



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

OFFICIAL HANSARD REPORT

2020/2021 SESSION

Friday
16 October 2020
(Pages 1-36)

Hon. W. McKeeva Bush, OBE, JP, MLA,
Speaker

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PRESENT WERE:

SPEAKER

Hon. .W. McKeever Bush, OBE, JP, MLA
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 W. 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, 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, 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:

Mr. Anthony S. Eden, OBE, MLA	Elected Member for Savannah
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OFFICIAL HANSARD REPORT
FIRST MEETING 2020/2021 SESSION
FRIDAY
16 OCTOBER 2020
10:00 AM
Third Sitting

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

The Speaker: Good morning. I call now on the Member for George Town South to grace us with prayers.

PRAYERS

Ms. Barbara E. Conolly, Deputy Speaker, Elected Member for George Town South: *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 lift up the light of His countenance upon us and give us peace, now and always.

Amen.

The Speaker: Please be seated. This honourable Legislative Assembly has resumed its sitting.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

The Speaker: None.

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

The Speaker: None.

PRESENTATION OF PETITIONS

The Speaker: None.

**PRESENTATION OF PAPERS
AND OF REPORTS**

**DEPARTMENT OF LABOUR AND PENSIONS—
CAYMAN ISLANDS GOVERNMENT
2008-2009 ANNUAL REPORT –
ASSURING A FUTURE FOR THE
CAYMAN ISLANDS WORKFORCE**

**DEPARTMENT OF LABOUR AND PENSIONS
CAYMAN ISLANDS GOVERNMENT
2009-2010 ANNUAL REPORT –
ASSURING A FUTURE FOR THE
CAYMAN ISLANDS WORKFORCE**

**DEPARTMENT OF LABOUR AND PENSIONS
CAYMAN ISLANDS GOVERNMENT
2010-2011 ANNUAL REPORT –
ASSURING A FUTURE FOR THE
CAYMAN ISLANDS WORKFORCE**

**DEPARTMENT OF LABOUR AND PENSIONS
CAYMAN ISLANDS GOVERNMENT
2011-2012 ANNUAL REPORT –
ASSURING A FUTURE FOR THE
CAYMAN ISLANDS WORKFORCE**

**DEPARTMENT OF LABOUR AND PENSIONS
CAYMAN ISLANDS GOVERNMENT
2012-2013 ANNUAL REPORT –**

**ASSURING DIGNITY FOR WORKERS IN
THEIR GOLDEN YEARS**

**DEPARTMENT OF LABOUR AND PENSIONS
CAYMAN ISLANDS GOVERNMENT
2013-2014 ANNUAL REPORT
ASSURING DIGNITY FOR WORKERS
IN THEIR GOLDEN YEARS**

**DEPARTMENT OF LABOUR AND PENSIONS
CAYMAN ISLANDS GOVERNMENT
2014-2015 ANNUAL REPORT
ASSURING A FUTURE FOR THE
CAYMAN ISLANDS WORKFORCE**

**DEPARTMENT OF LABOUR AND PENSIONS
CAYMAN ISLANDS GOVERNMENT
2015-2016 ANNUAL REPORT
ASSURING A FUTURE FOR THE
CAYMAN ISLANDS WORKFORCE**

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin, Honourable Minister of Employment, Border Control, Community Affairs, International Trade, Investment, Aviation and Maritime Affairs: Thank you, Mr. Speaker and forgive my voice; it slipped further since yesterday.

[Inaudible interjections]

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I beg to lay on the Table of this honourable House all of the Reports just mentioned by the Clerk—I am not going to try to go through all of them again.

The Speaker: So ordered.
Is the Premier speaking thereto?

[Laughter]

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I think some of those reports are only of historic interest; some of them go back to 2008. I think we are trying to catch up now.

[Inaudible interjections]

**CAYMAN PORT COMPREHENSIVE ANNUAL
FINANCIAL REPORT FOR THE YEAR ENDED
DECEMBER 31, 2017**

**CAYMAN PORT COMPREHENSIVE ANNUAL
FINANCIAL REPORT FOR THE YEAR ENDED
DECEMBER 31, 2018**

The Speaker: The Honourable Deputy Premier.

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

Mr. Speaker, I beg to lay on the Table of this honourable House, the Cayman Port Comprehensive Annual Financial Reports for the years ended December 31, 2017 and December 31, 2018.

The Speaker: So ordered. Is the Deputy Premier speaking thereto?

Hon. Moses I. Kirkconnell, Deputy Premier: Mr. Speaker, just to say that these are both unqualified audit opinions.

The Auditor General states that the Financial Statements present fairly in all material respects, the financial position of the Port Authority of the Cayman Islands as of December 2018 in its financial performance and cash flows. I invite all Honourable Members to have a read at their convenience.

Thank you.

**DEVELOPMENT AND PLANNING LAW
(2017 REVISION) — DRAFT DEVELOPMENT AND
PLANNING (AMENDMENT) REGULATIONS, 2020**

The Speaker: The Honourable Minister of Commerce.

Hon. Joseph X. Hew, Minister of Commerce, Planning and Infrastructure: Thank you, Mr. Speaker.

Mr. Speaker, I beg leave of the House to lay on the Table a Draft Development and Planning (Amendment) Regulations, 2020.

The Speaker: So ordered. Is the Minister speaking?

Hon. Joseph X. Hew: Mr. Speaker, there will be a motion later on that I will speak to in more detail.
Thank you.

**QUESTIONS TO HONOURABLE
MINISTERS AND MEMBERS
OF THE CABINET**

The Speaker: There are no questions on the Order Paper.

Mr. Kenneth V. Bryan, Elected Member for George Town Central: Mr. Speaker.

The Speaker: Member for George Town Central, are you rising on a Point of Order or. . .

Point of Order

Mr. Kenneth V. Bryan: Yes, Mr. Speaker; I rise on a Point of Order under section 20 of the Standing Orders.

Can the Government give reasons as to why there are no questions on the Order Paper?

[Pause]

The Speaker: I was waiting because the Premier and the Deputy Premier were talking but, there is a question as to why there are no questions on the Order Paper.

[Inaudible interjections]

Mr. Kenneth V. Bryan: Mr. Speaker, we are about to debate a very serious Bill today, the independence of this honourable House and if we cannot get something as simple as getting questions ready for this Parliament, I am not sure that we are ready to debate that.

I sent my questions in close to a month ago—a month. Anybody in this House can know that I was the first one to send questions in, so it is not a question of time. These questions that I ask are on behalf of the good people of the Cayman Islands and they want their answers and the Government cannot just say *oh, we do not have the answers*.

I do not even know what to say.

The Speaker: Okay, honourable Member; I do not know what to say either but obviously, questions are not ready or they would have been on the Order Paper.

[Inaudible interjections]

The Speaker: The questions, yes; the answers to the questions are not ready but, we will have time and hopefully they will be able to be put on the Order Paper before the end of the meeting.

STATEMENTS BY HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Speaker: None.

PERSONAL EXPLANATIONS

The Speaker: None.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: None.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: None.

GOVERNMENT BUSINESS

BILLS

FIRST READINGS

LEGISLATIVE ASSEMBLY (MANAGEMENT) BILL, 2020

The Clerk: The Legislative Assembly (Management) Bill, 2020.

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Mr. Speaker.

Mr. Speaker, I apologise again for my voice or the lack of one; I have to say this is one of those extraordinary things. I feel perfectly fine, I have not a single ache but my voice has cracked.

I think the cause and responsibility for that may be the Member for George Town Central, Mr. Speaker.

[Laughter]

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I move the Legislative Assembly (Management) Bill, 2020.

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

[Inaudible interjections]

The Speaker: For all intents and purposes that, to me, is the first reading. Second reading would be when the Member gets up now and moves forward. And any way, we are going to make sure that it is done right; I am going to call on the Premier.

[Inaudible interjections]

The Speaker: So all Members are clear: the Premier read what he is about to do. Now I am calling on him to move the Bill—a Bill for a law to provide for the independent management of the Legislative Assembly and for incidental and connected purposes.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the first readings, the Bills are not moved by the Minister.

The Clerk reads them and says, “The Bill is deemed to have been read for the first time and it is set down for a second reading.” The Clerk is saying—I can see her through the door—that that was done on Wednesday.

[Inaudible interjections]

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, the Premier may not have because of him having his schedule, but we adjourned Wednesday after the question time that went so late into the night.

So we did not reach Government Business; this is the first day we have reached Government business other than the motions that they laid—Planning, Freedom of Information and what not—so the First Readings need to come today.

[Inaudible interjections]

The Speaker: He is right, though.

[Inaudible interjections]

Hon. V. Arden McLean, Leader of the Opposition: This is the first time we have reached—

[Inaudible interjections]

Hon. V. Arden McLean, Leader of the Opposition: No, we did not do them yesterday. Yesterday was Private Members’ day, and we only had Private Members’ motions.

The Speaker: My recollection of what has taken place is what the Leader of the Opposition has said; but it is easy enough for us to check and to put on our belts and braces. We will check the Hansard to ensure that we have or have not taken the first readings. So we will check.

LEGISLATIVE ASSEMBLY (MANAGEMENT) BILL, 2020

The Clerk: The Legislative Assembly (Management) Bill, 2020.

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

DEFENCE BILL, 2020

The Clerk: The Defence Bill, 2020.

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

REGISTERED LAND (AMENDMENT) BILL, 2020

The Clerk: The Registered Land (Amendment) Bill, 2020.

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

PRESCRIPTION (AMENDMENT) BILL, 2020

The Clerk: The Prescription (Amendment) Bill, 2020.

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

DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 2020

The Clerk: The Development and Planning (Amendment) Bill, 2020.

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

SECURITIES INVESTMENT BUSINESS (AMENDMENT) (NO. 2) BILL, 2020

The Clerk: The Securities Investment Business (Amendment) (No. 2) Bill, 2020.

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

LIMITED LIABILITY PARTNERSHIP (AMENDMENT) (NO. 2) BILL, 2020

The Clerk: The Limited Liability Partnership (Amendment) (No. 2) Bill, 2020

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

JUDICATURE (AMENDMENT) BILL, 2020

The Clerk: The Judicature (Amendment) Bill, 2020.

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

PUBLIC HEALTH (AMENDMENT) BILL, 2020

The Clerk: The Public Health (Amendment) Bill, 2020.

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

**MERCHANT SHIPPING
(AMENDMENT) BILL, 2020**

The Clerk: The Merchant Shipping (Amendment) Bill, 2020.

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

**SUPPLEMENTARY APPROPRIATION
(JANUARY 2020 TO DECEMBER 2020) BILL, 2020**

The Clerk: The Supplementary Appropriation (January 2020 to December 2020) Bill, 2020.

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

SECOND READINGS

**LEGISLATIVE ASSEMBLY
(MANAGEMENT) BILL, 2020**

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Mr. Speaker.

Now that we have got that correct, I beg to move the second reading of a Bill shortly entitled The Legislative Assembly (Management) Bill, 2020.

The Speaker: The Bill has been duly moved. Is the Premier able to speak at this time?

The Premier, Hon. Alden McLaughlin: As the old people say, I shall do my endeavour best.

Mr. Speaker, the Legislative Assembly (Management) Bill, 2020 is a Bill for a Law to provide for the independent management of the administrative functions of the Legislative Assembly; and for incidental and connected purposes.

Mr. Speaker, dare I say that this is one of the most important Bills the House has dealt with, with respect to our ongoing political maturity and the development of democracy in these Islands.

Mr. Speaker, it was on the 15th October, 2015 that I moved a motion on the Floor of this House, that required that “responsibility for the administration of the Legislative Assembly be assigned to the Honourable Speaker and managed by the Clerk of the Legislative Assembly; and that the necessary measures to effect this transfer of responsibility be completed by 30th June, 2016 by the parties concerned”; perhaps needless to say, Mr. Speaker, yesterday was five years since that motion was moved and we have missed the deadline of 30th June, 2016 by almost four-and-a-half years.

However, Mr. Speaker, I am certainly glad to finally be here today to present this Bill in the hope that it will now become law.

Mr. Speaker, there is a lesson in this for the newer Members of this House: if you want to see things get through, you need to stick around for a term or two. Things move slowly often in this process and you have to not only have the political will of those who have the numbers, but you also have to go through the administrative issues and the bureaucracy and the drafting of the legislation to get a law here, especially a law of the significance of this one.

However, even that motion was not the first iteration of the idea to make this Honourable Assembly independent of the civil service. A similar motion was moved by then Chief Secretary, George McCarthy during the first Progressives administration in 2006, and obviously, at the behest of the Government; and indeed, Mr. Speaker, this has been a topic of discussion and perhaps controversy going back more than 50 years.

Mr. Speaker, the first documented incident involving conflict between the Legislative and the Executive is the famous touse between then Commissioner Andrew Gerrard and now National Hero, Mr. Ormond L. Panton in 1954.

Mr. Gerrard who, as Commissioner, was then the Presiding Officer of the Assembly, which would have been the Assembly of Justices and Vestrymen moved a motion involving his own salary or pension and offered to vacate the chair of the Assembly while it was debated. He proposed that the Assistant Commissioner, who would have been obviously his deputy, Mr. Desmond Watler—also now a National Hero—should sit in the Chair. Mr. Ormond objected on the basis that just as a Commissioner had a conflict of interest, so would Mr. Watler.

The Standing Orders at the time said the Assembly could appoint a Chairman from amongst themselves and Mr. Ormond proposed Mr. Warren Connolly, also now a National Hero; and so there was a big debate and controversy over this and neither the Commissioner nor Mr. Ormond would back down. Eventually the Commissioner stormed out of the Town Hall, where the meeting was being held, jumped in his car and drove off in a rage.

Over time there were more encounters involving Mr. Ormond that would lead to the eventual separation of powers because the Commissioner, who then obviously represented the Executive, was sitting as the Chairman of the Legislature.

Mr. Ormond Panton and his father operated a shop and had a truck that they used for deliveries; back then you could license a truck quarterly, half-yearly or yearly, well, I believe you can do that now again. Mr. Panton had licensed his half a year and had forgotten to get it renewed—

[Pause]

The Premier, Hon. Alden McLaughlin: I thought you had something to fix my throat.

The Speaker: No, Hon. Premier; I cannot fix your voice. We are trying to fix your mouth, though.

[Laughter and inaudible interjections]

The Premier, Hon. Alden McLaughlin: I did that; I ate six Ricolos, half a dozen Buckley's...

[Inaudible interjections]

The Premier, Hon. Alden McLaughlin: I thank the Page, Mr. Speaker, but if I go any higher...

[Laughter]

The Premier, Hon. Alden McLaughlin: I will start that bit again. So, Mr. Panton and his father—

The Speaker: Honourable Premier, I am having difficulty hearing, so if you could speak directly into the mic as much as possible.

The Premier, Hon. Alden McLaughlin: Okay. Is that a bit better?

Mr. Panton and his father operated a shop and had a truck that they used for deliveries; back then you could licence a truck quarterly, half-yearly or yearly. Mr. Panton had licenced his for half a year and had forgotten to get it renewed. In all, some 14 people had failed to renew their licences, including the Clerk of Courts.

The Commissioner ordered the Clerk to write to the 14 offenders about the licence issue. Mr. Panton recalled in his biography—*A Special Son*—that his letter said that he should go to the Commissioner's office and explain why he had wilfully failed to pay his tax; Mr. Ormond refused, and the issued escalated when Mr. Panton learned that the Commissioner, who was also Head of Customs and the Resident Magistrate, was going to try him himself.

Even after Mr. Panton had elected to be tried by two Caymanian JPs, on the day of the trial, Mr. Panton made objections to the Commissioner trying the case, since in his capacity as Collector General he was the same person who had instituted the proceedings. He found Mr. Panton guilty, and ordered him to pay £8 and Mr. Panton immediately announced his plans to appeal.

They brought a Judge from Jamaica to Cayman to hear the appeal and the judge reduced the fine to £4, which Mr. Panton still refused to pay saying, *"I cannot be 50 per cent wrong and 50 per cent right. If I accept this, I am accepting some wrong and I am not wrong. First of all he had no business writing me that I had wilfully neglected to pay my taxes; and secondly, it was wrong for him to sit on the bench and try me when he had introduced the proceedings."* [UNVERIFIED QUOTE]

Mr. Panton tried to appeal the matter to the Appeal Court in Jamaica, but Government told him that cases tried in what was then called the Petty Sessions Court—I guess these days we would call it the Summary Court—could be appealed only to the Grand Court and no further; his conviction would have to stand.

