this imbalance in the manner that this Bill seeks to accomplish, which allows the Cayman Islands to preserve the sanctity of marriage, while also recognising the rights of both persons of the same-sex, as well as persons of the opposite sex, or the United Kingdom will do it for us.

If I may further clarify this point: That ruling can come either as a direct Order in Council—as it did in 2001 when the act of homosexuality was decriminalised and it was pointed out, there was no debate or discussion, it was simply done—or it can come by authority of His Excellency the Governor under section 81 of the Cayman Islands Constitution which speaks to the Governor’s reserved powers to cause a bill to be published in this honourable House, on behalf of the Secretary of State.

Some have said, Madam Speaker, that this a hoax, a ploy, or a ruse used by the United Kingdom to force us into making this choice. The Leader of the Opposition quite correctly reminded us of statements that were made back in 2008, whereby a particular and former UK Parliamentary under the Secretary of State had given the Cayman Islands the assurance that the matter of marriage was a devolved matter and that the United Kingdom would not intervene in this subject in the Cayman Islands. Well, that may have been so in 2008, Madam Speaker.

However, I have received certain assurances of my own from a man I believe does not make a habit out of lying, in particular as it relates to matters of State. Opinions and feelings change over time, particularly in politics and the position of Her Majesty’s Government *vis-à-vis* Her loyal representative, His Excellency the Governor of the Cayman Islands, supported by the Court of Appeal and its recent ruling, is prepared to take steps if we fail to do so. If they are forced to do it for us, Madam Speaker, it is my belief that it will not be flexible, sensitive or frankly, as balanced as this Domestic Partnership Bill seeks to propose. Things like protecting the religious solemnity and ceremony associated with marriage and by so

doing upholding the definition of marriage as being between a man and a woman as our Constitution states.

Clause 29 enables the Church, if they choose to deny the use of their premises for holding of such ceremonies. Clause 29 goes further, to protect marriage officers and not forcing them to preside over such ceremonies if they do not wish, but instead requires marriage officers to have a separate license recognised under the Domestic Partnership Bill in order to conduct these ceremonies. So, marriage officers are in no peril of being asked to preside over a ceremony that goes contrary to their own views; they have a choice and if they wish to provide those services, they go out and get the requisite license and they are allowed to do so.

Clause 3 provides a clear overview of a domestic partnership to not being mutually exclusive to the same-sex. Much of this conversation has been focused on one solitary aspect of a domestic partnership but clause 3 states that is not mutually exclusive to same-sex, but instead, is available to persons of the opposite sex whether they are in a romantic relationship or not.

Let's face it, Madam Speaker, marriage is not for everyone and for a great many heterosexual couples in this country, they have found that their personal relationships work just fine, without a piece of paper that says *we are duly wed*. Perhaps they understand that the leading cause of divorce is marriage in the first place.

Clauses 46 and 47 of the Bill, Madam Speaker, also speak to a number of consequential and related amendments that would be made to a number of the laws, such as the Matrimonial Causes Law, which would enable persons to access the financial security of their significant other similar to the rights afforded to those who enjoy a traditional marriage.

Clause 39 provides recognition of overseas couples who may have married elsewhere. However this clause protects this jurisdiction by ensuring that those persons who may have gotten married in other jurisdictions will only be recognised to domestic partners in this jurisdiction—functionally equivalent, but not identical. The Bill provides the right to marry without the title of marriage; separate but equal; functionally equivalent but not identical.

Do not get me wrong, Madam Speaker, the Bill is far from perfect. It has been mentioned. I do not believe there is such a thing as perfect piece of legislation. As has been mentioned, I personally have issues with the age of eligibility and consent as outlined in clause 4 and particularly the requirement outlined in clause 7 that requires persons to give notice of their intentions to enter into a domestic partnership. And clause 8 which requires that such a notice be published in a local publication, like the newspaper. In my opinion, Madam Speaker, clauses 7 and 8 fly in the

face of the right that we are trying to ensure to protect, that being section 9 of the Cayman Islands Bill of Rights, the right to private and family life.

If people of the opposite sex want to get married and they want to tell the world, that is their choice and there all sorts of means in which they can achieve this. However, if they do not and instead wish for the ceremony and even general knowledge of the union to remain private, that is also their right. Why should this provision be different for persons to enter into a domestic partnership? Is it so that we can point fingers and say, *Ah, they are the ones*; so that we can extend our prejudice further, even though the law seeks to provide them certain individual rights?

In my opinion, Madam Speaker, removing this section altogether would be in keeping with the age-old policy which is generally accepted in the Cayman Islands namely, *don't ask; don't tell*. For again, as the Leader of the Opposition correctly stated, the government has no right to enter a person's bedroom; it is a private matter and it should remain private.

On the question of morality, Madam Speaker, I think the Honourable Minister of Commerce, Planning, and Infrastructure, the Member for George Town North, said it best when he said *that segregation, prejudice and discrimination are all considered unacceptable in this day and age*. The same principles which sought to challenge the *status quo*, that once said women were less equal than men, in terms of the right to vote; or that black people were inferior to white people, which sought to justify slavery treating human beings as disposable property without rights and privileges, so too must we evolve to ensure that government does not invade the realm of individual conscience. And, I believe that includes the right to love who we wish.

The Head of the Holy Roman Catholic Church Pope Francis, not too long ago had the courage to break with tradition when he publicly stated in 2013 that the Catholic Church should welcome and love all people, regardless of sexual orientation. He said that **"the key is for the church to welcome, not exclude, and show mercy, not condemnation."** as our Father, and Son of God did for us.

In 2016 the same pontiff highlighted in a BBC article that while homosexual acts are a sin according to the Bible, homosexual orientation was not. This position I think, is in keeping with a phrase made popular by Mahatma Ghandi in his 1929 autobiography when he coined the phrase, the responsibility of the saved is to **"hate the sin, but love the sinner"**. Though I suspect he too, found his motivation from the teachings of the Bible, which I believe, unequivocally are the written, documented word of God, specifically found in Jude 1:22-23: **"Be merciful to those who doubt; save others by snatching them from the fire; to others show mercy, mixed with fear."**

Earlier I stated that I struggled with this Bill because it conflicted with my personal religious views. However, those personal views do not remove from me my responsibilities as an Elected Member of Government. And I believe Government has a responsibility to protect the rights and freedoms of the individual and administering justice when those rights are infringed upon; and to protect the minority from the majority. This is the solemn duty and constitutional obligation of the elected representative; to uphold the law, even when at face value it may seem inconvenient and even perilous.

As such, Madam Speaker, I will be supporting this Bill which seeks to provide persons with the functional equivalent to marriage, separate but equal as ordered by the Court of Appeal. Madam Speaker, I am more fearful of the kind of legislation that will be forced upon us if we fail to act, and what impact that forced legislation on the wider morals and values that we as a people hold so dear.

In so doing, Madam Speaker, I believe I have discharged my duty with honour and integrity, even if this decision to exercise leadership may cost me a re-election, because I believe in my heart it is the right thing to do.

Thank you, Madam Speaker.

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

I recognise the Deputy Leader of the Opposition.

Mr. Alva H. Suckoo, Jr., Elected Member for Newlands, Deputy Leader of the Opposition: Thank you, Madam Speaker.

Madam Speaker, I do not why, but there seems to be some anticipation of me getting up. I do not why people are so interested in what I have to say today.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: Madam Speaker, I rise to give my contribution to this debate on the Domestic Partnership Bill, 2020.

Madam Speaker, I have listened keenly to all of the Members who have spoken before me and I am not surprised by what has been said thus far, I will admit. However, I do want to begin, Madam Speaker, by addressing some of what has been said, not just within this honourable House but also in the wider community. I have heard many reasons proffered as to why this Bill has to come and o come now, and I have heard a lot of misinformation being used to support this Bill.

Before I begin, Madam Speaker, I will say that I intend to focus primarily on this Bill. I do not think it is any secret what my personal views are on this topic; I

do not think anybody has to guess. I do not think the people of Newlands have to guess; they elected me knowing what my position was. However, this is not about me, this is about the people of the Cayman Islands. It is sad when I sit here and listen to reasons being given, why this has to be done without the blessing and the approval of the people of the Cayman Islands and I will explain what I mean by that later on, Madam Speaker.

Madam Speaker, one of the things I heard and I just heard it again—and this is coming from the Court of Appeals ruling—is that the Governor under his constitutional authority under section 81, could actually bring a bill without the support of this Legislature. I want to delve into that a little bit, Madam Speaker because, while section 81 does give the Governor the powers to do that, it says:

“If the Governor considers that the enactment of legislation is necessary or desirable with respect to or in the interests of any matter for which he or she is responsible under section 55 but, after consultation with the Premier, it appears to the Governor that the Cabinet is unwilling to support the introduction into the Legislative Assembly of a Bill for the purpose or that the Assembly is unlikely to pass a Bill introduced into it for the purpose, the Governor may, with the prior approval of a Secretary of State, cause a Bill for the purpose to be published in a Government Notice and may (notwithstanding that the Bill has not been passed by the Assembly) assent to it on behalf of Her Majesty.”

However Madam Speaker, the Constitution talks about section 55; and under section 55 what are considered the special responsibilities of the Governor. Section 55(1) says:

“The Governor shall be responsible for the conduct, subject to this Constitution and any other law, of any business of the Government with respect to the following matters—

- (a) defence;**
- (b) external affairs, subject to subsections (3) and (4);**
- (c) internal security including the police, without prejudice to section 58;**
- (d) the appointment (including the appointment on promotion or transfer, appointment on contract and appointment to act in an office) of any person to any public office, the suspension, termination of employment, dismissal or retirement of any public officer or taking of disciplinary action in respect of such an officer . . .”**

It goes on to speak about the appointment. Under section 55 the Governor’s responsibilities are defence, external affairs, internal security, and appointment of public officers.

Subsection 55(3) adds that the Governor cannot enter any treaty or give final approval to any international agreement without the approval of Cabinet, but if you look at 31(2) of our Constitution: **“The Governor shall exercise his or her functions in accordance with this Constitution and any other law and, subject thereto, in accordance with such instructions (if any) as may be addressed to the Governor by or on behalf of Her Majesty.”**

Madam Speaker, the words, “shall” and “in accordance with this Constitution” are important. This Constitution authorises the Governor, as it does all of us in the exercise of our responsibilities, but the Governor is also subject to this Constitution; that includes the Bill of Rights, which says that marriage is between a man and a woman. The Governor does not have the discretion to ignore that. Now, this debate is not about marriage between a man and a woman, but I have heard comments being made that we could potentially face that eventuality if the UK Government decided through Order in Council to implement same-sex whatever—it may be marriage.

The UK has that power through section 125 of the Constitution, but the Governor most certainly does not have the discretion to simply pass a law here that is not in accordance with this Constitution. The Governor, Madam Speaker, is therefore compelled to consult with our Cabinet, except in exceedingly rare circumstances. Section 55 does not give authority to pass a Same-Sex Marriage Bill. I hope that puts that to rest. All 19 of us are bound by this Constitution and so is the Governor.

[Pause]

Mr. Alva H. Suckoo, Jr.: That is right. The Appeals Court aptly said that there is no right to same-sex marriage and the Cabinet agrees with that. How can the Governor do it then?

I have also heard, Madam Speaker, that the United Kingdom will force same-sex marriages on us if we do not do this. Madam Speaker, the United Kingdom completed a constitution modernisation exercise with most of the overseas territories leading up to 2006. In all of those new constitutions that were brought into force since 2006 in the overseas territories there exists a fundamental rights or Bill of Rights, deliberately put in their constitutions so that no government of the day can change those fundamental rights on a whim or a fancy. You have to go through a constitutional amendment exercise to change those rights.

Madam Speaker, eight new constitutions were agreed and brought into force as a result of that constitutional review process and it was noted that some of the territories, in establishing their Bill of Rights, went even further than the UK required. Madam Speaker, most of us will know who Ian Henry is. When

we went to London to negotiate changes to the constitution he was the principal legal advisor to the UK government during those talks. I have read law books that used him as a source. That is how well-known he is throughout the Commonwealth as a constitutional expert. He wrote a book called British Overseas Territories Law and he noted, at the time of the constitutional modernisation exercise, that all of the Caribbean Overseas Territories unanimously opposed same-sex marriage. With your permission, Madam Speaker, I would just like to read one short paragraph from that book.

The Deputy Speaker: Permission granted.

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

Page 166: “To date, the case law of the European Court of Human Rights has confirmed that the right to marry, guaranteed by Article 12 of the Convention refers to a traditional marriage of two persons of opposite biological sex. And, while the UK Parliament has legislated for same-sex marriage in the Marriage (Same-Sex Couple) Act 2013, the Act does not extend to any overseas territory. Despite reference to Article 12 of the Convention, the National Law Governing the Exercise of the Right to Marry, the wording does not, in the view of some territories, provide a clear enough steer on this issue and therefore, additional wording was agreed during the negotiations.” [UNVERIFIED QUOTE]

Madam Speaker, this goes back to what the Honourable Leader of the Opposition said yesterday when he talked about the Cayman Islands government and others going to London for constitutional talks on our new constitution. In agreeing on those constitutional arrangements, the UK agreed that we could take the position that we have taken, that there were no human rights concerns, as far as the subject of same-sex marriage went; and at the time the UK did not have any concerns and they agreed a new constitution. That is how our current constitution came into being and how it came to recognise that marriage is between a man and a woman. The people of the Cayman Islands then voted in a Referendum for that constitution; 63 per cent of those who voted were in favour of the Constitution, which contained that wording. If the Caymanian people did not want that, they would have rejected it during the referendum vote.

Madam Speaker, about a year and a half ago the UK Government and the Cayman Islands Government negotiated further changes to the Cayman Islands Constitution. I was there as part of the team that the Premier led, along with the former Leader of the Opposition. The subject never came up; not once do I recall anything being said about this. To me, this was affirmation that the UK had no concerns. If this was such a burning and pressing issue, why not bring

it up when you have everyone at the table? Why not bring it up then?

Those changes, Madam Speaker, have now been sent to the Privy Council, the last I heard. I have a letter here that was addressed to the Honourable Premier from Lord Ahmad of Wimbledon, which confirms that. I do not think I need to read it, Madam Speaker, because I think it has been tabled here before, but I will just note what he said.

[Pause]

Mr. Alva H. Suckoo, Jr.: Apologies, Madam Speaker.

Right at the end he said: **“I would be grateful for your views on the final package of constitutional reform proposals. Subject to the points made above, if you agree to the package the FAC will be notified and the draft Order in Council will be sent to the Privy Council for the Order to be made.”** So now, Madam Speaker, I am hearing that this may be withheld now because we are not behaving; but that is not what this letter says.

Madam Speaker, the European Courts of Human Rights’ position has also remained largely unchanged. There have been a number of cases with regards to same-sex marriage and it has been the position that individual governments have to decide if they want to implement an alternative arrangement for same-sex couples. How can anyone then suggest—and I have heard the threat of independence and all sorts of stuff, that if we do not pass this Bill—that one of those options will become reality? How can anyone suggest that the UK is going to force same-sex on us?

Madam Speaker, I just want to clear up some of the inaccuracies and confusion that I have heard surrounding this Bill, so that we consider this Bill on its own merit. Without anything hanging over us; any impending doom or threat.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: We cannot make this decision here today, Madam Speaker, with a cloud hanging over this honourable Legislature.

Madam Speaker, I also want to read from a report produced by the **“House of Lords, European Union Committee; 12th Report of Session 2015-2016”**. I have a copy here for you. While I do not have time to read the whole report, I photocopied specific parts of it.

The Deputy Speaker: Please proceed.

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

This report addresses the push for the United Kingdom to implement its own Bill of Rights and it presents the perspective and views of the House of Lords in that subject. I looked at Chapter 3, which is

entitled: **“The Government’s case for a British Bill of Rights”**

“The Secretary of State’s evidence to us as the Government’s first exposition on the public record of why a British Bill of Rights was necessary and of what it might contain.

“Why is a British Bill of Rights necessary?”

“The Secretary of State gave several reasons why the Government was seeking to propose a British Bill of Rights.

“The first was that many of the constitutional reforms introduced since 1997 were being reviewed, as reflected, for example, in the Scotland and Wales Bills: ‘It seems only right that we should look at the Human Rights Act in that context because . . . it was introduced at a fair lick.’

“Even though the UK played a role in drafting the ECHR, to the Government’s regret ‘human rights ... have a bad name in the public square.’ The Secretary of State said they had become associated with ‘unmeritorious individuals pursuing through the courts claims that do not command public support or sympathy.’”

“His greater concern, however, was that human rights were seen as a foreign intervention:

““More troublingly, human rights are seen as something that are done to British courts and the British people as a result of foreign intervention, rather than something that we originally championed and created and seek to uphold. Therefore, part of the purpose of a British Bill of Rights or a UK Bill of Rights is to affirm the fact that things like a prohibition on torture or a right to due process and an appropriate trial before a properly constituted tribunal. . . are fundamental British rights.””

“He amplified these concerns in response to a further question:

““I do think that we can make changes that ensure that people recognise that these rights spring from our traditions, these rights are our patrimony and these rights can be given effect to in the courts in a better way and a more British way. If we manage to do that, it would be a gain for human rights domestically and internationally.””

Madam Speaker, that is just a taste of the attitudes that surround the whole idea that you can have one standard of human rights throughout the globe, and that it will fit everywhere it is applied. Even the United Kingdom has concerns with the charge on human rights.

Madam Speaker, I sat here and listened to Members talk about us needing to be careful because

the future generations of this country have different attitudes and perspectives when it comes to this topic. I heard Members say that future generations of Caymanians are going to see things much differently.

Madam Speaker, I am a parent; I have two girls. I recognised a long time ago that one of my responsibilities as a father, if I chose to raise them in a Christian home, in a Christian family, is to teach them our Christian values and traditions. It would be unacceptable for me to impose that on them—it is their choice as individuals—but until they become consenting adults, I have a responsibility to teach and raise them in the traditions and ways that I choose to, as long as it is not harmful to them.

For us to now say that the young people of this country have decided that they want to reject that worries me because we as adults will sit back and accept that? Abdicate our responsibility as parents to guide and teach our young people? Not force them, teach them with love the right way. We cannot just throw up our hands.

I was young at one point, Madam Speaker, and I did some foolishness; things that I probably should not be standing here alive today, but I had parents who corrected and guided me in our Christian, traditional way of living. There is no sin in saying that, there is nothing wrong with saying that. Why has that become a bad word? Why do I feel persecuted for saying it in my own country? I should feel proud to say something like that.

There are other countries that embrace their local traditions and their ways of life. I think of places like Jamaica where I share some background. They are a proud people, not willing to give up what they stand for or believe in for anything. But we are?

Madam Speaker, I made a promise to my mother and my children. My mother did not want me to go into politics; she said it would change me and I told her, the day politics changes me, is the day I quit.

I heard discussions about how God wants us to live with people in the Christian way and everyone is right, God wants us to love our neighbour.

Madam Speaker, I see that my Pastor is watching and I will admit that I do not attend church every Sunday—and I should—but I do know right from wrong and I do believe in God, but I will never stand here and invoke the name of God to justify something that I know is wrong.

An Hon. Member: Amen.

Mr. Alva H. Suckoo, Jr.: Never.

I am not knocking down the church's door, Madam Speaker, but I fear God.

I have heard discussions about slavery and that it was accepted at one time and equating this debate to slavery. Madam Speaker, the people who were enslaved did not accept it but it goes further than

that—it was never a sin to be black. Let us stop using that comparison. I hear people do it all the time. There is no comparison whatsoever between slavery—not just black people, all races of people were enslaved. Let us not use that comparison; there is a difference. If you are a Christian, it is insulting to hear people use that comparison. If you descend from people who were enslaved, it is an even bigger insult. Do not do it.

Madam Speaker, I think there is a case here of conflicting ideologies. The European Union was built and I know the European Court of Human Rights (ECHR) is separate from the European Union, but the ideology is still there, that their law is supreme and reigns over local State law. I think we are suffering from a little bit of that here, Madam Speaker, when I see this push. There seems to be that we are being imposed upon to accept standards and norms elsewhere as law here. We have a right—and the UK highlighted that when Brexit happened—for our national laws to be respected and supreme.

Madam Speaker, I want to talk about what the impact of this legislation will be on this country, I also want to talk about the fact that in this Bill, the definition of a domestic partnership is not there. It only says that a domestic partnership in this Bill means a domestic partnership formalised and registered in accordance with this Law, yet the Marriage Law provides a much more clear definition of marriage. I have several concerns and issues with this. If there is no definition in statute, I know there will be case law that you can go and find the definition, or international definitions, but there is none written into this Bill. It is open ended; wide open and subject to interpretation by the courts, the same courts that, seemingly, have landed us right here today. Why not put the definition in the Bill?

I have seen definitions, Madam Speaker—

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.:—suggesting that domestic partnerships are two people involved in a caring relationship and who live together; I have seen that. But I have heard two Members on the Government side get up and suggest that this could be something else; that they do not have to be in love, they do not have to be partners in the sense of people intimate with each other. It could be just two buddies that decide to form a partnership together for some mutual benefit; real estate or whatever.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: I am coming to that.

Madam Speaker, why leave it to the Courts to define that? If there is ever a challenge on what a domestic partnership is—and there will be—the courts are going to decide, not us. The courts will decide, because we decided not to put it in here. And, as the

case law that you would rely on for those definitions changes over time, it automatically changes here when you do challenge things in court, because the lawyers are going to find the case law that suits their argument and are going to put that forward in their arguments.

So, I started to think, did we really think this through? Do we know what the wider implications of this will be? Did anyone pick up the Immigration Transition Law and looked there to see what the effect of a wide-open definition of domestic partnership would be? I did. There is a term in our immigration regime called 'marriage of convenience', Madam Speaker.

A marriage of convenience means "a marriage entered into with the primary intention of avoiding or benefitting from, any of the provisions of this Law." The requirement to be granted Caymanian Status, Madam Speaker, states that it can be done for two individuals whose marriage is not a marriage of convenience. One of the tests for a marriage of convenience is that the couple might not be living together anymore. This is not stated as a requirement for domestic partnership; you do not have to live together.

Here is a scenario, Madam Speaker: A person is approaching roll-over in the Cayman Islands and decides that they are going to enter into a domestic partnership with a work colleague who has permanent residence or a Caymanian: how does the enforcement arm of immigration, prove that that was a partnership of convenience if the Law does not set strict criteria for you entering a domestic partnership? You know what would happen? The Government would have to go to court and challenge it.

This, Madam Speaker, is going to kick our immigration door off the hinges. It is already open. Until you define what it is, how can you challenge any marriage or union as a union of convenience? If you do not define it, it is wide open to interpretation by the same courts that caused us to be here today.

The same applies to revocation of Cayman Status. The Board can revoke Cayman Status when the holder of Cayman Status has been party to a marriage of convenience. How do you prove marriage of convenience? The Law does not even describe the relationship as committed, caring, nothing . . . and I have heard two Members on the Government side, so I have to take that as indication of what the intent of this Bill is. It is not, loving, caring, living-together, nothing like that; it is pure convenience.

Madam Speaker, the same thing applies to Employment Rights Certificate for a spouse of a Caymanian. Same applies where couples are both here on work permits and one work permit is expiring and the other person wants to stay. They can enter a domestic partnership with someone whose work permit is not expiring.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: So, the other person's work permit might continue to run and they can get more time on their work permit because they are the domestic partner of that person. Madam Speaker, I want to make this clear: this is not about same-sex anymore; this is anybody. Think about what this is going to do to the population of this country.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: You talk about increasing the population? This is it.

Hon. V. Arden McLean, Leader of the Opposition: Artificially.

Mr. Alva H. Suckoo, Jr.: Artificially increasing our population.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: We will be more than 100,000 and then, we will probably be 200,000 to 300,000 because people are already thinking about it. I know, they have told me. They are already thinking, *Well, how can this work for me?* People are excited about this Bill, you know? It is an open door to immigration into the Cayman Islands and we are doing it to ourselves.

Madam Speaker, it is scary and that is what the Honourable Leader of the Opposition was talking about yesterday when the Premier accused him of. . . can't remember his exact wording.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: He wanted him to clarify who he meant and whether or not Chantelle Day was Caymanian. He was talking about the non-Caymanians who are going to take advantage of this, and they do not have to be gay, homosexuals or whatever. It can be anyone.

Madam Speaker, the whole concept of marriage of convenience will go away. With passing this Bill, we are throwing that out the window. Immigration will be producing more permanent residents and Caymanians than we could ever imagine because everybody is going to take advantage of this.

It goes further, Madam Speaker. Look at clause 40 of the Bill, where it applies to the Matrimonial Causes Law and the Maintenance Law to the breakdown and dissolution of a domestic partnership. I hope somebody will correct me when they get up today, because the grounds for breakdown of a marriage under the Matrimonial Causes Law, is that:

- One person has committed adultery;
- There has been unreasonable behaviour;
- Desertion for two years;
- Lived apart for two years;

- One of the respondents consents to the dissolution; or
- You lived apart for five years

Madam Speaker, I just spoke about domestic partnership not having a definition. How can you then say, that you are applying the Matrimonial Causes Law which allows divorce or dissolution because of adultery, when the domestic partnership is not bound to that condition? If it is not defined in the law, how can you say that you want to dissolve a domestic partnership for adultery? It does not apply. Somebody the other day said square peg, round hole; it does not work.

We do not know if the grounds for divorce or dissolution under the Matrimonial Causes Law are going to be applied in the same way or we are going to create new rules for domestic partnerships. Based on the comments from Members of the Government, what I see this is, we are wiping the slate clean and providing something functionally equivalent to marriage with no accountability, no responsibility. You can get in and out of it as quick as you want; you do not have to answer to any of your behaviour and is more convenient and what is it going to do? It is going to encourage people to not even consider marriage.

My good friend, Madam Speaker, the Minister of Commerce talked about the types of partnerships people could enter into—friends, investors, retirees, people in platonic relationships. What would be the conditions for dissolution of those partnerships? It cannot be adultery.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: Madam Speaker, the Minister is trying to back track me a little bit but the horse is out of the stable; it done gone.

[Laughter]

Mr. Alva H. Suckoo, Jr.: Providing an easy alternative to marriage, Madam Speaker, this is going to further erode traditional Christian marriage. I heard somebody say it is going to preserve and help? No it will not. It is eroding the foundation of our Christian marriages because it is providing an easy alternative; Lobster Pot versus Burger King. We are creating a Burger King marriage here. That is what we are doing. Fast food, drive through.

[Laughter and inaudible interjections]

Mr. Alva H. Suckoo, Jr.: Madam Speaker, I hope that I got this wrong or maybe the Minister was incorrect in his interpretation of a domestic partnership but, until I see a definition written in statute, I am not trusting an-

anything. Trust but verify, that is what my good friend for East End always says.

Think about how this is going to impact the family unit, when two people are involved in a no-commitment relationship, just platonic. Good buddies—pals—raising adopted children? What does that do for the foundation of the Caymanian family unit? What is that going to do?

We are already talking about our kids having different ideas than us, adopting things that we did not adopt, that we do not find acceptable and we are throwing up our hands there and saying okay, that is fine, let them do what they want. Now we are adding to that by eroding one of the most important institutions in this country, the family? Don't we see enough going on with our young people, Madam Speaker? Don't we see what is happening to our children and what they are exposed to?

Madam Speaker, I have a technology background but social media worries me because it is no longer open Facebook and look at what people are posting. They are targeting children. There is a targeting system within all of these social media platforms; it knows what you look at. Do you know what it does, Madam Speaker? You have a WhatsApp conversation—because they are all owned by the same people now, you know—on your phone about a specific topic; check Instagram if you do not see an ad pop up later on about that same thing. They are targeting you. While we sit back and say, *oh, it is great, my child has a phone*, we have to be careful what they are exposed to, you know.

I know I believe in technology. I have a degree in Computer Science, I worked in technology most of my life but I know the dangers of it and I see what is on social media, Madam Speaker. While some of the younger folks might not like me for saying it, it is more than 50 per cent inappropriate. I dread when my younger daughter gets a phone. I may have to find a way to lock that down because of the things that I see targeting our young people, and now we are adding to it? No, Madam Speaker.

At least the Marriage Law makes an attempt to have couples who are divorcing or separating reconcile. It does not just grant you a divorce or dissolution right away; there are certain procedures you have to follow before you get a divorce. At least that is in place with the Marriage Law, but in this regime there is no accountability, no commitment and no consequences, Madam Speaker. Think about that for a second, what that is going to do to us socially.

The part about the authorisation of a master of a ship to be able to formalise a partnership, I think the Member for North Side and the Honourable Leader of the Opposition mentioned it and I agree. Why do we need to put that in there now? What is the pressing need for that? Is it that we are going to make it a money-making venture? Two individuals on a cruise

ship somewhere that is registered in the Cayman Islands entering a domestic partnership and they will never pass these shores. They will never set foot on these shores, why do we need to do that for the rest of the world?

An Hon. Member: Copy and paste legislation.

Mr. Alva H. Suckoo, Jr.: Copy and paste. I was about to say it. I read the Bermuda Act; this is copy and paste. There is a lot of copy and pasting going on and this is the result of not consulting with your people.

[Inaudible interjection and laughter]

Mr. Alva H. Suckoo, Jr.: The Leader of the Opposition is priming me up to have a go at the Honourable Attorney General. I am joking; I am joking, Madam Speaker, he would never suggest I do that.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: Madam Speaker, this is a good indication of what happens when you draft legislation without consulting the people.

[Pause]

Mr. Alva H. Suckoo, Jr.: Oh yes, Madam Speaker, I am reminded that it is not the drafters' fault. I know where political policy comes from. It is not the drafting team.

Madam Speaker, we were willing to forego the usual drafting process involving consultation with the people first, to ensure we had the blessing of the people before we went forward with this. I have to question the Government, I want someone to get up and answer me: Did the Caymanian people agree to this Bill, yes or no? If anyone can answer that and say 'yes' with their hand on their heart you may get a bit more support from me but no, not the Caymanian people I spoke to. When I read the results of a survey I did, it will shock you.

Madam Speaker, all the arguments I just mentioned, go back to the root of this issue; lack of consultation with the people of the Cayman Islands. This Bill was gazetted on the 26th of June, 2020. It was then announced that we would go into a one-month consultation period. As the Leader of the Opposition said, that had never happened before. Why is it, for this Bill, we decided to launch a public consultation after the Bill was gazetted? Think about that.

The Governor sent out a press release and the Government issued a press release, Madam Speaker, but the only time it was released to the public was as a hyperlink in the Governor's press release. The Government normally sends out their press releases to GIS [Government Information Service] and

all over the Cayman Islands to the media houses. Why was this one not sent out?

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: The Governor sent it as a link; this press release was published on the gazette website. That was it. How many Caymanians check the gazette website every day, Madam Speaker?

I am sure you have seen it, as Member of the Government, but I have a copy of it here and would like to read it with your permission. I have a copy for you a well.

The Deputy Speaker: Permission granted.

