



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2013/14 SESSION

31 January 2014

Third Sitting of the Fifth Meeting

(pages 589–618)

Hon Anthony S Eden, JP, MLA, Deputy Speaker

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PRESENT WERE:

SPEAKER

Hon Anthony S Eden, OBE, JP, MLA
Deputy Speaker of the Legislative Assembly

MINISTERS OF THE CABINET

Hon Alden McLaughlin, MBE, JP, MLA	<i>Premier</i> , Minister of Home and Community Affairs
Hon Moses I Kirkconnell, JP, MLA	<i>Deputy Premier</i> , Minister of District Administration, Tourism and Transport
Hon D Kurt Tibbetts, OBE, JP, MLA	Minister of Planning, Lands, Agriculture, Housing and Infrastructure
Hon Osbourne V Bodden, MLA	Minister of Health, Sports, Youth and Culture
Hon Marco S Archer, MLA	Minister of Finance and Economic Development
Hon G Wayne Panton, MLA	Financial Services, Commerce and Environment
Hon Tara A Rivers, MLA	Minister of Education, Employment and Gender Affairs

EX OFFICIO MEMBERS OF THE CABINET

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

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

Mr Roy McTaggart, MLA	Second Elected Member for George Town
Mr Winston C Connolly, Jr, MLA	Fifth Elected Member for George Town
Mr Joseph X Hew, MLA	Sixth Elected Member for George Town
Mr Alva H Suckoo, MLA	Fourth Elected Member for Bodden Town

OPPOSITION MEMBERS

Hon. W. McKeever Bush, OBE, JP, MLA	<i>Leader of the Opposition</i> , First Elected Member for West Bay
Mr Bernie A Bush, MLA	Third Elected Member for West Bay
Capt A Eugene Ebanks, JP, MLA	Fourth Elected Member for West Bay

INDEPENDENT MEMBERS

Mr D Ezzard Miller, JP, MLA	Elected Member for North Side
Mr V Arden McLean, JP, MLA	Elected Member for East End

APOLOGIES

Hon. Juliana Y O'Connor-Connolly, JP, MLA *Speaker*, Second Elected Member for Cayman Brac and
Little Cayman

OFFICIAL HANSARD REPORT
FIFTH MEETING OF THE 2013/14 SESSION
FRIDAY
31 JANUARY 2014
11:45 AM
Third sitting

[Hon. Anthony S. Eden, Deputy Speaker, presiding]

The Deputy Speaker: I call on the Honourable Leader of the Opposition to read the prayers.

Hon. W. McKeeva Bush, Leader of the Opposition: Mr. Speaker, before I read the prayers, I think I should read a Scripture. [Psalm 27]:

The Lord is my light and my salvation; whom shall I fear? The Lord is the strength of my life; of whom shall I be afraid?

When the wicked, even mine enemies and my foes, came upon me to eat up my flesh, they stumbled and fell.

Hide not thy face far from me; put not thy servant away in anger: thou hast been my help; leave me not, neither forsake me, O God of my salvation.

Teach me thy way, O Lord, and lead me in a plain path, because of mine enemies.

Deliver me not over unto the will of mine enemies: for false witnesses are risen up against me, and such as breathe out cruelty.

And lastly, Mr. Speaker, [Proverbs 6:20-26]:

My son, keep thy father's commandment, and forsake not the law of thy mother:

Bind them continually upon thine heart, and tie them about thy neck.

When thou goest, it shall lead thee; when thou sleepest, it shall keep thee; and when thou awakest, it shall talk with thee.

For the commandment is a lamp; and the law is light; and reproofs of instruction are the way of life.

PRAYERS

Hon. W. McKeeva Bush, Leader of the Opposition: Let us pray.

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

Bless our Sovereign Lady, Queen Elizabeth II; Philip, Duke of Edinburgh; Charles, Prince of Wales; and all the Royal Family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be

established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Cabinet and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.

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

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

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

READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Deputy Speaker: I would like to once again give apologies for Madam Speaker who is still under the weather. I would also like to give apologies for the late start as we had to do some very important amendments.

CONDOLENCES

The Deputy Speaker: I would also like to extend on behalf of the House sympathy to our Deputy Clerk, [Mrs. Sharon Smith], and the rest of her family, on the passing of her Sister-in-Law, Ms Julie Smith. May God comfort you and the family at this sad time.