To make a long story short, Mr. Panton wrote to the Lord Chief Justice in England; a law backing up Mr. Panton's right to appeal to the Jamaica Court was on earth in no other place than the British Museum. He won the appeal and his conviction was quashed.

In another instance, Mr. Panton spoke out against the decision made by Judge E. M. Robinson, who was president of the Cayman Sports Club, to suspend from the club three young men who had been charged with the theft of liquor. Mr. Panton is quoted as saying in his biography, *"I went to him and told him I did not think that was the right thing to do, because he was prejudging the case. There had not been any investigation and he should have withdrawn the letter. He told me he would think about it, but he did nothing."*

A few days later, after Mr. Panton had closed his shop for the day, he wrote out three copies of the following message: *"I, Ormond Lauder Panton, like to think of Mr. ABCDEFGHIJKLMNOPQRSTUVWXYZ Robinson in terms of the old proverb I once read: 'when monkeys are prone to their antic passes, the higher they climb, the more they expose their posteriors.'"*

[Laughter]

The Premier, Hon. Alden McLaughlin: He went out into the night and put one copy on Judge Robinson's door, the other on the Notice board in front of the Court House and the third in his shop window. About 1:00 o'clock the next day, two armed police officers went to Mr. Panton's Cardinal Avenue store to arrest him.

Judge Robinson vowed to try him on the spot on the three charges he faced: the uttering of words to a police officer, which tended to deter him from his duty; the unlawful publication of words which tended to be a breach of peace; and for the publication of words which tended to scandalise the Government by abusing the Magistrate.

Mr. Panton protested Judge Robinson's judging a case with which the judge was involved, to which Judge Robinson yelled, *"Shut up!"*

Mr. Panton requested a two week postponement, but only received one week. Eventually, Judge Robinson's temper subsided, another magistrate heard the case, and the charges were dismissed.

Mr. Panton would later recall, *"With that, I filed against Robinson on the grounds that he was out of order to try me and that the charges were made without reasonable cause."*

Mr. Speaker, I have gone into that bit of detail to the obvious amusement of all Members of the House to describe the untenable situation of having a Commissioner act as collector, judge, and jury. In other words, to point out the necessary separation of powers in Government, an issue previous successive Governments have attempted to address in this House.

Governments, I add, of which I was a part, so for many years we have paid lip service to the autonomy of the Legislative Assembly.

Today it is my hope and fervent prayer, that the passage of this Bill will be assured and so will end the lip service and put into motion the removal of the administrative functions of the Legislative Assembly from the authority of the Civil Service. It is also my hope and prayer that this Bill receives the same support than my motion did in 2015, when 15 Members of this House approved the motion, with the other two being absent.

Mr. Speaker, when I moved the motion for Legislative Assembly autonomy in 2015, I had only 19 months remaining in that administration as Premier; I left it in the hands of God and the people to determine if I would lead the Government for another four years.

Mr. Speaker, I said then that the modernisation of our constitutional, electoral and parliamentary frameworks had been something that I had always been keenly interested in—and I still am. With God's good graces, and the will of the people, I was returned as Premier in 2017 and I now have the privilege of following up on my 2015 motion, delivering to our people a Bill and hopefully a law that will finally place the responsibility of the Legislative Assembly where it should be—with Members of this House, the Honourable Speaker, and the Clerk.

If, God forbid, this Bill should fail, the administration of the Legislative Assembly will remain where it has been for all these years, vested in the Executive; that is in the Governor of these Islands although, in practice, the responsibility has been delegated for many years to the Chief Secretary and then the Deputy Governor.

Mr. Speaker, I know that the former Chief Secretary, George McCarthy, and the current Deputy Governor both wholeheartedly supported and support this Bill. The result of the current arrangement is that direct administrative responsibilities for this House are in the hands of a non-elected senior civil servant and by extension, ultimately, in the hands of the Governor who has responsibility for the civil service. That is the current arrangement; the one that has been in place for as long as we know.

Mr. Speaker, as you know better than anybody else here, as does the Member for North Side, —the old folk here—until 1989 this very House did not have a Speaker at all.

Indeed, the Administrator, and then the Governor, sat as the Presiding Officer in the House. As a country we have matured and progressed past that time, vastly improving our democracy. The approval of

this Bill and I hope the law, will help to further enhance the democracy of these Islands.

Mr. Speaker, the following considerations inform the motion that I brought in 2015:

1. Responsibility for the administration of the Legislative Assembly has historically been vested in the Deputy Governor and his predecessor, the Chief Secretary;
2. It is of fundamental importance that the doctrine of separation of powers not only be recognised, but also observed; and that the Executive and Legislative branches of the Government are independent of each other;
3. It is desired to make the Legislative Assembly independent of the Portfolio of the Civil Service; and
4. It is desired that responsibility for the administration of the Legislative Assembly be assigned to the Honourable Speaker and managed by the Clerk of the Legislative Assembly.

Mr. Speaker, subsequent to the passage of the motion, terms of reference were established for the Select Committee on the Administrative Autonomy of the House which included, amongst other matters, the establishment of the Parliamentary Service Authority Law. A sub-committee was established including the following Members:

- The Honourable Juliana O'Connor-Connolly, who was then Speaker, as the Chair;
- Myself as Premier, as Chair
- The Honourable Franz Manderson as Deputy Governor;
- The Honourable Samuel Bulgin as Attorney General;
- Your good self, Mr. Speaker, then in your role as Leader of the Opposition;
- The Member for Newlands, Mr. Alva H Suckoo;
- The Member for North Side, Mr. D. Ezzard Miller, as well as
- Ms. Gloria McField-Nixon, Chief Officer of the Portfolio of the Civil Service;
- Mrs. Zena Merren-Chin, the Clerk of the Legislative Assembly; and
- Mr. Robert Lewis, a Cabinet Office Resource Member to the Committee

Mr. Speaker, following months of deliberations, a Draft Bill was prepared, however the matter was not concluded prior to the dissolution of the House in 2017.

In 2018, work resumed by the tactical advisors of the sub-committee with continued reference to the 2017 key documents, namely the Draft Bill and the research undertaken by the Cabinet Office as to how other jurisdictions approached such matters.

Following extensive research, focus narrowed on five jurisdictions:

- Barbados;
- Canada;
- Trinidad & Tobago;
- Malta; and
- The United Kingdom (UK).

Due to the extensive information available on their form and function, and the similarity to the Cayman Islands, of their legislative structure; after much consultation and work to progress this matter, we now have the Legislative Assembly (Management) Bill, 2020 which allows for the establishment of a Management Commission to carry out the independent management of the administrative functions of the Legislative Assembly.

Mr. Speaker, the Bill makes provision for the autonomy of the Commission by creating a unique entity whose defining characteristics are more similar to an independent office such as the Office of the Ombudsman, which is similarly overseen by a Parliamentary Committee and whose budget is ultimately subject to the approval of the Cabinet and the Legislative Assembly.

Mr. Speaker, the Commission will not be classed as a statutory authority, as neither the Public Authorities Law nor the Labour Law will apply; similarly, the Commission will not be categorised as a Government owned company, as it will be established in law rather than being incorporated. The functions of the Commission will be:

- To carry out budgetary, financial and operational matters;
- To establish the executive management and administrative structure of the Commission;
- Prepare regular budgets and reports;
- Provide staff to enable the Legislative Assembly and its committees to operate efficiently;
- Provide advice on parliamentary procedures;
- Provide accurate reports of proceedings and meetings;
- Provide library and research facilities;
- Provide security services within the Legislative Assembly precincts;
- Sell laws and earn revenue; and
- Maintain the Legislative Assembly building.

The Management Commission will establish a Council comprising the following:

- The Speaker, who will serve as the Chairperson;
- The Premier;

- The Leader of the Opposition;
- Three Members of the Legislative Assembly appointed in writing by the Speaker, acting in accordance with the advice of the Premier;
- One Member of the Legislative Assembly appointed in writing by the Speaker, acting in accordance with the advice of the Leader of the Opposition; and
- The Clerk of the Legislative Assembly who will serve as the Council secretary and will be an ex-officio, non-voting member.

Mr. Speaker, the research conducted highlighted that the Commission or board membership size varied significantly between jurisdictions ranging from five in Malta to a high of twelve in Barbados. There was no correlation between the population of the jurisdiction and the number of members; for instance Malta, a small jurisdiction, has five members and the UK, a much larger jurisdiction, has six.

Informed by the comparison between the jurisdictions, the select committee on administrative autonomy of the Legislative Assembly decided on a Commission with a relatively small membership, hence the size of the Commission being proposed for the Cayman Islands is fairly small, and falls within the range of those countries we have benchmarked against.

I would now like to discuss the organisational structure of the Commission, including changes in titles, functions and responsibilities.

The Clerk of the Legislative Assembly, who will obviously still remain Clerk of Parliament, will become the Chief Officer of the Commission and will:

- Be an employee of the Commission;
- Be appointed, supervised and disciplined by the Speaker acting upon the decision of the Council;
- Have the powers, duties and functions of other Chief Officers as set out in the Public Service Management Law (PSML), with the exception of where the PSML conflicts with the Legislative Assembly (Management) Law (LAML), the Legislative Assembly Immunities, Powers and Privileges Law or the Legislative Assembly Standing Orders, in which case those Laws will take precedence;
- Be entrusted with the day-to-day administration of the Commission, including managing and overseeing the budget voted for the Legislative Assembly for the Commission, all monies paid into the Commission, preparing annual financial estimates or expenditure and submitting budgets to the Minister of Finance.

Vacation of office of a Council member—remember that the Council is made up of Members of the Legislative Assembly. Vacation of office of a Council member shall occur when:

- The member resigns his or her office as the Speaker, Premier or the Leader of the Opposition;
- Resigns as a Member of the Legislative Assembly or otherwise ceases to be a Member of the Legislative Assembly;
- Is disqualified as a Member of the Legislative Assembly pursuant to section 62 of the Constitution;
- When appointments made by the Premier or the Leader of the Opposition are rescinded in favour of another MLA where the MLA breaches conflicts of interest safeguards in section 9 or where the appointment member resigns.

Mr. Speaker, as it relates to employment and remuneration, the Commission may employ staff at such remuneration, terms, and conditions—including retirement and medical benefits—as it deems fit. The terms and conditions shall be equivalent to those under the Public Service Management Law.

Schedules 1 and 2 of the Legislative Assembly (Management) Bill specify the pay and allowances of the Cabinet, Speakers and Members of the Legislative Assembly. Mr. Speaker, I should say that the provisions in the Schedule reflect what the status quo is now; in other words, they reflect the pay and pay scales that are used with respect to Members of the Legislative Assembly, your good self as Speaker, myself as Premier and the Cabinet.

The Chief Officer shall manage the staff of the Commission including discipline, transfer and termination.

Mr. Speaker, now turning to the structure of the Commission; the structure of the Commission will empower the Council by order to prescribe the executive, management, and administrative structure of the Commission and amend the Schedule which sets out the salaries, allowances and other benefits of elected Members of the Cabinet, the Speaker, Deputy Speaker and elected Members of the Legislative Assembly. Such orders are subject to affirmative resolution in the Legislative Assembly.

So, Mr. Speaker, there will be full transparency with respect to these matters.

Cabinet, after consultation with the Commission may make regulations to underpin the Legislative Assembly (Management) Bill, 2020.

Additionally, the Commission may make rules to regulate its own internal management however, such rules are to be Tabled in the Legislative Assembly and are, again, subject to affirmative resolution.

Mr. Speaker, in closing, all that I have outlined is necessary to establish the Legislative Assembly as

an autonomous body. This change is of fundamental importance, as it will ensure that the doctrine of separation of powers is both recognised and observed and that the Executive and Legislative branches of the Government are independent of each other.

Mr. Speaker, I would like to thank you and all Members of this honourable House for bearing with me and my less-than-perfect-voice today; and for your time and attention to this most-important and I believe—given what we are expecting with respect to the changes to the Constitution in a few weeks—most timely matter.

The Speaker: Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

The Leader of the Opposition.

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

Mr. Speaker, I cannot promise you that I am going to be short this time, but I will try.

[Pause]

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

Mr. Speaker, I thank you and think I should thank the Premier for that history lesson not only for Members in here, but the general public as well, on who Mr. Ormond was and his many challenges in advocating for the betterment of Cayman and Caymanians. I, too, have read his biography assisted by Dave Martin and what I said then, when I read it, and now, the more things change, the more they remain the same.

That tells us that 50 years ago there were people in this country—at least him—fighting the injustices within the structure. In his case, he was one of those who we like to refer to as, *‘When we sail wooden ship and steel men, as opposed to steel ships and wooden men nowadays.’*

I cannot say that we all will be given such honour as heroes, but what I do know is that there are still many who will stand, deliver, fight, cajole, and hope for an advancement—political maturity—in this country. I can also say that Mr. Ormond Panton is one of those people that I speak of often, when I say *‘You see our glory; you do not know our story.’*

Mr. Speaker, I am also relieved to see something come here for the separation of powers. I cannot say that I agree with everything in here, but I will try to engage the Government on the areas that I think need some looking at.

Mr. Speaker, when the Premier and I entered these hallowed Halls on the 15th day of November 2000, we started fighting for this very objective; so much so, Mr. Speaker that I took it upon myself, in all my travels throughout the Commonwealth, to try to find out the processes. That resulted in me being asked to speak at a number of conferences on the removal of Parliament from under the Executive. Of course, there

were a number of colonialists. I recall in Trinidad, in 2010 with Mr. Miller and I was leading the delegation to Trinidad at the time and they asked me to speak on it.

Of course, there were some who believed that Parliament should still be under the Executive. We had quite an interesting discussion in Trinidad; Mr. Miller and I being in many instances the lone wolf after I did my presentation, and then had the round table on this matter. I also spoke about it in Canada, I guess Canada is a little more progressive and that was done many, many years ago.

Mr. Speaker, the separation of powers takes many forms over many years. I believe this is one of those steps in what the Premier termed “*political maturity*”.

Mind you, Mr. Speaker, there are many others, and I am sure that those who will speak of this being brought here today will talk about the implementation of a Constitution and all the provisions therein, and that, that also forms part of that maturity. Also, the updating of our Standing Orders, and getting the Speaker here as well because I should also talk, whilst talking about that political maturity, which the Premier did not mention... Mr. Speaker, when we had presiding officers in the form of administrators and (10) Governors, you were here then too, and I recall the many challenges you had with those administrators and Governors.

Many may not remember it, but because I follow politics for so long there were many arguments, and I am sure Mr. Miller will speak of that because he had his tenure with them as well.

[Inaudible interjections]

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

So Mr. Speaker, you know the irony of it is we have come a long way. Here we have the Father of this House now presiding, after having so many fights therein with the presiding officers, but we have come a long way, all of us.

[Inaudible interjections]

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

Yes, it was you, the current Speaker, who moved the motion to remove the Governor from here and install the First Speaker, the Honourable Sybil McLaughlin and subsequently the Honourable Mabry Kirkconnell, whom I came in under then.

We have all fought to move that needle along the way, in order that we have some degree of autonomy over time. Some may say it was not fast enough, but nothing happens before its time.

Now Mr. Speaker, one of the things that I have spoken of extensively is that you cannot have the Executive controlling Parliament, when Parliament has the autonomy to make laws and govern itself.

Mr. Speaker, Erskine May speaks of that; our Immunities and Privileges Law speaks of that; our Standing Orders speak of that, nevertheless, we are faced with the Deputy Governor controlling our every move. I have also said that no matter how far we move that needle there will always be some overlap, for instance the judiciary. The Executive must approve funds based on need and availability of funds to carry out the judicial work.

Likewise, it will be for this Parliament too because the Standing Orders do not allow us to change financial proposals unless the Government approves it because they are the ones who hold the purse strings. So there will always be that conflict and that overlap of autonomy, if I may, or the Executive autonomy to allocate the resources of the country will always be a conflict between us and them, but this moves the needle a little closer to us at least proposing it, and having some say in it, as opposed to us sitting here and twiddling our thumbs and having a House Committee that has no relevance. It has absolutely no relevance, because when we propose things it is subject to the Executive doing it. I believe we can move that needle a little bit more towards Parliament but still, there is a conflict.