Mr. Alva H. Suckoo, Jr.: Madam Speaker, it has no date. It says:

**“PRESS RELEASE
Publication of Domestic Partnership Bill,
2020**

“Following the constitutional challenge by Ms. Chantelle Day and Ms. Vicki Bodden Bush seeking the right to enter into same-sex marriage, or at the minimum, a declaration that provision should be made for them to enter into a civil partnership and, following an initial ruling from the Grand Court to the effect that the Bill of Rights gave them the right to marry, the matter was appealed by the Government to the Court of Appeal. On 7th November 2019, the Court of Appeal delivered its ruling. The Court ruled that as the law currently stands marriage in the Cayman Islands can only be between couples of opposite-sex.

“However, although the Court of Appeal found against Chantelle Day and Vicki Bodden Bush, the court went on to make a very unequivocal and strongly worded declaration to the effect that Day and Bodden Bush are entitled, expeditiously, to legal protection in the Cayman Islands, which is functionally equivalent to marriage.

“The court observed, among other things, that it was apparent for several years that there is an obligation to provide such a framework and that the failure to do so was “woeful”. The court observed that this failure of the Legislative Assembly is a continuing violation of Article 8 of the European Convention on Human Rights.

“Further, the Court made the point that the Executive and the Legislature are expected to obey the law and to respect decisions of the Court. It went on to state that it would be wholly unacceptable for this declaration by the court to be ignored whether or not there is an appeal to the Privy Council.

“Accordingly, in keeping with the declaration of the Court of Appeal, the Government has agreed to have the Domestic Partnership Bill, 2020 considered by Legislative Assembly following a 30 day public consultation period.

“Comments on the Bill by members of the public may be forwarded to the Legislative Drafting Department at cheryl.neblett@gov.ky or c/o the Portfolio of Legal Affairs, 4th floor, Government Administration Building.”

Now, Madam Speaker, this is the Government saying, *we want to hear from you*. What did they do? They did not send it out. It was published on the Gazette’s website, nothing else. The Governor sent it out as a link to his. How many people got that? Wait until I read my survey results.

Madam Speaker, the Government launched a 30-day consultation on this Bill, with no excitement, no fanfare, nothing. It was just quiet. The media did not even pick up on it for a while. Normally, with this Government in particular, if they are doing something that they are proud of and they are doing for the people, it is all over social media, all over the press; not one mention. It was quiet, you could hear whispers and now we are here, with a Bill.

It went even further than that Madam Speaker. I went to the Government’s website, the one dedicated to public consultations where you would find all the legislation that is undergoing public consultation right now. Guess what I found: Bullying legislation, enforcement of mortgage-type security over real estate, family law reform, data protection regulations 2018; no Domestic Partnership Bill.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: In the middle of consultation, on a Bill this important, the Government’s website did not mention this Bill? It is not there? So where do people go to find out what the Government is considering? Where is the communication with our bosses— hey boss, this is what we are doing? I did not see it.

Madam Speaker, we then launched consultation after the Bill was drafted. So where is the opportunity, which is an important part of the drafting process that you are creating laws with the feedback of the general public to guide you? Where is the opportunity for the general public to have their input and their say in this Bill when it has already been gazetted?

I heard the Honourable Premier mention one time that there would be one small amendment. All that feedback that I got by e-mail, by WhatsApp that I got personally; all those people that reached out to me with concerns and we are going to get one small

amendment? Are we really listening to the people? Did we really pay attention to the consultation? Where are the consultation results? I would expect somebody would have presented it by now. Has anyone gotten up and said *here is what the public said during the consultation period*. It is over now; you should have it. Where is it?

The UK Parliament has a website with a four-page document on it which gives detailed information on how to conduct a public consultation. I would suggest somebody download that and read it because we did not follow the rules there either. Madam Speaker, I expect to see a lot of amendments to this Bill, based on the feedback I got.

Madam Speaker, why did the Government not have a referendum on this subject? We are talking about two different things, marriage versus domestic partnership, technically, but the concept is the same. If we passed this Constitution by referendum and we are now seeking to change a major component of the Bill of Rights, do you not think that the people have a right to speak again?

Madam Speaker, the Premier said that a Government initiated referendum would not be appropriate. Let me read section 69 of the Constitution for him. It states: **“Power to provide for a referendum - A law enacted by the Legislature may make provision to hold a referendum amongst persons registered as electors in accordance with section 90, on a matter or matters of national importance . . .”**

National importance; Madam Speaker, this is national importance. Unless he has lost his political instincts, this is national importance to the people of the Cayman Islands. So a Referendum on this topic would have been wholly appropriate and nobody can tell me that what I just read from the Constitution does not say that.

Why is passing this Bill more important than the immigration issues it is going to cause and the family life issues it is going to introduce? What is the rush; the Court of Appeal?

Madam Speaker, given the UK’s position that this is a domestic issue for us to resolve ourselves why did we rush this legislation through and ignore the fact that our people have not had any say on this? Mind you, I would not be arguing so strongly, Madam Speaker, if we had gone through the right process and let the people decide and state their wishes. Then, if at the end of that, the people decided that this was what they wanted, then I would have to shut up; but I cannot, Madam Speaker. I really cannot.

Why the clandestine way of conducting the consultation and making the announcements? Why not put it on the Government’s website, Facebook and Instagram? It was not there. The press release did not go out.

Madam Speaker, I see what the Government is attempting to do with this Bill and while I have been

very strong in my opposition to this, this morning, I kind of see where they have tried to sterilise this Bill. They have tried to refrain from using the words same-sex. As a matter of fact, if you were not paying attention you would not even catch that this was about the root of the matter which is affording same-sex couples the same benefits as heterosexual couples when it comes to marriage or unions. It has been sterilised, even in the definition of Domestic Partnership, which is very innocuous in this Bill; but at the root of this issue, Madam Speaker, this is about same-sex couples wanting to be in some form of union.

The Deputy Speaker: Deputy Leader of the Opposition, it is now 1:00 pm, so the House will suspend its proceedings for lunch.

I ask all Members to return to the Chamber at 2:30pm

Proceedings suspended at 1:03 pm

Proceedings resumed at 2:34pm

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

Please continue your debate, Deputy Leader of the Opposition.

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

Madam Speaker, when we took the lunch break I was commenting on the Bill saying that the road to Hell is often paved with good intentions. The Bill has been sterilised in a sense, so that it can become more acceptable to people and that is why I see that it did not go so far as to properly define what a domestic partnership was. There is hardly a mention of same-sex anywhere in there.

Nevertheless, I was saying, Madam Speaker, that you cannot get away from the root of why this Bill is before this honourable House. We have to ask ourselves if we are happy, as representatives, with passing this Bill and considering the things that I have pointed out that I think will be side effects of this Bill. Are we content, as representatives of the people to let it through?

Madam Speaker, I will move on to another area that concerns us all as representatives and that is our constituents.

I am not so naive to believe that I do not have constituents who support this Bill or what it is trying to do; I know that. I know that some of them will be disappointed that I did not support it but Madam Speaker, I also know that there are those who are happy with the position I am taking today and you might ask yourself, how I know that.

Madam Speaker, apart from the conversations, phone calls and WhatsApp messages, I took the time to conduct an online survey using Survey Mon-

key, which is an established well-known survey platform. I sent out a survey not just to my constituents but generally, and the survey allowed people to answer a set of questions in relation to this Bill and it provided me with insight and feedback on their views.

While it cannot be called an official poll or survey, what I did notice is that many of the people who answered provided contact details. So now, I am in a position where I can go and verify the majority of the persons who took the time to complete the survey. Like the Member for Savannah mentioned, Madam Speaker, we got a good feedback of how our constituents felt. We got over 600 responses in about three days, and while that is not an overwhelming majority of Caymanians or persons resident in this country, it was a good enough sample. I have checked that as well, using what I can remember from my statistics days and it gave me a good insight into what the feeling was on the ground.

Madam Speaker, the first question in the survey was:

1. Do you agree with section 14 of the Bill of Rights which says, "Government shall respect the right of every man and woman of marriageable to marry a person of the opposite sex and found a family"?

Yes	72 per cent
No	25 per cent
Undecided	2.4 per cent

2. Were you aware that the Government launched a public consultation on the Domestic Bill 2020 on June 26th, 2020?

No	62 per cent
Yes	37.2 per cent

This is getting back to the point I was making earlier where people did not even know where to send their information or most did not know that it was happening.

3. Do you know where to send your feedback and views on the Domestic Bill 2020 for consideration by the Government?

No	82 per cent
Yes	17.7 per cent

4. Do you think you would have had enough time to express your views on the Domestic Partnership Bill, 2020 to your representative and/or the Government prior to the Bill going to the Assembly on July 27th, 2020 for debate and vote?

No	66 per cent
Yes	22 per cent
Not sure	12 per cent

5. Do you think there needs to be more public consultation before this legislation is debated and voted on?

Yes	79 per cent
No	17 per cent
Undecided	4 per cent

6. Do you agree with The Domestic Partnership 2020 being gazetted and sent to the Legislature for passage without the Government first completing a period of consultation?

No	81 per cent
Yes	14 per cent
Not sure	5 per cent

7. Do you believe that the Government has a political mandate from the Caymanian people to implement domestic partnerships allowing same-sex couples to be joined?

Yes	25 per cent
No	64 per cent
Undecided	10 per cent

Now, this question you could answer more than one choice and the answers were referendum, Town Hall meetings, meeting with my representatives, survey and questionnaires.

8. How would you prefer to provide your views and wishes with regards to domestic partnerships?

Referendum	53 per cent
Town Hall Meetings	19 per cent
Meetings with my representative	20 per cent
Surveys	39 per cent
Questionnaires	20 per cent

9. Do you agree with legislation that would allow domestic partnerships between same-sex couples?

No	69.51 per cent
Yes	25 per cent

Undecided	5 per cent
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10. Do you agree with the Matrimonial Causes Law and the Maintenance Law applying to the dissolution of a domestic partnership in the same way that they apply to marriage?

No	58 per cent
Yes	26 per cent
Undecided	15 per cent

11. Do you agree that our legislation should recognise same-sex marriages and partnerships entered into in other jurisdictions?

No	72 per cent
Yes	24 per cent
Not sure	4 per cent

12. Do you agree that with Cayman Islands-registered ships having the authority to create domestic partnerships?

No	67 per cent
Yes	18 per cent
Undecided	16 per cent

13. Do you think this legislation conflicts with the Cayman Islands Constitution?

Yes	68 per cent
No	21 per cent
Undecided	11 per cent

This is important, Madam Speaker, because we have talked about this one; many people have discussed this in their debates.

14. Do you agree with persons between the ages of 16 and 18 being able to enter domestic partnerships without parental consent via the courts?

No	87 per cent
Yes	8 per cent
Undecided	6 per cent

15. Do you agree with persons who have not yet graduated from High School being able to enter domestic partnerships?

That page got lost but I am looking at the graph now.

No	(About) 87 per cent
Yes	(About) 15 per cent
Undecided	(About) 10 per cent

So, Madam Speaker, I got sufficient feedback through this survey and also through discussions with my constituents, Church leaders, general public, discussions via Messenger or WhatsApp and e-mail correspondence sent to me and all of that led me in one direction: The country is not yet prepared to support this legislation and that was clear to me.

As I said at the beginning, Madam Speaker, this is not about my personal views on this or any of our personal views. This is about the people’s views and wishes and we cannot expect to impose anything on the people of this country and not give them an opportunity to properly weigh in and give their feedback before we move forward.

I would strongly urge the Government to re-think their position on this Bill moving forward here today. It is not too late to put the brakes on, because what we are doing here today is against the wishes of the people of the Cayman Islands. Not me, do not worry about me; the people I represent, the people we all represent.

Madam Speaker, I was looking for a copy of a press release that just came out from the Cayman Islands Ministers’ Association and I asked for a copy to be printed but I think the wrong thing came back to me. I think I must have sent the wrong e-mail. Thank you to the Member for George Town Central. With your permission, Madam Speaker, can I read this press release and provide the copy afterwards?

The Deputy Speaker: Absolutely. Yes, please proceed.

Mr. Alva H. Suckoo, Jr.: [Quoting from Letter dated July 28th, 2020, from the Cayman Ministers Association]: **“RESPONSE TO THE ‘DOMESTIC PARTNERSHIP BILL’ Press Release—**

“The Executive of the Cayman Ministers Association (CMA) wishes to record their disagreement with the ‘Domestic Partnership Bill.’ Our position has always been that we cannot support any legislation which goes against the teachings of scripture.

“While we understand the efforts to satisfy the directives of the Court of Appeals to specifically cater for same-sex unions, we cannot support this directive because it is contrary to the teachings of the Bible regarding marriage, the family and human sexuality.

“God is the one who began, and sustains the whole process of human existence. He is the one who created us. He knows what is best for us. He ensured this information was

communicated to us through His word, the Bible.

“We, the Executive of the CMA, are convinced that what God has stated in his word is in the best interest of the well-being of the people of the Cayman Islands. To go against this is to jeopardize our Christian heritage and the important family structures and beliefs that have been responsible for the stability and progress that the Cayman Islands have enjoyed.”

That is the position of the CMA, Madam Speaker. I think we have finally settled what their position is. I know there was some back and forth yesterday with regards to that. We have to think deeply about this, it reflects not just the Executive’s position, you know; they are speaking on behalf of their congregations. Those Ministers would not put out a press release if they did not have the support of their congregations. While it is their responsibility to represent the views of their congregations, and our responsibility to represent the views of all people, we have to represent the majority. That is what I have to say.

I know that people in my constituency wanted this to pass today and they wanted me to support it and I could not because I have to represent the majority’s wishes, not the minority’s. I wish I could have pleased everybody, but I cannot. I am elected to represent what the majority wished and I took the time, Madam Speaker, to go out and find out what that majority was.

I am also comfortable in myself that if I am wrong, I will know next election, in May. I will know. The people will decide who they want to lead them next time around, but I have done my job and my responsibility to the best of my ability without thinking about the next election. I have to represent my constituents to the best of my ability and do what I think is in their best interests and today, not supporting this Bill is in their best interests. There has not been sufficient consultation.

Madam Speaker, what is the role of this Legislature? What is our role? The Premier suggested yesterday that if we did not support this Bill, we would be derelict in our responsibilities. He might not have used those words, but that is what he suggested. I want to say that passing this Bill will make us irresponsible representatives.

Parliament exists for one single purpose: To create laws that reflect the wishes of the people; peace, order and good governance. Before humankind had laws, we had rules and general understanding; that is the origin of laws. It was known, established, that you do not kill, you do not steal. Those understandings evolved into the laws that we live by today, but they came from the people, the community. They decided this is how we want to live.

Every four years, Madam Speaker, the people of this country decide who gets the honour and the

privilege to come here to make, repeal or amend those laws, but we cannot do it without consulting them. We cannot turn the equation upside down, on its head, and say I am now lord and master and you must do as I say. We cannot do that. That is not representation. That is not democracy. Democracy is when the people choose a commoner to come here and represent them. The Leader of the Opposition taught me that. I did not know what the House of Commons meant, you know, until he and I had a discussion about it. Commoners; we are commoners representing the common man.

Madam Speaker, for us to put ourselves in a position where we are now telling the people of this country that we are doing this and you are not stopping us. Then we went through a process where the people did not even get a proper chance to influence the outcome of this Bill; if we had done that maybe it would not be so contentious. Maybe when the people's wishes were embedded into this Bill it would have been acceptable not just to us the legislators, not just the common man in the community, but the religious leaders of this country who I put on the same level as myself; they have a responsibility too and they lead and direct. We have chosen them to be leaders in this community as well and we cannot just ignore them.

Cayman was built on our Christian traditions; our success story—*“He Hath Founded It Upon The Seas”*—that is the root of it. That comes from the Holy Bible. We cannot forget that. If we start to forget that, we are going to lose our way.

So, Madam Speaker based on what I have said here today, I certainly cannot support this Bill.

Madam Speaker, we worked hard and went to the United Kingdom and renegotiated changes to give us more autonomy and more authority in our own country. And, the threat that that would be yanked away because we want to promote self-determination and be masters of our future and our domain; and we want to do things our way, the way that has brought us to where we are today, and to have the threat that we are not going to get the constitutional amendments dangled over us now... And, for any of us to support that argument, then we do not deserve those amendments.

We do not deserve that authority and autonomy if we cannot be men and women and stand up for our country today and say, *no, you are not going to push us around. You are not going to make us forget where we are, who we are and where we came from.* If they want to take them away, then take them away, because like the Leader of the Opposition, I am not going down on my knees. I bow before God but those are my personal feelings, Madam Speaker. Those are my feelings. In keeping my promise to my mother and my children one thing I will never do, is make politics change me. Whether I pay a political price for that lat-

er on, I will have to accept that, but I am not changing here today.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: Madam Speaker, I hear discussions about the rule of law and I hear about the Courts having a say in what we do over here. I do not subscribe to that belief.

Madam Speaker, Parliament has the power through legislation, both to protect and promote the rule of law and to also undermine it, be it consciously or inadvertently. Those are not my words; A.V. Dicey. So, we have the authority to decide what goes in this country; what our laws reflect. We have the authority given to us by the people, and that is the root of democracy and I am not going to disrespect that.

I hope everyone understands clearly why I cannot support this Bill.

I am looking at the long-term effects of what is to come and what this Bill will introduce into this country. Like the Leader of the Opposition, I wish we could find a way to please everybody, but until that day comes, I have to please God and my constituents, not myself. That is my position.

We are all responsible for our own individual positions. I am not preaching to anyone, not coercing anyone, not trying to scare anyone. We all climb out on the limb on our own; if it gets too heavy, it breaks. Best not carry some extra weight out there with us because when that limb breaks with you, you probably going to be the one to get hurt because whoever is holding on with you is going to fall on top of you. Go out on a limb on your own if you have to go out on a limb.

Madam Speaker, I want to thank you and all Honourable Members for listening to me. I wanted to lay this, Madam Speaker, with your permission.

The Deputy Speaker: Please proceed.

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

[Document laid on the Table of the House by the Elected Member for Newlands]

Mr. Alva Suckoo, Jr.: I hope that my words got through to someone today. We do not have to do this today. We can take a quick pause and discuss this some more amongst ourselves because I know and I am confident that the people are not happy with what we are doing here today. They are not.

Do not take silence for consent because there is a silent majority out there who is watching and listening and they are not pleased. It is not too late to fix this. It is not too late to do what is right by the people of this country. Throwing this on the people now, with-

out them having had their say in this is wrong, and I cannot be party to that.

Thank you, Madam Speaker.

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

I recognise the Minister of Health and Environment.

Hon. Dwayne S. Seymour, Minister of Health, Environment, Culture and Housing: Thank you, Madam Speaker.

It is a pleasure for me to get up on my birthday. I was dreading this day. I was hoping to debate another day but it does not seem like there will be another day available. I want to thank all the Members for their birthday wishes, all my constituents and people throughout the country.

I want to thank my family for the precious food that they sent for us to share here today; my mother, my wife, who helped to cook some good conch, turtle, salt beef rundown and Cayman-style beef. The Member for Bodden Town West wishes to thank my mother, his next-door neighbour. The Members of the House asked me to have a birthday every month, but I declined. This is probably the lighter part of my speech.

I want to thank the Ministry for the beautiful card and cake that they sent down. Thank you, Chief Officer for organising this and my Personal Assistant, Ms. Sharon. I thank my daughter for that beautiful letter she sent to me; I almost feel like reading it, but I would probably cry.

I struggled, like many Members in here. I think most of us, the 19 persons who are elected, believe in fairness, choice and opportunity for all and I struggled with this matter. I thought I would pray first, otherwise it could get worse. My contribution on this Bill followed consultation with my constituency, messages received, calls, visits; anyone who contacted me, I met with them. I did not hear from everyone but I tried to get as much literature out as possible. As representatives we would hope to hear from everyone and I apologise if I did not get your voice. So, I cannot say that I heard from 100 per cent of the people in my constituency, but I think I heard from the majority of them. I do not think anyone has heard from a 100 per cent of their constituency, but we tried.

Father God, who knows all things from beginning to end, we give you all the glory, honour, and praise. God, we thank you for love, life, wisdom, your faithfulness, mercy and grace toward us, your children. May your wisdom remain our portion today. Lord, give us a heart of understanding, a heart that is pure, full of hunger and thirst for you. Give us a heart of obedience, courage, determination, self-control and the spirit to discern good and evil at times. Father, guide us through these proceedings today, that the

right thing is done for mankind. In Jesus' Name. Amen.

[Inaudible interjection]

Hon. Dwayne S. Seymour: When I was elected in 2017, I was called to help form the Government, and in my usual nature, when I was planning to run for election I called on my people. About a couple hundred people gathered at the White House in 2016 and I asked them, how would you like me to run in this election? Would you like me to run with this team or that team or would you prefer me to run as an Independent? We took a survey that night, after I fed them—no, not turtle meat. The results came out that I should run as an Independent and I followed their advice.

Once again, when I got elected, a few months later, I was called to form the Government thankfully, by the Honourable Premier, Mr. Alden McLaughlin. I called a meeting with my constituents within three hours; obviously it was not COVID time then, so we could actually call a meeting and gather *and 'mongst up amongst each other*, as they say. I asked the people, *Look, do you want me to sit on the back bench or do you want me to join the Government and be a part of the of the conversation; be at the table to help make decisions to guide this country forward?* They trusted me and they told me to work with the Government, work with the PPM, work with the Coalition (West Bay, George Town, Cayman Brac, Little Cayman and otherwise.) So, it should be no surprise that I get up here and try to be the voice of the voiceless for my people for Bodden Town East. I am the face of the faceless and I cannot just ignore that.

I stand here today not proud of this Bill, of a movement that I am somewhat forced to debate; and recognising that I have an elected and constitutional responsibility and it is not necessarily about the freedom of choice, no one wants to impede that, but more about the forcible nature in which these things come about. How do you feel, as legislators, that we have to decide on something that we know most in the country do not support, understand or care for?

Madam Speaker, all day long my WhatsApp is running hot, full of disappointment, full of worry, full of concern for the Christian values and principles that this beautiful country was built on. One knows that when all seems dim, I am one for sure who does not shy away from my love for God and reading his Word at a time when some frowned on it, but my belief tells me it helped us through a pandemic and is still helping us.

[Desk thumping]

Hon. Dwayne S. Seymour: Madam Speaker, I know how to be faithful, loyal, and dependable but today, my loyalty, faithfulness and dependability lies with

God and my people as the pressures mount up as to whether this Bill passes or fails. I said before, with every Bill brought before this honourable House, there will be two oppositions—the lunatics that favour it and the fools that oppose it.

Madam Speaker, if we are being honest about this, as a country, we have tried our best never to get to this point in debating same-sex, domestic partnership bill. When most feel we have been put in a corner and now have to act on behalf of our people and we must all ask ourselves, as Ben Franklyn did: Is an ounce of prevention better than a pound of cure?

Madam Speaker, some are saying it is too early, we need time to digest the Bill. I can humbly say, no matter how much time we got, we will still have trouble with this legislation; and to add to it, and especially at a time of hurricanes, earthquakes, burning landfill and COVID-19, it's just a lot going on for everyone mentally.

I want to thank the Government for the comfort in this being a vote of conscience. This is very important to our people, very, very important. I thank you. I intend to take that conscience seriously.

We are here today to make a serious decision on whether we should vote 'yes' to follow the Court of Appeal's advice to give persons who are willing to partner up on a same-sex partnership an avenue to do so.

Madam Speaker, when I am asked to make such a decision as a MLA for Bodden Town East, I first ask, does God approve of this? How will this affect our birth rate and procreation? How will the Church view this? How do the people in my constituency view this? What is the mandate from them? What is the majority of the people in the Cayman Islands views on all of this? If this law passes, is it benefitting the majority of Caymanians?

Whatever anyone wants to do at 3 o'clock in the morning in their bedroom is their business. I have never been one to hate anyone or anything. I believe I am a loving and caring person by nature, but what I am more concerned about is that the minority wants to trump the majority and they will use whatever power they have to bully us into submission.

[Desk thumping]

Hon. Dwayne S. Seymour: Madam Speaker, what I want to know is when will our rights be respected? And because we were not comfortable, like most in the country are saying, we are bad people and we should not exist. When they team up with social media against us, with our right to choose but want us to support their rights. Something is not adding up here.

What I want to know is, will they support the rights of all Caymanians getting a job in this country? Will they support the rights of Jack bathing on any beach without provocation? Will they support that eve-

ry Caymanian deserves a home? Will they support the rights that the Native Americans have in Florida for us? These are some questions?

My whole problem is not about being gay or lesbian or otherwise, as I recognise God gave us the ability to choose how we want to leave and this started from Adam and Eve with the forbidden fruit choice. And yes, I do care about people's happiness but I care more about procreation. So Madam Speaker, people can always make a choice but why does it seem that in such a small community the respect of my right as being a heterosexual, attracted to the opposite sex, and to have my opinion on what I like or dislike, I am being discriminated for trying to protect of sanctity of marriage being primarily for procreation.

Madam Speaker, the word itself means production of offspring, reproduction; to satisfy the innate biological urge that usually is present. The urge to keep us breathing and producing more organisms, to keep the human species from dying out. That is why we copulate, why else?

An Hon. Member: You've got some good off-springs my boy!

Hon. Dwayne S. Seymour: Plenty of them.

[Laughter]

Hon. Dwayne S. Seymour: According to the United Nations Population Division, “. . . **the replacement fertility is the Total Fertility Rate (TFR) at which women give birth to enough babies to sustain the population level, about 2.1 children per woman.**” In most developed countries, the TFR has to be greater than 2.0, as the sex ratio at birth has mostly been favourable to boys, 105 boys per 100 females born. Therefore adjusting all these factors, if the replacement level fertility comes to 2.1, the effects in long term of zero population growth can be achieved when the birth rate of a population equals the death rate as the fertility is at replacement level, and birth and death rates are stable; a condition also called demographic equilibrium. We are in trouble now, as a country with a 1.8 average.

Madam Speaker, and about Cayman's concerning 1.8, I can only humbly comment to you about this whole thing. Since we are debating this on my birthday week, I have a very special connection with the moon. I was born in July, 1969 and everybody knows what happened then: The first man landed on the moon on the month I was born, July 1969. The thing about the moon is that we have more energy. We feel more extroverted and connected to our partners and have more interest in sex due to our gravitational pull of the moon and earth and the consequent energy released during this time. If you did not know, a full moon increases women sexual desire; the lunar

cycle seems to affect women of all shapes and sizes. So, I am just saying pay attention to the moon and bring up these totals. And by the way, this is not irresponsible; this is about saving a nation.

Madam Speaker, I am for equal rights and justice, fairness, rights of choice, because we cannot do anything about a person's choice, they will do it anyhow. But what I am most against is the bullying nature in which most of this sex conversation takes place. The tactics of the external forces causes great concern in a small country like ours, and all over the world, holding us ransom at times—if you do not this, you will not get this behaviour.

Madam Speaker, the word bullying, means to self-harm. If the majority of our people are saying no, then it will harm us. To intimidate, threatening to do an Order in Council, then you are intimidating or coerce, trying to persuade an unwilling person by using force or threats, thus being coerced. The word bully was first used in 1530 and we should all say no to any form of bullying. The churches feel bullied and heterosexuals feel bullied. People are scared to speak out as they see how vicious these groups are in castigating persons who are against their desires and then they wonder why most people are upset by this very nature.

Oh, they will castigate me and say everything about me because it seems I am not supportive. I can tell you, if you have not heard already, I have never hurled hate at any person; I do not have any enemy. Yes, like every one, new things and changes are hard for me to swallow but I am not being a liar to myself. My own children will say to me, the legislators are making too much of this and we should just approve it. Maybe we are, but I am trying to shed the light so we can recognise what we are getting ourselves into. As quoted, **do you have enemies? Well, good, that means you stood up sometime in life** for something, and as bad as that seems, it can get worse. As the Apostle Paul put it, **not many of you were wise by human standards, but God chose the foolish things of the world to shame the wise.**

Madam Speaker, our children deserve protection from us, they deserve protection. And you know what, I wrote my speech myself. I cannot write less than 11 pages.

[Inaudible interjection]

Hon. Dwayne S. Seymour: After 11, I become dim.

Our children need protection from this lifestyle until they are at the age to decide for themselves. We do not know what our children will choose to do, we do not, but at least we cannot shove this in their faces in the manner some would like—teaching it in school, public displays that confuse the heck out of them.

Madam Speaker, it is important for us to protect our children's innocence because when children lose their innocence too young, it does more harm than good. How do we even talk to our children about

homosexuality? We need to give our children a solid foundation before the topic of homosexuality is addressed. We can equip our children to know the Creator's design for the relationships, marriage and sexuality and that is all we can do. It is their choice after that legal age, we get that, but the real trouble is, Cayman, if we do not have this conversation, someone else will, or already has, and you may not like what they have told him. So, Madam Speaker, saving our children is what I am about.

In the 1970s, a woman known as Ms. Oklahoma Beauty Pageant Winner and celebrity singer Anita Bryant, ran a save-the-children campaign to repeal the local ordinance in Dade-County, Florida which prohibited discrimination on the basis of sexual orientation. Ms. Bryant claimed the ordinance discriminated her right to teach her children biblical morality and she successfully defeated the ordinance and caused other groups throughout the USA to successfully overturn such ordinances.

Anita Bryant's aim was to combat a movement started in 1969, here we go again, when the gay community fought back and sparked a protest in New York known as 'the Stonewall Riot' and it marked the beginning of a political movement for the gay rights over fifty years ago but back then it was more focused on personal liberation and visibility than access to institutions such as marriage. This motivated Ms. Bryant to champion this cause as a mother.

Whilst we stand by and see the many changes throughout the world, research has shown that after same-sex marriages were passed in some countries, gay marriage did not go up, but heterosexual marriages went down.

My presentation today is not about stopping anyone from choice, but more about protecting children and the sanctity of marriage. Traditionally, marriage and procreation have long been connected and some may dismiss the true meaning of this, but it is no accident that the countries that have legalised or are considering legalising same-sex marriage have some of the lowest fertility rates. For instance, The Netherlands, Sweden and Canada have birth rates that hovers around 1.6 children per woman, well below the RFT of 2.1.

The first gay marriage was in 2004 in Massachusetts, in the USA, some 35 years since the first movement, but they have 350 million people in the United States. The European Union has said that same-sex marriage is not a right so with our 65,000 population, do not expect a freight train to give acceptance through our communities like a bullet. These things take time and one ought to remind themselves that there are the minority trying to affect the lives of the majority of a reasonable country who really shows no hate to gays or to other people's choices. This behaviour has been happening in Cayman for a long time and every one of us have known someone that is gay and we love them just the same.

Can you imagine, Madam Speaker, just recently in 2014, just the other day, New York, Illinois, Delaware and Pennsylvania, amongst other states, made gay marriages legal and only about 50 per cent of the great United States was in favour of this. These are States right next door to us.