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

INCREASE TO GENERAL RESERVES (CAYMAN ISLANDS GOVERNMENT)

WESLEYAN HOLINESS CHURCH, WEST BAY

The Deputy Speaker: I call on the Honourable Minister of Finance.

Hon. Marco S. Archer, Minister of Finance and Economic Development: Thank you, Mr. Speaker.

Mr. Speaker, I rise to make a statement in this Honourable Legislative Assembly that is connected to a Press Release issued on 11 July, 2013, detailing the return of CI\$728,364.83 by Wesleyan Holiness Church, West Bay.

It was my intention and that of the Government, to deposit these monies into Government's General Reserves Bank account. However, in order to minimise the chances of Government's Operating Bank account going into overdraft and incurring overdraft interest charges, the decision was taken in July 2013, to pay the monies into the Operating Bank account, instead.

Now that the Government has received substantial inflows of cash with respect to various annual fees, it is possible to transfer CI\$728,364.83 to General Reserves—as originally intended—without causing any overdraft interest to be incurred.

On 24 January 2014, the Treasury issued instructions to transfer this amount to the General Reserves Bank account and, hence, the balance therein, has increased by CI\$728,364.83.

Placing the CI\$728,364.83 into the General Reserves Bank account restricts the use of the funds; as Honourable Members will know, funds in the General Reserves can only be used when the Legislative Assembly permits such usage.

In conclusion, Mr. Speaker, the General Reserves of the Cayman Islands has been increased by nearly three-quarters of a million dollars.

Thank you, Mr. Speaker.

The Deputy Speaker: I now call on the Minister of Health.

COMPREHENSIVE SOLID WASTE DISPOSAL MANAGEMENT SYSTEM

Hon. Osbourne V. Bodden, Minister of Health, Sports, Youth and Culture: Mr. Speaker, I would like to take this opportunity to provide an update to the people of the Cayman Islands regarding the work that the Cayman Islands Government is doing toward arriving at a Comprehensive Solid Waste Disposal Management System for the Cayman Islands.

Mr. Speaker, I am sure that the Members of this Honourable House will agree that a Comprehensive Waste Management System is needed as a matter of urgency. The question of what to do with our

solid waste has been a long-standing area of concern for the Cayman Islands, and with each passing year the need to address it increases as we continue to use landfills as our primary method of solid waste management. Events such as the recent fire at the George Town landfill in December 2013 only serve to underscore the fact that it is of critical importance to the country that we find a sustainable solution to waste management.

Mr. Speaker, the urgency of this matter has not escaped us, and I want to reassure the public that our Government has identified a Comprehensive Waste Management System as a project of national importance for the Government, and we are committed to moving forward to see it come to fruition.

As Members will be aware, projects of this magnitude must go through a robust procurement process that includes careful and thorough evaluation in the early strategic stages of the project in order to maximise value for money and ensure a successful project delivery. These enhanced processes also ensure transparency and accountability—principles that this Government is steadfast in its commitment to uphold.

This enhanced procurement process was envisioned in the “Framework for Fiscal Responsibility,” or “FFR”, the key principles of which have been encapsulated in the Public Management and Finance Law, or “PMFL.” These principles are: effective medium-term planning to ensure that the full impact of fiscal decisions is understood; putting value for money considerations at the heart of the decision-making process; the effective management of risk; and finally, delivering improved accountability in all public sector operations.

Mr. Speaker, my Ministry has embarked on the process to procure a comprehensive waste management system for the Cayman Islands. In late 2013 Cabinet approved the Policy Guidance for the project, which sets out the Government's broad policy direction for the project. In addition to confirming our commitment to an open, transparent, and competitive procurement process, the policy guidance outlines that:

- We want to provide the people of the Cayman Islands with an environmentally sound and cost-effective means to manage the disposal of all solid waste generated in the Cayman Islands, and this must be at no greater costs to the Cayman Islands Government than currently experienced.
- We expect to achieve this through the integration of effective long-term management programmes for collection, processing, recycling, and disposal of the solid waste, and we anticipate that waste-to-energy will be a key technology in this strategy. However, we will not close our

minds to other systems that may surface during analysis that will be done.

- We want to ensure public health and safety, protect our natural environment and natural resources for the near and long term.
- We want a solution *in-situ*, that is, at the current landfill site.
- We anticipate that we will undertake this project as a “Triple P”—or “Public – Private Partnership”.