[Inaudible interjections]

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

Yes, the House Committee has no power here; I have sat on it for years. We cannot even propose that we have Lipton tea versus Peppermint tea.

[Crosstalk and laughter]

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

Well, we can propose it; but I believe that with some degree of autonomy now, with the Speaker being ahead of this thing, then someone can follow up on it from some position of authority because currently, the Clerk is governed by the Executive and when the Clerk proposes it, even though it comes from the Committee, it is just dismissed. It is just dismissed; particularly nowadays when they do not want us to have anything—there are no comforts.

We came in here in 2000, Mr. Speaker, and one of the concerns that former Members—Anglin, Glidden, Martin, the Premier and I—had, was that we did not have a library here; we still do not. There is no way to do research. The Opposition has no legal representation. We have no ability to engage lawyers to assist us with some of the difficult work that we have to do and I am by no stretch of the imagination, a lawyer. I have lots of experience in here, but that does not a lawyer make; and the Attorney General is not going to propose that we be given funds to engage lawyers, particularly specialised lawyers, such as constitutional lawyers, that cost much more.

However, of course, the Government has every opportunity—how many lawyers do they have there now? One, two, three, four, five; they have five on their side plus they have all the resources to engage additional lawyers. They have batteries of lawyers at their disposal, specialist lawyers.

[Inaudible interjections]

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

Well, I am complaining—I do not know that it is a complaint, Mr. Speaker. I think it is a matter of fact that in all other parliaments, the opposition have financial resources available to them for legal assistance.

The Premier is himself a lawyer and he walks around with a battery of lawyers, because the Government needs to be in their case and defend their position for the country and what not; he has the resources. I hope this pushes us to that point where we—

[Inaudible interjections and laughter]

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

Oh, God.

Mr. Speaker, in recent times the Premier has said to me that lawyers are not created through osmosis. Have you not told me that?

[Inaudible interjections]

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

I have been trying long enough, yeah, but I know I will never be; that is the difference between me and some of those who are—they have been trying to be for a long time and still are not. So I cast no aspersions on anyone, nor do I throw any stones but those who live in glass houses should not throw either.

Seriously, Mr. Speaker, I met with Mr. Gough who asked me questions about where do I see this moving the Legislature and one of the things I had as a priority is that. I hope that eventually brings us to that point. Our biggest problem here is that we legislate based on the individual personalities and what not. This institution must legislate based on creating institutions forever and ever.

[Inaudible interjections]

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

Mr. Speaker, the Premier is obviously agreeing with me despite his protestations that I am no lawyer.

Mr. Speaker, we need to develop institutions within institutions and that takes me nicely into this Bill. Of all the research I have done, Mr. Speaker, there has been no instance where I see a Commission created to indemnify the Members. I have never seen that and we are doing that; that is one of the concerns I have with this Bill.

There is no need to indemnify the Members of Parliament—absolutely no need. We are indemnified in the Immunities and Power and Privileges Law. As a matter of fact, even anyone who comes here is indemnified.

The Constitution does the same thing, Erskine May is informative on that subject as well, in that, the practices in England makes Members of Parliament immune from prosecution; however, Members of Parliament have certain responsibilities and can be punished internally by Members. We are indemnifying Members who have immunity; I do not understand that.

[Inaudible interjections]

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

Well, I do not know what kind of belt that is. That must be tightening it until it is cutting your wind off.

[Laughter]

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

Mr. Speaker, you understand. My thing is that in all the parliaments I have researched, some of them call them 'Commissions', some call it 'administrative services', and Members are on that and that is where the responsibilities lie for the administration of Parliament. There is nothing higher than that; there is no canopy over that commission or where the Members sit and I see no need for that.

It is either there is no need for the Commission or alternatively, there is no need for the Council. We need to remove one of the two or, we can do it another way and put all the Members in the Commission but then, we would have to rewrite the whole thing to then put rules in place as to how the Commission would do it, whether it is on the Floor of the Legislative Assembly or meetings. One of those is an over-kill.

The Commission and all the Parliaments—well one or two in the Commonwealth do not have the Speaker as head of that commission. I think New Zealand has the Prime Minister or the designate... It is always the Speaker; and then you have committees underneath that: financial services, et cetera. That is where I part company with those who did this proposal.

I should note, Mr. Speaker, that the reason I am up here making this intervention is because when this was distributed to me a year and a half-ago, I reviewed it extensively and then the Deputy Governor's Office recently asked me to come to a meeting. When we got to that meeting he presented another version of it, which I could not comment on. So they did the presentation which is basically what I am talking about here, and that was their position on this proposal, so I said I would respond to them.

A couple weeks later I called the Deputy Governor and said that I had started this response on my position on the Bill and would get it to him by the following weekend, but he took it to Cabinet before I

could get it to him; so I am lost. I can only get up here and debate and that is a fact. I had a few pages of proposals but I guess they were not needed or no one wanted to hear from me.

[Inaudible interjections]

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

Well, at the very least I could have been told that, though, that they needed it; because if there was not any urgency in it since 2015, one week was not going to kill it. Anyway, be that as it may.

Mr. Speaker, I have highlighted a lot in this Bill that we need to address. I know the Deputy Governor will say ‘*oh, well we need to get some place and then we can always amend*’, and I understand the meaning of the word amend, but there needs to be input so that we can get it as close as we possibly can so that we do not have to amend for that amount of time.

You see, it is quite convoluted for me some of the things in here where the Council is responsible to:

“Prescribe the executive, management and administration structure of the commission for the discharge of the function of the commission.”

Who is going to do that?

[Inaudible interjections]

**Hon. V. Arden McLean, Leader of the Opposition:
Clause 13: Structure of the Commission:**

Amend Schedule 1 which sets out the salaries, allowances, blah, blah, blah—but who is on the Commission?

[Inaudible interjections]

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

That is my argument: there is no need to. We have the legislative body and then you set up a committee underneath.

[Inaudible interjections]

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

Premier, I appreciate what you are saying.

[Inaudible interjections]

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

Yeah.

[Inaudible interjections]

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

We could call it a commission and then appoint Members to that commission to manage the legislature.

[Inaudible interjections]

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

That is what I am saying, one of them is—

[Inaudible interjections]

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

Yeah, but there is no need because they said it is to indemnify Members.

[Inaudible interjections]

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

Clause 4 (3)

“The Commission cannot sue or be sued in its own right and any suit relating to any act or omission or alleged act or alleged omission of the Commission shall be brought against the Crown in right of its government of the Islands.” But the legislature is already there.

[Inaudible interjections]

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

I understand, but that can be done by removing that and do it to the Council and make the Council that, because the Legislature has already gotten that.

[Inaudible interjections]

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

Okay; I am not a lawyer, nor a corporate lawyer for structures and all that, but—

[Inaudible interjections]

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

Well, what we need to do then is to say that the commission comprises all Members of the Legislative Assembly.

[Inaudible interjections]

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

You do not want to say that? Okay, well, somebody needs to explain that.

[Inaudible interjections]

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

I understand what he is saying but...

[Crosstalk]

[Pause]

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

I hear where you are coming from. Okay. Let me move

on, because I see the Attorney General there with this quizzical half-shut Chinese eye.

Mr. Speaker, under the Council—and I do not know which of the draft people did this but I hope they are here and listening—there is no proportionality in this. You cannot have the Premier and three other Members from one side of the House and only two from over here, and then you have the quorum being three Members.

[Inaudible interjections]

Hon. V. Arden McLean, Leader of the Opposition:
Pardon me?

[Inaudible interjections]

Hon. V. Arden McLean, Leader of the Opposition:
I think it should be three from that side and two from this side; yeah, but the Speaker chairing it.

Then, I know this has to be a mistake. Under Clause 7(2) **Vacation of Office by member**, we are saying,

“A member of the Council who holds office under section 5(2)(d) or (e)—those are the ones appointed by the Premier and the Leader of the Opposition—ceases to be a member of the Council if one of the following events occurs—

(a) the appointment is rescinded by the person making the appointment...”

Now, under 5 it is advised by the Premier but is appointed by the Speaker. We need to change that, because that means that any Speaker will be the one making the appointment but we are saying that, that is the person who can rescind that appointment.

[Inaudible interjections]

Hon. V. Arden McLean, Leader of the Opposition:
The Premier and the Leader of the Opposition’s recommendation could be rescinded by the Speaker.

[Inaudible interjections]

Hon. V. Arden McLean, Leader of the Opposition:
Well, right; after consultation or on advice by the Premier or the Leader of the Opposition.

[Inaudible interjections]

Hon. V. Arden McLean, Leader of the Opposition:
However, he can revoke it. If the Premier then goes to—right, it should be the same way and it should be on advice.

Mr. Speaker, I should pause here to say to the current staff or any staff coming here. I know there is

staff here right now who may be concerned about this; shifting from under the civil service. They should not be fearful of it—to the contrary.

I believe I have seen parliaments all over the world. One of my first things in this Legislature, by early January, 2001, we had a post-election seminar and the gentleman with the greatest knowledge, who participated in that was Clerk Branca out of Barbados.

[Inaudible interjections]

Hon. V. Arden McLean, Leader of the Opposition:
He died in office? Must have been nearly 90 but what a wealth of knowledge; no legislature loses that knowledge—they protect it. Then we have the now Clerk who was Assistant Clerk at the time—a lawyer.

It is after Mr. Branca died in office, they nearly had to pull him out of there in an ambulance; legislatures protect that.

Let us look at the Speaker in the House of Commons; they protect that. So this fear that under a new regime they may be fired and what not...

Something else that bothers me, Mr. Speaker is when we switched from government departments to entities, statutory authorities and companies, we have forever and a day, allowed some provision in there, allow them to go change insurance, medical, pension—we need to protect staff against that. The same way we are going to use the Public Management and Finance Law, we need to ensure—

[Inaudible interjections]

Hon. V. Arden McLean, Leader of the Opposition:
Well, there is one provision in there about...

[Inaudible interjections]

Hon. V. Arden McLean, Leader of the Opposition:
Yeah, but it must be in perpetuity and this Legislature must ensure that stays in place.

[Inaudible interjections]

Hon. V. Arden McLean, Leader of the Opposition:
We have Cayman Airways right now; people are retiring and do not know where their insurance is going to come from and what not. I am not supporting anything that is going to allow—and I am not talking about the current cohort in here. I am talking about institutions to protect against it; that is what I am talking about.

[Inaudible interjections]

Hon. V. Arden McLean, Leader of the Opposition:
Right; anyway, some of these other guys are going to deal with that.

Mr. Speaker, I see services, and products produced by the Commission shall be paid into the general revenue of the Government. Now, I do not know what that is? I do not know if we are going into making little ornaments and going out in the street to sell them.

[Inaudible interjections]

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

Think I do not know that is what he meant?

Mr. Speaker, the Attorney General reminded me of what that meant, but I know exactly what it means—the sale of laws. Well that is contrary to what this House approved, which is that all of our laws must be available for free. So we are not getting any revenue out of that, we can that take out because there is no revenue to be made here, unless we sell tours and we cannot do that. I certainly do not want to see that in there.

Mr. Speaker, I do not know if these Regulations by Cabinet, after consultation with the Commission relate to Standing Orders or anything. I thought it was a catch-all; that is what I have written here. Why allow Cabinet to make regulations to govern the Legislative Assembly when you say you have a Commission.

[Inaudible interjections]

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

We can gazette rules though; and they have prominence within common law and laws.

[Inaudible interjections]

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

We can make our own rules and we can gazette them but why are we going to add Cabinet to make regulations? We need to be careful with institutions. We cannot draw up these things for us and we know what we would do. And these can be changed, obviously, but to change them, they have to be brought before all the members of any legislature and debated.

[Inaudible interjections]

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

Yeah, we should. We should.

Mr. Speaker, I support this. As I have said, I support the implementation of something to get us away from the Deputy Governor. That is without any disrespect to him; I am talking about the Executive. However, I am talking about creating an institution within an institution that goes on in perpetuity. If we do not do that now, if we do it based on personalities or the current cohort then, you know, some of my friends are suffering now as a result of making those bad decisions years ago.

I know they are subject to the affirmative resolution of this House but I guess proportionality will make my argument, like Uncle Willy had told Aurel, nothing wild; and that was null and void I was talking about.

Mr. Speaker, I think I want the Attorney General to explain to me why this immunity is being proposed. I still have not gotten it. The Commission is four, I think. I really think we need to go over that.

You see Mr. Speaker, all these things I should have gone over with the Deputy Governor, but he—

[Inaudible interjections]

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

So many times you meet with me when I want to meet with you, you say you are busy with other things and I give you the opportunity to carry out your job.

[Inaudible interjections]

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

The Government's work is more important than mine.

[Inaudible interjections]

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

It is datelined? Mine is datelined too; in many instances, death—in many instances death.

Mr. Speaker, there are other areas that I want my people to do; everybody needs to do their own and get their experiences like I did.

The Deputy Governor had a meeting with me yesterday; I cannot and will not, take away from people to do their own thing. I am not going to do it. That is everybody's right; I expect people will respect my right when I do my own proposals or whatever, but some of them I cannot justify and I am not doing that—specially the financial ones. I am not doing that. I am not doing that. I am not doing that, I cannot justify it; I am not prepared to do it. I do not mean to say this on the Floor to be disrespectful to anybody, but I just want it to be noted that I cannot justify that. No, I do not know about other people, that is their business and I will not take that away from them, but I cannot participate in that and I will not. The same way Ormond Panton stood on principles and went to court, I guess I will have to go there too.

[Inaudible interjections]

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

Precisely, precisely, but I say personally I cannot but everyone else may be coming from a different and if that is the end of it and it is agreed, I am fine with that, okay?

Mr. Speaker, let me not hold us up any longer and my final plea, to repeat, is to the staff of this

Legislature. I am a little uneasy about that transition as well, and I think we should look at that but my final plea is to the staff to have no fear. I know as long as I am here—but that is the problem, we do not know who else is going to come. That is why the institution should really do the Speaker's thing: belts and braces, to ensure that those who come after us—because inevitably that is going to happen—cannot manipulate it as far as humanely possible.

The most vulnerable ones here are staff. That is where the vulnerability comes in to this institution and if you are transferring them under it, we need to protect them. We need to make sure they have belts and braces around them, because no matter who comes later on, those are the ones that will manipulate the system and use it to their advantage to terminate or harass staff, unnecessarily so. Those are the ones that are going to do it. They know what they are used to; they do not know what will come; we have to be careful how we do this, Mr. Speaker, we have to be very careful, sir.

I support it, but those are the belts and braces I want to see put in place.

Thank you very much.

The Speaker: Honourable Members, the House will suspend now for the luncheon break and will resume at 1:30pm.

Proceedings suspended at 12:39pm

Proceedings resumed at 2:30pm

The Speaker: Please be seated; the Assembly has resumed its seating. When we took the break, the Leader of the Opposition had completed his contribution. Does any other Member wish to speak?

The Member for North Side.

Mr. D. Ezzard Miller, Elected Member for North Side: Thank you, Mr. Speaker.

Mr. Speaker, I wish to make a contribution to this historic Bill before the House today—that is the Legislative Assembly (Management) Bill, 2020.

I have been an advocate, promoter, 100-per-cent-supporter of separating this Legislative Assembly from the civil service administrative arm of Government.

This honourable Legislative Assembly has progressed through a number of changes from the days when I was here in the 80s. In those days when we started off, the Governor was also the Presiding Officer in this House and the Chief Secretary was the Leader of Government Business. We now have a Speaker and the Premier is the Leader of Government Business. All moves in the right direction, putting Caymanians in charge.

However, Mr. Speaker, I must say that it is rather ironic that in the days when the Governor was a

Presiding Officer we were all punctual and showed ultimate respect and punctuality. When the Governor walked through the back door of this House, all Members were seating in their seats. When he adjourned for lunch and he said we adjourned at 12:30, we come back at 2pm, when he walked through the back door we were sitting in our seats.

I long for the day that we offer that same kind of respect to our own, because they are no less deserving. If the Speaker says we are coming back at 1:30pm, we should be here in our seats, awaiting the arrival of the Speaker at 1:30pm.