Not everybody will be happy with what I am saying here but I have been under pressure all of my life, you understand? In the United Kingdom, our mother country, the Gay Marriages Act was only passed in 2014, just the other day, with a very divided Parliament, just like it is here, no different. What is everybody fussing about? Same-sex marriage in Northern Island became legal just last year in October 2019. So do not make us feel or seem so out of the fashionable.

Madam Speaker, where does it stop? Do we go straight for polygamous or polyandrous relationships? Maybe there is a reason why Solomon was known as the wisest man or should we ask about incestuous behaviour or bestial actions or other non-traditional relationships. This is the real question, Madam Speaker.

School curriculum educating about same-sex choice, as done in the UK now, is just a lot for us. It is a lot for these Island people to consider so quickly. It will have an impact by these special rights. Because I am hesitant, it seems that I am denying your rights.

Let me mention a few things happening around the world:

In the UK they had a gay pride march going across this grandmother's street and she mentioned it to the police and she was told to bite her lip or she would be charged with hate-crime speech. A preacher was on the streets of Scotland and he made a comment about what the scriptures said about homosexuality and was fined £1,000. A grad student at the Georgia University had her Christian beliefs and voiced them to the college only to be told that she needed to get counselling because her thoughts were not right. Another Christian family was denied from adopting children because of their views on homosexuality. A student was suspended from school for making a comment about homosexuality. One pastor spoke out on a Sunday morning—very real, it could happen here—at a sermon, and he was reported and thrown in jail. In Canada one was threatened with being sent to a mental institution for speaking his mind, so we do have to worry. The police in Scotland was banned from handing out the Gideon Bible; they said it was homophobic information.

What I am saying is, once you make a right for something, everyone has to go along with it, even the children. Every church, every believer, will be affected in some way, so let no one say you will not be affected. Not if this is put into law.

The letter the Ministers' Association sent to the Courts of Appeal? They understand what is going

on and the predicament we are in and the challenge we have. It is a difficult decision, but I always say if a person is going to try to hurt me and they want to put me in jail or castigate me or do whatever, if they even want to put me in jail, I am still in Cayman.

[Inaudible interjection]

Hon. Dwayne S. Seymour: You know? Still here; and I will probably know all of them up in there.

So, Madam Speaker, there are three questions I want to ask:

1. Will this go away, whether the Bill passes or not?
2. Will homosexuals stop being in love with each other?
3. Are we the last country to put these rights into law?

The answer to all of them is No.

I grew up in a Christian home obviously, like most in Cayman, but I had to go to two churches: Adventist and Presbyterian which are united now. As a teenager they wanted me to become a Youth Pastor—many do not know. I would have had to go to Scotland and I had not travelled before, I did not even have a passport. I was scared, this little Island boy. So, I went to get a job at the airline and when I got that job, I was so happy to get it. After working construction for a couple of months I realised that the sun was not in my favour, so I said I wanted to wear a necktie. That is what they told us when we were growing up.

[Inaudible interjection]

Hon. Dwayne S. Seymour: One pretty little one.

When they gave me the first roster—I did not even know what the word roster was—they gave me the first shift, I looked at it and I had to work on Sundays from 5am to 2pm. I cried for two days because I could not go to church. So I used to beg the supervisors if I could work a few extra hours after, so I could go to church at 11am, leave church by 12, take one hour break and drive all the way back or hitch a ride, because I was hitching rides back then.

So yes, I have been a follower. I am a sinner like everybody else, Lord knows, all kinds of sins I've got racked up. I pray every day and I try to teach every one of my children the Christian principles, to see the light. Every one of them have to go to Sunday School and Sabbath School, and I try to teach them the right way. I teach them the right way and they still tell me, at 12 and 17 years old, *Daddy, you need to give people their right.* What can I do about that? I taught them well.

I say that to say that my hope for all mankind, and one that brings me comfort, is the opportunity the

thief on the cross had, so everyone can be saved. That is my hope. That is why I have such an open mind and respect everyone. At the last minute, when he was dying he realised that being a thief was wrong and not right in the sight of God and he asked for forgiveness by saying, *remember me in the kingdom of Heaven*. This simple act of faith saved his soul. So I remain hopeful that people will see the blessings we have received from believing, as I am also reminded of the word that says, *judge thee not*. Who are we? Please remember this could be one of your own children that you will continue to love and hug.

I thank the legal team for the work they did on this Bill and if there is anything to mention about this Bill itself, it is better that what could have been worse, like the Member for Newlands echoed in some sense. It does have protection for marriage officers, and sixteen years old is too young, et cetera.

In closing, I want to say again that I got no mandate from my people to vote 'yes' on this and it is not of the Government's priorities; it was not listed. We are a blessed country and we need to thank God for his many blessings and mercies on us. We really need to. I was told I could speak my mind and that is what I am doing. Am I doing a bad job?

[Inaudible interjection]

Hon. Dwayne S. Seymour: Well, thank you, Opposition.

[Inaudible interjection]

Hon. Dwayne S. Seymour: Madam Speaker, this is a moment of truth. It is not a comfortable position for me, for a government that I love, for a Premier that I admire, who has taught me so much.

[Inaudible interjection and laughter]

Hon. Dwayne S. Seymour: It is a very difficult time. And no, I will not walk like the Member for Savannah. I will not walk; it has gone too far now. My constituents are willing to wager their bets—this is what they tell me—whilst I respect this Government and admire the fantabulous job, it has great support from the public after the handling of the COVID-19 pandemic, but I have to follow my constituents' instructions. Why am I here? I told you how it started—instructions from them.

I cannot with good conscience, after reading over 100 bible verses, be a hypocrite to support this Bill against my constituents' wishes, who sent me here, and, as Bob Marley said, guiltiness will rest on my conscience. It will not rest on mine.

May God bless you all.

[Desks thumping]

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

I recognise the Member for West Bay North.

[Pause]

Mr. Bernie A. Bush, Elected Member for West Bay North: Madam Speaker, I stand here today in no way or form to judge someone because of their lifestyle, plain and simple.

I stand here today to discuss a Bill that has been brought before us that is so short on legs, in the public's eyes, to put it as one person said, not even a snake could look up to tie its shoelaces.

Madam Speaker, everyone knows that I work with a lot of young people. Over the last 10 or 15 years I had to sit down and try to count how many—and I came up with 13—young people who sat down, talked to me and told me where they thought or knew their sexual preference was. They felt they were not normal; people were making them feel that they were not normal. They had to go and tell their parents, Madam Speaker, and it was me they came to. I can bring parents who can vouch for the way I handled it. Do I understand? Not fully, but Madam Speaker, one thing I have seen is that when they have been honest with their family members and their church, I have seen things go better mentally for people who feel that they are attracted to the same sex. Many of these young people have gone on to good jobs, hold good positions, so I am not able to judge. That is between them and their God, them and their families; nothing to do with me.

However, there are two things that gave me pause right off the top of this Bill. There are too many questions for us to just jump into this, and then the behaviour that has gone on, like the Minister for Health just said, almost a bullying thing. This is not the first time, Madam Speaker.

That last time this was rearing its head we had another Governor whose daughter put on some big thing at the Westin for gay people. Not one person went down there and protested and I was proud of my country. Not one of us went down there and protested. Two days' later, the church people had something at the Lions' Centre and over 7,000 people showed up and do you know what irked me, Madam Speaker? There were 11 people out front, and I counted them, of which three I knew and with whom I was friendly. They were waving the rainbow flag and saying things, some of them said some rude things to some old ladies that were going in. I witnessed it personally. I spoke to them after the fact.

Madam Speaker, that is why I went to the three I knew and I said, if you are calling this a cause, you did your cause no good because the people who are the middle of the pack, like me, who do not under-

stand, do not judge, but tell you to keep it a certain way, you are going to chase us over to the side to fight against you, and those three old ladies did not deserve what was said to them. Once again, Madam Speaker, you see in a subtle, diplomatic way and that is the bullying that is going on.

It is called scare-mongering, Madam Speaker. The public has said to me that they have heard things like, *if you all do not approve this, they are going to force us to go independent. If you do not approve this, they are going to force something worse on us.* The latest ones I have heard is *if you do not pass this, they are going to call early elections.* Madam Speaker, the Premier may be many things, but he is not an idiot. He is very far from that, make me tell you that.

Madam Speaker, why? Why do we have to go through all this?

For many years I have heard Cayman is never going to give us a better Constitution because England is not going to allow us to be like Bermuda. I got elected in 2013 and started to ask individuals where is that? No one could show me that in writing. I asked for that for six years. Did you hear it come out from anybody's mouth? No one could tell me that, Madam Speaker, but I had been hearing that even before I got elected, we would never get a Constitution like Bermuda's.

Well, Madam Speaker, lo and behold—and maybe it is the beginning of a trend—constitutional change was brought to us, but there was one thing that was done the wrong way: There was not enough public consultation but because of some of the good things in it we voted for it. I did. I did not like the fact that there was not enough public consultation and I voted for it. I had some very close friends who took me apart for voting for it on the principle that there was no public consultation.

Madam Speaker, on this Bill, there has been no public consultation. If that is what they are calling public consultation, it is a joke.

So you ask yourself why scaremongering, why no public consultation.

I have heard the Leader of the Opposition talk about the Anti-bullying Law that they have been sitting on, pharmacy law, public life, health law, public libraries, sexual harassment; something about the insurance law. The one that gets to me the most, Madam Speaker, is the Fair Employment Opportunity Commission.

Everybody is talking about rights and they are rushing this law in, but yet the law to keep us off the black list could not be rushed in on time and now we are on the black list but this one is here on time. Madam Speaker once again, it makes me wonder. I will go back to that fair employment opportunity. You hear about the Order in Council. . .

Madam Speaker, all these things. I am not going to stand here very long, because I have heard a

few speeches that were really good here today on both sides; the Minister for Health, the Deputy Leader of the Opposition, and the Leader of the Opposition were three that stood out on my mind. And the practicality of the Member for North Side, as usual, was on key, so I do not have much.

I am unlike many people in here who like to beat their gums and hear their own voice. My voice isn't very good; it didn't go high enough and didn't stay low enough. I am trying to get off this table as quickly as possible and say what I have to say because the world knows I am not supporting this Bill. There was no need for anyone to try to approach me.

I met with six or seven preachers in West Bay, all of the West Bay congregation and there was a very beautiful debate amongst them and myself. There was one young preacher who kept talking about the rights, the rights and my question was what rights have been taken away? It had me in a little funny position thinking, until a friend of mine, who is gay and has been in a relationship for 13 years with his partner, said something to me. He said that he went to a lawyer and a notary public and had a letter drawn up and if anything happens to him, his partner can pull the plug. The property that they have goes to the other one. They got it all drawn up in a simple piece of paper. He said, all you have to do is to change one law where something is done with the pension; just a simple thing, than to go through all of this.

Madam Speaker, to think that England would turn around and force things down the throats of the people who do not want something . . .

In 2016 I stood right here, Madam Speaker, and I looked across and I asked to please have a referendum on this and I was totally ignored. I heard the Member for Savannah ask the same thing, for a referendum—let us put it to the people.

An Hon. Member: It was voted down.

Mr. Bernie A. Bush: It was voted down. Madam Speaker, why is there a fear amongst us to take it to the people?

If you do public consultation, make everyone put their five cents' worth into this, then you give them the choice, then there is no argument and no need for this back and forth.

Madam Speaker, when I walked across the floor because of the port and I had contacted my constituents, I heard stuff on the street about, *He only contacted the people that he knew were against the port.* Well, Madam Speaker, this time I contacted no one but I had 244 until mid-day today and I got the 245th person that contacted me, either by e-mail, text, WhatsApp or straight phone call.

Of those 245, 10 said, *Look man, just do something and get this people to shut up. Hopefully they will go back to their people.* Sorry, we have our

own gay people who are looking for this, so we cannot just do something just willy-nilly.

Nine straight up told me, *Yes, we support this*. The rest, Madam Speaker, clearly said *No, in no way or form*. I kept saying to some of them, *But we have to do something*. When my friend who is gay called me and told me what he and his partner of 13 years had done, I said maybe this is something we can look at. Ask the great Attorney General what is it and I am sure we can find something, but to not do it this way, where there is no public consultation.

I think when the Constitution was done, was it 68 per cent? You are the numbers man?

Mr. Christopher S. Saunders: It was 66.26 per cent

Mr. Bernie A. Bush: Yes, 66.26 per cent voted 'no'. Why is it that you are expecting 18 of us in here to say 'yes'? No, that is not right. Take it back to the people, Madam Speaker, take it back; they put us here, it is our responsibility to take it back to them.

Madam Speaker, in wrapping up I want to get back to one thing. Do you know what is hurting Caymanians now, besides losing their homes, insurance rates, bank rates, jobs? Fair employment opportunity! Where is that? We are rushing this in here but this has been on the table now for how long?

Mr. Christopher S. Saunders: Too long.

Mr. Bernie A. Bush: Too long. It is easily over two years and Madam Speaker, the one good thing is that WhatsApp and text messages can be saved.

Caymanians going back to work after being off work for a while and never had a problem but now that companies have to cut, you have people on work permits talking evil and doing them all kinds of evil and so forth and making their job life miserable. Where is the defence for our people?

This country, Madam Speaker, for so long—they just started to use this phrase CaymanKind in the last couple of years but this has been our history. We did not have to bring up no fancy word, and that CaymanKind, Madam Speaker, is for too long. We open our arms and when we open our arms, we are getting stuck by people. Everybody feels comfortable with their own, so they bring their own.

The worst thing is to be a Caymanian in this country, at times. Our own Caymanian people are guilty; they love to hold a work permit or a contract over somebody's head.

An Hon. Member: Yup.

Mr. Bernie A. Bush: To the detriment of us, because they cannot do to us. Madam Speaker, I am the first to say that some of us have made us look bad with their laziness. When they work Monday to Friday and get paid, then you do not see them the next day or what-

ever, but Madam Speaker, it is not all of us. Every country you go you have those, but here they use it as a crutch to hold us back.

Where is that commission on fair employment? Talking about rights? Let us discuss the rights of Caymanians first in this country and the rights of Cayman under the UK. Let us get those clarified and cut and dry, and then we can go on to stuff like this that is not that important Madam Speaker because, guess what? Growing up, we knew who the three queers in West Bay were. Madam Speaker, we knew who was lesbian and we lived good with them.

[Inaudible interjection]

Mr. Bernie A. Bush: My parents would give them a ride and when they got their car they would give us school boys coming from school a ride. Everybody lived well. They had their jobs and no one troubled them because what goes on in those big countries where they discriminate and want to beat up people and do all kinds of things does not go on here, in Cayman Ma'am. The only thing in Cayman is, do not touch the wrong person, because you goin' get licks.

[Laughter]

Mr. Bernie A. Bush: Simple, Madam Speaker. Keep it to yourself, keep it behind closed doors. No one in this country is discriminating against anybody.

Who is getting discriminated against, Madam Speaker, is Caymanians, and what I am about to say some people do not like to hear me say, especially if you have the wrong complexion, but that is the truth. That is the word on the street and the word in the workplace and too many Caymanians are saying so for it to be a coincidence. It is not happening in one place, it is happening in many places. Where is the protection for our people, Madam Speaker?

In closing, like I said I would not be very long because these gentlemen have covered it. They covered almost everything.

The Pandora's Box called 'immigration'. I would like to appreciate the lesson I got this morning from a certain Member across the Floor—I do not know if I am allowed to say the name of the individual or not—on the mistake that we made when we came here and how we worded that Immigration Bill and opened it up worse. If you think the sham marriages are bad now, you open this Pandora's Box and you will the number of sham marriages.

Madam Speaker, this Bill has to be taken to the public for consultation, it has to be read very carefully, and we can let everybody know that it is coming, but we just have to do it the right way, not this rush-rush business. Why did they not rush to keep us off the blacklist? Why was that not rushed? Why don't they rush that commission to protect our Caymani-

ans? And right now, we have a chance to reshape our country.

The COVID-19 is a curse, but in everything you try to find a silver lining. Let us shape our Caymanians into places they could not get in before. A lot of cheap labour is gone, there is still a lot here, but our Caymanians need jobs. Our Caymanians need a hand up and what I have found out is that many of them do not want hand-outs. There is still a lot of pride here; just give me a job, give me a chance and respect me when I am on the job. Talk to me right and I will talk back to you right.

A young lady told me, first week on the job at a fast food place a supervisor was rude to her and she was rude back. I said *you were wrong, you just started to work*. She said, *No Mr. Bernie I am sorry, those days are done. You show me respect, I show you respect*, and it is true. Madam Speaker, times have changed. The younger generation, due to technology, are not as dumb as we like to make them out to be, Madam Speaker. Growing up we automatically showed respect to everybody who was older, with this generation, you have to earn it. I am sorry, that is the way it is.

So Madam Speaker: me, Bernie Bush from West Bay North, have 245 people and of that 245, 230-something told me do not support it. Every one of the churches that met with me said, do not support it. Madam Speaker, I cannot do it. I am here to represent my people. Let the Government go and try to rush through all of those things that are outstanding and especially, that workplace discrimination that is going on in this country.

Let us try to protect our people and help our people and push some rights out there for Caymanians. It is time for us to stop feeling guilty when somebody wants to say xenophobic; you are not xenophobic, you are just pro-Caymanian. You are not anti-anyone, plain and simple. I am not apologising for defending my people.

There is a set of people out there that is confused. There is a set of people who have come from overseas, gotten their papers and are now voting and so forth. They are Caymanians too, so when we say Caymanians, we are talking about you. I did not say Paper Caymanians; I do not like that word. I do not say new Caymanians, I say Caymanians and sometimes I will use the word indigenous because just like Australia, Canada, the United States and other places have indigenous people, I think it is time for us to start to look at something for those indigenous Caymanians as well. If you say it, people try to make you feel guilty; you are not anti-anyone, you are just pro-Caymanian, plain and simple.

Madam Speaker, I hope I have not offended anyone, it is not my intention. I think the country will know that I will be voting no.

Thank you, Madam Speaker.

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

I recognise the Honourable Minister of Education.

Hon. Julianna Y. O'Connor-Connolly, Minister of Education, Youth, Sports, Agriculture and Lands: Thank you, Madam Speaker.

Madam Speaker, I have been here next year God's willing, some twenty-four and a half years. In fact, I am told I am the longest-serving woman ever in the history of the Cayman Islands. I have been through some very turbulent waters, some that we never thought that the good ship Cayman would come out, but it did.

We have been through some very complex pieces of legislation that we never thought we would have gotten past because it was in the best interest of the country, there was some division, but we did. I have been through times of sickness, surgeries, and you never thought that you would come out, but I did. I have been through a number of hurricanes and I never thought that I would come out, but I did. What then was the common denominator? Just above your head Madam Speaker: He; *He hath founded it upon the seas*. It is against that background that I stand and relate to the Apostle Paul when he said, and I say, I am not ashamed of the gospel of God, for it is the power of God unto salvation. That is not very popular today, Madam Speaker. It is not very easy today.

In my growing up days, as we Caymanians like to say, as we read in the New Testament that blessed are those that are persecuted for His Name's sake. I could not quite comprehend that, I could not quite wrap my mind around that, I could not quite get the extent of the cognisance required to fully understand what that meant, but today, I have.

Madam Speaker, there are so many other things that I would rather be doing today than this; whether it was in my Ministry in Cayman Brac East, the Cayman Islands generally, at home enjoying my new grand-baby, or celebrating with my buddy for his birthday. But, because when I answered the clarion's call it truly was for love of country. *A love that [inaudible] no prejudice or boundaries, a love that comes on a level playing field, a love that has that almost very strange innate capacity to agree to disagree and still be friends; a rare commodity these days.*

Madam Speaker, I thought that it would be prudent for me—as it was done in the Constitution that we have before us since 2009—to perhaps, start off with a preamble. You know the good Book says that if you lack wisdom, knowledge and understanding and if you ask, you would get it. So I am going to follow his leading direction because it has not to date led me astray.

I will not put a lot of weight on it, but in passing, I want to just cause our minds to be exercised by the Standing Orders and just ask ourselves why, and I stand to be persuaded, this position was not taken as it relates to this Bill. I kindly refer your good self, Madam Speaker, to Standing Order 35 (1) and I will just read it and leave it there. It says: **“Reference shall not be made to any matter on which judicial decision is pending in such a way as might, in the opinion of the Chair, prejudice the interests of the parties thereto.”**

[Inaudible interjection]

Hon. Julianna Y. O’Connor-Connolly: As I understand it, there are still outstanding matters before the Privy Council, but because this Bill was such an important debate for this country to hear, for history to record where every man and every woman duly elected, constitutionally appointed in this honourable Chamber stands on this most important issue, I did not raise at the beginning on a procedural matter because I was not desirous to get a ruling; neither am I now. I just wanted to put it in the record so that we can, in the weighing of the balance, see what precedents we set.

Madam Speaker, in doing my presentation, I thought that I ought to move on to another point that may or may not, at the end of these august discussions, prove to be of paramount consideration and speak to some procedure. And, before anyone jumps up and talks about relevance I would ask them to permit me with their kind indulgence and hear it out—that is the casting vote of the Speaker.

Madam Speaker, section 75 of our Constitution and I have lots of papers so I beg your kind indulgence, Madam Speaker.

[Inaudible interjections]

Hon. Julianna Y. O’Connor-Connolly: Section 75 of our Constitution, Madam Speaker, I will read with your kind permission. I do not have to lay it because everybody should have access to it:

“Voting

“75.—(1) Save as otherwise provided in this Constitution, all questions proposed for decision in the Legislative Assembly shall be determined by a majority of votes of the members present and voting.”

Relevance: this Bill before us today, can only pass by us passing ‘yes’. Nine votes: 1, 2, 3, 4, 5, 6, 7, 8, 9. If nine people vote in the affirmative, ‘Aye’ or ‘Yes’ this Bill will pass; if nine of us vote ‘No’, the Bill cannot and it will not pass. We have a choice. Talk about alternative life-style. – well, as Parliamentarians we do not have that privilege, Madam Speaker. Our choice was to represent the people.

When we were campaigning many of us told them that we would be their voice. I for one did, when I commenced my first campaign in 1991, I still have my t-shirt in my closet that says ‘a legal voice for the people’. I contemplated, Madam Speaker, just voting ‘No’ and not debating, because as one looks at my history in this Parliament, I do not get up for the sake of speaking, but those who know me know that I do not sit down because I cannot speak.

As I got the representations from every single district in the Cayman Islands, including Little Cayman, I have no choice but to carry out my promise to the people of these Islands whom I love, and I am sure every single Honourable Member in here loves, and to do what they have asked, what is stated in the preamble of the Constitution and not support this Bill.

I never got, Madam Speaker, one single, solitary person trying to convince me, cajole me, and I could use some other adjectives, to support this Bill. Why?—Madam Speaker, because they know who I am. When I ran in 1992 Madam Speaker, I ran as a Christian. They elected me as a Christian. When I choose not to run again, or the people choose not to re-elect me again, I will do so as a Christian and I make no elections for that, Madam Speaker.

[Inaudible interjection]

Hon. Julianna Y. O’Connor-Connolly: The people have their all-powerful vote in a few months’ time and if for some reason I misread, which I highly doubt, I did fairly well at English when I went to all levels of school, then they will vote me out. If they feel that I carried out their wishes, then they will do what they have done for the last twenty-four and a half years.

However, even beyond that, I want to go on record to thank the Honourable Premier when I requested in Cabinet to exercise a conscience vote and not only did he allow me to do it but in fact, in his graciousness, he extended that to every single Member of our caucus and Cabinet. Why is that important, Madam Speaker? Because at the conclusion of this debate, not one single member in my caucus and in my Government can blame the Premier for the way they voted because he has released us from collective responsibility, from party responsibility. He could no better do, knowing that he was the main architect of the Constitution and believes and served many years and is passionately still working to get more amendments.

Madam Speaker, I try not to say things unless I can back them up. If I refer to the Constitution, again Madam Speaker with your kind permission, we will see under the Bill of Rights there is indeed a freedom of conscience. Section 10(1) for your ease of reference: **“No person shall—that is mandatory, there is no inherent discretion—no person shall be hindered by government in the enjoyment of his or her freedom of conscience.** And I am so glad for section

“10(2): **Freedom of conscience includes freedom of thought and of religion or religious denomination.**”

I thank God for that freedom today and it is in the exercise of that freedom I stand and debate here too. In fact, Madam Speaker, although that is sufficient, the Constitution gave me an added protection. Section 11 of the Constitution duly reads, with your kind permission: **“11.—(1) No person shall be hindered by government in the enjoyment of his or her freedom of expression, which includes freedom to hold opinions and to receive and impart ideas—called debate—and information without interference, and freedom from interference with his or her correspondence or other means of communication.”**

So, my phone should not be bugged.

[Inaudible interjections and laughter]

Hon. Julianna Y. O’Connor-Connolly: Madam Speaker, the Constitution in section 75, again if I may kindly refer your attention, also speaks—well, let me do 74 first, Quorum, because that may become an issue as well. I have been here many times where seats are vacated. This is one Bill, no seat, absolutely no seat on the Government side or the backbench side should be vacated. We cannot be fish or fowl, let every man and woman’s yes be yes, and no be no; but just in the event, Quorum 74(2) says: **“For the purposes of this section a quorum shall consist of a majority of the elected members of the Legislative Assembly in addition to your good self, Madam Speaker, being the person presiding.”**

Break it down: I am not like my good friend, the Honourable Minister of Finance who has a CPA and perhaps my friend across the way, but I did go to school to do more than eat lunch.

[Laughter]

Hon. Julianna Y. O’Connor-Connolly: So, Madam Speaker, that translates as follows: We have 19 Members based on our Constitution; the substantive Speaker is *in absentia*, and we have an Acting Speaker in your good self. That leaves 17 of us, honourable Members in this House, hence the reason why we need nine to pass or stop the Bill.

“Voting “75(1) Save as otherwise provided in this Constitution, all questions proposed for decision . . .”

At the end of this second reading your good self will propose a question. How will that be determined? The Constitution tell us and I am reading this for the benefit not of Members because I would well imagine that Members are familiar with the procedure but for the public that put us here.

The question will be put for a decision by us—**“. . . the Legislative Assembly shall be determined by . . .”** how many votes? **“. . . a majority of votes of the members present** (that is why we need to be in here) **and voting.”**

“75(2) The Speaker or other member presiding shall not vote (there is a proviso) **unless on any question the votes are equally divided**, (otherwise known as a tie vote), **in which case he or she shall have and exercise a casting vote.”**

For completeness sake, section 75(3) says: **“The Deputy Governor and the Attorney General shall not be entitled to vote.”** So, I am not forgetting them, I am just reading what the Constitution said.

Madam Speaker, if we then look at what our Standing Orders say; Standing Order 13(1) deals with a quorum. It says the quorum of the House shall consist of a majority of elected Members in addition to the person presiding. The quorum which is a committee, we do not need that, but then Madam Speaker, the other relevant question is that some may say, *Well, the Standing Orders are silent on what the presiding officer shall do.* I heard that floating around.

Well, the framers of our Standing Orders, though they are in need of modernisation, contemplated such situations and, in fact, we see Madam Speaker, that in Standing Orders 88 it says: **“Matters not provided for by Standing Orders 88(1) In any matter not herein provided for, resort shall be had to the usage and the practice of the Commons House of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to this House, and not inconsistent with these Standing Orders nor with the practice of this House.**

“(2) In cases of doubt the Standing Orders of this House shall be interpreted in the light of the relevant usage and practice of the House of Commons, but no restrictions which the House of Commons has introduced by Standing Order after the making of those Orders shall be deemed to extend to this House or its Members until the House has by Standing Order provided for such restriction.”

Why is that important, Madam Speaker? Because I am happy to have in my possession the 25th Edition of Erskine May Parliamentary Practice, page 470 and perhaps a little bit on 471.

[Inaudible interjection]

Hon. Julianna Y. O’Connor-Connolly: Members, I am taking some time to look. Madam Speaker, I beg your indulgence, I do not want people to think that I am making this up.

It says, in [paragraph] 20.89, Page 470 and I quote with your kind permission, Madam Speaker.

“If the numbers in a division—which Members have the right to do after the question is put—are equal, the Speaker must give the casting vote. Listen carefully: In the performance of this duty to give a casting vote, the Speaker is at liberty to vote like any other Member, according to conscience, without assigning a reason; but,—and those of us who studied English ‘but’ is a conjunction. It means you look and see what comes after the ‘but’—in order to avoid any imputation upon the Speaker’s impartiality, it is usual for the Speaker, when practicable—and those are conditioned precedent. I know that there is a possibility of someone coming behind to deal with it and we will deal with procedures matters at that time. I will not take any more of my time to deal with that now—to vote in such a manner as not to make the decision of the House final, and to give reasons, which are entered in the Journal.”

Paragraph 20.90, page 471, there were three main principles that emanated from this same Parliamentary Bible as it was:

1. **“that the Speaker should always vote for further discussion, where this is possible, . . . That is not applicable in this case;**
2. **that, where no further discussion is possible, decisions should not be taken except by a majority . . . ;**
3. **that a casting vote on an amendment to a bill should leave the bill in its existing form.”**

Madam Speaker, I wanted and I felt obliged that I needed to share that so there would be no confusion in the (and this is a leap of faith) unlikely event that there is a tie vote. I did not want people to be scrambling as to what the procedure was, or the public not understanding what was happening and putting you under undue pressure as to why you went this way or why you went the other way. They would know absolutely clearly what your role and functionality is and I believe we have a duty to explain it to them.

Madam Speaker, with your permission, I want now to look at this proposition that the UK will do this or the UK will do that.

Based on what I was able to find within the short space of time, I am convinced, unless otherwise shown in writing by the appropriate authorities, that the UK will not force civil unions on us. In fact, as far back as 2003, I think that is the date Madam Speaker, it is quite small so I stand to be corrected but it was on April 2nd, maybe it was 2008. Whatever the date was, the Net News had a picture on the front page and if you were not quite sure you would think that is what the headline was about but you had to go to the far right side and it is entitled, “UK will not force civil unions . . .”—

[Inaudible interjection]

Hon. Julianna Y. O’Connor-Connolly: In 2008. I thank you, Leader of the Opposition.

Madam Speaker, with your permission I would like to lay this on the table and ask for the relevant copies to be circulated in due course.

The Deputy Speaker: So allowed, Honourable Minister of Education.

[Document laid on the Table of the House by the Hon. Minister of Education, Youth, Sports, Agriculture and Lands]

Hon. Julianna Y. O’Connor-Connolly: Thank you, Ma’am. Some may be tempted to say, well, that was 2008. Well, let us fast-forward to 2019.

The Foreign Affairs Committee, Madam Speaker, with your kind permission, I would like to refer to the House of Commons, Foreign Affairs Committee’s **“Global Britain and the British Overseas Territories: Resetting the Relationship; Government’s response to the Committee’s Fifteenth Report”** of Session 2017-2019. It was ordered by the House of Commons and printed on the 7th day of May, 2019. With your permission, I would like to refer to it and then lay it so that copies could be made. I mean, it was referred to earlier in another person’s debate.