Today, Mr. Speaker, we are debating a Bill that will set this Legislative Assembly up as an independent arm of Government just like the Courts, so we will have the three separate arms of Government. The Court, the Legislative Assembly, the Executive or Civil Service Administration will all be independent in their decision-making process, although they must maintain a certain inter-dependence, supportive and respective relationship with each other.

Now, Mr. Speaker, while I fully support the separating of this Legislative Assembly from the civil service, I do have some concerns about certain provisions in this Bill from a practical, administrative approach. So, as I have always done in my term here in Parliament. I am not a lawyer, I do not read laws looking for legalese; I try to read laws and applying a practical approach and looking at how they are going to be implemented and how they are going to affect our people.

I have always believed that I should not get up in this House and criticise something that the Government is bringing without offering an alternative. So I have Tabled—and I think they have been circulated to all Members—a number of amendments to this Bill, which I believe will make it a better Bill.

I have always believed that in separating the Legislative Assembly from the Civil Service Administrative arm, we should do everything we possibly can to ensure that the staff who are currently civil servants, retain all their benefits and any new staff coming in are entitled and receive those same benefits. Mr. Speaker, we have to be careful; and we have some examples of what has happened when we have not sufficiently done that.

We have some public authorities that went out on their own, took the staff out of the Cayman Islands National Insurance Company (CINICO), put their insurance in the hands of private insurers and the staff, sometimes without the staff's support, at greater expense. There is one instance I know, where one authority paid CI \$78,000 more the following year, than what they were paying into CINICO, but because they had the ability to go to private doctors, et cetera and they could go to doctors of their choice.

Now, when those people are getting ready to retire, they have no retirement benefits; their pension is

questionable because most of them, one of the big problems with the accounting in Government and those authorities was their pension provisions and liabilities. So we now have to find a way to bring those people back in and provide those same retirement benefits that they are no longer entitled to.

However, Mr. Speaker, I want to say something here. When we are talking about the provisions of this Bill, I want us to not consider motives; there are no motives on my part, about what I am proposing as changes. They are not related to any person sitting here or who might sit in here. It is related to what I believe is a system that should be put in place that will allow this Assembly to be administered and managed in a way that we can be proud of, even if we are not here.

I hope that none of the amendments that I have Tabled are simply going to be eliminated by anybody because somebody has assumed that there is some motive, either ulterior or otherwise; either a benefit for me or a benefit for somebody else or against somebody else, in the reason why I am moving those motions, because I believe that would be unfortunate and would not present us the opportunity in committee-stage to adequately discuss what I believe are important things that pertain the organisation.

Mr. Speaker, I will now deal with the Bill clause by clause, and how I see and I believe changes can be made to make it better. Again, I am not talking about the legal language. I will need help, maybe, to put those changes that I envisaged in proper legal language but what I am talking about is a system that we need to put in place.

In Part 2 of the Bill, Mr. Speaker, I have filed an amendment to add a third sub-clause to clause 3 - **The Legislative Assembly Management Commission**.

Now, when we look to clause 2 and the definition of "Commission" in this Bill, **““Commission” means, the Legislative Assembly Management Commission established by section 3;”**

. Now, Mr. Speaker, I do not see how we can take people out of a Commission to form a Council if we have not populated the people in the Commission.

What I am suggesting is that in my view, I believe, we have to add another sub-clause to that which says that, "the legislative Commission shall consist of all elected Members of the Legislative Assembly", because I believe that sets the stage for the Commission to appoint—I would prefer elect and I filed that amendment along—from amongst the Members of the Commission, a Council which manages the institution; not the day-to-day management of the institution, I do not see that as the role of the Council. The role of the Council, in my view, should be tantamount to a board of directors and that board of directors will set policy, et cetera, and deal with the appointment of the Speaker, who should be the CEO of the organisation; and the CEO, with the consultation

should appoint the Clerk and other staff Members, under terms and conditions that the Council has laid down under the rule structure, which are in full compliance with the Public Service and Management Law (PSML).

Mr. Speaker, in clause 4, sub-clause 2, the Premier, in moving the Bill, said that the rules were subject to an affirmative resolution. I have filed such an amendment to the Bill, but I do not know whether the Government had already filed that because the current Bill that I have says, **“shall be subject to the negative resolution procedure.”** I believe it should be affirmative, because we as politicians and legislators get accused enough of doing things behind closed doors, et cetera.

Now, Mr. Speaker, as a student of organisational theory and behaviour, and how these influence, determine and effect efficiency, effectiveness, success or failure of organisational structures, I have some difficulty with the organisational structure proposed in this Bill and the make-up of the Council of the Commission.

Here we are dealing with clause 5 of how the Council is established.

The current provision says:

The Council shall comprise—

- (a) The Speaker;**
- (b) The Premier;**
- (c) The Leader of the Opposition;**
- (d) Three members of the Legislative Assembly appointed in writing by the Speaker, acting in accordance with the advice of the Premier;**
- (e) One member of the Legislative Assembly appointed in writing by the Speaker, acting in accordance with the advice of the Leader of the Opposition; and**
- (f) The Clerk of the Legislative Assembly (ex-officio, non-voting).**

Now, I find that to be too far a departure from how other standing committees are set up in the Legislative Assembly. I would like to see that Council elected by the Legislative Assembly as we do with the Public Accounts Committee (PAC), the House Committee, et cetera at the first meeting after an election, and the House is reconstituted and it is for a four-year term.

In addition, I believe, for organisational, managerial and structural integrity and performance, that the Premier should be the Chairman of that Council with two other Members from the Government bench including him, and the Leader of the Opposition should be the deputy, with one person from the Opposition bench along with him; so we have a five-Member Commission.

I do not think that it is going to be good for the organisation to have the Speaker, who is the CEO and responsible for the day-to-day management of the Legislature to be the Chairman of that Council as well, because I do not see this Council being involved in the minutia management of the Legislative Assembly. That is the role of the Speaker assisted by the Chief Officer and the other members of staff.

This Council, as I envisage it, would probably meet maybe once a quarter in the original setting it up and after that, would only meet when we are talking about budget—so that is every two years, now—when we are talking about making changes to the rules, et cetera, or other organisational structures that affect budgeting and bring about substantial change. I do not see that Council involved in the actual paying of bills, recruiting of staff, et cetera.

I would like to see the Council considered similar to a board of directors. To borrow the example used by the Premier, as the Ombudsman; the Ombudsman is not the Chairman of the supervising committee of the Office of the Ombudsman in this House.

Mr. Speaker, my concern is even greater if the Speaker does not happen to be a Member of this Legislative Assembly; because then we are really giving up control to somebody else.

[Inaudible interjections]

Mr. D. Ezzard Miller: We could well wind up in May next year for 10/9 Government—10 people in Government and 9 people on the Opposition bench; and in that case, the Speaker would have to come from the outside.

[Inaudible interjections]

Mr. D. Ezzard Miller: Well, he reigns us in here now, but he cannot make us do work. We cannot leave the building, but you still doing no work.

When we are setting up this organisational structure, I believe it is very important to pay close attention to the roles that people have within the organisational structure. I have concerns in clause 7(2) (a), where it talks about how a member holds office and shall vacate office where the member, and in 2(a) it says: **“the appointment is rescinded by the person making the appointment and the person making the appointment resolves to appoint to the Council, instead of that member, another member of the Legislative Assembly.”**

Now, that flies in the face of how, even the current Bill sets up the Council; because the Members there are on the advice of the Premier and the Leader of the Opposition, but they are appointed by the Speaker and if the Speaker can rescind the appointment of any one of those Members, this does not link it back to if *it is an Opposition member or a*

government bencher, that he gets advice from them; he can appoint whoever he wants. I would prefer to see that handled just like we handle the other standing committees. If there is a change to be made, it must be made by the Commission—all Members of the Assembly. As I said, I have also filed an amendment to change it from being ‘appointed’ to being ‘elected’ by the Commission.

Now Mr. Speaker, I was privileged to be a member of the committee that the Premier established in 2016 and anyone who was part of that committee will recall that one of the things that I insisted on in the deliberations was the protection of staff and that they retained their employment conditions. So I am troubled in 12, where it says **“Power to appoint staff, etc.”** it says:

“The Chief Officer shall be responsible for employing, at such remuneration and on such terms and conditions, including retirement medical benefits, as are equivalent to those set out under the *Public Service Management Law (2018 Revision)*, such staff as the Council considers necessary to carry out the functions of the Commission.”

Then in 2, it says: **“The Chief Officer shall be responsible for engaging persons under contract for services, at such remuneration and on such terms and conditions as are equivalent to those set out under the *Public Service Management Law* for professional, technical or other assistance as the Council considers necessary to carry out the functions of the Commission.”**

Those three words, Mr. Speaker, trouble me: “equivalent to those”. I would much prefer to say that it was in compliance with the Public Service Management Law, because equivalent can be a subjective thing. All of those in these authorities that were told, *‘we’re going out to get the private sector to provide us with health insurance because you’ll be better off’*. Now, when they find out, they are not really better off, they are really in a terrible position when they get to retirement age. Therefore, my preference would be that we delete those three words in those two sections.

I believe that will have the effect of ensuring that the staff can be comfortable with what we are doing, and it will assure them that none of their employment conditions are going to be different from those that are in the civil service. I think that is fair and that it should apply to new persons who are hired. They should be members of the government pension plan, members of the government health insurance plan and have the same retirement benefits of a pension and health insurance coverage.

Then, Mr. Speaker, I move to

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Grievance Procedure, and this one is even more troubling for me, because 18 (1) says:

“The Council may, by rules made under section 4, establish procedures for addressing grievances of staff and those procedures shall be based on internationally accepted grievance procedures”—and that “international accepted” is not identified. I think that should be, *“Shall be in accordance with the Public Service Management Law”*—

[Desk thumping]

Mr. D. Ezzard Miller: Again, not being a lawyer but looking at the practicality of it, clause 19—**Appeal to the Civil Service Appeals Commission** by staff, sets up the system that I believe should be in place, but with those wordings of “based on international acceptance of grievance procedures”, that could be International Labour (ILO) Standards. It could be some other standards from somewhere else. How are you going to convert them from the standards that exist there, to appeal before the Civil Service Commission? I just think it should be consistent.

Now, Mr. Speaker, I am probably going to commit political suicide; definitely will be offering up some red meat for the Ezzard-haters but, be that as it may, my principles and my beliefs are what they are and that is what has brought me so far so tell all them Ezzard-haters to go ahead and nyam the red meat.

[Laughter]

Mr. D. Ezzard Miller: However, I have always been and always will be a believer—an advocate—that Members of the Legislative Assembly (MLAs) should be properly, adequately paid, but it should be a transparent process.

Mr. Speaker, you will know the battles I fought when we were doing the 1988 budget because we tried it a couple of times before and we did not get through; but it was for the 1988 budget that we established proper salaries for MLAs, linked to the civil service salary scale.

[Inaudible interjections]

Mr. D. Ezzard Miller: Yeah, and that is probably one of the reasons I lost the election.

[Laughter]

Mr. D. Ezzard Miller: No, no, no, I won in 1988; do not worry about that. I won in 1988.

[Inaudible interjections]

Mr. D. Ezzard Miller: However, I still have the file; every dollar that I was paid as a salary between when it came into effect in January, 1988 until election in

November, I spent on the Public Beach at Cayman Kai and it is still standing. I never accepted a dime out of that salary for Ezzard, and I still have the file home, but that is not the point.

Everyone wants to see the best professionals elected to the Legislative Assembly. We cannot ask young, middle-age, and/or old folks like me to give up your profession to come in here, and be a representative, and not be properly compensated. So Mr. Speaker, I have some difficulties with the rules in Schedule 1.

I fully believe that the Premier is the top elected position in this country—it is not possible to be elected to anything higher—and that he should be paid at the top civil service salary scale. On that scale, I think he should start off two points from the top. My amendment says A4 because at that time it was only 5; I understand there may be some changes on that and mine will have to change, because he is limited to two terms.

[Desk thumping]

Mr. D. Ezzard Miller: So he should start one point below the top and if he gets elected for his second term he gets the top salary. We cannot do what we are doing in this Bill which says: **“Earns 10% more in base salary than the Deputy Governor and receives an increment for every four-year term completed as Premier.”**

[Inaudible interjections]

Mr. D. Ezzard Miller: Here is the problem with that: that is okay, as long as you have a Deputy Governor who has been there a couple of years. However, under this scenario, here is what could happen: the Premier is at his final term, and we get a new Deputy Governor who starts at A1. What are we going to do then? Bring the Premier down into B? Do you understand the practicality of what we are doing here? Because this will force you to cut the Premier’s salary, because it cannot be more than 10 per cent than the Deputy Governor. I think that is an artificial limitation that we should not accept and we should not tolerate.

[Inaudible interjections]

Mr. D. Ezzard Miller: The same thing with the Deputy Premier— earns 5 per cent more in base salary than the Deputy Governor. Excepting for the Premier and the Speaker—and I will get to the Speaker under B— I think all of these should start at the bottom, and for every four years that you are in here, you get one increment.

Now, it is not like the civil servant that has a better performance report than us who won the election, because if you are not performing, you do not get elected. So we are not saying it should be every

year, we are saying one increment for every four years because we are going out there May next year and find the test and we are going to be tested as to our performance.

I agree with the Ministers being in salary scale B. If it is your first term as a Minister you start at B1 and every four years you get an increment. I do not agree with the rule here that, at the discretion of the Premier, may earn additional increments on Grade B but shall, again, not earn more than the Deputy Governor. We keep coming back to this civil service equality. Something has to do with that. I think we should be open, transparent and specific. A Minister starts at B1; if you come back in the next election and you have 12 years as a Minister, then you start at B4.

If you were a Minister, and get re-elected but come back as a backbencher or you are on this side and you were a Minister before, your salary comes down to an ordinary MLA. You get the four years' credit as MLA that you put in, because you cannot be a Minister unless you are an MLA, but you do not stay up there in a ministerial salary while you are an ordinary MLA.

I think it is fair that the Speaker starts at B4 because I think it is appropriate for the Speaker to be elevated above an ordinary Minister's salary.

[Inaudible interjections]

Mr. D. Ezzard Miller: I think the Leader of the Opposition should be a B1 too, because if we are going to continue to develop the system of Government we have, which follows the Westminster system, we have to continue to develop the role of the Leader of the Opposition.

The role of the Leader of the Opposition is an integral part of this democracy, if we are operating under the Westminster form of government. I believe that because of the role the Leader of the Opposition he plays in the House, society, in interacting with the Premier, the National Security Council and stuff in government, and other positions where he has to make recommendations to the Governor for the appointment of people, et cetera, he should be at the Minister's salary.

[Desk thumping]

Mr. D. Ezzard Miller: Mr. Speaker, because here in Cayman, respect is highly related to salary; it should not be, but it is. The power of a civil servant is related to two things: salary and the number of people you are supervising.

Mr. Speaker, I think that the deputies—that is Deputy Speaker, Deputy Leader of the Opposition, and Parliamentary Secretaries...

I am wondering why we are not using the proper constitutional term because it seems that we are likely to have the Constitution in place when this Bill is

brought into effect, and using the word 'Parliamentary Secretaries' instead of this 'Councillor'. I think those people should be in salary scale C. You start at the bottom and for every four years that you are a Councillor, Deputy Leader of the Opposition or Deputy Speaker you get one increment in that scale. If you are no longer a Councillor, Deputy Leader of the Opposition or Deputy Speaker, you fall back to the MLA's salary.

I think all MLAs should be in salary scale D; start at point 1 and you get one increment for every four years you have served. I think that is open, it is transparent, and anybody who asks us what does MLAs get paid, we can show them the law.

The reason I linked it to civil servants' salary scales in 1987, was because it moves with the cost of living because civil servants' cost increases are given by salary scales; so when the salary scale moves, we will move too. We should not have to come in here every year and fight over what we are going to get paid. There should be a system established that is automatic, fair, honest, and transparent and that is the system.

Mr. Speaker, I believe we have a duty to those who follow us and who aspire to represent the people of this country, to put these kinds of systems in place for people to aspire to want to leave their lucrative professions to come in here and represent the people. We should have systems in place that attract the brightest and the best of Caymanians. That is what we want.

It is up to the electorate to elect who they feel can earn these salaries; it is up to the electorate to hold us accountable that we are earning our salaries, and it is up to us to ensure that when we go to the bank at the end of the month and collect our salary, we have earned it. Everybody in here, I believe, earns their salary—and more—than what they are currently getting. I do not think it is unique for me, that what I have to use to assist people in need in my community goes beyond the constituency allowance every month.

[Inaudible interjections]

Mr. D. Ezzard Miller: Right? And we all have to dip in. Again, this is not vote buying or trying to influence people for election. We are helping people who genuinely need help, because often times, the bureaucracy of getting it done in government is so difficult, and by the time you get it done, the person has passed on to whatever their reward is. So when we are approached by some of these people, it would be inhumane of us to tell the person no. It would break your heart. You could not sleep at night, if you have any conscience at all. Yet, every little time we have a shake-up in the economy, the first thing those out there who are making the millions shout is: *they need to cut MLAs' salary; the Premier needs to pick up his salary.* Are you going to cut his time, too?

When the crisis is here, and they are home or out to dinner, the Premier and his Cabinet are sitting in the Government Administration Building (GAB) solving the problem that often they created; and the first thing they come up with is, *we should cut MLAs' salaries*. Realise that when you cut the salaries of the MLA, many times you are hurting the people they represent. Because all of us—all of us—know from experience, that the demand from our electorate on us for help, is not small. And it is not only people who are working the system—yes, we got one or two, you know? We see them outside there when we are coming to the Legislative Assembly. They know when this is going to meet better than I do, right?

[Laughter]

Mr. D. Ezzard Miller: Those are not the kind of people I am talking about. I am talking about people at a constituency level that genuinely need help and we have to find a way to help them.

So, Mr. Speaker, I fully support this Bill. I congratulate the Premier and his Government for getting it here. The time is now and we need it get it done; but I will argue in Committee Stage for some changes that I believe will improve the functionality of this place and the transparency that people expect of us.

Thank you, Mr. Speaker.

[Desks thumping]

The Speaker: The Honourable Deputy Governor.

Hon Franz I. Manderson, Deputy Governor, Ex-Officio Member Responsible for the Civil Service: Thank you, Mr. Speaker.

Mr. Speaker, I rise to lend my support to this historic Bill that will see the Legislative Assembly (LA) become an autonomous institution, independent of the Executive branch of Government.

I know that this is a particularly special day for both you and the Premier, and others in this House who have been advocating and championing this cause for quite some time. Certainly, as Head of the Civil Service I am also pleased to be able to be part of this historic occasion. As the Premier said earlier, this intent has been around for quite some time, long before my time, but I am happy that with the help of my team we are able to bring this Bill here today.

Mr. Speaker, as was said earlier, the Motion calling for the independence of the LA was passed many, many, years ago and the Motion required that responsibility for the administration of the LA be assigned to the Honourable Speaker and managed by the Clerk of the Legislative Assembly. Mr. Speaker, I am pleased to say that the Bill before us today achieves the end result of the Motion.

Mr. Speaker, you have heard the Honourable Premier outline the work that has been taken since then, and today he was able to introduce the Bill, which will allow for the establishment of a Management Commission to carry out the independent management of the administrative functions of this Assembly. The Bill makes provisions for the autonomy of the Commission by creating a unique entity whose defining characteristics will be similar to an independent office such as the Office of the Ombudsman.

The change that this Bill will facilitate is of fundamental importance; namely, it will allow for the doctrine of separation of powers to be recognised and observed, and will see the Executive and Legislative branches of the Government become independent of each other.

Considering that the Premier has already outlined the organisational structure and function of the Commission, I will use this opportunity to provide a brief summary of the work the civil service has done to prepare for the enacting of this Bill, as well as to share with you some of the plans for managing this historic transition.

Mr. Speaker, it is intended, and I understand that we have agreed, that once the Bill is assented it will become effective on the 1st January, 2021, which will allow for a seamless transition into a new budget year without requiring any extraordinary accounting measures to facilitate the creation and transition to a separate budget. Irrespective of the implementation date, the enactment of this Bill will constitute a major change; as such, we have built in a transitional period for current employees of the Assembly.

Mr. Speaker, provisions are that persons who are employed and appointed as a public officer to this honourable House, inclusive of the Clerk, prior to the date of commencement of this Bill, shall be deemed on that date to have been lawfully appointed by the Commission. During the initial nine months of the Law taking effect, a person employed by the Assembly may indicate that they wish to remain with the Commission or whether they want to return to the core civil service. You would have heard the Honourable Leader of the Opposition speak about that this morning, and the importance of taking care of the staff that are here.

Where a person indicates that they wish to return to the civil service, they are required to give us notice within the first nine months of the Commission being established. This provision has been made to ensure the continuity of the Commission by allowing sufficient time to contemplate and resolve the potential implications of staff changes. Where existing staff select the option to remain with the civil service, redundancy provisions will apply beginning with an exhaustive effort to accommodate those persons in other roles within the wider civil service.

On the 23rd September, the Chief Officer of the Portfolio of the Civil Service (PoCS) met with the

Speaker and staff of the Legislative Assembly to discuss the impending changes, including outlining the transitional period and the options available to staff that I just mentioned.

Chief Officer McField-Nixon also laid out plans to support staff leading up to and after the Bill is enacted, namely the provision of support for the LA's finance team and support in developing internal policies and procedures. Already, the PoCS has bolstered the Assembly's finance team by embedding a member of our own finance team to assist with designing and maintaining the processes that will be needed to properly manage the finance function at the Assembly, that is being facilitated through a six-month secondment.

Additionally, in the short term, the PoCS Chief Financial Officer will continue to serve as the CFO for the Legislative Assembly overseeing their accounts and managing the annual internal audit process. Mr. Speaker, it will be for the Commission and the Council to decide whether they want to have their own CFO here once things are up and running but certainly, until that time, the Civil Service will be honoured to help with the accounts.

In addition, PoCS has made arrangements for a member of our management support unit to work with the staff of the Legislative Assembly. This dedicated resource will help the Assembly establish the desired working environment, mission, vision, work place rules and appropriate branding, just to name a few of the necessary high-level transitional tasks that the Assembly will need assistance with. This support will be available to this honourable House throughout and for the period following the transition.

Mr. Speaker, I turn my attention to hiring. The Bill allows for the Commission to employ staff at such remuneration, terms and conditions, including medical benefits, as it seems fit. Terms and conditions that are equivalent to those under the Public Service Management Law and just to say, Mr. Speaker, the Member for North Side raised concerns about the word "equivalent" and we are happy to take that under consideration.

As the Premier said earlier, the intent of the Bill is to ensure that all of the staff that is working here, whether they are employed now or are employed later on, is to have the same terms and conditions as civil servants. The same pension benefits, same health insurance, everything remains the same. We have no intention of reinventing the wheel when it comes to taking care of our most important resource—the staff here, at the Assembly.

As it pertains to matters of budgets, separate 2020 and 2021 annual budgets have been prepared and approved for the Legislative Assembly; these budgets are separate and apart from those prepared by the Portfolio of the Civil Service, which previously included this honourable House. Mr. Speaker, just to say that when we were putting together the 2020 to

2021 budget, we actually separated the accounts for this honourable House, so that come 2021 everything is separate—we do not have to go back and start changing things. So we have been preparing for this day for quite some time.

Mr. Speaker, some will say that this Bill does not go far enough, and that it does not provide for a complete separation of this honourable House from the Civil Service. In a very limited extent that is true, for example, while staff at the Legislative Assembly will no longer be civil servants, their terms and conditions, as I said earlier, will be governed by the Public Service Management Law in terms of pay, vacation, health and pension benefits.

Additionally, staff of this honourable House will have a right to appeal Human Resources (HR) decisions to the Civil Service Appeals Commission. So there is a nexus between this House and the Civil Service.

We believe that any further strengthening of the Assembly's independence is best dealt with once this Legislative Assembly has been separated from the Civil Service. It will be up to the Council to decide what other provisions they would like to put in place to deal with these types of issues, but make no mistake, Mr. Speaker, once this Bill is passed, this honourable House will operate independent of the Civil Service. Also, Mr. Speaker, I think we all agree that if there is no need to reinvent the wheel, then we should not do so; if things are working fine the way they are now then just leave them alone.

Mr. Speaker, having outlined some of the preparatory work that has been carried out, I am happy to assure you that we agreed that much thought and effort has gone into preparing for the enactment of this Management Bill.

We have considered our people and built in reasonable timelines for them to work under the new structure and contemplate their options; we have proactively separated the Assembly's budget from my Office and PoCS; we have approved additional posts and recruited additional staff to ensure that the Commission will have the necessary support to sustain its new operations.

We have seconded staff from PoCS to assist with the development of finance processes and we have made provisions for dedicated management support resources to be available to aid with establishing the foundation pieces needed to underpin this organisation. So, I think this Assembly is now well equipped in relation to staffing, resources, and budgets, in order to move on the 1st January into an autonomous situation.

Mr. Speaker, I am looking forward to that day. I look forward to the many changes that the Council will make to improve the overall operations of this Assembly and look to be benefitting from some of those important changes. I have heard some of the good

plans that are in place, so I look forward to seeing those things happen.

The Member from North Side raised the issues around salaries. I will only say that what is in the Bill is what is present now; I certainly share his views that this probably be improved on. Like him, I agree that we have to pay our Members of Parliament very well; we are asking them to give up, and sacrifice and we do want persons of the highest calibre to represent us both locally and abroad, so I will leave that to the Members of this House for their good judgement. I want to emphasise that what is in here now is what is actually happening at the moment.

In closing, I would like to provide you and Members of this honourable House with the assurance that the Civil Service stands ready to aid the transition of the Legislative Assembly as it separates from the Executive branch of Government to become an independent institution. This change has long been envisaged and has been supported by the Civil Service on the 1st of January, 2021. Until then, we will commit to putting in the necessary change-management processes to ensure a seamless transition.

Mr. Speaker, I would like to thank all members of the select committee who worked for many months to create this historic Bill. I also wish to thank Madam Clerk for all her hard work. Mr. Speaker, I also want to thank the Cabinet office and in particular, the Deputy Chief Officer Mr. Robert Lewis, who conducted research which greatly assisted the committee. I want to thank you and the Premier for continuing to drive this historic day; I think we are all happy to be here today.

Finally, sincere thanks to the Chief Officer, Ms. Gloria McField-Nixon, for her diligence and professional ability in the overall preparation and delivery on this key priority for the Government. It is a historic day, Mr. Speaker, and I am really happy to be here and be part of it.

I thank you.

The Speaker: The Honourable Deputy Leader of the Opposition, the Member for Newlands.

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

Mr. Speaker, I wish to rise to give my support for the Legislative Assembly (Management) Bill, 2020. As the Premier said earlier, I was one of the members of the committee that last term, actually, started looking at creating this Bill and whatever supporting information that had to go along with it, to make this event possible.

I must say I feel quite proud today, to actually be able to stand here and support it, because having been intimately involved, I know how much work went into this effort and how many arguments were held and how many discussions. It was not an easy task to get here. As the Premier said, it took quite a while for this

Bill to make its way to this Assembly, but I think it is timely, given the soon-to-come changes to the Constitution and I think things have aligned perfectly to complement each other.

I know the Premier said yesterday that I may be lacking in my understanding of separation of powers, but I know that was just political jousting; I am not going to give him any cause to get up and use his voice today.

[Inaudible interjections]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: I understand full well the principle of separation of powers and the necessity for the separation of powers and I must say, last term being my first term, I was actually learning a lot going through this process with the more senior Members of this honourable House and the senior civil servants that were involved, so it was a good experience for me.

I, like the Member for North Side, want to urge all Members to approach this by taking the personalities out of it because, while we are so closely connected to this honourable Legislature and it does get personal and political in here at times, a decision such as this cannot be made on that basis because we have to legislate and look towards the future and look at what we are doing for the future.

When I first arrived here, Mr. Speaker, I was in awe as most new Members would be and I heard the terminology, *this real estate belongs to the people of particular constituencies*. I heard that being said and it took a little while for that to sink in to what it really means, but when I look around today, especially at the more senior Members when they come in and they take their seats, it is done with sort of a hidden, secret, body language. You can see the pride and the sense of ownership and honour that we take our seats in here.

Quite often I hear comments outside about Members of this Legislature; negative comments; comments that hit at our honesty, our integrity—all sorts of things. We all have heard it, and I am sure we are all used to it by now and sometimes you get the sense that people want us to devalue the honour of being here, because of those criticisms and, you know, *who do they think they are, and they think they are better than us*—but it is not about that.

This is about representing a constituency, a large number of people, and we all know that we sometimes are that last phone call, or that last bit of hope that someone has and as the Member for North Side said, sometimes the sacrifices that we make, we do without mentioning. No one knows.

So I want to approach this debate today, Mr. Speaker, with that in mind, that we are not doing this for ourselves. We are doing this for all those who will one day occupy these seats after us. It is not about us, it really is not about us. I know we will get the criticisms

for doing it, but the people we represent are represented by these seats and they deserve the best, so anything we can do to give them the best, we have to do it and that is how I look at it. This is not about me building a monument to myself, or the Premier building a monument to himself or the Leader of the Opposition. If we are going to build a monument, it is to the people we represent.

I look around the Commonwealth at other legislatures and parliaments, and what we are doing here today is not unique. What we are doing is common, very common, to put this sort of structure in place. We are coming from colonial days, Mr. Speaker, when colonial power had the authority in here over the management and administration. We have evolved to the point where we have that and that can only be a good thing. That is democratic progression and improvement over time.

While I do have some concerns with some of the things in this Bill, overall, I think we can resolve those and I certainly will be supporting the Bill. I think that it is a proud day for all of us to be able to do this.

Mr. Speaker, I will speak briefly about some of the contents of the Bill, but I wanted to start off by talking about what I was just touching on with progression and improvement of our democracy; and I say this because I have a good perspective. I am now Chairman of the House Committee and also Deputy Leader of the Opposition, so I come from that perspective as well.

I listened to some of the concerns of the Leader of the Opposition, in terms of how we progressed and move forward and offer more support to the rules on this side of the House because we must remember, in any modern democracy, that you cannot have a good government without an effective opposition. As he said, we often end up in a position where we do not have the resources to be as effective as we can, especially when it comes to researching Bills. I hear criticism sometimes that *well, you guys bring a Private Member's Bill* and it is said as if it is an easy task, I mean, easy to do, but we do not have legal drafters at our disposal. We do not have the legal resources.

I look at this Legislature now and I know you and I, Mr. Speaker, have discussed some of the improvements that need to be done just physically; the need for more meeting rooms, the Honourable Premier and the Honourable Leader of the Opposition do not have an office here but people come here to meet with them quite often. We have visitors, dignitaries coming from other jurisdictions—we do not really have the facilities to accommodate that.

So there are a number of improvements that have been lagging and hanging for quite some time. I will give you a simple example, Mr. Speaker: the House Committee wanted not just a plaque on the lower portion of the wall outside saying what this building is. We wanted something a bit more prominent because I have been out there and seen

tourists walk up and say, what is this building? Just something as simple as that has been hanging for the longest time; and I am not blaming anyone, but it is just that those things do not get priority.

[Inaudible interjections]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: 36 years.

Again, this is the people's House, it is the people's Parliament and no one should walk up to this building and ask what this is. It is as simple as that. We made piecemeal improvements; we have improved the security and so on, and I am not trying to say that it is all just to benefit us but the people's House is a place of pride.

Just going through some of the clauses of the Bill Mr. Speaker, and I know we discussed this with the Honourable Deputy Governor but I wanted to just underscore the structure and some of my concerns with it. I know we talked about increasing the composition of the Council so it would be, I think, more equitable. Again, I raise the point about the Commission being at the top level; and I know the Premier went to pains to try to explain that and the Council being under it.

All that is fine, except that I found a conflict because when you come to the composition of the Commission, it is not really defined anywhere and while the Council sits under the Commission, in my mind, in my thinking, when I first went through the Bill, I figured *'okay, is it really necessary to have the Commission then? You could just have Legislative Assembly because that is defined in the Constitution.* I will come to a point later on why I bring that up because I know we have sort of exhausted some of the discussion on that, but just those two layers, I think later on we will see why I say that that may be a concern.