Madam Speaker, I will not go through all of it but in particular, I will kindly ask for your attention to be drawn to paragraph 8 on page 4. The Committee recommended: **“The Government should set a date by which it expects all OTs to have legalised same-sex marriage. If that deadline is not met, the Government should intervene through legislation or an Order in Council.”**

If persons stopped just stopped there, they would concur with what is being proposed with in some quarters today but, Madam Speaker, we have to read on and go to page 5 where it says, and this is the UK Government’s response to that report:

“The UK Government is committed to equal rights, (they do not hide it) including LGBT rights. We believe that the strongest, safest and most prosperous societies are those in which all citizens can live freely without fear of discrimination, and where all citizens, including LGBT people, can play a full and active part in society.” We would call that the introduction.

They then go on to make a statement of fact where they say:

“Nine Overseas Territories have legal recognition and protection for same sex relationships. At the time of writing, a tenth Territory (if you think that Cayman is just hiding away, now), the Cayman Islands, was granted a stay in the Chief Justice’s ruling in favour of same sex marriage until August 2019 when the Governments appeal will be heard.” Thank God the Government did appeal; we were heard and we won that appeal.

“The British Overseas Territories (and this is what is important, the next section) **are separate, largely self-governing jurisdictions with their own democratically-elected representatives.**” (That is the 17 of us in here today, Madam Speaker). **Our relationship with the Overseas Territories is based on partnership**, (not a unilateral-ship not a leaguer-ship but a partnership) **and therefore as policy on marriage law is an area of devolved responsibility** (that means they have given us something) **it should be for the territories** (it should be for the Cayman Islands) **to decide and legislate on.**” That is what we are doing here today.

[Desk thumping]

Hon. Julianna Y. O’Connor-Connolly: “As has been demonstrated by recent LGBT cases, the Territories’ justice mechanisms and processes should be allowed the space to address these matters.”

Well, I would like to add in because of separation of powers, the administration of law took many years ago; yes, there is a rule of law, but there is a principle called the separation of powers.

In the Executive, in what we call the Government Administration Building, we have our own functionality, role clarity. In this honourable Parliament, even though we seem to get the least weight, attention and respect nowadays, we have a job to do as well; that job is before each one of us today; do it well.

The Judiciary across the street have a job to do and we respect them. When they overreach we appeal them and we hope to win Madam Speaker, but it cannot be a one-sided thing, where we come up here in Parliament and be expected to have a conch shell mentality. And, for those of us who have not taken the time to familiarise ourselves with the Cayman culture, the conch is one of our edible things. In fact, my good friend, the Minister of Health’s mother prepared the most sumptuous conch dinner today. When you go diving, as I have done many times in the Brac and Little Cayman, and a conch see you approaching, they draw up into their shell and try to find some grass to go under or some camouflage through the rustling of the mud. Our people, Madam Speaker, did not put us here for conch shell mentality.

[Inaudible interjections and desk thumping]

Hon. Julianna Y. O’Connor-Connolly: Madam Speaker, I have too much German blood in me for me.

Madam Speaker, I trust I put that to rest but in case that has not been put to rest, the UK has hundreds of years of perfecting diplomacy. They are some of the best in the world and I commend them for what. The UK having just recently, under much tur-

moil, exited BREXIT. They have to answer to the United Nations, they are not allowing themselves—in fact, they are embarking on Global Britain. Do you think that they want to start that journey by doing an Order in Council on the Cayman Islands against the will of the majority of the people in the Cayman Islands? Why do I say that, Madam Speaker? Because there has been not scientific method to show that it is or is not the will of the people. We have to go by what we know, by going house to house, social media, by people coming up in church, by people coming up in the supermarket.

[Inaudible interjection]

Hon. Julianna Y. O’Connor-Connolly: In fact, to be in Parliament for one term, much less 24, 28, the current Speaker 30-something years, you do not get there by going eenie, meenie, miney, mo; you get there by knowing your people and your people knowing you. So, if at this stage, we can truly stand in this honourable Parliament and say that the majority of the people of the Cayman Islands support this Bill, then I would sit down and ask you to rise and prove it to me. It is that simple, Madam Speaker.

Madam Speaker, the same good book that we use to say that we pray, we do this and we do that, has so many gems that can lead us and guide us. It says if we lack wisdom and knowledge, it will give it to us, but it also says render unto Caesar what is Caesar’s, and onto the most-high God, what is God’s. In fact, just this past Sunday, I had the privilege of preaching from Psalms 99, I will not do that here today but I will, with your kind permission, refer to the title: *Our God reigns, he is faithful. Are you?* It went on to say in the New Testament, how God calls Moses and Samuel’s names, not because those were the only names He could remember but because He said they had obeyed him and He answered their prayers.

I want to go on record today, Madam Speaker, to thank the thousands of people in these beautiful Cayman Islands for having prayed, who are praying even as we are here in Parliament and who will continue to pray because the effectual, fervent prayer avails much.

Yes, Madam Speaker—

The Deputy Speaker: Just to say that we have reached the hour of 4:30pm.

May I have a motion for the suspension of Standing Orders?

Moment of interruption—4:30 pm
Suspension of Standing Order 10(2)

Hon. Moses I. Kirkconnell, Deputy Premier, Minister of District Administration, Tourism and Transport: Thank you, Madam Speaker.

Madam Speaker, I move the suspension of Standing Order 10(2) in order for the House to work past the hour of interruption.

The Deputy Speaker: The question is that Standing Order 10(2) be suspended to allow the business of the House to continue beyond the hour of 4:30 pm.

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

AYES.

The Deputy Speaker: The Ayes have it.

The House will continue beyond the hour of 4:30 pm.

Agreed: Standing Order 10(2) suspended.

The Deputy Speaker: Please continue, Honourable Minister of Education.

Hon. Julianna Y. O'Connor-Connolly: Thank you most kindly, Madam Speaker.

Madam Speaker, this Bill is like a pebble. Those of us before the advent of technology used a number of things to entertain us, including taking a pebble and skipping it on beach to see the ripple effect. That is what this Bill is going to do. How do I know?

I had the opportunity to visit the United Kingdom a couple of times last year. On one of those occasions Madam Speaker, His Excellency the Governor kindly provided an opportunity for my team and I to meet with the then Minister of Education. We met in one of the committee rooms at the House of Parliament and he brought along his educational technical team. He was a Muslim gentleman, a very nice guy, very diplomatic and cordial, but once he finished with his exchanges and I with mine, I guess I realised what the main message that was trying to be conveyed was; that they had the British curriculum. In fact, they were moving in September to what they termed 'the special relationships introduction' of the curriculum, and wanted to feel me out and almost direct, that in the curriculum that we are trying to do in Cayman, that that was going to come in.

I said to him, Madam Speaker, and in case it was not recorded, permit me please to say it now: While I have the confidence of the Honourable Premier and my colleagues to remain as Minister of Education, it will not happen in my shift. If the majority wants it to happen, then another Minister of Education will have to be found because, Madam Speaker, we do not have a mandate for it, and I cannot, in good conscience change that curriculum.

For third graders—we have children and grand-children—to be taught about special relationships. Those of you that know me know that I like to ask questions and normally I have the answer, if at all

possible, before I ask and I was told that it means teaching them about alternative lifestyles. Because those children in my primary school—your children and your grandchildren and your relatives' children—need, for some unknown reason, to know how to be a homosexual and how to function and how to do this. Really? When I have children graduating that cannot do Math and English in some of the grades, Madam Speaker, I do not think so. I do not think so, Madam Speaker.

So let it be known far and near and across the way, for all of those who, I am sure, are tied to the television watching to see the outcome of what Cayman will do; because we have gained that reputation of being frontrunners of leaders and if that was not proven, our Honourable Premier proved that with his team during COVID-19. It was uncharted waters, just as we are in today and we were able to make decisions and acquire items that saved our people and our country. And today we come with the funeral bells ringing and the bouquet ready to be put on?

You see, this is but the beginning, Madam Speaker, and if this was not so serious, like I mentioned to you earlier, I would have just voted because I have talked about this and people know my position, but let us look and see the deceptiveness of what we are dealing with today. This is printed, and I will lay a copy Madam Speaker, by the UK government's Equalities Office and they proudly proclaim and set out in writing, *our journey towards LGBT equality*. A journey is not done like Burger King, it is over a period of time.

Remember the 1999—well, some of you were not here, but the 1999 White Paper called 'The Partnerships'? It was merely mentioned and in fact, there was a picture in there and remember what we learned in Primary School, a picture is worth a thousand words? Then we went to the other White Paper and then 1553, the Buggery Act set out, they said, *same-sex activity is sinful*. Even they knew what sin was then. It was not sugar-coated as we do today and call it all sorts of pretty adjectives; and they said it was outlawed and punishable by death.

They waited hundreds of years to 1861 and then the Offences against the Person Act came into being. That was a death penalty. It was removed but male same-sex acts remained illegal and punishable by imprisonment. Then in 1957, the Wolfenden Report concluded that homosexuality should not be a criminal offence nor considered as a disease.

The 1967 Sexual Offences Act limited the decriminalisation of homosexual acts in England and Wales. Then in 1981, we had the *Dudgeon v the United Kingdom* case, decriminalisation of private same-sex acts in breach of Article 8 of the European Court of Human Rights (ECHR). Sounds familiar?

An Hon. Member: Yup.

Hon. Julianna Y. O'Connor-Connolly: In 1981, Madam Speaker, we had the Sexual Offences Act, which was extended to Scotland. In 1982, the same Act was extended to Northern Island. In 1988, section 28 of the Local Government Act amended prohibiting international promotion of homosexuality. Then, in 1997 quickly, Madam Speaker, we had *Sutherland v United Kingdom*; it was said that the differences in ages of consent violated Articles 8 and 14 of the ECHR. So, in 1999 they reformed the law on rape and other sexual offences, and attempted to legislate to equalise the age of consent to 16; the same thing that some of my colleagues on this side and that side, are grappling with today with this age of consent of 16.

In 1999, we had the case of *Smith and Grady v United Kingdom*, the investigation into and discharge of Royal Navy personnel who they say was in breach of Articles 8 and 13. In 2000, The Sexual Offences (Amendment) Act—they did it gradually, Madam Speaker—where they did equalisation of the age of consent to 16. Then they did new general codes of sexual conduct: sexual orientation is not to be barred to service in the armed forces.

You hear about some of these consequential pieces of legislation that if this passes today they will have to be amended? One of them would be the Adoption and the Children's Act. The UK did it in 2002: A single person or couple can adopt a child. Notice the language? They could have said same-sex. Single persons or couple can adopt a child; just like our Immigration Law went from husband and wife that it should have been, to spouse and opened the door for that.

In 2002, *Christine Goodwin v. United Kingdom*, ECTHR was in favour of post-operative transgender rights. You may say, *Well, Ms. Julianna that is 2002, that was the UK*. Check what happened in Cayman. Check and see how a transgender who was born one sex did the surgery, Madam Speaker, and went and applied for a passport and the passport now reflects the change of sex in Cayman; the ripple effect?

In 2003, the Sexual Offence Act came and swept away the sex-specific legislation. In 2003, we had and Employment Equality which was based on sexual orientation regulations. Discrimination protects on sexual orientation and employment.

Then, in 2004, they went to the Civil Partnership Act, just where we are today. Separate unions which give most of the rights and responsibilities to civil marriages. They were not satisfied with that, so in 2004, Madam Speaker, they did the Gender Recognition Act. A duck by any name is still a duck. Transgender persons can change their legal gender in the UK.

In 2007, they went back to the Sexual Orientation Regulation which prohibits discrimination on the grounds of sexual orientation in the provision of goods

and services. They do not miss out anything, Madam Speaker.

In 2010, they went back for the Equality Act which dealt with sexual orientation and gender reassignments are protected characteristics.

In 2013—where we will be enroute, if we are not careful here today—the Marriage and Same-sex Couples Act; same-sex marriage in England and Wales and in 2014, the Marriage and Civil Partnerships (Scotland) Act; same-sex marriages in Scotland. Then, after they bragged their incremental journey to this great thing called 'sexual orientation and rights', on the very last page, Madam Speaker, says, *what have we learned?* And they say—I guess this was before COVID-19—a white hand holding a black hand saying, *know your allies and align your support*. If you think they are not organised.

Then they say, frame the debate; invest in changing social attitudes—small screen/big stream, add impact. Then they say they had to raise awareness. Listen to this one, Madam Speaker: '*Know your opponent and prepare your response*'. And finally: '*Share good information and good practice*'.

Madam Speaker, I too would like to ask, and I thank you for your indulgence in listening to that repetition, but I felt that it was necessary to share with Members that this is not a one-time thing. This is not that we pass this today and that is it, they are not going to trouble us again, because there is a section in the Constitution, I believe it is section 5, which talks about the court and how they can look and can read things into being and the court can—well, the court these days seem to be making law and we have to be appealing it, but it is a costly exercise. So, we have no guarantee.

Let them be a man or a woman to their word and provide to our Honourable Premier that if we do not pass this today, that they are not going to give us the constitutional changes that they know we need and the Premier and others have worked so hard for us to get. Let them put it in writing, the debate is not finished yet. They can do it just like that and you can get it sent down to our good Deputy Governor who is the representative for the Governor and Her Majesty in here—

[Desk thumping]

Hon. Julianna Y. O'Connor-Connolly: I am sure he would not be reluctant, because he never has, in carrying out his duties, to lay it here, so that every Member can see it and the public can read it and it will not be a guessing game. Madam Speaker, this is not hide-and-seek; this is about the future of our beloved Cayman Islands and the future of our children.

In a partnership—let us take a husband and wife, because that is going to soon become archives or in the museum. That is a partnership, Madam

Speaker. Do we believe that that partnership is going to have a longevity element if there are secrets in it, or if the man or the woman has all the say? If it is a partnership, we must be equal before the table.

I have seen our Honourable Premier perform on TV, in the room, and out of the room. I have known him practically all of my life, at least early teen age because Debbie and I have been good friends for a long time; and Judy, Evelyn and Audrey and the rest of them. He is as capable, if not more, than any of them there. Let me say that again: He is as capable, if not more, than any of them there. Otherwise, he would not have been Premier for two terms and if I had my way, that would be an amendment that we put inside this Constitution, Madam Speaker; that there is no terms limits because with the small number of Caymanians and I am grateful to my honourable ministerial friend, who reminded us and I am sure the statistician across the Hall will remind us, that Caymanians are quickly getting in the minority.

Madam Speaker, the more things that come and that we allow to divide us, is the more opportunity that we are creating for those who are the minority that are getting statutory majority graduation. Let me say that again: The more that we allow things to divide us, is the more we are giving opportunity to those who are now in the minority to get statutory protection to become the majority. Some may say, *well you are old-fashioned*, but I would rather be old-fashioned and standing for the Lord Jesus Christ, than to be standing for nothing and falling for everything, any day, any night, any month, Madam Speaker.

One may ask, *Why all the hype?* Madam Speaker, it is because of the lack of transparency. What do I mean by that? All Members should remember, if not, permit me to remind them.

Remember so many got so excited about a piece of legislation that came before this House entitled 'The Criminal Records (Spent Convictions) Application for Expungement Law'? We all were happy that some of our people would be given second chances and that they would not go into Northward Prison and the door would become a revolving door. We were happy that our Caymanians were put there for maybe smoking a spliff or whatever, would have opportunities if they proved themselves under this. In fact, this happiness was enshrined in our legislation by virtue of section 16 (1) of the said Criminal Record (Spent Convictions) Law, 2018 Revision) and I read as follows, with your kind permission:

**“On receipt of an application for an expungement of a criminal record, the Board-
“(c) may, in the case of an offence referred to in Schedule 3, item 2, cause inquiries to be made with respect to factors which are relevant to determining whether approving an expungement of a criminal rec-**

ord would bring the administration of justice into disrepute.”

To be able to understand that, we then need to go to Schedule 3, 2, that says:

Sentence	Crime-free period
2. A sentence exceeding five years (crime-free period)	15 years, but subject to the approval of the Board in accordance with the criteria prescribed in and under section 16(1)(c)

In other words, you make an application if you fall within the criteria, to be expunged. Why is that relevant? Why is that important? Give me time, Madam Speaker, and I will tell you, Ma'am.

The Regulations, which we note are made in Cabinet, they are not in the affirmative, so they do not come here.

In 2018, Regulation 3:

“(3) For the purposes of 16(1)(c), in determining whether the expunging of an applicant’s record would bring the administration of justice into disrepute, the Board may consider, among other things, whether -

“(e) The commission of the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, gender, age, mental or physical disability, sexual orientation or any other similar factor;”

If we think that rock that we are about to finish throwing into 7 Mile Beach of the Caribbean Sea, has not already begun its ripple effect, we can go and check some of our regulations.

In other words, if you are found guilty of hate speech which, for all I know could be me on a Sunday morning preaching from Romans 1, v. 22 or 23 thereabouts. Will this be considered hate speech? I would like to know, for those who can assist me with this.

[Inaudible interjection]

Hon. Julianna Y. O’Connor-Connolly: Well, first Madam Speaker, I think it is Leviticus 18:20: **“Thou shall not lie with mankind, as with womankind; it is an abomination.”**

Romans 1:24-28: **“Wherefore God also gave them up to uncleanness through the lusts of their own hearts, to dishonour their own bodies between themselves.**

“Who changed the truth of God into a lie, and worshipped and served the creature more than the Creator, who is blessed forever. Amen.

“For this cause God gave them up unto vile affections: for even their women did change the natural use into that which is against nature;

“And likewise also the men, leaving the natural use of the woman, burned in their lust for one toward another; men with men working that which is unseemly, and receiving in themselves the recompense for their error which meet.

“And even as they did not like—this is where we are today, Madam Speaker—to retain God in their knowledge, God gave them over to a reprobate mind, to do those things which are not convenient;”.

It goes on; you can read it, people can read it at their own leisure.

Turning now to the Bill at hand, the Domestic Partnership Bill; Madam Speaker I will not take the time of this honourable House to go through the Bill but I have read the Bill. I have the Bill, Madam Speaker, and I dare say I have understood the Bill. What I was not clear about I asked, and I am convinced that I got the gist of the Bill. I will not take time to go through the provisions of it, because I am voting against it and I will not waste the House’s time. If matters come up in Committee Stage that I need to speak to, I can use it during that time, Madam Speaker.

However, I want to add that not only did the Honourable Premier free us so that we could have a conscience vote but also, by so doing us, released us from collective responsibility. So, it is with a heavy heart that you have to sit here, then stand here, and speak against a Government Bill, but permission was granted and to do any less, would be totally out of character and expectation by those who know me.

Madam Speaker, let me just say one more thing. I heard whispering in some corners that people are born that way, et cetera. I am not a scientist but I want to say that I did a little bit of research and I did find, under the Human Person Sexuality and Family Politics and Law Education and Culture, Business and Economics section, a recent report with your kind report and I will lay it in due course.

It is entitled, **“Born That Way No More: The New Science of Sexual Orientation”** and is dated September 30, 2019, by Mr. Paul Sullins:

“A new study adds to a growing body of evidence demonstrating that the dominant narrative about sexual orientation—that it is genetically determined—simply cannot be true. Instead, the science shows—not Julianna; not even the Bible, if you do not want to believe that, but the science shows—that a person’s sexual orientation and choice of partners depends heavily on the development and expression of personal autonomy regarding one’s own sexual possibilities.

“Late last month, a team of MIT and Harvard scientists (it was no ya-ya, finky-finky university but Harvard scientists) published a landmark study

of the genetic basis for sexual orientation in the journal Science. The study, which was based on an examination of the genetic material of almost half a million individuals, definitively refutes the idea that being gay is an innate condition that is controlled or largely compelled by one’s genetic makeup.

“The study contained two key findings (and that is all I will deal with on this). “First, it found that the effect of the genes we inherit from our parents (known as ‘heritability’) on same-sex orientation was very weak, at only .32 on a scale from 0 (none) to 1 (total) heritability. This means that a person’s developmental environment—which includes diet, family, friends, neighbourhood, religion, and a host of other life conditions—is twice as influential on the probability of developing same-sex behaviour or orientation as a person’s genes are.

“Second, rebutting decades of widespread belief, the study established that ‘there is certainly no single genetic determinant (sometimes referred to as the ‘gay gene’ in the media)’ that causes same-sex sexual behaviour.”

Madam Speaker, I am told in the same Bible to love everyone and I try my endeavour best to do that. The same Bible tells us to love our enemies and that is much more difficult to do, but the Bible also tells me that with God, all things are possible and where one can tread a thousand, two can tread 10,000 angels.

In fact, Madam Speaker, we as Christians try our best not to bully anyone. We live in a democratic society and if they want to engage in that type of activity, that is between them and God. Most of us, Madam Speaker, if not all of us have friends and/or family members who have chosen this lifestyle and we love them; in some cases we provide for them, but I still have a responsibility to speak the truth because the same Bible says the truth shall set us free.

I am grateful, extremely grateful to our forefathers and mothers who paved the path and told us right from wrong. It is such an easy temptation and it is said in so many corners these days, that legislators have no business with morality; that is like saying that street lights have no business on our streets. You know the chaos that is resultant therefrom, Madam Speaker?

Our God is a God of order. His reasons are not tautological; they are sound and proven and have been tested over decades of time.

Madam Speaker, I have to confess today that for the first time in my 59 years I have felt that it is almost criminal to be a Christian. I have felt and nobody can tell me what I have felt—it is subjective because I have felt it—that if you stand, whether in this honourable Chamber, whether you stand in a caucus, in a government, in a church even, because we know our

Caymanian churches have their politics—should not be, but it is there. That if you dare to be a Daniel or an Esther where you dare to say, *if I perish, I perish but I will stand upon the word of God*, that you are labelled a fundamental, fanatical person. That is why we are called Christians, because we are to be Christ-like. We are to love and we do love, but love has no part in its connotation or definition for compromise. Once we allow compromise to come in, truth is adulterated and loses its purity, Madam Speaker.

Before I take my chair and wait to vote, I would like to refer to sections 47 and 48 of this draft Bill. Section 47 reads as follows, under the caption: **“Clarification of the law of marriage”**

“Unless a marriage falls within section 48, a marriage is void unless the parties are respectively male and female.”

Madam Speaker, if that had said, and this is only if the Bill was passed after the Second Reading and if we were in Committee Stage that we were discussing, that is why I have not filed an amendment, Madam Speaker; if it had said that *‘a marriage is void unless the parties are respectively male and female’*, then there would not be much argument. But those seven words—unless a marriage falls within section 48.

In other words, it is saying that a marriage is void unless the parties are respective male and female but, because they have this conditioned precedent, it means that there is a minimum of an instance that it would not be void if it is not between a man and a woman. If that is not correct, I stand to be corrected and I am open to persuasion, but let us look at section 48: **“Saving for certain same sex marriages”**

When I was growing up I was poor like most people, so you are taught to save but one can only save what one has. That is a little bit philosophical, so let me repeat it for emphasis: One can only save what one has.

For example, Madam Speaker, if I have this bottle of water I can save it, because I have it. If I do not have the bottle of water, I have nothing to save. Where is that going? Let me tell you, Madam Speaker and honourable colleagues. How can you save same-sex marriages, if we are saying that we do not recognise them here and they are not registerable here? Whose same-sex marriage are we trying to save? Every one of us in here, it has been between a man and a woman; I do not see one single one, even in the gallery, who has been married legally to this date, and recognised in the Cayman Islands as a marriage. That is why so much care has been taken with the nomenclature of this Bill and I commend the drafters; it is an excellent job, but do you remember the turtle and the rabbit? It is not what happens at the beginning of the race, often it is what you find at the end of the race. Likewise, it says in the good Book: *‘to him that endureth to the end, the same shall be saved.’*

So, I would be most grateful, most appreciative, if somebody could convince and explain to me why it is necessary, in a Bill that we have gone to such a length to persuade and in some instances dissuade, that *oh, this is a first step, we have to do it, we have to adhere to the rule law*, all those good arguments that were put forward; yet, we are going to end it off by saying we want to save same-sex marriage? Really, Madam Speaker?

How can we vote for this here today and go home to our constituents and say, *‘I did not know what I was doing. I did not understand it.’* Then by God, if that is the case then abstain, but because the votes are so close on this most critical place, not only can we not afford as representatives to be absent from our seat when that question is put, but no one in here should abstain on a Bill like this.

Let me tell you why because I, like many, have been doing the calculations and it is not past 17; I can count to that, probably back ways if I wanted to. We got to the point where we need nine to stop or pass this Bill. The choice is up to us, nobody else out there, not even the people who sponsor us; not our spouses, not our children, not our wives. It is the people who put us here. We come here as trustees, Madam Speaker, and the people trust us to do what is right. Not what the UK wants us to do, not what the Governor wants us to do, not even what the Queen wants us to do.

We have an allegiance and a responsibility. Had it not been for that vote, none of us would be representatives. I did not see any of us going around—and if you did I can sit down and you stand up (I am happy to)—where when any of us went around and campaigned, we told them, *You vote for me on election day and after that you do not need to come to me and I do not need to come to you because I will make up my mind for you.* Really, Madam Speaker?

In my 24 years, I have never heard such ludicrous, and that is what we are purporting to do here today. Yes, we had social media. Yes, it has been talked about and I admire the honourable Member for North Side, who had a meeting. It is not his responsibility if the whole of North Side did not come out. His responsibility was to get there. Some of us did it through social media, some of us did house to house or going around. He chose the traditional method. Madam Speaker, when we come here we must ask two questions: Will the majority of the people in my constituency agree with my vote today? And more importantly; Who is it more important for me to answer to: the judges, Governor, even Premier, colleagues, opposition or the Most High King?

When that day comes, and it is coming; if you do not believe it, read Matthew 24 for homework when you go home tonight and you will see that the signs of times are everywhere. And He said when you see these things look up, because our redemption draweth nigh. When we stand on that great day, can we say

that we did all that we could have, should have, would have, on this great day?

We have read about many historical, landmark things that happened in this country. There are some Members in Parliament now who did things: The Minister for North Side and Health and Social Services; the Attorney General, world-class civil service. All of these Members here have made their mark. What will our legacy be Madam Speaker, if we support this Bill knowing that there is a rule of law, man-made law and God's law, the choice is yours.

Even if you vote because you promised that you are going to vote a certain way, before a division is called, our Standing Order makes provision for that, that if you feel that it was a Freudian slip or you vote a mistake, before it is announced, you can change your vote. Our forefathers were so smart they gave us a second chance. So none of us, absolutely none of us here today can leave this honourable Chamber and say, *I did not know what I was doing. I was forced to do what I was doing. I had to tow the party line, I am afraid of the UK.* What good mother ought we to be afraid of?

Madam Speaker, I thank you for your patience and your indulgences. I do so knowing that there may be consequences but as I said before, in every generation God raises up a Daniel, a Moses, an Esther. And as she said, *I must see the King; if I perish, I perish.* I say that without fear of contradiction: if I perish, I perish, because we have an infinite eternal hope that this world is not our home, we are just passing through. And, as it is often said at many funerals, it is not your date of birth; it is not even your death date that counts, it is that dash that is in between. This is a moment in time. This is a moment to make a mark of that dash that will be our legacy. I trust we mark it well.

I thank you, Madam Speaker.

[Desk thumping]

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

I recognise the Member for Bodden Town West.

Mr. Christopher S. Saunders, Elected Member for Bodden Town West: Thank you, Madam Speaker. According to Pastor Ralph W. Sockman, "**The test of courage comes when we are in the minority. The test of tolerance comes when we are in the majority.**"

Madam Speaker, I understand that the Governor is under the impression that I will support this Bill because of my support of the Black Lives Matter Campaign. It is clear that people who are not black

can never understand the challenges that come with being black.

Yesterday, Madam Speaker, the Minister of Commerce and the Member for George Town North and this morning the Member for Prospect, noted their contributions about the reference that at one time in our history slavery was acceptable. The Premier also said yesterday off mic, that he would remind me of the conversation I had with him on this issue. Well, Madam Speaker, he does not need to remind me because I have a simple rule: I do not say anything in private that I cannot say in public.

Madam Speaker, I know that you and other Members in this House get the weekly messages that I send out on WhatsApp and that I also post to Facebook for the world to see, so I was never one to shy away from sharing my inner thoughts. I am just going to ask you to indulge me a little bit because I am really under the weather and that is why I could not make it this morning but I was not going to miss the day. So I can tell you by the grace of God I am here today to deliver this speech.

You see, Madam Speaker, one of the advantages of going to an all-boys school in Kingston is that you learn to be tough or people would take your lunch money. As you can see from my size, I have not missed much lunch.

[Laughter]

Mr. Christopher S. Saunders: From an early age Madam Speaker, I say what I want to say and it did not bother me who liked it or not. I was a big boy and was happy to settle it another way if need be.

Madam Speaker, most people have no idea how my wife Shawnette transformed me into the person you see today; between her efforts and coming from a house and a praying mother you get to see a different person, a calmer person, a gentler person and not the confrontational terror that I was as a teenager.

An Hon. Member: Thank God.

Mr. Christopher S. Saunders: The public would have heard me say many times on the radio that I do not have to do anything in life except stay fat, black and die. So, Madam Speaker, I was never one at a loss for words or afraid to say what was on my mind. Political correctness was never me and quite frankly, that is one of the reasons I was elected—the people are tired of political correctness.

With that said, Madam Speaker, let us start with the Governor who believes that I would support this Bill because of my support of Black Lives Matter.

Last month, on Thursday June 18th, the Leader of the Opposition - Mr. Arden McLean, the Member for West Bay North - Mr. Bernie Bush and I, had a

meeting with the Governor. I asked Mr. McLean to organise the meeting, as I was receiving complaints about discrimination in the civil service. During that conversation, I made it clear to the Governor that I was against any form of discrimination. I made reference to a post that I made on Facebook, where I spoke about discrimination against members of the LGBTQ community from black people and that we should all strive for zero tolerance to any form of discrimination.

Madam Speaker, I hope when the Governor tells people about my zero tolerance with discrimination, he tells them that my meeting was about the discrimination in the civil service, which is wholly his constitutional responsibility under section 55. It would be really sad if he only speaks about the LGBTQ issue and not the black people issue.

While on this issue, I want to touch on an issue within the civil rights movement that has always bothered me. As you know, many Caymanians and residents are familiar with the likes of Fredrick Douglas, Marcus Garvey, Booker T. Washington, W. E. B. Du Bois, Medgar Evers, Barbara Jordan, Thurgood Marshall, Stokely Carmichael, Malcolm X, the late John Lewis and, of course, Dr. Martin Luther-King, Jr..

While the names that I mentioned was a brief summary of the long list, there is one name that I would like to speak about that is often forgotten in the civil rights movement, and that is a gentleman by the name of Bayard Rustin.

Mr. Rustin was an expert organiser of civil rights protests. In 1958 he played an important role in coordinating a march in Aldermaston, England, in which 10,000 attendees demonstrated against nuclear weapons. Mr. Rustin met the young civil rights leader, Dr. Martin Luther King, Jr. in the 1950s and began working with Dr. King as an organiser and strategist in 1955. He taught Dr. King about Ghandi's philosophy of non-violent resistance and advised him on the tactics of civil disobedience. He assisted Dr. King with the boycott of segregated buses in Montgomery, Alabama in 1956.