Mr. Speaker, clause 6(9) actually is a good thing; and I know there must have been some anxiety among the staff of the LA just in regards to this change and what is to be expected. Am going to be working under the Speaker, now, I am going to be working under this Council, are things going to change, is my job safe; but 6(9) offers that safeguard to the staff here, where they do not have to worry about any of that. They are going to be employed and continue to be working under same standards, the same expectations as they were before under the Public Service Management Law, so I think that alleviates a lot of that anxiety.

I also had a note about the wording of this **"vacation of office by a member"**, where it basically says that where the Speaker makes the appointment, the Speaker can revoke the membership on the Council. I think that that should be worded to really make it clear that on the advice of the person making the recommendation. I think that would give comfort to both sides, that the Speaker is not authorised to just simply remove people from the Council; when I say

Speaker, I do not mean personally, I mean the role of Speaker.

The section about conflicts of interest, Mr. Speaker, clause 9(3). I understand why it is there, it is clearly a safe-guard, but I do know that we have protections already existing in the Immunities and Privileges Law to safe-guard against any sort of adverse behaviour but I am bit a concerned about putting that clause into this actual Bill. If you think about Parliamentary procedure and how we govern ourselves and if we are truly going to be independent, if a Member here does something contrary to good governance or the law, then it would be up to the Members of this House to deal with that because there are immunities built into our roles while we are here. So the convention is that the House deals with those issues anyway.

I mean, I do not see too much harm in having it in there, but it made me stop and think that maybe it was in response to some of those criticisms that I spoke about earlier, which are aimed at lowering the level of integrity that Members of this honourable House have, that some people sometimes fire our way. I do not want to pander to that, or encourage that, but maybe that is why that was seen as necessary to alleviate any concerns or criticism coming from the outside.

However, I can safely say that this House is filled with honourable Members, Mr. Speaker, and we have been quite ably and capably managing our affairs, as a Legislature with no controversy in that regard. We have also recently implemented the Standards in Public Life Law, which gives added protection from any Member taking advantage of a position in here. I think what we have in place now is adequate, it works, but maybe that was put there for a very good reason.

Mr. Speaker, going back to the structure and this is why I wanted to raise that point—

[Inaudible interjections]

Mr. Alva H. Suckoo, Deputy Leader of the Opposition: Yes; 13(1) talks about the structure.

“13. (1) The Council, shall, by Order—

- (a) prescribe the executive, management and administrative structure of the Commission for the necessary discharge of the functions of the Commission;**
- (b) amend Schedule 1 which sets out the salaries, and so forth;**
- (c) amend Schedule 2 which sets out the allowances [...];**

“(2) An Order under subsection (1)—which is an order made by the Council—may be amended by the Commission and any Order or its amendment shall be subject to the affirmative resolution procedure.”

I am taking that to mean that the Commission must be populated by warm bodies and those warm

bodies must be the Members of the Legislature, but it does not really specify that so that provided some confusion for me, Mr. Speaker, when I was reading the Bill because I was thinking, *well, what is this Commission?* If we try to tighten that so that it makes it clear, because—

[Inaudible interjections]

Mr. Alva H. Suckoo, Deputy Leader of the Opposition: Yeah. Because in my mind, the Legislative Assembly is defined in the Constitution and I did not see why we needed to have this layer of Commission. We could just have Legislative Assembly and Council under it. If we can clearly define that, then I think that will avoid any confusion. Hopefully that concern will be addressed when we get to Committee Stage.

I do have a concern though, and I may draw some criticism for saying this but I am going to say it because when we are talking about separation of powers. Clause 16(3): **“The accounts of the Commission shall be audited by the Auditor General in accordance with the *Public Management and Finance Law (2018 Revision)*.”**

Now, I have no concern with being audited, however, a subordinate entity under the control of the administrative arm of Government auditing the Parliament may be a concern for separation of powers in my opinion. My preference would be that the accounts are audited, but done by an independent third party, rather than the Auditor General because the Auditor General would then refer those accounts to the PAC and that could get a bit messy.

[Inaudible interjections]

Mr. Alva H. Suckoo, Deputy Leader of the Opposition: Clause 16(3). That could become a bit messy.

Again, I am not against auditing, and verifying and making sure things are done cleanly, but I do not think the Auditor General would be the right entity to do that.

Clauses 19 and 20; I am not sure why we have two clauses dealing with sort of the same thing, one for the Chief Officer and one for the staff, but that is to deal with discipline and appeals to the Civil Service Appeals Commission. I mean, it is just a suggestion that we could put all of that under one clause, I do not see the need for two but, again, it is just wording.

Mr. Speaker, also clause 23(1), I stand to be corrected if I got this wrong, but the making of regulations for this Law maybe that should be done by the Council, not Cabinet. I am not sure why we say Cabinet, because the Governor sits in Cabinet, so again there is that dividing line between the powers. That is also a suggestion that I would make.

Mr. Speaker, as I said, I am quite proud to be able to support this Bill today. In my capacity as Chairman of the House Committee, the difficulty I have faced getting things done is because the House Committee really does not have much authority when it comes to creating the budget for this Legislature, so while we sit and we agree on things we would like to see done, we cannot put them to action and the budgeting process that goes on at the Government Administration Building is based on a different set of priorities and sometimes things do not happen for various reasons. That is the realistic situation. I know Members sometimes get frustrated before things do not happen as they would like to see them happen, so this puts a bit more control in the Parliament to manage its own affairs and get things done.

Mr. Speaker, I think I have covered all of the major areas that concern me. I think Mr. Miller did a good job of covering salaries, et cetera. I know he was instrumental in helping to get to the arrangement that we have in place today; I know he made many contributions to that.

Again I want to say that we are doing this because we are moving our democracy forward. I want to say to all of those who are watching and listening, Mr. Speaker, not to view this as *“these 19 politicians doing this today for themselves”*. We are doing this for the generations of politicians to come and those who want to be encouraged to go into politics.

I hope one day maybe one of my children will follow the same course that I did. I never thought that I would, until very close to 2013 when I made up my mind that I would get involved in politics, but we have a very robust Youth Parliament who come and showcase their debating skills to us once a year on Commonwealth Day. We have a lot that we can do with them that we want to develop to help those young people—this is another way and means of doing that and giving them something to aspire towards as well.

So as we move our democracy forward, as we move this Parliament forward—as it will be very soon—this is one of the pieces of the puzzle to getting that done, Mr. Speaker, and while I pointed out some issues, some concerns that I had, overall I am very proud today to be able to support this.

Thank you.

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

The Member for George Town Central.

Mr. Kenneth V. Bryan, Elected Member for George Town Central: Thank you, Mr. Speaker.

I think most of the substance of this Bill has been covered by my colleagues on the Opposition and some of the concerns I had were also raised by the Honourable Deputy Governor. So there might be some

minor repetition but I will make sure that I keep it within the lines of the Standing Orders, Mr. Speaker.

Mr. Speaker, I am excited about the notion of this honourable House being independent from the civil service. It goes in line with International Best Practices, but I must say that much of what I am going to contribute here today is a lot in line with what the Elected Member for North Side said this afternoon. It is not focusing on the fact that we should have a Parliament or a Legislative Assembly that is independent—I think we all agree with that, Mr. Speaker—but about what we are going to be once it happens.

I want to start off by saying that I agree with the Deputy Governor when he said that this Bill is not perfect, and it has probably not gone far enough, but I do hope that when it is passed, the Commission itself will slowly but surely improve the independence that allows democracy to flourish. I am just going to highlight some of the things that I heard so far that I also agree with in the Bill. One of the first ones that I am going to turn to may create some controversy, but I think it is important.

Mr. Speaker, when I first got elected I did not quite understand the magnitude of what was expected of me, not only in this Legislative Assembly, but within my office and the necessary resources I would need to do what was expected of me; but that is only me as one elected person. I had the opportunity to serve under two leaders of Opposition and I must that I feel the pain for both of them throughout their reign. That is why I am going to be talking about the clause under Schedule 2 talking about the allowance for the Opposition Office of CI\$ 2,500. For the average person out there who may not understand the relevance of that, to put it in common terms, there is very, very, little you can do to contribute to the role that is expected by the Leader of Opposition, to hold a Government accountable that has the resources in the tens of millions of dollars at their fingertips every single day, but we are expected to hold the Government accountable in our role here in the Legislative Assembly with a mere CI\$ 2,500.

Mr. Speaker, as the Elected Member for George Town Central, I am in the heart of the city of the Cayman Islands—the rent alone for my office is over CI\$ 2,000.

When I started here I was already paying well over CI\$ 2,000 before I even got elected and it is expected that the Leader of the Opposition and its office should be in the town or centre of the country. Now, I am not here to say what the cost of the Leader of the Opposition’s office is because I do not know, but I suspect it is somewhat close to that. I know that the Civil Service pays for an assistant for that office but if you look at Schedule 2 in the Bill, that allowance is for rent, utilities, supplies, and maintenance. I know everybody in this country knows the cost of CUC.

For the first time in my life I had to run and operate an office of my own—I was never in business

that I had to have my own office—but if I were to tell this country what the cost of my supplies for paper, pens, ink and all the rest of the stuff that goes with an office, they would probably be blown away. So to expect CI\$ 2,500 not only for one office, but the Leader of the Opposition who, in most cases, everyone in the Opposition would have access to that office as well. So you are potentially talking about seven Members.

If I were to print the eleven Bills that are before this House and have a Town Hall meeting, I could probably use a \$1,000 just to print the Bills. So to be honest with you, it is unrealistic, and I know that talking about increasing cost is not an attractive thing in the public domain. I recall being on the radio and sometimes the good Dr. Steve McField says, *‘the Opposition needs to do this; unna need to do that; and you need to get this lawyer to do this; you need to do that’* but they do not recognise that these things cost money. That is why sometimes the Opposition is unable to do many of the things we would like to do to hold the Government accountable.

We have to depend on charity, by way of a lawyer who may be able to say, *listen, I will give you some free advice; do a report for you; or draft a legislation for you* or you depend on somebody who says, *listen, I will donate some cases of water and sodas or snacks to your office so when constituents come to meet you can offer them at least a pack of peanuts and a bottle of water*; Or you have friends that are in the business of supplies and say, *I will give you a 25 per cent discount because I know you do not have plenty money to pay for your office equipment.*

Mr. Speaker, anybody who runs an office will know that just ink, ink for one printer, can go up to CI\$ 1,500 but yet we are talking about CI\$ 2,500 for the Leader of the Opposition. Now, I am not a part of the official Opposition, but I want him—

[Inaudible interjections]

Mr. Kenneth V. Bryan: Pardon me, Mr. Speaker.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker, in the interest of the—

The Speaker: The Honourable Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: In the interest of clarification it should be noted, and I know the Member would not notice, but it should be noted that as Leader of the Opposition I do not receive CI\$ 2,500.

I pay for office supplies and electricity, but I do not pay rent; the Cabinet Office does that, so I do not know where that CI\$ 2,500; that may be what they pay for rent but they are saying here that it is for rent,

utilities, supplies and maintenance. I do all that but I do not do rent; the rent is paid for.

The Speaker: What you are explaining is that you cover plenty of your cost personally?

Hon. V. Arden McLean, Leader of the Opposition: Out of our pocket; the five of us pay all of those things—electricity, telephone, all that.

The Speaker: Just for clarity, so that I understand it. You are talking about the Leader of the Opposition; you are not talking about your district.

Hon. V. Arden McLean, Leader of the Opposition: No, sir. I am talking about the Leader—

The Speaker: Of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: Well, we like to say the “Opposition Office”, but the Government pays the rent for that in Windward Centre on Smith Road and then we pay all of the expenses in there. Each Member contributes moneys to that to cover utilities, supplies, maintenance, and like cleaning and what not. All of that is paid out of our pockets.

[Inaudible interjections]

The Speaker: The Member for George Town Central.

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

I hope Mr. McLean will give me back my three minutes from his next debate.

Hon. V. Arden McLean, Leader of the Opposition: Yeah man.

Mr. Kenneth V. Bryan: Mr. Speaker, the point I am making here is that sadly, in this day and age, to administer democracy is becoming more and more expensive but the value of democracy sometimes does not equate to the expectation of the public. It is so important that—though I have no intentions of being on the Opposition side ever again after this election, if the good people of George Town Central allow me to be their representative—we have an efficiently run, effective Opposition to hold the Government accountable.

It is a key role in democracy; key, key, role because we never know when somebody may feel that they are too strong or too bold. Mr. Speaker, for that area in particular, when we get to Committee Stage I would hope that the Government reconsiders that.

I know that the Honourable Premier is fully aware of that difficulty because when I was given the opportunity by the good membership of The Progressives to run with them, I remember having to go

around to all the Members and collect money from their personal pockets just to keep the Progressives office running, so he understands. Sometimes we choose not to say anything because if you say something, you get political licks for saying that you want more money to help represent the people, but I do not think that we should be scared of talking about this truth. Here is why we should not be scared about it: we know we need to do it to be effective in our jobs for the people, so if we cannot get it from the people, we are going to ask for it somewhere else. What I am worried about, Mr. Speaker, is if I have to ask somebody else for the help, that is when they start calling back saying, *remember when I gave you a discount? Or, remember when I donated this to you?* And then when I am in a position of power, they may come back and say, *I need a favour, too.*

I do not want to be owing to anybody other than my people.

[Inaudible interjections]

Mr. Kenneth V. Bryan: Beholden. Thank you, Honourable Premier.

I do not want to be beholden to anybody and I hope the people understand the point of asking for more resources, is so that we do not have to ask anybody else who is going to come back and ask for a favour, because most times when they ask for those favours, it is not in your best interest but we still have to get the job done for you.

I want us to remember that it is not about the individuals in these positions, but the position itself. It could be your son, your daughter, later on being the Leader of the Opposition or being the Premier or being the Speaker and you want them to be effective in their roles, in their duties. So if you think the Government is going out of line, make sure that the Leader of the Opposition and his team have enough resources to keep the Government in line. Vice versa, the Government needs to have enough assistance with what they do, so they do not have to be beholden to anybody else so when the special interests call, they can say, *No, I am sorry; I get paid enough, I have enough resources. I do not need to get anything from you.*

Mr. Speaker, I think I have dwelled on that point long enough.

[Inaudible interjections]

Mr. Kenneth V. Bryan: Mr. Speaker, there is another point and this is no knock on the current Premier, because I do not think he would ever do such a thing; at least I would hope not. I think I can confidently say I do not think he would do it.

However, Mr. Speaker, the Honourable Member for North Side highlighted a little bit in Schedule 1 under Minister paygrade, where it says,

“Earns base Minister Salary (i.e. Grade B) plus one increment for each four-year term completed as a Minister but shall not earn more than the Deputy Governor.” The second part is what concerns me because it can be used in a very malicious way. Let me read: **“In addition, at the discretion of the Premier, may earn additional increments on Grade B, but shall not earn more than the Deputy Governor.”**

Now, for the common man’s understanding, basically the Premier has the ability to say, *you know what Minister, I goin’ give you a lil’ extra or You Minister, I am going to give you a little extra.*

[Pause]

Mr. Kenneth V. Bryan: Mr. Speaker, I just had a little sidebar discussion to try to understand the reasoning behind that and in the interest of transparency, the logic that was put to me was, that sometimes you have more experienced individuals in ministerial positions with longer terms and, though I see merit in that Mr. Speaker, I also see the danger in that.

Now, if we want to put in a merit system that has an absolute to it to say, if you have been in a ministerial position for X amount of time, you get X amount of pay, but to leave it at the discretion of the person who holds the position as Premier, allows that person to have leverage over his Ministers and I think it is one that gives the opportunity for the Premier to ‘keep them in line’, so to speak.

Now Mr. Speaker, I want to reiterate that I am not suggesting that the current Premier would ever do such a thing, but I always try my best to create a system just in case that monster comes around and I think that is what could happen there. I am not going to dwell on it more; I think you get the point of what I was concerned about.

Now, Mr. Speaker, I am going to talk about my own personal experience now and going back to Schedule 2 about constituency allowance of CI\$ 4,000 a month for each elected Member. I do not know about any other Member, but I know running in George Town Central, and being at the heart of the city centre of the Cayman Islands, the cost for running an office is probably one of the most expensive, if not the most expensive, in the Islands.