Most famously, Mr. Rustin was a key figure in the organisation of the March in Washington for jobs and freedom at which Dr. King delivered his legendary "I Have a Dream" speech on August 28th, 1963. In 2013, Madam Speaker, fifty years after the March on Washington and twenty-six years after his death, Mr. Rustin was awarded the Presidential Medal of Freedom posthumously.

The first time I became aware of Mr. Rustin, was when I came across one of his quotes that caught my attention. The quote was simple and short, it said: **"The only way to reduce ugliness in the world is to reduce it in yourself."** Madam Speaker, I had to take a long look on this issue and an even longer look at myself.

Just last Sunday, I sent out my weekly message in which I spoke about my own challenges and

struggles in adjusting to university life. Some of the respondents were my friends from college who reminded me of a time in my life that seriously made me question my approach to the gay issue.

As I said earlier, I received my secondary education in Kingston, Jamaica at Calabar High School. Jamaica's position on homosexuality is well documented, and in the 1980s, during my high school years it was very well documented.

During the 1990s, I attended Pace University in New York City, one of the most liberal cities in the United States. At Pace, I was a member of the Caribbean Students Association; each year we would host the biggest concert on campus, called CariCulture. That was a tradition at Pace, and the budget, every year, was \$40,000 to \$50,000 and we would bring in the top soca or calypso or the top reggae or dancehall artist or whatever it was for that year. In the 1990s \$40,000 to \$50,000 in college campus was a lot of money to get a lot of things done. The budget for that event came out of something called the student activities fee, which was controlled by the Student Government Association.

Long story short Madam Speaker, one particular year the Student Government Association cut our budget by more than a half. While I do not remember the exact reason given word for word, I still remember that it was the first time that we in the Caribbean Students' Association felt discriminated against, when we realised that a substantial amount of money went to organisations that were dominated by white students.

Madam Speaker, we Caribbean students, in good Caribbean form vowed that that injustice would not stand, and if the Student Government Association was in charge of what the student organisation got then we needed to make sure that we had a voice in the Student Government Association.

Madam Speaker, I can tell you that peer pressure is real and that I felt it first-hand when my peers asked me to run for President of the Student Government Association. I was guaranteed their full support and they would work to make sure that my running mate and I were elected. It was important that our Caribbean voice be heard. Well, Madam Speaker, by the time campaign came around, half of them were gone. They abandoned my running mate and I and thought we could not win and threw their support behind our opponents, but Madam Speaker, you know which student organisation stood with us? An organisation by the name of GALOP (Gay and Lesbian Organisation at Pace) and they worked tirelessly with us, organising with us. They also understood what we were fighting for, having themselves been discriminated against, as a student organisation.

Madam Speaker I can tell you, when we won that year, many of us in the Caribbean Student Association had to re-evaluate our dogmatic views over those who practiced an alternative lifestyle that was

different than ours. Truth be told, Madam Speaker, they were no different than my other friends. They were normal people, except when they paid us a compliment, we dissected it and analysed it a bit more just to make sure that all was good. So if someone said, *Chris, you looking good*, I would be like, *what do you mean by that, bro?* And of course, we always would tease them about it, because we always use to tell them that we know they cannot multiply, they can only recruit but, of course, we always said that jokingly, more in jest.

Madam Speaker, black people living in America know discrimination first hand. I went to school in America, I travel for business in America, I vacation in America; I know the look and I have the stories as do many other Caymanians and many other Caribbean nationals.

When I was a Regional Head of Department at Cable & Wireless, we had to travel between islands and go via Miami. We had to make sure we dressed a particular way, so that we did not get detained for questioning, so that we could catch our connecting flight. I say this to say, Madam Speaker, that black people know discrimination and the last people who should be discriminating against anyone, are black people.

With that said, Madam Speaker, I hope the Governor understands where I was coming from and will fix the other discrimination issue that I raised with him when we met about the civil service.

Mr. Bernie A. Bush: Yes. Yes.

Mr. Christopher S. Saunders: Now, Madam Speaker, I want to touch on the statement made by the Member for George Town North, the Honourable Minister of Commerce and, also by my colleague from Prospect this morning, when he mentioned that there was a time in our history when slavery was acceptable; acceptable by whom?

The only people that found slavery acceptable were the people that were doing the enslaving, not those that were enslaved. Do they honestly believe, Madam Speaker, that slaves that were beaten, tortured, raped and hung found slavery, acceptable? Madam Speaker, usually, I would let things like that slide, but I cannot allow that one to slide. I do not want future generations to come back and read the Hansards and believe that in the year 2020 statements like that went unchallenged in this Legislative Assembly. So, when they do see that statement, they can see this one right behind it to let them know that there were people here that did not recognise those statements as being acceptable in 2020. At no time, in the history of my people was slavery every acceptable.

Now, Madam Speaker, since we are on this issue of slavery, a lot of people here and in America speak about the gay issue and compare it to the slav-

ery issue. First of all, Madam Speaker, let us establish one thing: Slavery did not come about as a moral issue. Slavery came about because of an economic issue. People wanted people to work for them and not pay them, and they did it by force: it is that simple. They wanted labour and they wanted it cheap and nothing beat cheap than free. To date, we may call it cheap labour and yet people still refer to it as working for slave wage but that is the bottom line with slavery, they wanted cheap and free labour.

The funny thing about it is that the abolishing of slavery was not a moral issue either; it was also done for economic reasons. In the United States, the Northern States with their industrial machines and cold climate could not compete with Southern States that had year-round good weather followed by cheap labour. While the machines broke down in the North, the slaves in the South had to work, even if they were sick. Unfortunately for the Southern States, the Northern States had more white voters and as such, had more votes in Congress.

Congress passed a law on January 31, 1865 outlawing slavery and it was ratified on December 6th becoming the thirteenth amendment to the United States Constitution. It had nothing to do with a moral issue; it was an economic issue. Does anyone honestly believe that all those Americans killed themselves in the Civil War because they wanted to free black slaves—really? Economics Madam Speaker, economics, plain and simple.

Madam Speaker, 32 years earlier, England had a similar issue. Just like the US Congress, the British Parliament did something about it when they passed the Slavery Abolition Act of 1833 that abolished slavery in most British colonies. The reason the British Parliament passed it was because their economy was struggling. The British plantations in the Caribbean had a monopoly on the British markets, but the British plantations could not compete with the larger plantation economies of Cuba and Brazil. The British merchants demanded an end to monopolies on the British market held by the Caribbean colonies and pushed for free trade. That is all it was.

Brazil and Cuba had bigger plantations, more slaves and were doing it cheaper and bigger, and because the plantations in the Caribbean had the monopoly to sell their goods in the UK market, and because they could not have the cheaper prices, that is all it was, Madam Speaker, nothing else. The merchants said, *Listen, this monopoly needs to end and the best way to end the monopoly was to end slavery.* That is all it was; destroy the plantations so they could get the cheap goods. That was all; nothing moral about that. Again, plain and simple economics; they wanted cheaper prices.

The Slavery Abolition Act received royal assent on August 28th, 1833 and took effect on August 1st, 1834 and that is why Emancipation Day is ob-

served in Bahamas, Bermuda, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, and the Turks and Caicos Islands.

Funny enough, Madam Speaker, at one point I believe that Cayman, like other Caribbean islands used to celebrate Emancipation Day on the 1st of August. Maybe that is something we need to look into and remind people, when we celebrate days like those, that slavery was never, ever, acceptable within our history.

Madam Speaker, I just want to add one more piece of history before I close this issue: Do you know where the British plantation turned to cheap labour after slavery was abolished? I can tell you: China and India. I can also tell you that the Chinese treatment in America was very, very ugly. It was not pretty, but that is another story for another time.

Now, Madam Speaker, I want to turn my attention to what the Premier said off mic yesterday about repeating what I said to him. I will go even further than what I said to him, Madam Speaker, because I know as a Member of the Opposition, anything I say to any Member on the Government side, can be said publicly.

I am actually going to say to this honourable House today what I said to my own colleagues, in private, when we were discussing this Bill. I want to make it clear and I am going to say this right now. Again like I said, I am just used to saying what the hell I want to say: If I were living in America, I would support gay marriage. I said it to them. Why? Because there are benefits you get from being married that you would never get as an unmarried person. That is the way it works in America. America prides itself on promoting equality and that everyone is equal under the law, thus the reason Lady Justice wears a blindfold. America also believes in the separation of powers and the separation of Church and State.

The separation of Church and State promotes the concept that everyone should be free to practice their religious views, free from political interference. Everyone can practice their religious views free from political interference. But there is another side to that coin, Madam Speaker: People are also free to practice their political views without religious interference. That is the flip side that no one talks about much.

People need to understand the reason why that was a big thing in the United States at the time was that they were setting up their Constitution, and seeing what was happening in Europe and understanding the different crusades that were fought through the Church and because of religion, they did not want that in the new republic. They did not want the Pope to have the power that he had in this new republic and that is why it took Americans until 1960 to elect their first Catholic President, which was actually J.F. Kennedy. That is how long the US had with

the issue of being afraid of the Catholics and the influence of the Pope. Just to put it in context.

As a matter of fact, Madam Speaker, in the United States Constitution, other than Article 7, where it mentioned "*in the year of our Lord*" nowhere in the United States Constitution makes any reference to God. Although to be fair, the Creator is included in their Declaration of Independence.

I bring this up, Madam Speaker, to highlight the difference between the United States' Constitution and our Constitution here in the Cayman Islands. The United States people chose that document to govern them and that is their sovereign right to do so. Equally, we in the Cayman Islands chose this document and we voted for it back in May 2009; 7045 votes that represented 62.66 per cent of the votes cast that year.

Here is what our Constitution says as a pre-amble:

"The people of the Cayman Islands, recalling the events that have shaped their history and made them what they are, and acknowledging their distinct history, culture and Christian heritage and its enduring influence and contribution in shaping the spiritual, moral and social values that have guided their development and brought peace, prosperity and stability to those islands, through the vision, forbearance, and leadership of their people, who are loyal to Her Majesty the Queen; "Affirm their intention to be – A God-fearing country based on traditional Christian values, tolerant of other religions and beliefs."

I did not say that, Madam Speaker; this document that governs us did. The reason I say that is that back in 2009, the people of the Cayman Island chose that they wanted to be governed by Christian principles and Christian values. The United States did not choose to go that route and thus the reason the Supreme Court can make the ruling that it did.

To put things also in context people need to remember that in 1990s under President Clinton, the American Congress which is both the House of Representatives and the Senate passed a Veto-proof Bill on the Defence of Marriage Act that Clinton had to sign, even though he called it a waste of time. The American politicians did that. It was only after the Supreme Court struck that Bill down, that gay marriage became legal in the United States but let no one kid themselves.

The last time the United States Congress dealt with this Bill of marriage, they voted by more than two thirds, which is a veto-proof majority, to say we want marriage to look this way. That is the difference. The Supreme Court basically got up and said that in our Constitution we have the separation of Church and State. We chose not to do that here in the Cayman Islands. We chose to make our Christian values and Christian heritage our guiding principles, and this is the document that governs us. So when people get up and say, that the United States is doing this, of

course the US can do it; their Constitution allows them to do it because they decided they did not want to be guided by Christian principles.

I would love to read what the United Kingdom's Constitution says but the only problem is the UK does not have a Constitution, so I cannot tell you what they say. However, I can tell you what this says and this, Madam Speaker, is what governs us in this House, what governs this country and what governs the people of the Cayman Islands: This Constitution with our Christian values. I did not say it, the people of the Cayman Islands voted for this.

Madam Speaker, the issue of marriage? The people of the Cayman Islands voted for that too, and I am going to read what it says in the Constitution: **"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."**

This is what the Constitution of the Cayman Islands says. It is clear, it is distinct and more importantly, it is what 62.66 per cent of the people who voted in the 2009 election said that they wanted.

Madam Speaker, I agree with the Premier when he quoted JFK, that *while you can disagree with the law, you cannot disobey the law*. Well, Madam Speaker, marriage is defined in our Constitution and while people may disagree with it, they cannot disobey it. Ironically, Madam Speaker, speaking of JFK, he also said in his inaugural address he also said **"those who sought power by riding the back of the tiger, ended up inside."**

Madam Speaker, I will tell you that this issue bothers me to my core. While I have had many conversations on this issue, and I can tell you I got representation from just under 450 members of the Bodden Town West Community, three conversations stood out in mind and those were the ones I had with my 20-year old son, my wife and my mother.

I can tell you what my 20-year old son said who is going to school in the UK, and I think I can safely say that he has a lot more tomorrows than yesterdays. The issue is neither here nor there for him. As far as he is concerned, gay marriage should be legal, people should be free to marry who they want and what they do with their lives is nobody's business. Those were his words to me or something along that line. And that is fine, I grew him to be his own thing and think his own way and it is what it is.

My wife on the other hand, will tell you that people are unique and should be free to be themselves; but she will also tell you, that we have a lot of work to do before we get there and that anytime someone feels forced to do something, their natural instinct is to rebel. In other words, Madam Speaker, we need to find a way to find a balance.

My mother on the other hand now, who is very solid in her beliefs—a church elder—I tell you what,

she is my grandmother, Ms. Mac's daughter. I can tell you one thing, I think Ms. Mac's views on this are legendary and if she were alive today, they probably would charge her for some crime if she was to put her expressions out there and I will leave it that.

So, the Premier is right, the day will come when the younger generation may feel different than many people today and guess what, Madam Speaker, they will have the option to change it when that time comes. That is why we have parliamentary sovereignty: A current Parliament cannot bind a future Parliament. They can make that decision at that time if the public's decision shifts.

It took America over 200 years from the founding of their republic to get there. It took England over 1,000 years to get there, from the time they have been around and people expect this young country, to just overnight, think as the Minister of Health and the Minister of Education pointed out, how recent these things are in those countries that are more than 1,000 years old and they just expect overnight, willy-nilly, for the Cayman Islands to move there. That is not going to happen.

Madam Speaker, in our Constitution many times we use the term spiritual, moral and social values. Those are things that are very difficult to legislate. How do you legislate morality, spirituality and social values? The only people who can decide those issues are the people of the Cayman Islands and they do it via this Legislative Assembly.

Madam Speaker, many times yesterday and even today, we heard that the court said this or that; that the UK will do this or will do that, but at no time I heard them say that the people of the Cayman Islands will do this or that, or that the people of the Cayman Islands want this. Have they forgotten that it was the people of the Cayman Islands who put us here? They are the ones we should be worried about.

I can tell you right now, no disrespect to the people on that side, referring to the courts; it does not matter to me standing here what any judge thinks. The only people's opinion that matters to me is the people of Bodden Town West primarily, and the people of the Cayman Islands. Madam Speaker, I can tell you one thing, I have never once gone to my bed worried about what the UK Government will do or whatever. We have many issues and challenges for our own people to occupy my mind.

Madam Speaker, we put this Bill out on June 26 and I sent it out the same day I received it, along with the Governor's statement, and on July 27th we started debating this Bill. Do we honestly believe, Madam Speaker, that between June 26th and July 27th that it was sufficient time for such an important Bill? Especially when considering the other issues that are also of great importance in our community and people are focused on those challenges and are somewhat

distracted. Where was the input from the people in this process?

Madam Speaker, I am going to ask one question: Who says this Bill is even the solution? It is my understanding that the Legislative Assembly does not discuss matters that are before the courts. As far as I am aware, there is an appeal with the Privy Council. If the Government loses that appeal then guess what? This is a waste of time; gay marriage becomes legal. So, this Bill means nothing if the Government loses. And if the Government wins well, guess what? It says our Constitution is correct and marriage is between a man and a woman. So what does this Bill do?

In essence, Madam Speaker, this Bill answers the question that nobody asked. Nobody is asking this question that this Bill is answering. We are not here debating domestic partnership. It is not domestic partnership that is on its way to the Privy Council, it is gay marriage. So win or lose, this Bill does nothing. It solves nothing.

This Legislative Assembly, our institution of democracy, was created because we recognised that there would be differences, disagreements, dissent and discord; and this Legislative Assembly was designed for us to discuss and debate those issues so that we may find consensus. At the end of the day, we govern by consensus. So, what will be our consensus?

As I stated before, I have zero tolerance on any form of discrimination. If there is a benefit that I, as a married Caymanian is getting, that other Caymanians are not getting because they are not married, we need to fix that. I do not want it to be said that I am getting something that someone else cannot get regardless of their marital status and sexual preference. I think that is what we should be striving for: Equality under the law for everybody.

I believe, this is a time where we should have created a select committee and if we had to go through every single piece of legislation, piece by piece—294 major pieces of major legislation I believe, to be exact—and go through them line by line. If there is a change we need to make in the Stamp Duty Law that allows certain people to transfer for love and natural affection if they are not married or whatever, I am fine with that. At the end of day, we cannot be living in a Cayman where some of us can get benefits under that law that others cannot get; and this has nothing to do with whether they are members of the LGBT community or single. Some people that even practice abstinence—what about them?

See, Madam Speaker, the issue that we also have to be wary of when we start opening this kind of door, today, it may be domestic partnership, but I can tell you what is right around the corner. The issue of abortion and let me tell you, that is a whole different level of fight. Once we open this door.

I am happy, that the UK has made this a devolved issue, for us as a society to decide when and

where we want to progress. That is the Cayman I want to live in: One where everybody has equal access to everything regardless of their marital status, their sex or their sexual preference. This is what we should be striving for. This is not a parliamentary democracy. This is a constitutional democracy governed by a Constitution and if we want to move away from the principles within our Constitution, then we need to get that mandate from the people whom we were elected to serve and represent.

Madam Speaker, I will be the first to tell you that something needs to be done, because there are benefits that would I get as a married person that some Caymanians will never get and that I would tell you, is not right.

Madam Speaker, I also accept that the world is changing, but I also accept that we are unique and that there was a time when the whole world was changing and the Cayman Islands were the Islands that time forgot. Maybe that is what made us unique, maybe that is what made us distinct.

We said in our Constitution that our Christian heritage helped shape our spiritual, moral and social values that brought peace, prosperity and stability to our Islands.

First we had to give up our uniqueness and we wanted to build a port because everybody else was doing it. Madam Speaker, now we want to give up our uniqueness and look at domestic partnership because everybody is doing it. Now we must give up our uniqueness and accept this Bill because the court told us to do it or we must now give up our uniqueness and accept this Bill because if we do not do it, the UK will do it for us.

Well, history has taught us one thing: We can always trust the UK government to do it what is in their best interest. They have the power to legislate for us and we were recently reminded of that. They did not do it and we have the sanctions and the Anti-Money Laundering Bill as living proof.

The Governor also has the power to make legislation that bypasses this Legislative Assembly; he did not use it. Why? Because this is a devolved issue; it is for the people of this country to decide on that issue. The last correspondence that I am aware that we received from the UK government on this issue; if their position has changed, maybe the Premier can let us know when he wraps up.

Madam Speaker, in this Legislative Assembly I am referred to as the Member for Bodden Town West. Outside this Legislative Assembly, I am just Christopher Saunders. It was Christopher Saunders who campaigned for this seat, it was Christopher Saunders who was on the ballot, and it was Christopher Saunders who was elected to represent the views of the people of Bodden Town West. I can tell you right now that regardless of my personal opinion, I am here to represent the majority view of the people of Bodden Town West.

Madam Speaker, I do not know how this vote will go, but I am willing to accept the outcome either way but one thing is for sure, there will be people—our people—who may not like the outcome. And I will ask Members of this honourable House not to engage on a victory lap but let us work on healing the divide that this issue has caused.

This is a conscience vote. Our conscience is shaped by our personal experiences, our personal challenges and our personal triumphs. In this House, as per the Constitution, we are tasked with passing laws for peace, order and good government to uplift the lives of all Caymanians; not some Caymanians, all Caymanians.

Madam Speaker, the one verse more than anything, that last week my mother sent me to remind me, and she knows it is one of my favourites or maybe it was the timeliness was 2 Chronicles 7:14 says:

“If my people, which are called by my name, shall humble themselves, and pray, and seek my face and turn from their wicked ways; then I will hear from heaven, and will forgive their sin, and will heal their land.”

Madam Speaker, we have to find a way to ensure that every Caymanian is equal under the law regardless of their marital status or sexual preferences, and the best way to do that, is to look at our Constitution which starts out with six mere words: **“The people of the Cayman Islands...”**

Thank you very much, Madam Speaker.

The Deputy Speaker: The House will suspend for 15 minutes. I will ask all Members to return to the Chamber promptly at 6:10 pm

Proceedings suspended at 5:58 pm

Proceedings resumed at 6:19 pm

The Deputy Speaker: Proceedings are resumed. Please be seated. We will now continue the debate.

Does any other Member wish to speak?

I recognise the Minister of Financial Services.

Hon. Tara A. Rivers, Minister of Financial Services and Home Affairs: Madam Speaker, I rise to give my contribution to this Bill.

Madam Speaker, to state that the Bill that we are debating before this House is of significance to this country, and certainly elicits different positions among people on both the same and opposite sides of the bench, is stating the obvious at this point. However, the complexity of what we are trying to achieve today necessarily draws out that type of discussion and debate.

Madam Speaker, the Domestic Partnership Bill, 2020 that is being presented and debated here today is about preserving and honouring the constitu-

tional right to marriage as defined in the Constitution. Specifically section 14(1) states that: **“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.”**

This right and definition of marriage represents the will of the people. The draft Constitution was voted on and approved by 63 per cent of those who voted in the Referendum held on the 20th of May, 2009.

Madam Speaker, the people spoke loudly and clearly as to what they wanted regarding the Constitution as a whole, and the provisions contained therein. So much so, that the same electorate that voted to approve the draft Constitution also voted to change the government on that same day, being Election Day May 2009. I draw that point out to just emphasise that that is a very telling indication that Caymanians were ready for constitutional advancement irrespective of which government would be responsible to see the new Constitution through.

Madam Speaker, this Bill is also about honouring the constitutionally enshrined right to private and family life; specifically section 9(1) of the Constitution states that: **“Government shall respect every person’s private and family life, his or her home and his or her correspondence.”**

Again, Madam Speaker, Caymanians made it very clear by referendum that they wanted a progressive Constitution which acknowledges and enshrines basic human rights, such as the right to private and family life specified in section 9 of the Constitution. This was fashioned after the right enshrined in Article 8 of the European Convention on Human Rights which had already been extended to the Cayman Islands by the United Kingdom in 2006.

So Madam Speaker, not only do we have a Constitution that recognises the right of every unmarried man and woman of marriageable age to freely marry a person of the opposite sex and found a family; we have a Constitution voted on by the majority of Caymanians in a referendum that recognises that every person—and Madam Speaker, that provision is an important one that I will get to later on in my debate—has the right to private and family life. Not only is that right enshrined in our Constitution, as I said, it is also a right that is enshrined in Article 8 of the European Convention on Human Rights which was extended to the Cayman Islands by the United Kingdom. It is therefore an instrument to which we are obligated to as well.

What we have before us today is an attempt to ensure that those rights provided for in the Bill of Rights in our Constitution for all Caymanians, regardless of sex, race, colour, religion or other status are in fact, provided for. As a Legislative Assembly, we have a legal obligation to give effect to the Bill of Rights in

our Cayman Islands Constitution Order, 2009. Again, a Constitution that was decidedly voted on and approved by the Caymanian people in the Referendum held in 2009.

Madam Speaker, we have heard a lot about the term ‘this is a constitutional democracy and not a parliamentary democracy’ and what that means. As such, that very assertion by several Members in this House makes it very clear that we have an obligation, as a Legislative Assembly, to ensure that we make and create legislation that gives effect to what the Constitution requires and that our legislation is not deemed or found to be in contravention of the Constitution in any legislation that we do create.

Madam Speaker, this issue of whether or not to formally recognise same-sex relationships is a hugely divisive issue in our society, hugely divisive; but so was the abolition of slavery. That was a divisive issue in society. As was the idea and the acceptance that women should have the right to vote and stand for elected office in the Cayman Islands. That was also a very divisive issue in our history. Madam Speaker, it would be remiss of me if I did not once again, pay homage to the brave women of the day who fought for my right to be here as a Member of the Legislative Assembly.

The Cayman Islands and its leaders of the day, throughout history, have faced hugely challenging and divisive issues in the past. No doubt we will, and those that come after us will also do so into the future.

People on both sides of the spectrum feel very strongly about this issue before the honourable House today. Some people think that the Bill goes too far and are opposed to the idea of legally recognising any unions beside marriage between a man and woman. On the other hand, some people think that the Bill does not go far enough or does not take the form they would like it to take, and so there is opposition to this Bill for a number of reasons; but that is the beauty of democracy.

The Constitution clearly recognises, supports, and enshrines, that each of us has freedom of conscience and expression. We are entitled to our opinions, we are entitled to our own religious beliefs and we are entitled to express ourselves accordingly.

Although I have indicated that there is opposition to this Bill, there is also support for the Bill, even among people who do not personally agree with that the Bill provides for. Many people understand what is at stake, and for those who may not have been following the court cases that precipitated this Bill coming to the House today, let me take some time to discuss and explain some key aspects of what transpired up until this point in time.

Madam Speaker, in the original case, heard by the Grand Court in February of last year, the Honourable Chief Justice ruled that the petitioners bringing forth the legal action, who are a same-sex couple,

have the right to private and family life and are entitled to the state’s manifestation of its respect for those rights by provision of a legal institution which protects those rights. Those rights include the right to found a family and the Chief Justice found that if it was not found in section 14(1), then it was found in section 9 of the Bill of Rights. The Grand Court also found that the Bill of Rights did give the petitioners the right to marry and thus the Chief Justice ordered that section 2 of the Marriage Law be modified under section 5 of the Constitution Order to read as follows: **“‘Marriage’ means the union between two people as one another’s spouses.”**

Madam Speaker, this was the subject of the appeal by the Registrar and the Attorney General on behalf of the Government. It is important for us to note that the Governor, as the representative of Her Majesty the Queen here in the Cayman Islands, did not participate in the appeal of the Grand Court ruling. I believe that is a clear signal of how the UK government feels about this issue and should be taken as an indication of how the UK would act if they were required to do so, if we fail to do so ourselves.

In hearing the appeal, the Court of Appeal ruled that section 14 of the Constitution, the section dealing with marriage, **“plainly intended to confer a specific right in terms stated in respect of marriage.”** The Court of Appeal goes on to rule that **“the wording of section 14(1), on its face, defines marriage in terms of a marriage between a man and a woman. The wording, in our judgement, precludes same-sex marriage.”**

In other words, Madam Speaker, the Court of Appeal found that the right to marriage, as contained in the Bill of Rights of the Cayman Islands Constitution was for a man or a woman to marry a member of the opposite sex, in essence overruling the Grand Court ruling in this regard.

However, Madam Speaker, the Court of Appeal also ruled that **“. . . the position under the BoR (as is the case under the ECHR and the ICCPR), while restricting the right to marry and found a family to opposite-sex couples, does not deprive them of the right to respect for private and family life (under section 9 of the BoR, Article 8 of the ECHR . . .).”**

The court goes on to state that, **“That right applies equally to same-sex and opposite-sex couples.”** In other words, the Court of Appeal found that whereas same-sex couples did not have the right to marry, they did have the right to found a family with protections available to same-sex couples.

Madam Speaker, whereas the Court of Appeal found **“. . . it was not for the courts to impose their own values because they disagree with the values expressed in a constitution”**. The Court of Appeal nonetheless ruled that the Legislative Assembly of the Cayman Islands is in breach of the law by failing to comply with the legal obligations under sec-

tion 9 of the Cayman Islands Constitution's Bill of Rights, the right to private and family life. As I said, that right is also an analogous right of section 8 of the European Convention on Human Rights which was extended to us by the United Kingdom, that being the right to private and family life.

The Court of Appeal declared that the respondents on the case are **"entitled expeditiously to legal protection in the Cayman Islands which is functionally equivalent to marriage"**. The Court of Appeal then expressly observed, that **"the court is an arm of the government. Any constitutional settlement requires that executive"** that being including the Cabinet (I am adding that here) **and the legislature** (again, I am including; that includes the Legislative Assembly) **to obey the law and respect decisions of the court.**

The Court of Appeal further observed that **"In absence of expeditious action by the Legislative Assembly, we would expect the United Kingdom government to recognise its legal responsibility and take action to bring this unsatisfactory state of affairs to an end."**

In other words, if the Cayman Islands Legislative Assembly does not act to remediate this constitutional breach, the United Kingdom government is put on notice to do so.

Madam Speaker, several people in the community and otherwise, have said that, irrespective of the legal position that I have just outlined; irrespective of the fact that we, as a Caymanian people, adopted a Constitution that enshrines a Bill of Right that was fashioned after the European Convention on Human Rights; irrespective of the fact that we now have a court order that indicates that there is a legal obligation to give effect to what is deemed, under 9 of our Bill of Rights, the right to private and family life, some people have said that this Legislative Assembly should do nothing.

We should let the United Kingdom do it by way of Order in Council or through the Governor's section 81 Reserved Powers: to make and enact legislation directly, without having to present it by approval by the Legislative Assembly. However, Madam Speaker, doing nothing in this case, leaving it up the United Kingdom Government to do so, by whichever means they have legally in order to do so, in my humble opinion, is not leadership, it is cowardice.

I thank the Member who spoke before me making it very clear about the UK's stated intention as it relates to marriage and the Marriage Law, that it is a devolved responsibility based on the Government response to the Committee's 15th Report on the FAC Report. I think that is instructive in some ways, Madam Speaker. I think it is for us to understand and appreciate what has been brought forward. I will not read the full section as it has already been read into the records. But, as it relates to the other rights pertaining

to section 9 of our Bill of Rights but more importantly, from the UK's perspective, section 8 of the European Convention on Human Rights, they have indicated that they are working with the territories to put in place arrangements to recognise and protect same-sex relationships. And, they do so and continue to engage with all the overseas territories to ensure that their legislation is compliant with their international human rights obligations.

Madam Speaker, the international human rights obligations being referred to here, obviously is also a matter for the United Kingdom government. This is why the court could, after they made their declaration, in their observation putting the United Kingdom government on notice that they have legal responsibility to take action as well is because international human rights obligations would fall under external affairs.

Madam Speaker, I think it is important that we also address a statement that was made earlier by another speaker, on whether or not the Governor's Reserved Power under section 81 could be used in this instance to address the United Kingdom's breach of its international obligations by having one of its territories in obvious contravention of what has been a legal obligation by the courts.