I hate to compare but Mr. Speaker, just the rent alone in a place like, and I do hope the good Member for East End does not mind me comparing East End but I think that—

[Inaudible interjections]

Mr. Kenneth V. Bryan: Exactly; seems like he is okay with me comparing East End.

The rent in East End for a constituency office is probably about 80 per cent cheaper than it is for rent in George Town Central.

[Inaudible interjections]

Mr. Kenneth V. Bryan: Well, I tell you one thing you must be got a house in East End for that.

[Inaudible interjections and laughter]

Mr. Kenneth V. Bryan: That is exactly what he has? Okay, I understand.

Well, Mr. Speaker, what I am trying to point out is there is not an equal value for money in respect to my job on behalf of the good people of George Town Central. That is all I am trying to highlight. Now, I do not know how to solve that problem. I do not know how to solve that problem and I am assuming that is where the challenge has been over the period of time to figure out how do you decide well, a Member in East End compared to a Member in George Town, where expenses are higher, what do you do?

However, I tell you this, Mr. Speaker: what they currently give me for me to do it the right way—to have an office functioning; to help people when they come to me and want their résumés printed or assistance to create it; to hold meetings; to offer them a bottle of water, or sit down late at night when electricity/air conditioning running all night long—all those things cost money, and I expect and intend to do the job the right way. That is why my office has been open from before I was elected, and I had no intention of ever closing it. I think that should definitely be re-examined.

Now, let me get off the money talk, because they will say that I am only talking about money.

Mr. Speaker, another thing in this Bill that drew concern, and that I thought I would bring up—because I take my role and my job very seriously—is having all the necessary resources not only in my constituency level, but also here in the Legislative Assembly. Though the staff at the Legislative Assembly have been trying to do everything they possibly can to assist me as a Member, I know that some of the things that they are doing now are outside the remit of what they are actually hired to do.

I think they need to have staff with the professional skills, understanding and qualifications to be available specifically to assist the Opposition, because we do not have the resources that the Government Members have to help with many things like the drafting of Bills, research on matters that have been before the House, and what have you. Now, some days I feel bad for the staff here because I will come and take them off a duty that they have been assigned to do to go, *listen, I need this addressed* and they will have to stop doing what they are doing.

What I am saying, Mr. Speaker is that the Legislative Assembly is understaffed. If we genuinely want to go to the international approach to independence from the Civil Service, we got to do it the right way. Mr. Speaker, if this country actually knew

what the budget was for the United Kingdom (UK) Parliament in its running and how many staff members they actually have in there, they would be blown away. I think it is—

[Pause]

Mr. Kenneth V. Bryan: Mr. Speaker, though I understand and I recognise that they are a lot larger, we are talking about in ratio to the type of skill sets they have; there are some skill sets that we do not have. Many people do not know that we do not even have a research library; one that we have been begging for in this honourable House for years.

As you know, Mr. Speaker, I am on the Standing House Committee and we have been talking about this library—and I have seen reports previously of other Members talking about the library—where I can do my analysis appropriately and come prepared for a debate in this honourable House. We have yet to get it and I know that I have been part of a committee sending it to the Civil Service to say, *can you put this in the budget so I can be more effective for the people of the Cayman Islands, particularly those in George Town Central, so when I debate I can give a good debate that comes to a good conclusion that make the lives of people who live in the Cayman Islands better*, but we cannot get it.

We cannot even get a bench outside at the back of the Legislative Assembly to sit down if you do not want to freeze to death inside, because the air conditioning is so cold.

[Inaudible interjections]

Mr. Kenneth V. Bryan: Mr. Speaker, I was talking about a bench to go and sit down and enjoy the cool breeze of the Caymanian weather; I am not sure about what the Premier was speaking about.

However, Mr. Speaker, another element that I think is important for me to highlight before it slips my mind is [that] there is a large piece of property behind the Government Building where the Tower Building of the Cayman Islands once stood.

Now that the Government has agreed that the Port is not moving forward, unless the Honourable Minister wants to dispute that again, so the public can hear, I think it is time now that we allocate that piece of property to the Legislative Assembly—

[Pause]

Mr. Kenneth V. Bryan: Mr. Speaker, I hear that we are being told that we can get a piece of it; I am assuming he is talking about 90 per cent of that piece and I will be fine with that.

Mr. Speaker, the reality is we are a growing democracy, and our intention is to continue to be the heart and jewel of the Caribbean.

Mr. Speaker, you know this yourself and the Leader of the Opposition talks about how many times he had to go off and represent particular viewpoints of how we deal with our democracy and the British Overseas Territories' way of administration.

We have heard about how many other leaders in other jurisdictions call on our Honourable Premier with his esteemed accolades to represent the region. I believe that the Cayman Islands will be the future of democracy within the British Overseas Territories and we see little snippets of us doing that, where we are now at the forefront of the Natural Disaster. The UK looks to us to kind of manage things.

We are looked to as well, from a Parliamentary perspective. I remember when they were calling you, Mr. Speaker, asking you for advice; and because we are becoming that strong and respected across the Caribbean, I think our Parliament should reflect that and prepare for growth—and that is why I think that we need that property next door.

Mr. Speaker, I think I was on the point about the Legislative Assembly staffing, but I want to put it in there that we should now start to consider and the Government should start to consider to let go that property because I do not think that dock is going to happen any time soon and they can find another holding location if the cruise port was ever to be built because it seems that is still being festered about within the current Administration's mind set.

Now, Mr. Speaker, as we transition from being under the Civil Service—when I say we, I mean the Legislative Assembly and the staff—I want to take this opportunity to thank the members of this Legislative Assembly. They work very, very, hard and, in my humble opinion, with limited resources, processes, and systems to offer up what we see every day as a world-class Parliamentary process; but if one would take an opportunity to actually look at other Legislative Assemblies or other Parliaments, we rank in systems and efficiencies, probably at the very bottom in the region.

Many other jurisdictions that have a lot less GDP, not as good economies as we have but they make sure that they put the necessary monies in their Parliaments. Now, I do not know if it is because the politicians always go, *well, we need to have the best*, but they invest in the necessary systems. Something as simple as a Parliamentary library, where parliamentarians go to research and find information, we do not have it; something as simple as that.

I remember going to St. Kitts and Nevis in one of my first trips. Nevis Island is a very small, small one, and I went to their Parliament, it was a very small Parliament, and you went into their library and the library was almost the size of the Parliament; and the only reason the Parliament was not really big is

because of the historical nature of the building that they were in. They did not want to move from that because it had significance from a historical perspective, so they invested in their democratic process and their House of Parliament—the House of democracy. We need to start doing the same and not be ashamed to do so.

Mr. Speaker, one area that I think we should definitely start to focus on is the record-keeping of the proceedings of this honourable House. I want to say that since I have been here, there have been about four or five members in the Hansard department; not four or five at any one time, but transitioning in or out of that department; and they go through hell trying to keep up with all the rubbish or gibberish we say in here sometimes, because we repeat so much—like myself. They have to type out that every single day—type, type, type, type, type, type, type and listen to it and type, type, type, type; hours and hours, and hours and hours, and hours and hours, and hours and hours—and they have to type exactly what I just said.

Now, I think it has been running with only two members over the last two years and I want to send a big thank you to them for keeping track of the information because that information is the history of our democracy. That is how I hold the Honourable Premier to account, and the Honourable Joseph Hew to account when he says, *don't worry; we are going to make sure that McField Lane is paved by the end of 2018* and when I am ready to debate, and go back and find the Hansards I can see that he said so on this date and up to today, I still do not have McField Lane paved. That is the importance of Hansards and I want them to be efficient so when I call to hold the Government accountable, with a snap of my fingers I can have those records ready to hold the Government accountable. That is how important that small area of this Parliament is to the democratic process.

Mr. Speaker, the other part we have to invest in is accessibility of the public to what we do in here. We have to make sure that just as efficient as we are here through COVID-19, and we did everything from the laptop or computer, that we make sure that the public can have everything that we do in here by a click of their fingers and have it done in a consumer-friendly way. I am no IT expert, but I am a good consumer by way of sometimes you go on websites and you go, *I do not even know where this is; it is like a maze*. You do not know what to look for or what button to click.

We have to invest in those types of systems because accessibility to information is important to the democratic process because it holds all of us in this honourable House accountable. If they want to know if you have done something, they can say, *you know what, the Honourable Roy McTaggart has done a good job because I can find the report*; but if they cannot find the report because of the inefficient systems that we have, they will say, *but he is no good, he nah doin' his job*. I am giving you real-life examples of the importance of investing in the Legislative Assembly.

Mr. Speaker, another area that I want to move to, and I hope you give me the leeway to talk about this because it involves you, Mr. Speaker.

Mr. Speaker, the Honourable Member for North Side and I do not always see eye-to-eye, but we do see eye-to-eye on one thing: and that is the respect for time.

When I put myself up for Office, I expected to be in this Parliament working more and being more efficient at what I do—all of us, as a matter of fact. I say that when we go in to this new phase, this transition into being an independent Legislature soon to be Parliament, that we start with new habits.

Mr. Speaker, I think you have the power of a leader to start telling people, *Listen, when I say 10 o'clock, I mean 10 o'clock*, because here is why: I am the youngest Member in this Parliament and I have to fight myself from trying to pick up the—I am going to say it, how I want to say it—'nasty habits' that we have in this honourable House.

I remember days sometimes when I go, it is 10 o'clock that we are supposed to meet and I say, it's alright, it's okay, I can be there at 10:20 because we are not going to start then anyway. I have to say to myself, no! No, no, no, no, no, no, no, no, no! Regardless of whether that is true or not, you get there, Kenneth, Donna Bryan taught you to be there on time at 10 o'clock. But, it becomes frustrating to me, when the structure in this House waste the people's time. When you tell the public that we are going to debate at 10 o'clock and they are sitting at home waiting at their smart TV and they have YouTube on, they want to know it is going to come on at 10 o'clock. Mr. Speaker, that control is within your grasp, and I am asking because it sets an example. If you were to tell a young child, *listen, we expect you to be on time for work*, but we cannot even be on time for Parliament, the most important house in this country, what kind of example are we setting?

We could have been past this debate already, you know? In the last three days we wasted about six hours; and I would not say we wasted them because we did have side bar discussions. A lot of the underlying politics—

[Inaudible interjections]

Mr. Kenneth V. Bryan: I hear the Premier saying that we wasted two hours yesterday. I do not think it was wasted, but—

[Inaudible interjections]

Mr. Kenneth V. Bryan: He says that I wasted it yesterday in our discussions but I think it was well used because we came to a compromise. I see that the Premier is trying to distract me again, but I will not be distracted from the truth.

Those two hours yesterday were not useless because we got compromise; and I got him to commit to this country that he will meet and discuss about district councils in this country, because he is going to promise the people that there will be a select committee which he will attend, to come and get the people a good law and district council, so that time was not wasted at all.

Mr. Speaker, I am not going to push my luck anymore in respect of that topic because you have not said anything yet—I was sure that you were going to put me in line—but Mr. Speaker, only God knows how much time we have left on this earth or how much time we have left in this Parliament. I want to ask you to change the legacy of that Chair, please, as we move forward, to say *you know what? We are going to take it back to the old principle where people knew what to expect in a timely manner.*

Mr. Miller is 100 per cent correct. He has been talking about it for years, that we should be able to know exactly what is coming in a reasonable time. We should be able to schedule these things a little bit better. Of course, it is not going to be perfect because sometimes the Government has things that come out of the blue, but that has become the norm. We have to change that back, so I beg of you to consider that when we transition forward.

Mr. Speaker, I want to speak now to some of the changes that were suggested by the good Member for North Side in his notice of Committee Stage Amendments and I just want to give indications to the Government because I agree with almost 80 per cent of what he has proposed. I do agree tremendously with him in respect to clause 5(2), where I think the Council or the Commission should be made up of at least five persons, two being from the Opposition bench.

I do not think that the make-up of three from Government and one from the Opposition is fair because if we had a Government which was closer to equal, for instance a 10/9 Government, it would not be fair to have three Members from the government—which has 10 Members—and one Member from the Opposition that has nine. This has no relevance to the fact that I am in Opposition, because as I said, it is my intention to be on the Government side next time around; but you make decisions not based on where you are now, but what you would expect a Parliament to be even if you were not there; so I agree with his amendment in clause 5(2).

Mr. Speaker, I also agree with his suggested amendment in clause 3, that the Commission should be selected by and consist of all the Elected Members of the Legislative Assembly at least in the very first sitting of every term. I think that is a fair way to do it because it becomes transparent where it is live on air, on YouTube, where everybody sees how it is done rather than appointments behind the scenes.

I am just trying to make sure that I cover all the areas of note that I highlighted. The last point I am going to make before I close my contribution is that we as a Legislature, and the Members that will be responsible for the decision to appoint the monies to this Legislative Assembly have to be prepared to make sure the funding is done equally and resources have to also be available to the Opposition.

What I am trying to get at is, there are limited things that the Members of Opposition can do right now because the resources are not available to them and I think the Members of the Government know that they have the whole civil service at their disposal. I want the Members to think that if they were on the Opposition and we had a terror of a leader and a group of individuals running this country, and you had no resources available to hold that person accountable for four years, what potential damage that can do.

We must not be afraid to empower the Opposition to hold you accountable. Accountability is only good for the system of democracy; it can only help the solutions that we find for the good people of Cayman, because when you are doing the right thing there is nothing to hide. So even if you think, *well the opposition may just get in the way*, the only thing they can do is highlight the good that you have done; so never be afraid to allow the Opposition the resources they need to examine your work. It's like saying to the teacher, *I did my homework, but I do not want you to look at it*.

Mr. Speaker, I will be making some more contributions at Committee Stage, but I support the Bill and I hope that some of those concerns that I highlighted will be embraced by the Government and considered for change.

Thank you, Mr. Speaker.

The Speaker: Honourable Members, two Members have referred to this matter of a starting time and I think both of them have laid it at my feet.

The rules of the House say that we should start at 10am; when Members arrive is not in my power. The House operates on a quorum, which the House rules set, also. If there is no quorum, then I will not be in the Chair, so both Members please understand that.

[Inaudible interjections]

The Speaker: When the House is meeting and we have to suspend, I set a time and if you cannot come back at that time, then I will not be in the Chair.

I would say this, though, because I am not here in my first term. I have been here for 36 years—nine terms—and I have been on both sides of this House: the issues that have grown from November 1984 that I was here to today, is not the same Cayman that it was then. The issues that affect us hit Government every day, I know that. I was criticised too but, I know that Members not just on my left, but Members on my right,

and particularly, Members on my right because they are the Government, have a tremendous amount of people and of issues that grips them every day and they have to be meeting down here. They meet before they come here and the same way that people come to my house at 5:30 and 6 o'clock in the morning, I believe other Members are getting calls and are addressing those needs.

What this country does not understand is just that—just, how many people come to all of us, and so I empathise and sympathise with that. Yes, we know that we have a set time to meet, at 10am. We know that when we suspend and we say 2 o'clock, then that is when we are expected but there are many, many things that our public does not see that impacts on that time and that is a fact. And remember this, that the government is not 40 or 50 people, and that the Cabinet is not 15 or 16 people, so, they are meeting all sorts of issues, the same way the Leader of the Opposition has to do, the same way as all Members on my left have to do.

I know what I still go through because I see people from all over this country, and as I say, people come on my porch and those that know where my room window is they are knocking very early in the morning too. So, let us understand that.

That is something though, that we can talk about; but I don't think we can justify ourselves by criticising each other and saying we are not meeting on time or that we are out of respect for the Chair. I do not counter that. I have not counter that; I feel bad when they say that everybody else should get a raise except the Speaker.

[Laughter]

The Speaker: I do not know if that is the love of the Speaker or what? However, I do not take it as any insult and I certainly do not have the power, Member for George Town Central, to say when Members can be in their seat. We should be there, but far too many things impact on us.

The Member for Cayman Brac, they depend on a flight most times to get here. She is likely to miss her flight this afternoon to get back to attend to her people, but that is what we face as a Parliament, as a legislature, so when we criticize let us be mindful of those things; that one of these days, just as you say you hope to be on the Government side, you might be there any you might face the same issues.