Section 81 says: **"If the Governor considers that the enactment of legislation is necessary or desirable with respect to or in the interests of any matter for which he or she is responsible under section 55 but . . . that the Assembly is unlikely to pass a Bill introduced into it for the purpose, the Governor may, with the prior approval of a Secretary of State, cause a Bill for the purpose to be published in a Government Notice and may (notwithstanding that the Bill has not been passed by the Assembly) assent to it on behalf of Her Majesty."**

Now Madam Speaker, not to be repetitious, but to point out that section 55(1) of our Constitution makes it clear that: **"The Governor shall be responsible for the conduct, subject to this Constitution and any other law, of any business of the Government with respect to the following matters—"** and there are matters listed but the one for our purpose is **"(b) external affairs, subject to subsections (3) and (4);"**

So Madam Speaker, it is entirely within the Governor's purview to pass legislation if that is what the United Kingdom's government deems to be necessary. Again, that is a supposition, I accept, but I do not want anyone in this House, and certainly anyone in the listening public, to think that the Governor does not have the authority—by our own Constitution—to enact legislation which is in keeping with his responsibilities under external affairs.

Madam Speaker, this is why we all agreed as a Government, as a Legislative Assembly—with the

hopes of becoming a Parliament—and this is why the negotiating team worked very hard to get the United Kingdom government to agree to remove section 81 from the Constitution. It is a position that we had actually achieved because I believe we all appreciate, and I will speak for myself, that as elected officials in this honourable House and as Members of the Legislative Assembly, we are elected to make and pass laws to govern this country.

We have come far in our history. We have adopted a Constitution that has moved the needle further than it was when I first got interested in politics. Madam Speaker, as a country we continue to evolve, we continue to develop and mature and this was one of those provisions that we felt, and as a Parliament we voted on and agreed, needed to be removed in order to recognise that political maturity. However, Madam Speaker, if we are not prepared, as a Legislative Assembly, to pass legislation that is required to comply with our legal obligations under the Constitution, then do we really have the legs to stand on to say that we should actually be given that type of autonomy?

Madam Speaker, I believe it would be a travesty for us as a Legislative Assembly not to accept the fact that our role as legislators is to pass legislation to govern this country, but because we are a Constitutional democracy—which has been said time and time again—our laws must be in compliance with our Constitution and they must give effect to the legal obligation contained therein.

Throughout my time in this honourable House, I have always taken decisions and voted on matters that I believed were in the best interests of this country—sometimes with explanation, sometimes without—whether they were politically popular decisions or not.

So, if I had to answer the question: Why should Members of the Legislative Assembly vote on a piece of legislation that gives effect to our legal obligation under the Constitution as this Bill attempts to do? The answer would be just that; because it makes provision for the constitutionally enshrined right, a right provided for in our own Constitution, while respecting the other relevant right in our constitution, that being the right to marriage being reserved for men and women to marry members of the opposite sex.

Our Constitution provides for this right to private and family life; both the Grand Court and the Court of Appeal have ruled that there is a right to private and family for every person. Therefore, Madam Speaker, the Legislative Assembly has the responsibility to make laws and uphold the rule of law.

Madam Speaker, even though I believe that as a Legislative Assembly it is better for us to act, rather than leave it up to the United Kingdom to do so, I do have concerns about the Bill, in particular, clause 48. As it was explained to me when I initially raised

those concerns, clause 48 of the Bill was included and intended only to capture what the common law is as it currently stands.

Again, Madam Speaker, as it was explained to me, the intent of clause 48 is to act as a saving provision for those same-sex marriages entered into overseas, prior to the Bill coming into effect, should it be passed into law. However, Madam Speaker, the intent of clause 48 is not, does not and is not intended to confer a right to register such marriages as marriages in the Cayman Islands under Cayman Islands law because, as highlighted by the Court of Appeal in its 2019 judgment, based on the European Court of Human Rights jurisprudence, there is no human right to register such overseas marriages as marriages.

I specifically refer to sections 59 and 60 of the judgment. Madam Speaker, in sections 59 and 60 of the Court of Appeal judgment quoting the *Oliari and Others v. Italy* case, the European Court of Human Rights noted “**The rapid development to the legal recognition of same-sex couples worldwide.**”; however, “**The same cannot be said about registration of same-sex marriages contracted abroad in respect of which there is a consensus in Europe.**” And that the refusal to register those marriages is the result of the legislators’ choice not to allow same-sex marriage—a choice not condemnable under the European Convention on Human Rights.

Therefore, Madam Speaker, I thought it was important to bring that out. As found by the European Court of Human Rights, there is no human right to marriage for same-sex couples, likewise there is no human right to registration of marriages conducted overseas to be effected domestically.

I think it is important to make it very clear that the policy intent of this Bill is to not confer the right to register same-sex marriages that took place prior to this Bill or law, if it is passed, coming into force in the Cayman Islands. Because, that would be contrary to our Marriage Law, and quite frankly, it would be contrary to the purpose of this Bill, which was to give legal effect to the right to private and family life, but also to preserve and recognise the constitutional right to marriage to be between a man or woman to a person of the opposite sex. Therefore, I have asked the Attorney General and his Chamber to look at this provision to see if it is necessary to include section 48 at all or to determine whether some additional clarifying language should be added to ensure that the policy intent of section 48—that being only to codify the common law as it stands today and to not confer a right to register as a marriage under Cayman Islands law—is not misconstrued or open to challenge in the future.

[Inaudible interjection]

Hon. Tara A. Rivers: Some Members have indicated and may decide to vote against the Bill because

some, and perhaps even the majority of their constituents, have said not to support it.

As MLAs, [Members of the Legislative Assembly] we are elected to represent our constituents. I will say that again, Madam Speaker: As MLAs, we are elected to represent our constituents. However, in this case, representing our constituents has a deeper meaning than just voting 'no' to this Bill because the majority of the constituents that you have heard from have said to do so because they do not support the Bill or what it represents.

I see many puzzled faces in the Chamber. Madam Speaker, you may be asking: What is the deeper meaning of representation, in this instance, if it is not to vote based on what you think your constituents' view of the matter is? To vote against this Bill would be to knowingly and deliberately refuse to carry out your obligations as a Member of the Legislative Assembly to uphold the Law.

An Hon. Member: Say what?

[Inaudible interjection]

Hon. Tara A. Rivers: To uphold what the Constitution requires of us as legislators; and I will get back to that point, Madam Speaker.

[Inaudible interjection and Crosstalk]

Hon. Tara A. Rivers: Madam Speaker, the greatest responsibility that we have as Members of this Legislative Assembly is to make laws to govern this country. By virtue of making laws we are expected, as a legislature to uphold the law just as we expect our constituents and the people of this country to do so or else there should be, and there are consequences for breaking the law.

Madam Speaker, how can we as Members expect our constituents or others in this country to uphold the laws that we create in this honourable House if we, the same lawmakers, choose to knowingly ignore the law by not creating a legal framework to give effect to section 9 of our Constitution?

[Inaudible interjection]

Hon. Tara A. Rivers: Madam Speaker, we are elected to lead in the good times and bad times; in the difficult times and in the easy times. Admittedly, I do not think I have ever had an easy time since we have been in this House and I have been here now going on two terms. They seem few and far between, but I just say that for completeness.

Leadership often requires taking hugely unpopular decisions. Leadership often requires weighing hugely complex situations and having to make decisions that may, at times like this, be at odds with our

personal beliefs. Madam Speaker, when we walk through that door, when this Legislative Assembly is in session, we stop being individuals; we are not referred to by our names, instead, we are referred by our titles, ministries or constituencies that we represent.

I have said before that representation in this case is more than just voting based on the results of a poll or canvassing of constituents who you have heard from on this matter. Representation as a Member of the Legislative Assembly requires knowing what your obligations are and what the law requires of us as the Legislative Assembly charged with the constitutional responsibility of making laws "for the peace, order and good government of the Cayman Islands." Representation requires that as a Legislative Assembly we take action to address a legal obligation to give effect to our constitutionally enshrined right to private and family life; a right that was approved by our people in Referendum, a right under our own Constitution, which is available to all persons.

As I have discussed it is true that as elected representatives each of us was elected by our constituents to represent the people of our constituencies and the people as a whole. I know and have acknowledged the public's sentiments and the views of our constituents are divided on this very emotive issue, some constituencies more divided than others.

Madam Speaker, I want to take this opportunity to thank all of those who have expressed their views to me, who sent messages and made their position clear, some in objection to the Bill, some in support of the Bill.

Madam Speaker, I do not want anyone to leave here thinking that I do not believe it is important to be willing to listen and engage with our constituents because that is not what I am saying at all. I think it is important that we should be open to listen, to weigh the views, to engage with constituents in all matters. However, as I indicated, representation in this current context, given the framework that I have just outlined painstakingly, is a constitutional democracy. We have an obligation to give effect to a constitutional right which has been found to be infringed by our own courts under our legislation, but also under the international convention to which we are a party to by extension of the United Kingdom.

We must consider what representation means holistically in that regard, and we need to help our constituents understand that as well. As I said, as Members of the Legislative Assembly each of us was elected to take and make often-times tough, controversial and unpopular decisions because Madam Speaker, the burden of leadership is great. The decisions to be made as leaders are often complex and multi-faceted. They are difficult, and at times, even at odds with our own personal beliefs but Madam Speaker, that is why we are elected to lead; to take and make the tough decisions necessary to ensure

that our foundations of democracy are adhered to, the greatest of those foundations being to uphold the Constitution and the rule of law.

Each one of us in this Chamber, as individuals, enjoys the right contained in the Bill of Right of our Constitution. We have the right to have our own beliefs, the right to have and practice our own faith and religion, and the right to express our religious and other beliefs, thoughts and opinions. We all share those rights and they are expressly provided for in the bedrock of our society; our Constitution. However, Madam Speaker, our personal beliefs, no matter how strongly or earnestly we feel, cannot and should not override our responsibility as legislators to make and uphold the rule of law.

Madam Speaker, if as a country we are to protect the constitutionally enshrined right to marriage that is reserved for unmarried men and women to freely marry a person of the opposite sex, then we should pass this Bill, because if we do not, then we would be leaving it up to the UK to act and decide for us. As we know, in the UK same-sex marriage is legal. By not passing this Bill and instead, leaving it up to the United Kingdom to decide how to remedy the constitutional breach, also leaves it up to the UK to make the decision based on their own public policy priorities and objectives.

It is my belief—as we have all shared our beliefs and I have shown you that I have a constitutionally enshrined right to share my belief, my freedom of conscience—that this is what they would likely impose on the Cayman Islands if the UK is left to do so. My belief is based on the fact that the Governor did not join as a party to the appeal of the Grand Court judgment which is an indication to me that the UK was content with the Chief Justice's ruling on this matter.

Madam Speaker, I also want to address a point that was raised earlier in one of the debates: That the UK or none of us can pass any legislation that affects the right that is contained in the Constitution as it relates to same-sex marriage.

Madam Speaker, paragraph 108 of the Court of Appeal judgement reads:

“As we read his judgment, the Chief Justice was influenced in his conclusion that section 14(1) did not preclude same-sex marriage, by his understanding . . . that if it did, same-sex marriage could only be introduced by an amendment to the Constitution. This is the Court of Appeal's statement now: “That is not so. As Ms. Rose submitted, the Legislative Assembly could legislate for same-sex marriage. If it did, the resultant right to marry would merely not form part of, or be enforceable under, the BoR. That is what has happened in many instances in Europe.”

So putting this into layman's terms, Madam Speaker, paragraph 108 of the judgment of the Court of Appeal essentially says, irrespective of the fact that the Constitution has a right enshrined in the Bill of

Rights for unmarried men and women of marriageable age to freely enter into a marriage with a person of the opposite sex, that is the enshrined right in our Constitution, our Bill of Rights.

If this Legislative Assembly were to decide to change the Marriage Law because of a public policy or a policy decision that we take as a Legislative Assembly, it would not be in contravention of our Bill of Rights. It just would not be a right that could be enforceable under the Bill of Rights in the Constitution. That is an important distinction and understanding that the country needs to appreciate. I already outlined the UK's ability as we know by Order in Council—they have indicated in their own words that they do not plan to do it by Order in Council, so we will take them at their word—they certainly have rights to enforce and to create legislation to bypass this Legislative Assembly all together under section 81 of our Constitution.

So, if we do not act, if we are not the Captains of our own ships, the masters of our own destinies and try . . . maybe this is a train that is rolling down.

The law evolves, Madam Speaker, and that is why we have common law, court, jurisprudence; we know this. However, at this moment in time, if we do not act and try to give effect to what the people of this country have said in referendum is a right (that being a right to preserve marriage for men and women of marriageable age to marry the opposite sex) but at the same time, give effect to a right that the Caymanian people have approved in referendum, that is the right of every person. Our Constitution does not say every man or woman; it says every person has a right to private and family life.

So, we have an obligation to ensure that right is respected. By attempting to pass legislation that respects the Bill of Right in its totality in this point, we as a legislature have an obligation and we have the best opportunity to do it ourselves. Because, if we abdicate that responsibility, like they say in West Bay, *you take what' you get*.

[Inaudible interjection]

Hon. Tara A. Rivers: Madam Speaker, the signs are on the wall about what exactly that will be, based on the actions that have been taken in the cases in front of us, as a country.

If we are to protect the constitutionally enshrined right of marriage that is reserved for unmarried men and women to freely marry a person of the opposite sex, then we should pass this Bill.

Madam Speaker, it is entirely within their rights for people in the community to not support this Bill on principle because of personal or religious beliefs. It is entirely within our rights, as legislators, to not agree with it personally. It is within our own rights to not necessarily agree or support the principle, because we have freedom of conscience and religion

because just as the Constitution protects the life to private and family life, it also protects the right to freedom of conscience and religion.

Section 10(1) of the Constitution states: **“No person shall be hindered by government in the enjoyment of his or her freedom of conscience.”**

Section 10(2): “Freedom of conscience includes freedom of thought and of religion or religious denomination; freedom to change his or her religion, religious denomination or belief; and freedom, either alone or in community with others, both in public and in private, to manifest and propagate his or her religion or belief in worship, teaching, practice, observance and day of worship.”

Madam Speaker, similarly the Constitution protects the right to freedom of expression. Section 11(1) states: **“No person shall be hindered by government in the enjoyment of his or her freedom of expression, which includes freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his or her correspondence or other means of communication.”**

Madam Speaker, I have voted in this very House to protect and uphold freedom of conscience, religion and expression in the context of expressions of Christian doctrine and scripture by Christian organisations and individuals. I voted in favour of that motion which outlined what is the constitutional position with respect to freedom of conscience and freedom of expression because, Madam Speaker, it was the right thing to do.

So, my stance regarding protecting the rights and freedoms afforded to the people of the Cayman Islands in our Bill of Rights has been and is consistent. As legislators we cannot be selective in which constitutionally enshrined rights we seek to uphold, no matter what side of this deeply divisive issue we are on. As Members of the Legislative Assembly, we do not have the luxury, nor should we get to cherry-pick, which rights to recognise and which to uphold.

Madam Speaker, the Caymanian people in referendum voted to adopt a Constitution which expressly recognises that: **“The 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.”** As recently confirmed by the Cayman Islands Court of Appeal, that right is reserved to opposite-sex couples; Madam Speaker, this Bill seeks to preserve and respect that right.

The Caymanian people in referendum voted to adopt a Constitution which expressly recognises that the **“Government shall respect every person’s private and family life.”** Unlike the right to marriage, this right is not limited to any particular category of person. This right, Madam Speaker, is granted to and

for all. This Bill, Madam Speaker, seeks to respect that right.

Madam Speaker, my final thoughts on this matter is that we, as a Legislative Assembly, cannot continue to be in breach of what has been determined in both our lower Court, as well as the Court of Appeal, to be a legal constitutional obligation under section 9 of the Bill of Rights. We should not deliberately choose to accept this breach of the law because if we do, democracy and the rule of law as we know it in this country, is in serious jeopardy.

Thank you, Madam Speaker.

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

I call on the Honourable Attorney General.

Hon. Samuel W. Bulgín, Attorney General: Thank you.

Madam Speaker, the good thing about coming so late is that I am coming after all the controversial issues have been dealt with; thanks to all the Honourable Members who spoke before me.

Madam Speaker, I rise to make a contribution to the somewhat seminal debate on the Domestic Partnership Bill, 2020. I am repeating the title of the Bill, Madam Speaker, because I think the debate has taken an unfortunate turn and anybody listening to the debate would probably think that we are debating an amendment to the Marriage Law or that we are debating marriage, for that matter.

Madam Speaker, this debate is not about marriage; it has nothing to do with marriage. That has been a settled issue in the Court of Appeal and the issue is on its way to the Privy Council, and until that is dealt with, the state of the law is that you can only have marriage of the opposite sex in the Cayman Islands as a result of section 14(1). We will see what happens when the matter is dealt with in the Privy Council. Madam Speaker, just to say that if I am correct, that we are not debating marriage and we are not debating same-sex marriage, then the matter of sub judice would not arise, as far as this debate is concerned.

We are debating whether this country or this jurisdiction is in breach of Article 8 of the ECHR and section 9 of the Constitution. That is what is being debated. That is why we are here, not marriage, Madam Speaker, nothing to do with same-sex marriage.

Of course, I understand and appreciate that what actually gave rise to the declaration of the Court of Appeal and consequently to this debate, the underlying issue, was and remains same-sex marriage. I am not in the least unmindful of that, but we need to have some clarity to why we are here. We are here because the Court of Appeal says that ‘yes’, the Government is correct, that marriage is ring-fenced by section 14 of the Constitution and it is not permissible,

as far as same-sex couples are concerned. However, it needs to go further. There are those who, for whatever reason, are not interested in the institution of marriage and your Constitution, which is part of your domestic law, says that your citizens have that right and you have an obligation to ensure that they enjoy those rights; very simple. That is the debate before this House. So, Madam Speaker, it is helpful if we could recalibrate and refocus on what we are debating. Not same-sex marriage.

Madam Speaker, before I get any further with that, let me deal with a couple of issues that have been touched on by Honourable Members. Madam Speaker, on the question of whether the Governor can and will exercise his section 82 powers: I have no instruction from the Governor to speak about that issue, none whatsoever; but as a matter of legal clarification, I agree with the observation made by the Honourable Minister of Financial Services. In that, to the extent a part of what they were debating here today touches on the European Convention of Human Rights, which is an international convention. It would clearly fall within the remit of section 55 of the Constitution as part of the Governor's power. Therefore, he would, if it comes to that—I am not saying that he will, or that such is the case but as a matter of law—he is required to, then he could do so.

Worse case, the way section 55 is written, Madam Speaker, is that even if there are doubts, he could be instructed by the Secretary of State to do so and that would remove any issue of any conditional barrier. So there is a fall-back position because the section did say unless he is instructed by the Secretary of State; so he can do that. Just to clarify that position, Madam Speaker. I do not know whether that is going to be the case or not. I have absolutely no brief about that, if I may put it that way.

The Honourable Deputy Leader of the Opposition expressed some concerns about the absence of a definition in the Bill as it relates to Domestic Partnership. I think he then sought to make a comparison with the Marriage Law. For what it's worth, and to briefly make the point that, in my view and certainly in the view of those who assisted in drafting the law, the language in clause 3 of the Bill in our view, is sufficient to tell you what a domestic partnership is and how it is construed.

He also mentioned the Marriage Law and the definition of marriage. I will tell you what marriage says, in section 2 of the Marriage Law it says: “**Marriage’ means the union between a man and a woman as husband and wife.**” Nothing more; that is all it says.

In the UK's Civil Partnership Act, 2004, it says: “**Formation of civil partnership by registration “(1) For the purposes of section 1, two people are to be regarded as having registered as civil partners of each other once each of them has**

signed the civil partnership document—” and it lists the eligibility, two witnesses and so on.

Our clause 3, Madam Speaker, says (similar language): “**3. (1) Two persons may enter into a domestic partnership under this Law if—**

- (a) either person is sixteen years of age . . .**
- (b) both persons are over the age of eighteen years**
- (c) neither person is currently married, in a domestic partnership or overseas relationship; and**
- (d) Neither person is within the prohibited degrees of domestic partnership.”**

So, Madam Speaker, the language in the UK's Civil Partnership Act is not in any way different from what is in clause 3 of our Domestic Partnership Bill.

[Inaudible interjection]

Hon. Samuel W. Bulgin, Attorney General: He wondered aloud, I think, about how the Matrimonial Causes Law would work. Just to clarify it for him that the intention is to amend the Matrimonial Causes Law, as well as numerous other pieces of legislation, to make it quite clear how that legislation will interface with the Domestic Partnership Law, especially as it relates to matrimonial causes; what will happen if there is a dissolution, how property will be distributed, how contribution will be taken into account. This will be done in the same way that the Grand Court now deals with divorces and the division of property.

Madam Speaker, in the same breath, the Immigration Law will be one of those pieces of legislation that will be amended to deal with a number of things and put in safeguards about domestic partnerships of convenience. That also will be reflected in the appropriate amendment through the Immigration Law at the appropriate time.

Just to say, Madam Speaker, because it is important that Honourable Members understand that we are not breaking new ground here. This is not something that is unique to the Cayman Islands as others mentioned. This is an arrangement that has been in place in the United Kingdom since 2004. We have it in Canada, Bermuda and other jurisdictions. So, it is true that for the Cayman Islands it is new, but there are plenty of case laws and precedents all over that our court will be able to look to and draw from, as necessary, as we go along. With the passage of time we will get there too.

Madam Speaker, I just want to express my concurrence if you will, with the situation mentioned by the Honourable Minister of Financial Services, as it relates to the reality of where we are as a jurisdiction, with regards to marriage. It is true that section 14(1) ring-fences marriage in the Bill of Rights. However,

the Court of Appeal made it quite clear that you can have marriages which are not Bill of Rights protected marriages, statutorily protected instead but it is not a Bill of Right.

So in 108 it says, there is nothing to prevent this Legislative Assembly from enacting legislation which would co-exist if you will, Madam Speaker, alongside section 14(1) to provide for marriage. So it is not such a belts and braces as we really think it is. All that would happen is that those under the legislation would not be a human rights protected marriage. That is the Court of Appeal's judgment, as it says in paragraph 108. I think the Honourable Minister read it for the benefit of Honourable Members; it can evolve anytime, Madam Speaker.

Madam Speaker, as I said, this is about the Domestic Partnership Bill; it is not an attempt to amend the Marriage Law, it is not an attempt to introduce same-sex marriage through the back door. Other Members who spoke made it quite clear that this is not confined to same-sex partners. It is true, and I think no one can deny it, that in the majority of cases this is a framework that is more likely than not, to be resorted to by persons in same-sex relationships, but it is also open to heterosexual couples.

The Honourable Minister of Commerce gave an example of others who might want to have this sort of framework available to them for any number of reasons. They might not be interested in the religious trappings that go along with marriage; they might have been married before and certainly do not want to repeat the experience. Madam Speaker, there might be others who are just involved in a purely platonic relationship and want to have someone as a confidant and to help to transact certain business for them; and I would like to use one of the most extreme and graphic examples if I might, with the leave of this House.

Why should someone who is not married, for whatever reason, but has a person who is a confidant of theirs and who are involved in this sort of arrangement and God forbids, find him or herself at the hospital and is unable to make a decision about some sort of life-saving surgery that they need to do but they are either incapacitated, unconscious or something. They need a next-of-kin to sign a document as consent, for that life-changing surgery, but he or she is incapacitated and cannot do it. Why should that person be deprived of that opportunity to have someone else sign that consent document to save their life because they are not married? He should have that choice.

[Inaudible interjection]

Hon. Samuel W. Bulgin, Attorney General: He should have that choice of someone whom he is not married to, but trusted to make that decision to consent to that surgery; he should not be denied that right

because he is married. That person is who he or she chooses to be their next of kin.

[Inaudible interjection]

Hon. Samuel W. Bulgin, Attorney General: Madam Speaker, those are some of the realities. I said God forbids, but those are some of the things we are talking about. There are many persons who are not interested in marriage for whatever reasons, that's it. That is the reality. It is a changing world that we are living in. We grew up in a different world and we were socialised differently, et cetera. You heard other Members talk about the upcoming generations—the children.

So, it is an evolving world we are living, but there is nothing in law that prevents marriage coexisting alongside those other relationships that this piece of legislation is seeking to formalise; that is all this is. However, the European Convention on Human Rights and our Constitution, which is part of our domestic law, say that they ought to be afforded that opportunity if they so choose. That is all it is saying; nothing more. This is saying if you are not married but you have someone who you would like to transfer a piece of land to for love and affection, you should not be penalised or prevented from being able to do so simply because you are not married to that person.

As I said, there are persons who choose not to be married for a number of reasons. So it is helpful to clarify in our minds what this is trying to achieve; nobody is trying to destroy marriage.

Madam Speaker, it is an emotive issue. I am not surprised the debate so far has been very robust, sometimes emotive but thank God, Madam Speaker, fairly civil, and I expected nothing less from honourable Members. It has been fairly civil.

Madam Speaker, there are understandably strong feelings on all sides of the debate. That is to be expected. People feel very strongly about the underlying issue, as I mentioned before, that gives rise to the debate; feelings that no one can and should doubt, Madam Speaker. But as the Honourable Premier mentioned in his debate, the primary issue of this debate is about the rule of law. That is what it is about.

Others might ask, *Well, how do you reconcile the rule of law with some of these very strong feelings?* Indeed, it has been said, **“The law is the anchor of our feelings. If the law holds our feelings well, it directs our feelings well. If however the law fails to hold our feelings well, our feelings become free enough for us to do what we feel freely.”**; quite the opposite, Madam Speaker.

As I said, no one can doubt the feelings on both sides of the conversation are passionately held, however my contribution, understandably, will focus on the legal justification for the Bill that is being debated today. I said ‘understandably’, Madam Speaker,

because we, as a jurisdiction, pride ourselves on respect for the rule of law. Madam Speaker, there are various iterations of what is meant by the rule of law but for present purposes I prefer the simple one which reminds us that it is a principle that all people and institutions are subject to and accountable to law that is fairly applied and enforced. That is the principle of government by law.

Madam Speaker, why is this reminder so timely and significant? Because it is a concept that we embraced, revere and respect to the point that we enshrined it in our Constitution. We went as far as to enshrine it in our Constitution.

Madam Speaker, section 107 of our Constitution says, “**The Legislature and the Cabinet shall uphold the rule of law and judicial independence . . .**” Our own Constitution, section 107, the Legislature and the Cabinet shall uphold the rule of law and judicial independence.

So, Madam Speaker, you heard Members express their views on what they think about what the Court says and does not say and how the Court rules, et cetera. We all respect the separation of powers, but we have equal respect for the rule of the law. It is an unequivocal constitutional obligation; one that has been stated in the clearest terms in our Constitution that is placed upon our Cabinet and our Legislative Assembly. Therefore, it is not a matter of choice; it is not optional, Madam Speaker, it is an obligation.

It follows therefore, that this exercise, we as lawmakers are involved with here today, in seeking to comply with a declaration of the Court of Appeal, fully comports with our constitutional obligation as contemplated by section 107 of our Constitution. That, Madam Speaker, is our codified commitment of the rule of law; that is the obligation that we are seeking to discharge when we debate this Bill. That is why we are here. This is not a country of tyranny or run by tyrants or dictators. We agreed that we are going to be respecting and abide by the rule of law and put it in our Constitution if we needed a reminder.

There have been ongoing discussions about the legal effects of the declaration made by the Court of Appeal; discussions which I personally found very stimulating and which I do enjoy listening to. As a matter of fact, if you ask me, I think they are the kind of discussions that we should encourage others to get involved with.

It is helpful to remind ourselves that invariably, the normal relief, indeed the primary relief, in respect of legislative provision that is found by the court to contravene a constitutional right is usually a declaration issued by the relevant court. It is usually in the terms that a particular provision is unconstitutional and therefore it is unlawful or void, as the case may be, because the court invariably does not make coercive relief against the State.

The convention is that the court will issue a declaration, the State will observe it, and the govern-

ment will do what is necessary to fix it. That is how our democratic system works. You might have other instances where there are remedies for damages. I think our Constitution provides that, if having made a declaration or some other order, our court thinks it is required for just satisfaction they can make an award for damages as well. So there are other options by the court.

Madam Speaker, in February 2013 the Grand Court made a declaration that section 65(4) of the Police Law was in breach of section 55 of the Bill of Rights and was therefore incompatible. It was unconstitutional. We came to the Legislative Assembly on January 2014 and amended the Police Law to comply with the declaration from the Grand Court. On the strength of that declaration, we came here and amended the Police Law pursuant to that declaration to give effect to that.

That was a case where we had persons who were being held on detention for longer than 24 hours before they were charged and the Grand Court made a declaration that it was unconstitutional, being held for more than 24 hours before being charged. We came here in a rush, I might say, and amended the Law to give effect to the declaration from the Court of Appeal, and the Law has been changed to make it clear that you can only hold someone for 24 hours before they are charged; unless of course, you go to the Magistrate Court and get an order and so on.

So, there is nothing surprising, remarkable or indeed, unprecedented, about a national Parliament giving effect to declarations of their highest courts; certainly not when it comes to matters of constitutional significance. Indeed, such an approach is consistent with good administration in a stable democracy.

Madam Speaker, in the UK for example, from where we derive our Westminster form of government, if we look at the situation there which is not unlike Cayman, their courts are empowered by the Human Rights Act of 1998. Someone mentioned earlier that the UK does not have a written constitution. They do not have a written constitution that contains a Bill of Rights, but under the Human Rights Act, their courts are able to issue declarations, including declarations of incompatibility. If they find aspects of legislation incompatible with the rights under the Human Rights Act, they make declarations to that effect.

The UK Parliament is a sovereign Parliament, so they are under no legal compulsion. There is absolutely no way they can be forced to do anything, but as I mentioned before, they consider it as an obligation which they must act on by way of remedial action.

Nonetheless, as it was revealed in the UK Government's most recent “**Report to the Joint Committee on Human Rights on the Government's response to human rights judgments**”, of the 42 declarations of incompatibility made between October 2000—which is when the Human Rights Act came into force—and July 2019, and of the remaining 30 that

had not been overturned, appealed or were still subject to appeal, only in four cases had the UK government, as of the date of this report, fail to take action to remedy the incompatibility. And even then, in relation to those four cases, the government reported that it was considering its options in light of the judgments, some of which had been rendered only relatively recently.

Madam Speaker, the United Kingdom is so keen to give effect to these declarations that they inserted a provision in section 10 of the Human Rights Act which allows for what is called fast-track remedial action. That is, once a declaration has been made by the court, if for some reason Parliament is unable to meet for some time, section 10 of the Human Rights Act gives a Minister the powers to amend the legislation in the interim to remedy the deficiency, as a matter of urgency, until some stage when Parliament can deal with it. But, that is a fast-track remedial action that can be taken by Ministers to address any deficiency identified in legislation. That is how seriously they take this thing, Madam Speaker.

Accordingly, respect for the rule of law means that the Executive and the legislature must take note and indeed will act whenever the court rules that there are deficiencies in laws.

Madam Speaker, if any Member is interested in the report that I mentioned I am happy to provide copy to this House. I will provide it in due course, Madam Speaker, but I do have copies for the benefit of Honourable Members.

[Inaudible interjection]

Hon. Samuel W. Bulgin, Attorney General: Madam Speaker, we heard the question raised during the debate about why did the Government not appeal the matter of the declaration.

Of course, if the Government disagrees with the Court of Appeal's decision, the Government has the right to appeal the matter to the Privy Council. That is a right it enjoys. However, in this matter, had an appeal been lodged, the question that would have been asked by the Privy Council of the lawyers appearing for the Government would have been very straight forward. The Privy Council, I imagine, would ask Professor Jowell and Dinah Rose, who are appearing for the Government: *As a matter of law and fact, does the Cayman Islands have a legal framework in place that affords recognition for civil or domestic partnership?* That would be the question and there could only be one answer, Madam Speaker.

[Inaudible interjection]

Hon. Samuel W. Bulgin, Attorney General: There could only be one answer to that question. The question would be: Is there such a legal framework in the

Cayman Islands? And the lawyers are officers of the court so the answer would have to be: *'No', there is no such legal framework in the Cayman Islands.*

[Inaudible interjection]

Hon. Samuel W. Bulgin, Attorney General: So, Madam Speaker, there was no appealable point in this case; none. You either have the legal framework in place or you do not have it. I think, as Honourable Members of this House, we can all agree as a matter of fact and law that there is no legal framework in place as we speak.

[Inaudible interjection]

Hon. Samuel W. Bulgin, Attorney General: That is what this Bill is trying to address.

[Crosstalk]

Hon. Samuel W. Bulgin, Attorney General: That is what the declaration is about. The declaration is about the absence of the framework. Therefore, if we appeal that to the Privy Council, the Privy Council will ask you, *where is the framework?* You do not have it. It's either you have it or you do not have it.

[Crosstalk]

Hon. Samuel W. Bulgin, Attorney General: No, but when we are seeking clarification for a dispute they are the ones that we go to; you cannot reprobate and approbate at the same time. That is what it is. That is why we are here.

The fact is we do not have a framework as we speak. Not unique to the Cayman Islands. That is why *Oliari* ended up in Strasbourg, because Italy did not have one at the time. Therefore, the European Court of Human Rights quite properly ruled in *Oliari*, that same-sex marriage is not a human right. The court went on to say, *however, Italy did not have a framework to give effect to same sex relationships* and as result, Italy was found to be in violation of the convention. So Madam Speaker, it is indicative of a functioning constitutional democracy.

The Honourable Leader of the Opposition mentioned the distinction, both yesterday, constitutional democracy and so on.

It is the expectation that the Legislature and the Executive will afford deference to their highest constitutional courts in matters of fundamental rights; unless there is an appealable point. The Bill debated today is seeking to do no more than to address the deficiency identified by our Courts in our framework.

Madam Speaker, we heard the Honourable Premier in his presentation outline the robust language employed by the Court of Appeal in its declara-

tion. The Court, as is to be expected, was quite deliberate in its formulation of the declaration. However, it is worth noting that the Court of Appeal did not allow the matter to rest with that declaration in its judgment on the 7th November, 2019.

The Court again issued another strident rebuke when the Government, having won its appeal, attempted to recover its costs from Ms. Day and Ms. Bodden-Bush. Madam Speaker, when the Government applied to the Court to recover the cost, the Court of Appeal would have none of it. Instead, the Court, in refusing to award the Government its costs, went on to make the following observations in order to remind the Government of the jurisdiction's failure to put in place the framework to recognise civil partnership.

The Court commented in part, in a written ruling as follows:

"The background to the proceedings

"In order to understand 'the circumstances of the case,' it is necessary to go into the background of these proceedings.

"The respondents made considerable efforts to avoid litigation. The Chief Justice set out the evidence before him of those efforts in paragraphs 52-56 of his judgment. He referred to a letter of 1 December 2017 from Mr. Tonner QC on behalf of the Respondents to the Governor, (a party to the proceedings below) which, among other things stated:

"We summarise the position as follows:

1. **"The Cayman Islands is obliged under the . . . ECHR to allow [the respondents] . . . access to an institution that provides the same package of rights as marriage (e.g. via marriage itself or civil partnership). The current violation is clearly a violation of the ECHR.**
2. **". . .**
3. **Civil partnership is a bare minimum . . ."**

That is what Mr. Tonner put in his letter; civil partnership is a bare minimum.

"As our ('our' meaning the Court of Appeal's) judgment has made plain, (that is the judgement of the 7th November) there was no answer to the assertion that the Respondents were entitled to legal recognition of their partnership. Unfortunately, there was no substantive response to the letter. Had the Appellants (and the Governor) responded appropriately and undertaken promptly (or, as we put in our declarations, expeditiously) to bring the longstanding violation of the Bill of Rights and the European Convention on Human Rights to an end, the respondents would not have been obliged to bring the proceedings before the Chief Justice to vindicate their rights."

The court continued, Madam Speaker:

"The proceedings before the Court of Appeal -
"As the Appellants rightly submit, those proceedings concerned the Chief Justice's findings that the Respondents were entitled to marry, in respect of which the Appellants succeeded." (Meaning the Government succeeded). **"There was no challenge to any finding touching upon civil partnership, as the Notice of Appeal made plain. That absence of challenge, however, did not lead to the Appellants (meaning the Government) undertaking promptly to act in accordance with their legal obligations. They did not suggest to the Court of Appeal they would. In their submission in respect of the terms of any declaration, they sought to avoid any sort of commitment as to the timing of the required legislation. As the Court said in paragraph 116 of its judgment, it is difficult to avoid the conclusion that the Appellants have been doing all they can to avoid facing up to their legal obligations."**

"The proceedings would not have been necessary at all had the Respondents' reasonable offer of a settlement been accepted. The Appellants did not before the Chief Justice accept that their failure to provide a framework was a violation of the Constitution or the ECHR. They," the Government, sought to argue that any possible violation was **justified on grounds of public morality.**

"Moreover, the Respondents have successfully established a breach of their constitutionally protected right to private and family life requiring prompt remediation by the Appellants, something, which, as we have set out above, they have so far failed to do.

"We think too that there is force in the Respondents' submission, that the Appellants' failure to accept the inevitable has resulted in unnecessary, additional, costs.

"In *Oliari* (2017) 65 EHRR 26, having found no violation in respect of same-sex marriage, but a violation in respect of Italy's failure to provide legal recognition of an equivalent institution, the Court ordered the Italian Government to pay their reasonable costs.

"We have concluded that to make the sort of order sought by the Appellants would not be appropriate. We say that for the following reasons.

"First, while in the Court of Appeal the Appellants succeeded in overturning the judgement of the Chief Justice, and in consequence they succeeded in respect of the more substantial issue before the Chief Justice, their conduct of this litigation is open to significant criticism, as we have set out above (see in particular, paragraphs 13 and 14)

"No-one in the present case can doubt that the Respondents' constitutional challenge was genuine, not frivolous, and of substance.

Part of the challenge was unanswerable, namely the failure, promptly, to provide for same-sex partnerships. Part of the challenge, namely in respect of same-sex marriage, while in the end not succeeding, was also self-evidently genuine, not frivolous, and of substance. While their challenge was obviously of great importance for the Respondents themselves, it was of considerable, wider, public importance, both for the population of the Cayman Islands and their governance. Those circumstances alone strongly argue against any order for cost to be made against the Respondents.

“We have anxiously considering whether it would be a proper exercise of our discretion to order the Appellants to pay all or some of the costs of the Respondents. We have of course noted the approach of the European Court of Human Rights in *Oliari*. However, we have concluded that in all the circumstances the just outcome would be to make no order for costs. Accordingly, that is the order to make.”

So, there you have it, Madam Speaker; the Court making its displeasure with Government for failure to remedy the breaches well known. It highlighted the point. In doing so, the Court denied the Government its costs.

The court said, *No, we are not paying you any costs; you are the reason why all of this litigation was launched. They were not frivolous, they were genuine and they were of substance and that was because of your longstanding failure to put in place a framework to recognise relationships other than marriages. You are not entitled to any costs.*

So Madam Speaker, to repeat: All that this Legislative Assembly is being asked to do here today is to show obedience to and respect for the rule of law by doing what is asked of us by the Court of Appeal, that is, to put in place a framework to allow Ms. Day and Ms. Bodden-Bush and others, whether they are of the same or opposite sex, to enjoy section 9 rights under the Bill of Rights and under Article 8 of the ECHR. That is all this Bill is about.

Section 9 is one of the Constitutional rights ratified by this country during the Referendum on the 2009 Constitution. It is one of those rights that we ratified. It is therefore part of our laws, Madam Speaker. Article 8 of the Convention is one of those rights extended to the Cayman Islands when the European Convention of Human Rights was permanently extended to the Cayman Islands in 2006. So, that too is part of our domestic law. That is what we are trying to deal with here.

Accordingly, Madam Speaker, as a jurisdiction we are simply being asked to comply with our own domestic law books and in doing so, we as legislators are being asked to do what is right. We run the risk of

being accused of approbating and reprobating at the same time, in that we cannot embrace section 14 of the Bill of Rights but reject section 9 of the same Bill of Rights which is in the same Constitution. We are not allowed to do that, Madam Speaker; we have to cross 9 to get to 14. We cannot skip 9 and go to 14 and embrace 14, and pretend that 9 does not exist, but 9 is part of our Constitution.

Madam Speaker, in my view, such an approach is not consistent with good administration and it is certainly not consistent with government by law. That is the rule of law.

Madam Speaker, I therefore urge Honourable Members to approach this issue for what it is, which is showing deference to the rule of law, nothing else. Just a reminder, we are not debating same-sex marriage, we are not attempting to amend the marriage law, we are not in any way attempting to in any way change the definition of marriage in section 14. None of that arises in this debate. I understand the feeling, the passion, and the temptation to channel the discussion in that direction but as I said, that would be a mischaracterisation of what we are attempting to do here this evening.

After this Law is passed, if it is passed, marriage as we understand it will remain the same, it will not change; it will be marriage between a man and a woman as we know it in the traditional black-stone sense. That will not change by this Bill at all. What will change is persons who are not interested in the institution of marriage, either for religious reasons or for any other reasons at all, they will have an opportunity to put in place an arrangement to deal with someone else in a legal way, that can afford certain rights and certain responsibilities.

That, albeit, we are told is a minority of the population, but the reality is that the minority also has rights and the Bill or Rights also protects the minority. That is what this debate is all about, Madam Speaker; Nothing more, nothing less.

I thank you, Madam Speaker.

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

I recognise the Member for West Bay Central.

Capt. A. Eugene Ebanks, Elected Member for West Bay Central: Thank you, Madam Speaker.

Madam Speaker, I rise to make a very short contribution to this Bill before the House, the Domestic Partnership Bill, 2020. This is the most emotive Bill I have ever had to debate in my 19 plus years as an elected Member in this honourable House.

Coming from a rich Christian heritage, it really makes you think deep and long. As a grandparent, I now have to think about my grandchildren and other children growing up, especially for those children who unfortunately might not have God-fearing parents. My

heart's desire is to see my grandchildren grow up like their parents who are God-fearing, responsible individuals.

The Holy Bible says bring up a child in the way he should go and when he is old, he will not depart from it. Well, I grew up pretty much in Church; just about every Sunday I was in church and the teachings I got there I have not forgotten. They are still a part of my life today.

From the Garden of Eden, God did not put two men or women in the Garden of Eden; he put one man and one woman, Adam and Eve. As a child growing up, as a young man, a marriage was and still is and should be between one man and one woman. Well, I would like it to have it remain that way and I would like my grandchildren to grow up in that environment and not be subjected to same-sex marriage and all the behaviour that goes along with it.

Madam Speaker, I have known gay people all of my life and I do not hate them. I respect them if they respect me but I neither agree nor condone their lifestyle. I do not go to Church every Sunday but I believe in God and God's word, and God's word speaks of human sexuality of this nature that we are debating.

Much has been said already by the Members who have spoken before me. In my opinion, this Bill requires a conscience vote, so Madam Speaker, I will vote my conscience.

I thank you all and I thank you Madam Speaker. I am not going to repeat anything that has already been said and I know that we have one more speaker that will cover a lot of grounds but just to let the listening audience and the Members here know my feelings.

I thank you, Madam Speaker.

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

I recognise the Member for George Town Central.

[Pause]

Mr. Kenneth V. Bryan, Elected Member for George Town Central: Thank you, Madam Speaker.

I know it is late and before I start my debate I want to give you the indication that I may be using my full two hours. So if it may go past your intended hour and if it is your will to conclude in the morning I am fine with that. I am also fine to conclude tonight, but I wanted to give you that indication.

Before I start my debate, Madam Speaker, I want to send a special Happy Birthday to my father. It is probably going to be the lightest moment of this debate for me, which is going to be long, but I want to wish my father Vernon McAllister McField, a Happy Birthday. Dad, I love you. I am sorry that I could not be there with you today to spend time with you, but I know you understand I have to do the people's work.

That being said, Madam Speaker, I am glad to see that we have reached the final Member of the House to speak and we all still got our limbs attached to our bodies; some of our spirits are down, but it is part of the job.

Before I go much further, please allow me to recognise some of my constituents who have taken the opportunity to stay up very late and watch the proceedings. They are who they work for and I want to recognise them.

Also, Madam Speaker, Members of this honourable House may be aware that I held a vote on this Bill before the House on Saturday and I want to thank the many constituents who participated in that vote. It is so essential to my job here this evening. I also want to say thank you to the brave individuals who knew that the issue was sensitive and some people were even worried about what people would think coming out to a Town Hall to cast their secret ballot but this is what democracy is about. You came regardless of what people's views were, for or against, and you allowed the democratic process to conquer.

I also want to say thank you to my committee that has been working really hard with me to come to a conclusion on this very, very sensitive topic. They helped me organise what I believe is the participatory process of democracy; working behind the scenes, getting things together, taking time away from their families to help me do the people's work.

The members of my committee know who they are—I thank you and I love you for helping me with this.

My last vote of thanks before I get into the heart of my debate is to my loving mother who, no matter what, sticks by my side to do the democratic process as well. She is kind of a politician herself, so I thank her so much and, like my good friend the Minister of Health would say, once you have a praying mother, you are good to go.

[Inaudible interjection]

Mr. Kenneth V. Bryan: Madam Speaker, I think the best way for me to start my contribution on this topic is to go backwards and then come to where we are today.

Going through this debate over the last two days is somewhat like *déjà vu*. It reminds me of the debate that we did when the Honourable Leader of the Opposition brought the motion to the House to appeal the Chief Justice's ruling; the same ruling that ultimately has us before this House today. Madam Speaker, I wanted to make sure I was still in line with my thinking and that I was not going off track, so I went on the website and got a copy of the Hansards because it is relevant to today's topics. I want to read a few comments and then get into some of my other salient points.

Madam Speaker, this is from Thursday, April 2019, I started to give my contribution. Some key points that I highlighted back then that are going to be relevant in this debate are like this one, Madam Speaker, where I said:

“Now, Mr. Speaker, I want to get into what my responsibilities are as a legislator, and simply put, my job is to represent the majority of the people within the community on their thoughts. So how do I do that, on this very sensitive topic?”

So obviously, Madam Speaker, I was concerned about this problem from April. I said, **“The only way for me to do that is to survey the people and quantify their views.”** Another thing said in the past debate was, **“My job as a representative is to come here on behalf of my people, talk to them and find out what they want me to do and come and put their voice here in this honourable House.”**

Madam Speaker, another thing I said back then was, **“Mr. Speaker, we should have had a referendum on this topic ages ago, because it would have given us a clear sign to everybody that wants to know, how we feel about same-sex marriages.”** Even though today’s debate, like the Honourable Attorney General said is not about same-sex marriage, but then again, that is relative to who you speak to.

Madam Speaker, another key point I made was: **“Mr. Speaker, the fact that they don’t have the option to get married or have some sort of union has violated those rights.”** I was speaking about the ruling by the Chief Justice. I further went on to say, **“We have to rectify these violations of these rights.”**

Another key point I said **“. . . or we have some sort of union that allows them to have those rights because otherwise, we will be sued every day; that is the reality and whether I agree with it or not, has no bearing.”**

Another point I made that I want to highlight was that I myself had failed too, because I had two years that I had been before the House and I should have come and said something about bringing a motion of some sort.

Madam Speaker, I know that you may not fully understand why I am saying these points, but they will become relevant in short order. So I will ask you to bear with me.

I also said, **“I will continue to fight for the majority of my constituents because all of them that I have spoken to said they do not want same-sex marriages. But the question is: would they allow same-sex unions?”** Quite similar to the motion we have today, Domestic Partnership. **“We have to ask the people because I believe that the UK is going to say, Unna too feisty, you’re living in my house and you’re going to do it how I like to do it.**

That is what I believe they are going to say and there are already signs of this.”

Another key said was, **“Mr. Speaker, I feel it for those who are disenfranchised in our community, but my responsibility as a representative is to represent the majority and that is what democracy is.”** Another part that is relevant is, **“I have foundation to stand on and the majority of the people of George Town Central have said they do not want same-sex marriages, but I cannot even say they want same-sex unions either, because I have not asked them that.”**

Another key point, Madam Speaker, that I made in April was, **“But what I have had by way of feedback from my community, is that people are not happy with the justice system itself, because they feel they were cheated by their voice not being heard on how to rectify this problem, by his decision not to transfer the responsibility back to the people through this Parliament and through their representatives.”** So we are here now, Madam Speaker.

I also said in April that was **“my duty, my responsibility as a legislator on your behalf, to put these things out there for us to think about. . .”** The things were talking about were obviously the issues we were having with the Bill of Rights and the conflicts that we had.

Madam Speaker, I continued to say, **“This is my obligation to tell you the realities of what we are facing and I am going to do my job. And these are some of the realities surrounding this matter. Maybe I should reiterate it for those who are unaware: I am a Christian, I believe in the Bible, I was brought up by the Bible, and God forbids, if my mother ever thinks anything different than that. However, in my role as a legislator, I have to explain to you the realities before us; politically, economically, socially, and logically, because that is what I have committed to do. That is what I said I would do if I were elected.”**

Madam Speaker, I am almost done with my Hansards from last debate to talk about today debated; my last few quotes, I said, **“Mr. Speaker, when this Motion is done and I go back to Shedden Road, Crew Road, Palm Dale, Tropical Gardens, Breezy Way, Seymour Drive and Sound Way, and ask my people what they want me to do, I want them to be prepared with the understanding of all parameters of this discussion, because I am here to do what they want me to do. It is like I said in the campaign, Mr. Speaker, if the people of George Town Central were to say, *Kenneth, we want a law that we want to kill chickens on Saturday in the Town Hall*, then, I am going to bring a law to this House to say that we are going to kill chickens on Saturday. That is my job and I am here to represent them.”**

Madam Speaker, in my wrapping up, before I closed my debate I said, **“I must say that I am concerned. I am worried because, my faith is called into question, my belief system has been called into question and I may be forced to accept something that I do not want. But I think there is a way out and I think all of us as humans together can find that solution as long as we are willing to have dialogue in a mature way.”** That point is going to come up shortly, Madam Speaker.

The last quote I want to use from Hansard is, **“. . . but it is time now that we have those serious discussions with our constituents because that is the reality we face.”**

Now, Madam Speaker, that was in April 2019, shortly after the court ruling of the Chief Justice. We know that the Honourable Premier released the intention of the Government to bring the Domestic Partnership Bill on the 26th of last month.

[Pause]

Mr. Kenneth V. Bryan: Forgive me, Madam Speaker, I missed a step and it is important that I highlight all of the steps. As you heard me say in my April 2019 debate, I was planning for this sensitive topic and what I would do as a representative of George Town Central.

On January 8th of this year, knowing that the Government had given indication that they were planning to bring such a Bill (I did not know what it was called then) to this honourable House in the first quarter, I sent a letter via email to the Premier, the Governor and all the Cabinet Members. Back then, we did not know that COVID-19 was coming but that is probably when they were cooking it up. Madam Speaker, I did so because I was very, very, concerned about the opportunity to properly consult with my people and knowing that we only had 21 . . .

[Pause]

Mr. Kenneth V. Bryan: Thank you, fellow Members. I was just trying to recall the gazettal notice of the 21-day period. That is the legal period that the Government has to give all legislators about any kind of Bill that they are bringing to this House.

Madam Speaker, from the early part of January I sat down with my team and I said, *Listen this issue about the same-sex relationships is going to come up and I do not want to be stuck with 21 days. I do not want to know that politics are going to be played with this.* So I pre-empted the move, Madam Speaker and I sent a letter to all of them.

As a matter of fact, I am not sure if you were included in that e-mail. No, you were not, only the Ministers, the Governor and the Premier. I want to read it to this honourable House. Would you like a copy, Madam Speaker? Madam Speaker, would you

mind if I read it first and then I give you the copy? Thank you, Madam Speaker.

It says:

“Dear Hon. Premier and H.E. the Governor,

“Re: Notice period of any Bills concerning same-sex relationships in the Cayman Islands

“I am requesting that you grant an extended time for notice period for any Government-proposed Bill that relates to “same-sex relationships”. In the last sitting of the Legislative Assembly (November 2019), the Honourable Premier indicated Government’s intention to bring a bill in the first quarter of 2020 to address the request by the Court of Appeal to create “legal protection functionally equivalent to marriage” for persons of the same sex.

“The normal notice period is the minimum of 21 days. However, due to the gravity of such a new law, I am hereby requesting that the notice be released at least—at least—28 days before the debate in the Legislative Assembly.”

Madam Speaker, just for clarity, I asked for an extra week because I thought that was all I could get, I wish I could have done six months but if you are not realistic with your request, you probably would not get it, but I said at least 28 days. I continued to say:

“I do believe that this request is justified and reasonable considering the sensibility of this topic and in the spirit of the recent Constitutional approved amendments in the Legislative Assembly, it is my hope that this request be seen as fitting and reasonable.

“Furthermore, as the elected representative for George Town Central, this 28-days’ notice would afford me ample time to discuss, review and seek direction from the people on any legislation that relates to same-sex relationships, so that may be in a better and more informed position to represent them.

“Please acknowledge receipt of this e-mail and I look forward to your earliest response to my request.

“Thank you.

“Kind regards,

“Kenneth Bryan, MLA, GTC”

Sadly, Madam Speaker, I do not recall ever getting a response to it. What I did get was the release on the 26th of last month, of the Government’s notice of the Bill that is now before the House. Madam Speaker, ultimately, I asked for that extra time during what I understood to be a framework of the environment then. We are in a different environment now, we are in a COVID-19-restricted environment circumstances. So the 28 days I requested then is totally

different from the 28 days I would get now, and I will explain that in a little bit, Madam Speaker.

The Honourable Premier announced the bringing of the Bill to the House on the 26th of last month [June] and we are debating it on the 27th July, so, 31 days. It took pains to understand why the Government allowed the consultation period on this Bill, which we are obligated to do, to consult. Once a Bill comes here, we are obligated to go and talk to our people about it and we always do because all the Bills are not that sensitive, they are not that big of a deal; put a road here or a new policy on garbage collection. We do not always go all the time but on a Bill this sensitive, I would think that many of us would have wanted that opportunity to go out to the people.

Madam Speaker, I must say I am very disappointed. I am very disappointed, that the Government chose to allow the consultation period to be under the current COVID-19 restrictions, because it is logical to assume that there was not going much consultation at all. Madam Speaker, I could not get permission to use the Town Hall until 10 days ago, and that was by way of the policy position of the civil service because of COVID-19 restrictions, which I respect. I understand that the safety of the individual is more important than anything else.

We do not have TV stations so I could not educate them that way; I could not really go to my seniors because we are still being advised not to go near persons who are vulnerable to this disease, so I question what was the reason. We are now COVID-free, but I know we were not COVID-free last month on the 27th; there is still fear, and even if the Town Halls were open, I know nobody would have come.

My point is, Madam Speaker, what was the thinking? There could not have been any priority on truly consulting with the people when the only time you gave on a topic as sensitive as this was with those restrictions. I could not go to the old people or the Town Halls, so I was limited to only doing certain things which, I was not going to make that stop me from doing my job.

So, Madam Speaker, I did the next best thing I could; I went to social media, I went to every radio station I could—had to spend money to get on them too. Allow me to list the radio stations because I recall my colleague the Minister of Financial Services saying that it was our job to educate the people. I agree 100 per cent with her on this matter; it is our job to educate the people but I must say, that I do not remember many Members out there educating the people about this topic, especially, especially, considering the fact that the Government brought the Bill.

I am aware that there are some who did their part. I know that the Member for North Side had a Town Hall meeting. I know that he went on the radio and spoke about it. I got WhatsApp messages from the Member for Bodden Town West every single day,

twice a day, breaking the Bill down one by one. I know the Member for Savannah did his, as a matter of fact I think I called in to a show one day when he was talking about in on the radio. I know the Leader of the Opposition also did that.

Madam Speaker, I was paying quite close attention to this consultation period we are talking about because if we expect to pass a Bill this sensitive, I honestly think that we all should have gone out and spoken to the people. It is complicated; it is very complicated like the good Minister said, it is a complicated document. That is why it is so important; even a lawyer like herself, and she is a good lawyer, had to try to dissect the complexities of what we are facing here today, in respect of our obligations and in respect of what this Bill is trying to do, but do you know when the people are hearing about these complexities? While we are debating the Bill; that is when they are hearing about it, when we are debating the Bill. When they have no option but to swallow what we give them, but we will get to that, Madam Speaker.

Madam Speaker, I think it is also important that I highlight, and I want to apologise to the Member for Prospect because I did get up a little bit annoyed when I tried to suggest, by way of clarity as to this talk that the Members of the Opposition were given the privilege to speak to the Attorney General to ask relevant questions about this Bill. I requested that in the last sitting of this House begging, pleading, Madam Speaker, *please, can I get some information so I can answer my people's questions about this Bill. Can I get the legal drafting department to sit with me so I can ask the common man questions so I can go back to my people and answer them?* Up to this day I have not gotten it but apparently, the Members of Government did! Said so; that is okay, I do what I can.

They released this break-down of the Bill which basically sounds like legalese, still. I think we can all recognise that the people in our society are not all lawyers, but I personally think there was an attempt not to consult with the people of this country.

[Inaudible interjection]

Mr. Kenneth V. Bryan: Not to allow the momentum of discussion and examination of the Bill that was coming to this House because they know how they were going to feel. They did not want to have public consultation.

We had a position about a dock and we spent millions of dollars! Millions of dollars, campaigning with the people, explaining to them how good it would be and how bad it would be, and how we are going to do this and how we are going to do that! Millions of dollars! But you did not have one second of your time to go talk to the people about something that you know the majority of the people in this country are not

going to accept? You could not spend one minute on the radio? Not one second? Not one second! Alright!

Madam Speaker, I decided to do my part. Maybe some other people do not think they should do their part, but I did mine. I went to Radio Cayman twice; I went to Star 92.7 and I had to pay for that; I went to Rooster—thanks to Hurley’s Media that allows me the opportunity every Thursday. I want to thank Big Fish who allowed the opportunity to broadcast the fact that I was having this vote about this issue; I want to thank DMS who also allowed me to. I did it on Instagram; I paid to get videos recorded to explain the seriousness of this Bill to the people. I did it on WhatsApp.

As a matter of fact, Madam Speaker, the day that I got the Bill and the announcement, I asked for the document and sent it to every single person I had on my WhatsApp list that I knew was a voter. But I understand, Madam Speaker that most of my constituents are not going to go through the details of that document. I mean, half the time, I need to call and ask lawyer to give me some advice myself, and I am a legislator. So I did not expect that my constituents were going to get the full ramifications of this Bill or be able to pose the necessary questions on how it is going to affect them.

[Inaudible interjection]

Mr. Kenneth V. Bryan: Madam Speaker, I hear the Honourable Leader of the Opposition highlighting the fact that we should have legal counsel to support the Opposition and I agree with him, because then I would not have to beg the Auditor General’s Office to ask about interpretations and what this really means other than the words in the paper. Because we all know, Madam Speaker, the English language is a very tricky thing, you know? You read something and you think that is what it means; and I personally believe that is how we got in trouble in the first place with this. That is how we got in trouble in the first place with this; because of those negotiations that happened in 2008, but we will get to that, Madam Speaker.

As I said earlier, I did everything I could under the circumstances of a pigeon-hole attempt to get a certain outcome without consulting with the people. I squeezed my way through and did everything I possibly could to try to educate my people. Outside of going and trying to spread Coronavirus all over George Town Central, I did everything I could.

Madam Speaker, as I said, I held a vote on this issue.

[Inaudible interjection and crosstalk]

Mr. Kenneth V. Bryan: I hope you know. I hope you know.

Madam Speaker, given the seriousness of such a vote, I did my job to ask the people what they

thought about the Bill after doing everything I could to educate them. As a matter of fact, Madam Speaker, I even got some licks. I got plenty licks when I was on the radio because everybody knows what my views are, but I tried to explain to the people about what our constitutional obligations are, the seriousness of our relationship with the UK, the powers that they have, and what our options are.

Before I held the vote on Saturday I created a video to send out to everybody in Cayman, but particularly to the voters of George Town Central. I hope that you will allow me to read the text of the video. It says:

“Good day, George Town Central voters.

“As many of you know, the Government has released a Bill for public consultation entitled the Domestic Partnership Bill. It is due to be debated and voted on in our Legislative Assembly on Monday the 27th of this month. As your representative and your voice in the Legislative Assembly, it is important that I consult and get directives from you, the good people of George Town Central. So, it is my intention to hold a vote on this matter at the Constitutional Hall, better known as the George Town, Town Hall, this coming Saturday from 9am to 5pm.

“Your vote will be confidential and will be done in private, where no one will know what your views are. Your input and direction on this Bill, by way of this vote is vital to best represent you.”

Let me read that part again, Madam Speaker: **“Your input and direction on this Bill, by way of this vote is vital to best represent you.”**

“The question will be simple and reads as follows: As a registered voter for the district of George Town Central, do you wish for your representative, Mr. Kenneth Bryan to vote in favour of the Government’s proposed Domestic Partnership Bill? Yes or No.” But before you vote, it is important that I inform you of some facts and realities of this Bill.

“Firstly, this is the Government’s proposed solution to the declaration made by the Cayman Islands Court of Appeal to implement a legal framework that is equivalent to marriage for persons in same-sex relationships.

“Secondly, after much examination of our constitutional obligations and discussion with the local UK representative, His Excellency, the Governor, I am left with the view that if this Bill is not passed, the UK will enforce a similar or equivalent legislation based on our obligations to the European Convention on Human Rights. Here comes the controversial part, now—

“Lastly, if the people of the Cayman Islands are adamant about not having any legislation that recognises relationships of same-sex couples, the only recourse available is a call for independence.

"Now, it is imperative that I tell you that I do not support or believe that this topic warrants a call for independence, but as your representative I am obligated to let you know what your option as are, as your voice in the Legislative Assembly it is paramount that I understand and know your wish on this important topic before our honourable House.

"So again, I invite you to come and place your vote that will advise me as to your position on the Government's proposed Domestic Partnership Bill.

"I look forward to seeing you this coming Saturday, the 25th of July at the Constitutional Hall, better known as the George Town, Town Hall, between the hours of 9am and 5pm.