Mr. Kenneth V. Bryan: Mr. Speaker, if you would allow. I was just—

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

The Speaker: We have reached the hour of 4:30 and I would ask the Minister of Finance for the suspension of Standing Orders.

Hon. Roy M. McTaggart, Minister of Finance and Economic Development: Thank you Mr. Speaker. I beg to move the suspension of the relevant Standing Orders in order that the business of the House may continue beyond the hour of interruption or 4:30pm.

The Speaker: I should say to Members that it has been decided that we would finish this Bill hopefully shortly, and then we will adjourn until Monday morning. After we finish this Bill we won't go into other business until Monday morning, God's willing.

The question is that Standing Order 10(2) be suspended in order to continue after the hour of 4:30pm. All those in favour, please say Aye; those against, No.

Ayes.

The Speaker: The Ayes have it. Business will continue until this Bill is complete.

Agreed: Standing Order 10(2) suspended.

[Inaudible interjections]

Mr. Kenneth V. Bryan: Mr. Speaker.

[Inaudible interjections]

Mr. Kenneth V. Bryan: Mr. Speaker.

[Inaudible interjections]

The Speaker: Honourable Leader of the Opposition, in all Parliaments, I know at that time that is what is said—if you look at the Hansards of other Parliaments' Suspension of Standing Orders. Only when somebody as meticulous as yourself—

[Laughter]

The Speaker:—calls the point that we must say, the specific Standing Order. I take it that Members know the particular Standing Order under 10(2).

Mr. Kenneth V. Bryan: Mr. Speaker.

[Inaudible interjections and laughter]

The Speaker: Member for George Town Central.

Mr. Kenneth V. Bryan: Mr. Speaker, I just want to give a proper apology to you in respect of laying the blame at your feet with respect to the timeliness of Members

of this honourable House; and you are a hundred per cent correct, it is not your responsibility. So I would just encourage my colleagues—

The Speaker: Honourable Member, I think you have made yourself clear—time is important; and so we move on.

[Inaudible interjections]

The Speaker: Well, you know—

[Inaudible interjections]

The Speaker: Honourable Members: I will give you all a lesson on this thing, that the Government is responsible for the quorum.

One time, two leading Members of this House refused to come in to make the quorum and we were in the budget session and I sent one of my Members out and they believed that I had no quorum. They saw the Member out and they refused to come in; they walked outside and out of this building. I called my Member back, moved that the budget be accepted in totality and when they came back they had nothing to say. So be careful Honourable Members when you say that the Government must make up their quorum.

Hon. V. Arden McLean, Leader of the Opposition: Mr. Speaker—

The Speaker: They were Members of the Opposition.

[Inaudible interjections]

Hon. V. Arden McLean, Leader of the Opposition: I believe it is nice for you to tell us about these stories, but it would be much nicer to tell us who the two Members were.

The Speaker: It is good enough for me to say it was not you; you were absent that day.

Mr. Kenneth V. Bryan: Mr. Speaker, I crave your indulgence, sir.

The Speaker: Member for George Town Central, unless you are rising on a different point of order, I think we really have—

Mr. Kenneth V. Bryan: Just a point of clarity, Mr. Speaker because I just apologised publicly to you in respect of your responsibility, but you just highlighted a very interesting point, which is: once Members are on this property line, you have the authority to order them to this Chambers.

So I want us to also recognise that—

The Speaker: I do not know where you heard that from, because that is not what I said. I did not say that ordered them back.

Mr. Kenneth V. Bryan: Mr. Speaker, if I could clarify without trying to step out of my boundary here, I am speaking about the timeliness of people being to the Chamber. Once they are in this precinct, you have the authority, if I am not mistaken, to order to the Floor of the House to address matters.

The Speaker: No, is not that; you are absolutely wrong. I gave you a bit of what political strategy can do. The House was called, it was sitting; and they thought that I had no quorum because they picked up and left saying, *you have no quorum*.

Does any other Member wish to speak?

The Member for Bodden Town West.

I hope we have not taken up too much of anybody's time in those informational parts of this meeting.

Mr. Christopher S. Saunders, Elected Member for Bodden Town West: Mr. Speaker, I really did not plan on speaking on this Bill because at the end of the day, I am not 100 per cent convinced that this Bill is needed at this time but I do recognise that it is a step in the right direction, in terms of advancing our parliamentary democracy.

My reservation was more along the lines of cost because, as it stands right now, we do receive substantial support from the civil service and when I look at some of the requirements that required to be a stand-alone entity, I needed some level of comfort that this move would not increase cost, especially at this time; but in principle, I think it is the right step in the right direction in terms of advancing our democracy, especially since we are getting ready to move to a Parliament.

What I would like to raise, Mr. Speaker, and I think I just sent you a copy there with the Page, is that I noticed some of the Members touched on salaries, office expenses and all those kinds of things at the end of the day, Mr. Speaker—

[Inaudible interjections]

Mr. Christopher S. Saunders: Mr. Speaker, you need to— Never mind; I am not going to get into that.

[Inaudible interjections]

Mr. Christopher S. Saunders: Yeah, I am not going to say it. I am on mic, I'm not going to say it.

[Inaudible interjections]

Mr. Christopher S. Saunders: Yeah; but anyway, Mr. Speaker, I noticed Members were speaking about

getting into the salary details, the office expenses and all of that and I just want to draw Members' attention to the Independent Parliamentary Standards Authority and just to read it briefly, Mr. Speaker:

"The Independent Parliamentary Standards Authority (IPSA) is a public body in the United Kingdom created by the Parliamentary Standards Act 2009, largely as a response to the parliamentary expenses scandal of 2009. It establishes and monitors the expenses scheme for Members of the House of Commons, and is responsible for paying their salaries and expenses. Following revisions to the Parliamentary Standards Act in April 2010 (via the Constitutional Reform and Governance Act 2010), IPSA was also given responsibility for setting the level of MPs' salaries."

I believe that if we are going down this route of having the Legislative Assembly, soon to be Parliament, as a stand-alone entity, recognising that in the United Kingdom they had these issues already, if we are going to do it, we might as well set it up right from now and start putting in the separate bodies from now to remove any of those conflicts because I think it is wrong for us as Parliamentarians to get into the salary dispute. Even within the civil service, I think that is something that needs to be done by an independent body rather than having the people who are benefitting from the increases discussing the increases.

I think it is one of the things that we can look at to see what the UK did because ultimately, as with any process, it may be open to abuse and at least we can start putting the structures in place from now to at least avoid those kinds of things; because a lot of time was spent discussing salaries and who should be tied to what band and this and that whatever.

My views in terms of the Premier salary, and even that of the Deputy Governor, I have said already and will say again is that, it is not that some members of the statutory authorities are getting paid too much; it is that those officers are getting paid too little.

We need to recognise that if we want talent, not only inside this Parliament or even within the Central Government, we are going to be competing with the big firms—the law firms and accounting firms—and no offence, Mr. Speaker, but we need to basically do a better job of attracting people but ultimately, that is not for us to decide what the income should be and I think an independent body can do that and I think we have sufficient expertise on Island to recommend that.

However, I do believe as a matter of record, as in most places, the highest paid public servant should be the Premier of the country; I even think he should get paid more than the Governor, and that is just my view.

[Inaudible interjections]

Mr. Christopher S. Saunders: Something I also want to touch on, Mr. Speaker, is the issue of time that some

Members brought up. One thing I would suggest that we seriously look at, especially if we are looking to grow and mature the Parliament, is the position of the Leader of Government Business. In most Parliaments, the Prime Minister is not the Leader of Government Business. There is someone who actually sits there, manages the Government business in the House which then gives Ministers and others the flexibility to move, come and go, et cetera; but that is the person who is more responsible for managing that kind of business. So again, if we are looking to move our Parliament and our democracy forward, we can learn the lessons from other countries around us; look at the mistakes they have made and then pretty much start to get there.

My primary concern as I mentioned is: while I agree with and accept the concept, because I still believe at the end of the day, one of the day that we as Caymanians need to do a better job of, is believe in ourselves. I mean, at the end of the day I can tell you when I speak to my sister that lives in the UK, for example, and even my friends that I went to college with, they are so used to wearing masks and seeing exactly how we have even responded to the global pandemic...

Mr. Speaker, whether you want to slice it or dice it, this COVID-19 crisis was a report card on every single government around the world to see exactly how they dealt with it. And when you see the United States President and UK's Prime Minister catching COVID, as protected as they are, and you get to see exactly how incompetent some of these governments were in their response to COVID, and then to see the job that—and give Jack his jacket—the Government here had done, I think that it is commendable. So, I have no doubt in terms of thinking that we have the ability to do this and know that we can do this; we just need to start believing in ourselves more.

What I would like to say though, Mr. Speaker, is that there needs to be a culture change as we are moving into this. I think the Deputy Governor mentioned in his contribution that they were looking at the 1st January, 2021 to start this process. What I would suggest to Members is that we are now going to be taking on something that was previously managed by, I would like to say the Portfolio of the Civil Service, and everyone knows my respect for Chief Officer Gloria McField-Nixon is marrow-deep. I think she is very competent, very professional, and also the team that they have that manages the current day-to-day within the Legislative Assembly now.

So, as we are looking to move to that, I just want to make sure that this Council or this Commission as the set-up, needs to recognise that in the beginning there is going to be a lot of leg-work because in essence, you are going out and creating almost like a new Statutory Authority to some extent. I think we just need to make sure that we have the proper processes,

procedures and everything in place that we can basically hit the ground running.

I think there is still a lot of work that needs to be done to move the Legislative Assembly to where it needs to get to, but it starts with us as the Members. As you rightfully said, in terms of starting on time, we have no one to blame but ourselves, but we do recognise that in some cases, I have seen the Ministers themselves early in in the morning huddled, working on different issues, and I can only sympathise with them because they still have a country and a Government to run. So there needs to be some level of flexibility. At the end of the day we still need 10 Members to form a quorum and sometimes, even if it is just to start the meeting on time and then leave and do your business, I think that should be done also. It is a culture shift, but we need to be prepared to start making that change.

Mr. Speaker, this is just the technocrat in me, but I would really like to see a plan laid out as we are transitioning: when we expect it to be transitioned or when do we expect all of this to come in place. We have set a date as the 1st January, 2021, but I would still like to see what that transition plan looks like.

I understand that there was a gentleman that met with some people in terms of trying to understand the needs and everything else, but I would still like to see what that outline or plan is, and what that transition looks like.

Outside of that, Mr. Speaker, like I said in my caucus, I have my own reservations to this, but mine is more limited on the issue of cost. I do not think we should be looking to incur additional costs at this time and I am still waiting to get a better idea in terms of what costs we would be incurring, because I think in this COVID environment, as much as we are in a good place, I still think we need to be cognisant of costs and anything else like that.

With that said, I am okay with the concept, but I still need some comfort on the cost and maybe when the Deputy Governor is wrapping up, he can probably give me a better idea in terms of what they envision the cost will be as we do this transition; that will determine my vote on this particular issue.

Outside of that Mr. Speaker, I think what needs to be said has been said by many, but I would encourage this body to at least learn from the mistakes that the UK and other Parliaments have made with regards to governance; start putting safeguards in place so we do not have to be spending any time here arguing over allowances, salaries, et cetera, because those are things that we are all conflicted with.

With that Mr. Speaker, I will end my contribution and thank you all.

The Speaker: Does any other Member wish to speak?
[Pause] Does any other Member wish to speak?
[Pause] If not, I call on the mover to exercise his right

of reply; the Premier has stepped out of the Chamber and he will be back shortly.

[Inaudible interjections]

The Speaker: We did say. We did say that we would not go beyond this Bill. The Premier is having quite a difficult day with his voice and perhaps we should invite him or ask him if he wants to reply on Monday morning.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I do not think we even have a quorum to vote on the Bill.

[Laughter]

The Premier, Hon. Alden McLaughlin: I really do not have a whole lot to say in response and I would not mind taking the vote on the Bill. We will consider the many suggestions that have been made in Committee Stage, but I would like Members present to be able to vote.

I do not know, Mr. Speaker; you suggested that there would be a break at 5pm but if Members would return to the Chamber, I can wrap up my winding up in certainly less than 10 minutes and we could take the vote and then adjourn.

The Speaker: Please continue then, Honourable Premier; the quorum is in place.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I am duly chastened by the grave concern expressed by the Member for George Town Central at time-wasting.

[Laughter]

The Premier, Hon. Alden McLaughlin: I am also observing that right now he is not here, so I presume he is out somewhere time-wasting as well.

[Inaudible interjections]

The Speaker: Or attending to a constituent matter.

The Premier, Hon. Alden McLaughlin: Sorry, Mr. Speaker?

The Speaker: Or attending to a constituent matter.

[Inaudible interjections and laughter]

The Premier, Hon. Alden McLaughlin: But, Mr. Speaker seriously, I wish to thank all Members of the House who have spoken and those who have not for their indicated or tacit support for this important Bill.

I have gone through it in some detail during the introduction, and the Honourable Deputy Governor I

think covered the other aspects of it that dealt principally with the transition and how this would affect the civil servants who are currently engaged in what is called the Department of Legislature, I believe it is.

Mr. Speaker, the principal observations that were made, which I think we will have to take a view on as a Legislature is: what we do, if anything, at this stage, which will put into statutory form what are generally practices, with respect to the issues around remuneration and allowances for Members of this House. What is in the Schedule simply reflects the *status quo* including by-and-large current practices. Just a few modifications to the Schedule and none of those actually affect the amounts of money that would be paid—there would be no significant difference.

I heard some compelling arguments made not just about the amounts, but the basis on which it is proposed that those salaries be calculated, which I think are worthy of some careful consideration by the Deputy Governor and the Honourable Attorney General as well as some of the others of us about the wording of the Schedule. So I would want to take some time to have a look at that and to have a chat with Members of the House before we come to Committee Stage to see whether there can be general agreement on the way forward, rather than voting up or down Committee Stage Amendments being proposed by various Members.

That aside, I think most or all Members who spoke acknowledged the importance of the Bill and the need for us to as far as possible ensure that there is proper separation of the Executive and Legislative functions, and that neither the reality or the perception of control over what transpires in this honourable House remains that there is still some influence by the Executive.

As I think we have all acknowledged, these little Islands, this little country, has grown leaps and bounds over the recent years and, certainly, in my lifetime sometimes I blink and shake my head and say, *I cannot believe this is the place that I was born in—I like to think—not so long ago*. When we grew up with pothole marl roads and beat mosquitoes and many, many, people struggled just to survive. Government had little, if anything, in terms of means to help anyone. Indeed, I heard my mother and father talk about the times when Government used to have to borrow money from H.O. Merren to pay salaries and to think that these years hence, we are at this point, where increasingly our own people are in control of our destiny, is something that fills me with a sense of incredible pride. And, the fact that I have had the honour and privilege to have been here for nigh on 20 years and to have been a part of much of this, is something that I will always, always, be incredibly—if quietly—proud about.

So Mr. Speaker, again I thank Members. I have no argument with much of what any of them said in respect to this. I just hope that over the next little while before we come to Committee Stage we can come to

an agreement over a few of those issues that we can pass this Bill.

As has been acknowledged it will not be perfect; I am sure there are going to be teething pains with respect to it settling in and the first Council is going to have, I would not say a difficult job, but it is going to be something that is new for all of us when the first Council meets in January of next year, assuming the Bill is passed and assented to, and we start to take responsibility for the administration and management of this Legislative Assembly.

Mr. Speaker, I really do not propose to say more than that. I am grateful to Members, again, for their support of this very important Bill.

The Speaker: The question is that the Bill be given a second reading. All in favour, please say Aye; those Against, No.

Ayes.

Agreed: The Legislative Assembly (Management) Bill, 2020 passed.

ADJOURNMENT

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I move the adjournment of this honourable House until 10:00 o'clock Monday morning.

The Speaker: The question is that this honourable House stands adjourned until 10:00 o'clock Monday, 19th October. All those in favour, please say Aye; those against, No.

Ayes.

The Speaker: The Ayes have it.

This honourable House stands adjourned until Monday, 19th of October, 10 o'clock.

At 5:07pm the House stood adjourned until 10am Monday, October 19th 2020.