"Come and take part in your democracy."

Again: come and take part in your democracy.

"God bless and stay safe."

An added a line just to make sure that I got as many people as possible and trying to spread the word as much as I possibly could I said, "**Please share this video, as it is important that all voters of George Town Central are aware of this event.**"

Let me say it again, because it will come up, Madam Speaker: "**Please share this video, as it is important that all voters of George Town Central are aware of this event.**"

So I did everything that I possibly could, under the circumstances to do my job; to let the people know that this is a democracy and they can participate in it.

Now, Madam Speaker, the part about independence did not come from me; it came from talks with the UK officials. They said *you do not like it? There is only one way out of it.* That did not start today; they have been saying it a long time, so I do not want people to think that the independence viewpoint is my view.

Now, Madam Speaker, one thing that was not mentioned in that video was that, as I was preparing for the vote on Saturday, some other things came to mind. Many people were saying, *well the people should have their say on this.* So rather than having one question, I had two. Madam Speaker, I am going to lay this on the Table of this honourable House for you to see the copy of the ballot that I made.

Madam Speaker, what you have in your hand now is a copy of the ballot and, for the viewing audience you will see that it is similar to a voting ballot. It reads: "**As a registered voter for the constituency of George Town Central, do you wish for your representative, Mr. Kenneth Bryan to vote in favour of the Government's proposed Domestic Partnership Bill? Yes or No.**"

Madam Speaker, because so many people were saying it should be the people saying so, in a proper official capacity I added a second question:

"Do you believe that there should be a national vote on the Government's Proposed Domestic Partnership Bill? Yes or No."

Madam Speaker, I think I have held the people in suspense long enough. I want to lay on the table of this honourable House the results of that vote.

The Deputy Speaker: Member for George Town, you are laying this on the Table as well as the other document?

Mr. Kenneth V. Bryan: Correct.

The Deputy Speaker: Okay.

Mr. Kenneth V. Bryan: Madam Speaker, the results are as follows:

Question 1: As a registered voter for the district of George Town Central, do you wish for your representative, Mr. Kenneth Bryan to vote in favour of the Government's proposed Domestic Partnership Bill? Yes or No: 236 persons voted.

Yes	43 or 18.22 per cent
No	193 or 81.77 per cent

In respect of Question 2: Do you believe that there should be a national vote on the Government's Proposed Domestic Partnership Bill? Yes or No: 236 persons voted and the results are as follows.

Yes	196 or 83.76 per cent
No	38 or 16.23 per cent

You will see a hashtag at the bottom that says two persons did not answer question 2. I cannot force them to answer all the questions and that is where the difference came in.

Madam Speaker, as of the 1st of July, I have 1265 voters in George Town Central that makes up the 100 per cent; 236 persons who are registered in my constituency came out to participate equivalent to 18.66 per cent of my voters. Now, I am going to borrow a phrase from my good friend from Newlands who said how they use scientifically for sampling and if my memory serves me right he said between 5 and 10 per cent.

[Inaudible interjection]

Mr. Kenneth V. Bryan: Madam Speaker, I think I passed that to get a scientifically used percentage to get an indication. Madam Speaker, you might recall what I said earlier about how important it was to get

the information out. I kept saying that any number that I had for my constituent I sent out repetitiously.

I spent money on marketing to let people know because I believe in democracy. If you recall, Madam Speaker, the reason I spoke about my previous debate is because I wanted to make sure that I commit to what I promised the people of George Town Central that I would do in my manifesto, which is to consult with them on major sensitive issues.

Madam Speaker, please allow me to digress one little bit of what I promised to the people of the Cayman Islands.

"To the people of the Cayman Islands:

"In my bid for office, this is what you can expect from me when making decisions on your behalf:

- I promise to protect the interests of all Caymanians first before any others
- I promise to always be fair to all people no matter the gender, race, income bracket, age or nationality
- I promise to never be influenced or driven by special interests
- I promise to consider all political viewpoints regardless of who or where it comes from—CDP, PPM, Independents; and
- I promise to protect and maintain our cultural and religious beliefs" [UNVERIFIED QUOTE]

Now, Madam Speaker, someone used that on me the other day; she said, *you remember, I still got your Manifesto home. You remember that line you said?* I said, *yes, Ma'am, I do, Ma'am; thank you so much.*

They remember what my job and my responsibility is. They remember what my commitment was to them, so Madam Speaker, I am fulfilling my commitment and at this point is where I would like to lay on the Table of this House the ballots, just in case anybody out there has any questions about what they look like. There they are, Madam Speaker.

An Hon. Member: I cannot see.

Mr. Kenneth V. Bryan: You cannot see? Well, you can examine it, because I want to lay in on the Table of this honourable House.

[Crosstalk, laughter and desk thumping]

The Deputy Speaker: So allowed.

Mr. Kenneth V. Bryan: Thank you, Madam Speaker.

In it also are the tally sheets, done not just by myself but also by my team and they can be verified and I know you will not tell my mother that she is liar. I know you will not do that.

One thing I try to do is do is be as transparent as I possibly can and do it the right way because Madam Speaker, you notice somebody is going to say, but this young man has not touched this Bill yet;

the truth is, I do not need to touch this Bill. You know why? Because no one has asked the people what they want yet.

The question I want answered, Madam Speaker, is what about the people we represent? How can you come to this honourable House with such a significant change for our society, without talking to the people? I do not get it! Maybe this is old-school type of politics or something, but I do not get that. How I see this relationship, Madam Speaker, is they are my bosses. I work for them and they will fire me too. I do not understand how we do not speak and say, *well, how do you feel about this?*

I have heard plenty arguments about the legality of where we are and I really do not want to open up that door. I really do not want to open that door, but I think I am going to have to because here is the reality: We are here talking about the Constitution and what our obligations are and I heard my good, good friend, the Honourable Leader of the Opposition read a statement by the Honourable Kurt Tibbetts back in 2008 and I have the discussions here, Madam Speaker.

What bothers me the most is about that time and I think most people probably are tickling with this question now, which is, *"hold on there, back in 2008 when they were trying to convince us to vote for in the Referendum for this new Constitution, they told us do not worry about our Christian beliefs they are going to be protected. There is nothing to worry about."* That is what they told them! And I hate to say this, because I have grown to love and respect the Premier, but he was the key driver in that boat! He got a MBE from it!

So, how in the world now is there a misunderstanding as to the people's religious belief system? They were told to go and vote for that Referendum on the belief that, *don't worry, our Christian beliefs are protected.* Did no one see that the little slide-through window was open? Did nobody see it? Because a window is open, there is no doubt about that and I said so clearly in my message to the people.

We got obligations but guess what, Madam Speaker? What we are forgetting about in all of this, is something that is key to democracy, and that is choice. That is choice. The people of this country can say, *you know what, England, hear what, hear what, I do not want whatever you are giving, no matter how you give it, no matter how you send it, because we have options too.* No, I am not encouraging those options, trust me; that is the last thing I want. But do not try to sit here and pretend and do not tell the people that they should not fight against it, or should not stand for what they believe in and make it seem like they do not have options.

Madam Speaker, let me tell you something about faith. I do not expect all persons in our community to understand faith because not everybody is a Christian, but I will tell you what most people will know, is history. Faith is the one source of energy that

conquered empires, conquered continents based on faith and belief. And if this Government is going to think that that powerful energy that they call faith, is going to be subject to just pigeon hole coming down here by the LA without talking to them based on the one thing that is their foundation, you might as well tell a man, *listen, oh, you do not your legs.*

So where they got this thought that, even if this Bill passes, there is not going to be a residual mess in our country because you pigeon hole it down their throat! Madam Speaker, I want to make sure this is clear now: I am not saying there is not a solution here, but there can be no solution without the people's buy-in. You cannot miss that step!

[Inaudible interjection]

Mr. Kenneth V. Bryan: You have to talk to them and if they say that they want it, then so be it. If they do not want it, they still got the choice; that is what democracy is! We do not have to be a part of England. I am not suggesting that we should leave them, but even England knows that.

Listen to me, this is not a relationship where you are the parent and the people are children and you tell them how it goes, you know? It does not work like that! We work for the people, and if you think it is okay to do that, wait until 2021 comes.

You think that they did not hear when Ms. Julie said that there is a threat that this type of stuff could be put in the education system? And I did not even know it! I did not even know she had that conversation with England.

[Inaudible interjection]

Mr. Kenneth V. Bryan: I tell you what? I give her much credit for holding that in that long.

Madam Speaker, trust me, this whole holding things over people's head, does not work for me, you know. You tell me now, what kind of democracy... What is the UK really trying to say to the people of the Cayman Islands, when they say, *well, if you do not pass this Bill we are not giving you your constitutional changes?* You know what I call it, bribery.

An Hon. Member: It's against the Law.

[Crosstalk]

Mr. Kenneth V. Bryan: That is blackmail! Are you taking away the core principle of democracy, which is choice? Is that what they are planning to do?

Madam Speaker, I said something on the radio the other day, about my appreciation for the UK's diplomacy with the overseas territories over the many decades because I saw where they had a view on buggery. They had a view on buggery from 1957 if my memory serves me well.

They changed their law to allow homosexual acts to be legal. They did not force it on the overseas territories until 2000. I keep hearing them say 2001, I do not know where they are getting that from because it happened on the 13th of December, 2000. So they need to get their dates right. That is when the order was sent out. Anyway, that being said, it took them 33 years, if my calculations are right, before they came down with an iron fist. So they have always been a Mother Country of persuasion and diplomacy.

So, I must say that I am rethinking this whole concept of obligation because there is a relationship here, you know? We have commitments to the UK and the UK has commitments to us and whenever that relationship is not working out, we have to have discussions; and we can decide to say, *hey you know this relationship is not working out because it goes against some principles I do not like.* But I do not get, how can you suggest to the people that they do not have a say in this? That one I do not get.

I tell you one thing: you are not going to say that to George Town Central people because they sent me here to do their job. I recognise though, I must say I recognise that 18 per cent of the people of George Town Central wanted this Bill but you know something, a good friend of mine even accused me of scare tactics.

She said, *Kenneth, how dare you send that video out?* When I was talking about the realities of what we are facing; about our relationship with the United Kingdom and the choices that we have and that if we do not like it we may have to go independent. She said *you are trying to scare people into saying yes.* No, no, no, I was not trying to scare them into saying yes. I was just telling them the realities because that is my job.

[Inaudible interjection]

Mr. Kenneth V. Bryan: Even then, Madam Speaker, they voted no!

I remember being on Radio Cayman and an older man called in; I did not recognise his voice but I know if I heard again, I will know. He said, *Well, I tell you what, if England wants to bring it, let them bring it.*

You talk about the strength of faith, the conviction of faith? I tell the Government, particularly the Premier who is now my friend and I respect, *do not mess with the foundation of people's belief system. You are not going to pressure on the pressure this on the people unless they want it and you have to take the difficult step, whether you like it or not, to go out there and face the hard questions* because if you pigeon-hole it, trust me; you think there are problems now between the Christian community and the gay community, try passing this Bill. Try passing this Bill and everybody who vote for it, I can almost guarantee you gone next election.

[Laughter]

Mr. Kenneth V. Bryan: I can almost guarantee it.

[Inaudible interjection]

Mr. Kenneth V. Bryan: No; let me apologise, let me rephrase that—you are right, Honourable Leader.

I will tell you what, I know this: You may not like how the Christian community may be strong about their position, but they are no different than the LGBT community in respect to having a position, or the environmentalists or the Chamber of Commerce. It does not matter whether you like their belief system or not, they are a group of people who have a view and they are the majority in this nation. You cannot get around that.

Let us just say, Madam Speaker, if there was a majority of atheists in this country, do you think you or anyone else in this House could mandate anything else than atheism?

[Inaudible interjection]

Mr. Kenneth V. Bryan: Madam Speaker, the point I am trying to make is that not that we do not have a problem; most of the Members recognise there is a problem. I agree with them and they know that. That is why many of them expect me to say yes to this Bill but, little do they understand, that I am obligated to the people of George Town Central, not to them. The people I work for live in George Town Central; they are registered voters of George Town Central.

Now, the Premier said he was interested to hear what my position was going to be, or he hoped that I followed suit with the Bill. If he were interested in that, what he would have done was go down to the people of George Town Central and explain to them what the merits of this Bill are, and not allow a 30-day consultation period, in the middle of COVID-19!

Madam Speaker, the truth is (check this out) I cannot even say that these numbers are the most, most reliable. Here is why? Even in my attempt to educate my people as strongly as I could under the circumstances, do you know when most of the information came out? Right here today and yesterday. No public consultation.

So, let us say for instance, Madam Speaker, the seriousness of what the Attorney General said, the seriousness of what the Minister of Financial Services said, the seriousness of what the Premier is going to say after he closes the debate—because I know he is going to respond to me. Suppose all those seriousness are real. You think I have any opportunity to understand what the people feel? That is what happens when you do not consult with your people.

Another thing, Madam Speaker, they are talking about they gave consultation period. The Bill that I see here today is the same Bill that I saw on the 26th.

So, all of those people who wrote to you, where are those changes? Is that true consultation? How can you have a Bill that is firm, before you had a consultation? You never had any intention of listening to what the people said; none.

Madam Speaker, you notice I have not said anything about whether this Bill is right or wrong yet, right? What I am talking about is bigger than same-sex marriages. I am talking about democracy and how we deal with it in this country and this Government has proven, not the whole Government, because there are some Members stood their ground today; but you cannot do that on matters of this nature that are protected in our Constitution or supposed to be protected!

How can you possibly think that you are going to come out during COVID-19, a disastrous time in the history of the world and then bring something that is . . . The foundation of what we believe we are as Caymanians, is based on our faith; like the good Minister of Education said, *He Hath Founded it Upon the Seas*, and you are going to come break it out during a pandemic, when you cannot talk to the people?

I do not even know if my people totally understand; you spent millions of dollars on a dock, to talk to people about how fancy this dock was going to be, but you do not want to them about their faith? Let me tell you something, Madam Speaker: that is one thing you do not want to mess with. Whether you like it or not, that is one thing you must not play with.

Madam Speaker, I think the Government made a drastic mistake. I can tell you because I watch here for two days and you might notice I was on my phone the whole time; do you know what I was doing? Monitoring Facebook and YouTube because, while we are in here arguing about this, there is an online battle between the two sides—an online battle. They are beating each other to pieces. No matter what happens in this House when we vote, nobody wins because you know what is going to happen? We are a divided nation.

If the Premier thinks that is good leadership, I am going to tell him what good leadership is: I is going and talking to the people, understanding the difficulties of it and saying, *son*—just like you do as a parent—*son, daughter, I understand that this is hard for you but here is why it is important*; and get that person to agree with you, not to pigeon-hole it to them.

Talking about good leadership, about responsibilities? Good leaders go out and get the people to agree with them. That is what good leaders do. Don't tell me, it is the same approach you took with the port, until the CPR stood up and said, *nah, nah, hah, nah, hah, that no going to work*. You cannot pigeon-hole people and just tell them what they are going to do on serious matters.

If you want to do a little policy change on picking up garbage and whatever else, people do not care about that but not the thing that we crave and stand

proud for all the days of our lives about where we come from and our faith system and how great we are as good people and you want to pigeon hole that? Come on, man! What are we doing?

Madam Speaker, let me get my other points out. May I get a time-check please?

The Deputy Speaker: Madam Clerk, how much time does the Member for George Town Central have?

You wrap up at 10:15pm, so you still have another hour.

Mr. Kenneth V. Bryan: Thank you, Madam Speaker.

[Inaudible interjections]

An Hon. Member: He's smiling. He's smiling.

[Laughter]

Mr. Kenneth V. Bryan: Madam Speaker, I do not plan to use that much.

Madam Speaker, I really wish that we were not here, you know; honestly, we could have done so much better than this. We could have done so much better than this; we should never have to come to this point but we are here and it was not because of my decision but I have to address the issues before us.

Madam Speaker, the Premier said in his contribution, **"Increasingly, I am seeing and hearing calls for a People's Initiated Referendum on this matter, or for some in this House and outside of it for a general referendum at the next election so that the public can decide on this issue."** I think that call must have come from the people who came to my poll because 83.76 per cent of them said they think it should go to a national vote, but if the Premier wants to ignore them that is another question.

He continued to say, **"This is a matter of Law and indeed a Constitutional matter. To repeat again, our Courts are requiring that the Legislative Assembly provide the protections that they have identified. They are requiring that this Legislative Assembly cease the continuing breach of both Article 8 of the European Convention on Human Rights and Section 9 of the Bill of Rights of the Cayman Islands Constitution. Compliance with these provisions is not a matter of choice for this House or for this Government. Rectifying these issues is a matter of complying with the law as articulated by the Court of Appeal."**

Madam Speaker, I will say this again: The reason why that is a problem, is because there was a false premise sold to the people of this country, as to what the protections were. I do not think anyone would question here today that in 2009 when we voted in that Referendum, if the drafters of that Constitution had gone out and sold to people before they vot-

ed on it that same-sex relationships law would come into play, as a result of that Constitution, it would not have passed. I am almost certain of that.

However, Madam Speaker, what I wanted to get to was the fact that the Premier said that the **"People's Initiated Referendum does not apply to constitutional matters"**. I agree because it says so in the Constitution. Allow me to read it; it is section 70 – 'People-initiated referendums':

"Without prejudice to section 69, a law enacted by the Legislature shall make provision to hold a referendum amongst persons registered as electors in accordance with section 90 on a matter or matters of national importance that do not contravene any part of the Bill of Rights. . ."

So, he is right; but the part that was interesting to me was the other part where he said, **". . . a general referendum, as allowed by section 69—which is the Government referendum—is also not suitable to decide on this matter."** But why? Why is it not suitable? In his wrap up, can he explain to me why it is not suitable? Because regardless of what the legal obligations are, what they are failing to remember is that people have a choice. We are assuming that they do not have a choice in this matter.

You make it seem as if to say we do not have options to tell the UK no and that we cannot continue to challenge it. What we have to do is explain to the people that if they want to go that far, this is what is going to happen. So if you are representing the people like what we all should do, is find out exactly what they want. Now, if you want to go tell them, *listen, the only option you have is independence*, maybe you might not get everybody voting against it, I do not know, but one thing I know is that they do not know either, because no one has asked them. Mr. Anthony asked for a Referendum on this matter decades ago.

[Inaudible interjection]

The Deputy Speaker: Member for George Town Central, please refer to the Member as the Member for Savannah.

Mr. Kenneth V. Bryan: Thank you, Madam Speaker. My apologies; I retract that comment. I am supposed to refer to the Member as the Member for Savannah.

So, Madam Speaker, I do not agree with the Premier when he says that a Government Referendum—and he can make it that it is not binding—is not suitable. So, I do not necessarily agree with that point and I think we are just trying to get away from involving the people, yet again.

Oh, boy, I like this one because he was making good laugh but I have to respond to it because he called me out. He said, *"Madam Speaker, the Member for George Town Central is a renowned fence-sitter."* Renowned fence-sitter, he said. He said that some-

how tongue-in-cheek and I agree, I think he only made it out of laughter but you know, Madam Speaker, I could say he is infamous for never consulting with the people but I will not say that, because I am not like him. But I do not mind because he does not quite understand the concept of not giving any commitment until you speak to your people, because that is something he practices.

Madam Speaker, anything that is serious like that you know, most Members know, I go back to the people of George Town Central and I say, *guys, ladies, girls and seniors*, this is what we are facing. *How do you want me handle this? This is serious stuff.* That is what I do. So if he sees that as fence-sitting, so be it but again, I am not going to move away from the principle of my responsibilities, which is to consult with my people.

I am going to show you Madam Speaker, one part that I somehow shied away from. Madam Speaker, you remember when we had to do the constitutional vote in this honourable House? It took pains for me to support that Bill; it was my intention not to support it and the Premier knows that. And the only reason I supported the constitutional changes—because we did not have any consultation with the people—is because I quickly did a video, sent it to the majority of my constituents via WhatsApp and I gauged their response by the next morning, when we had to take the vote.

I almost cried that night because I said how could I possibly stand in this honourable House, and take a vote on something as substantial as changing our Constitution without talking to the people? Madam Speaker, you know what? I get beat by my good friend and talk show host, Woody DaCosta, about it all the time and he is right. You cannot make those kinds of changes without consulting your people. I did the best I could under those circumstances, and I promised it would never happen again. That is why I tabled those ballots in this honourable House, because I did everything I could.

I want to say that we did not have to do this. We could have really done an education campaign and explain to the people where we are at and what how serious this is. The truth is we might not pass the Bill or the Bill might pass, I do not know; but we still have to deal with what the UK is going to say, no matter what I have said here because I am talking about the democracy elements of this.

Madam Speaker, I am going to tell you my personal view now: Why this Bill is so controversial is because of the homosexual element. If we were to take away just that one piece out of it—same-sex—none of us in here would be arguing about this, at least that is what is my belief.

So, why it is controversial and why I, the Premier and everybody is surprised, is because that one thing goes against the core principles of what most Caymanians feel. I say most, because there are

some Caymanians who are not Christian, there are some Caymanians who are homosexual and that is their choice; but that is not the point.

The point is that you cannot force a nation into that kind of thing. And that is why I believe the UK has always taken a persuasive approach. You know where that came from? Hundreds and hundreds of years of conquering other nations; you have to slowly persuade that nation to follow you. Persuasion is what they are good at but you know what? We are not too good at it, we are afraid of it.

We cannot get away from the awkward conversation. If we skip it, here is what is going to happen: There are going to be many people who are divided, people unhappy about it and then we may have what they talk about hate speech. We may have a whole lot more than that and worse than what it is. Madam Speaker, the reality of it is that I have friends who are gay and I am talking about close friends.

[Inaudible interjection]

Mr. Kenneth V. Bryan: Madam Speaker, I hope the Member did not think I was pointing at him, I was pointing in general. I want to try to make sure that this message is not geared towards homosexuality, it is about choice. It is about the principles of democracy.

Madam Speaker, I will tell you this, if the good people in George Town Central came down by way of majority, if the numbers were the other way around, I would be committed to my job and say, the people of George Town Central want same-sex relationships, because everybody in George Town Central had an option to come down there. Some people might say, *well, Kenneth that is only 236 people*. Everybody had a choice to come.

I am going to show you how far I went with this. On the day of the poll we were there from 9am all the way to 5pm; I even went until 5:30, because there were a couple people who came late and they came inside and voted. I decided with my team, I said *listen we got to do the seniors*, what we call the shut-ins. People who do not get out that often because of their disability or because they are elderly or what have you; so we dedicated Sunday to that effort.

I sent out a message that morning when I was going out to the seniors—another message, another effort for the people of George Town Central to participate—and I said:

“Good people of George Town Central, I am going around in the community again to deal with the shut-ins and the seniors who were unable to come out on Saturday. If you would like an opportunity or for some reason or another you were unable to make to the polls on Saturday here is a second chance. I will come to your house.” [UNVERIFIED QUOTE]

Some people took advantage of it; that is why if you look at the tally sheet it has a breakdown on the

mobile voting element of it, you will see 80-something people who took advantage on the Sunday.

So, Madam Speaker, I did everything I possibly could. If people do not want to participate . . . do not want anybody questioning these numbers, about how little they are, because they are going to say that: *How are you going to make 236 people direct your position in this matter?* I have done everything that I had to do. I can only assume that the persons who did not participate are not of the view that this is a matter of concern for them. In these cases, what happens in a democracy is that the majority decides for them, the people who decide to participate.

However, you know what I found, Madam Speaker, based on the responses I got from a lot of people? A lot of people are at ends with what this means with our relationship with the UK. There were some Christians who I saw, who said, *I believe persons of same-sex relationships should have their rights, but I do not want to take away from my foundation.* I saw the serious burden in their eyes.

The ranges of people's position were about six different positions: The extreme of *Nope. I am not for it no matter what; my foundation is Christian, the Lord tells me not to do it and I am not doing it.* And you had the other people who said, *You know, I'm a Christian and I don't want to judge anyone but I can't do it, because that is not what I am for.* Then you had the other persons who said, *I feel badly, you know. I really wish I could give them these rights and I know people who are like that.* You had the other extreme which is, *Freedom and rights and equality for all!* And there were some people who said *You know, I don't really agree with it, but I think they should have their rights.*

So, you had different extremes and to be honest with you, Madam Speaker, I even had persons come to the Town Hall almost in tears; people who were probably homosexuals. That is why I said I want to thank them for their bravery, for coming and participating because we do have a problem, but jumping the process of talking to the people is not the solution.

People are struggling with this and the reason they are struggling with this is because we have chosen to miss the fundamental part of democracy, which is consulting with the people, educating the people about the realities. Now, you may not necessarily like the outcome because some people predict the outcome is why they try to circumvent that step. They are saying, *well, no matter what happens they are always going to feel that way.* You do not know that. None of you know that. I told the Governor when he came here because the first thing he brought up was *how do you feel about same-sex marriages?*

[Inaudible interjection]

Mr. Kenneth V. Bryan: As a matter of fact, that happened with both Governors, you know. First meeting, that topic came up.

As a matter of fact, I remember going to a legislative function in the UK and they brought that up. Every time I talk to UK officials, they bring it up. That is why I am convinced about the Minister's talk about the agenda because it is on the agenda wrongly or rightfully. So, I mean that is their choice, I have no problem with that but . . . lost my frame of thought, now, Madam Speaker. Let me slow down.

Madam Speaker, what I was getting at was the missed opportunity because of them skipping that step. I really, really, really wish—because some people know how I feel. I am a Christian, but if this Bill or something similar would give persons equality in Cayman were to be passed, it will not be the end of the world to me; that is my personal view. But my personal feelings and views have nothing to do with my responsibility in this House; nothing. As a matter of fact, Madam Speaker, I want to point something out. The honourable Member for George Town East is my voice in this House. I am a registered voter in George Town East.

What I say here is supposed to be the voice of the 1,256 people who are residents in George Town Central and maybe that is where some of the other Members and I differ. Because I heard the critiquing of what the representatives' responsibilities are and I tell you what, the Honourable Minister of Financial Services, I am not sure how you came to that view there. I was one of those people who looked at you quite complicated with that thought about . . . As a matter of fact, let me leave that alone before you get up on a point of order. I love you, but I know where my responsibilities are.

[Laughter]

Mr. Kenneth V. Bryan: Madam Speaker, I am going to wrap it up now by saying, sadly, I cannot support this Bill.

Mr. Austin O. Harris, Jr.: I am not surprised.

Mr. Kenneth V. Bryan: Yeah, you were waiting for a long time to find out, though. Yeah.

[Laughter]

Mr. Kenneth V. Bryan: Madam Speaker, I will tell you another reason why I cannot support the Bill. If this honourable House will recognise one thing, almost every single Member, excluding the Member for George Town West and the Member for West Bay Central, brought up some problem with this Bill; check the Hansards, Madam Speaker. Every Member of this House found a problem with the Bill. You know why

that happened? Because they did not consult with the people and if you think that is good governance, then you are sadly mistaken.

I am going to close by saying that even people who want this Bill, support it, recognise that the way they have gone about this, the rushed approach, has probably ruined the opportunity to find a solution because I think the people of the Cayman Islands are quite reasonable, you know. That CaymanKind talk comes from somewhere, and I genuinely do not believe that our people—when I say our people I am including persons who are homosexual because there are Caymanians who are homosexuals and they are my people too—who disagree with homosexuality are hating Caymanian homosexuals. I do not believe that.

People have differences. Sometimes I may disagree with my colleague but that does not mean I hate him. I do not agree with what you are doing, how you tie your shoelaces, what kind of truck you got.

[Laughter and crosstalk]

Mr. Kenneth V. Bryan: My point is that I do not think the majority of the people in Cayman want this division. They want a solution, but this is not how you come to that solution. And this narrative that you are selling, that this is the only way and that the UK will come down with a hard fist...

I tell you this, Madam Speaker, I do not think the Governor is a bad guy; I do not think he is a bad guy. I like his steel pan playing.

[Laughter]

Mr. Kenneth V. Bryan: However, I heard whispers that if we do not pass the Bill there is a high possibility that section 81 might be used.

[Inaudible interjection]

Mr. Kenneth V. Bryan: Just to summarise, Madam Speaker, section 81 talks about the Governor's reserved powers to be able to implement such legislation without this honourable House. And I have good conversations with the Governor but I do not think that would be a good way to go about diplomacy with the people of the Cayman Islands. That is a quick way to fall out of shape and love with the people of Cayman. That is not a good idea.

If anything, if it has to get to that point, you are better off coming with the paper and saying, *oh, they sent it from the UK*. Don't be you, using your power here. Honestly, this is my humble suggestion, Madam Speaker. This is my humble view about this matter. I generally do not like the feeling of being forced. Maybe if you had spoken to the people of the Cayman Islands you might be surprised as to what their viewpoint is after having proper discussion with them.

Madam Speaker, with that being said, I want to close by saying that though I was strong in my delivery about this process because it really bothered me. It really, really, annoyed me how we went about this but I want persons who are in same-sex relationships to know that I was hoping that the Government would not have done this, and we could have found a solution that all of us in Cayman could all live in harmony because I do not think of gay Caymanians as 'them'. They are one of me.

[Inaudible interjection]

Mr. Kenneth V. Bryan: However, in any society people have differences of views and in a democracy it all depends on the majority and I think most people understand that. I hope that we can resolve this Madam Speaker, but I do not think we are going to resolve it by skipping the people being involved in the solution. It just will not work.

Madam Speaker, thank you so much and that is my contribution.

[Desk thumping]

The Deputy Speaker: Members, I believe everyone has had an opportunity to debate this Bill. The mover of the Bill will wind up his debate tomorrow morning.

I will call on the Deputy Premier to move the adjournment.

ADJOURNMENT

Hon. Moses I. Kirkconnell, Deputy Premier: Mr. Speaker, I now move the adjournment of this honourable House until 10:00 am tomorrow, Wednesday, 29th July.

The Deputy Speaker: The question is that this honourable House now stands adjourned until 10:00 am tomorrow, the 29th of July.

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

AYES and NOES

Mr. Christopher S. Saunders: May we have a division please, Madam Speaker?

The Deputy Speaker: Madam Clerk, can you take the division, please?

Division No. 37

AYES: 8

Hon. Moses I. Kirkconnell
Hon. Roy M. McTaggart
Hon. Tara A. Rivers
Capt. A. Eugene Ebanks
Mr. David C. Wight

NOES: 5

Mr. Bernie A. Bush
Mr. Alva H. Suckoo, Jr.
Mr. Anthony S. Eden
Mr. Christopher S. Saunders
Hon. V. Arden McLean

Mr. Austin O. Harris, Jr.
Mr. D. Ezzard Miller
Mr. Kenneth V. Bryan

ABSTENTIONS: 2

Hon. Julianna Y. O'Connor-Connolly
Hon. Dwayne S. Seymour

ABSENT: 2

Hon. Alden McLaughlin
Hon. Joseph X. Hew

The Deputy Speaker: The Ayes have it.

**At 9:50 pm the House stood adjourned until 10 am,
Wednesday, 29th July, 2020.**