Mr. Speaker, a multi-agency Steering Committee has been formed for the Comprehensive Waste Management System, and is being chaired by my Ministry. This group convened its first meeting on the 22nd of January 2014, and will continue to meet on a regular basis to move this important initiative forward.

Mr. Speaker, Cabinet is relying on this steering committee to provide Government with their best technical advice, to take responsibility for the business issues associated with the project, to approve budgetary and procurement strategy, to define and realise benefits, and to monitor the risks, quality and timeliness of the Comprehensive Waste Management System.

I am confident, Mr. Speaker, that the steering committee will deliver the project in line with the Cabinet Policy Guidance that they were given.

Mr. Speaker, in order to keep the work of the steering committee neutral and free from political involvement, I will not be a member of the steering committee. I will be getting regular updates on the steering committee’s work and progress from my Ministry’s Chief Officer.

Mr. Speaker, our Government remains committed to a transparent and accountable process for arriving at a Comprehensive Waste Management System in line with the Framework for Fiscal Responsibility (FFR) and with the provisions of the Public Management and Finance Law (PMFL) respectively. The steering committee has been charged with ensuring that the five key stages will be carefully undertaken in the planning, development and execution of a Comprehensive Waste Management System. These are the appraisal and business case, procurement, contract management, delivery and evaluation.

This will mean, Mr. Speaker, a fairly lengthy process. However, this process is crucial for prudent fiscal management and the integrity of the entire Comprehensive Waste Management System. In addition, undertaking a strategic and comprehensive approach to the process will result in a better defined project, with a greater chance of successful implementation.

The process we are embarking on now, Mr. Speaker, will help us to define the Comprehensive Waste Management System and I believe it will also help us to identify other initiatives that we may need to

undertake in order to achieve our overall goal of a sustainable waste management solution.

I will provide regular updates to the Members as we move through this process.

Thank you Mr. Speaker.

Hon. W. McKeeva Bush, Leader of the Opposition: Mr. Speaker, I would appreciate asking some questions as offered under the Standing Orders.

The Deputy Speaker: So ordered.

SHORT QUESTIONS ASKED

[*Standing Order 30(2)*]

Hon. W. McKeeva Bush, Leader of the Opposition: Mr. Speaker, just to thank the Minister for informing us of this matter. I would want to find out who are the members of the committee.

Hon. Osbourne V. Boddén: Thank you, Leader of the Opposition.

Mr. Speaker, members of the committee are Ms. Jennifer Ahearn, my Chief Officer; Ms. Nancy Bernard, Deputy Chief Officer; Mrs. Sheila Alvarez, Administrative Officer in the Ministry; Dr. Maysson Sallam, the Assistant Director of Solid Waste; Mrs. Gina Ebanks-Petrie, Director of the Department of Environment; Mr. Alva Suckoo, Ministerial Councillor; Ms. Anne Owens, Senior Assistant Financial Secretary; Ms. Wendy Williams, Environmental Assessment Officer, Department of Environment; Mr. Jim Scott, Director Public Works; Dr. Kiran Kumar, Medical Officer of Health; Dr. Gelia [Frederick-] van Genderen, Director of the Water Authority; Dr. Hendrick van Genderen, Water Resource Engineer; Mr. Ray Farrington, Private Sector Representative; Mr. Haroon Pandohie, Director of the Planning Department; Mr. Max Jones, Senior Project Manager, Public Works; and Mr. Woody DaCosta, Private Sector Representative.

The Deputy Speaker: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Save for two members on this who are members of the private sector, and save for the government rep who would have some knowledge about waste management, what other professionals would have waste management background, waste management knowledge capable of dealing with the monstrosity that the Minister has to deal with, that he would have available to him? Is he planning to co-opt them when necessary? I would advise (and who am I, but I would advise) that he move quickly to get waste management knowledge outside of what we have.

The Deputy Speaker: Honourable Minister.

Hon. Osbourne V. Bodden: Thank you, Mr. Speaker.

One of the things I will be doing in the near future with a select number of that committee will be to travel to see a number of sites. We have also been talking to people that have knowledge. I will be talking to the previous Minister who worked in this area, did a lot of work. I have spoken to a number who sat on his committee. I plan to educate myself as much as I can in terms of how we move forward. But in terms of the real technical expertise, naturally they would be co-opted as we move through the process.

The Deputy Speaker: Elected Member for East End.

Mr. V. Arden McLean, Member for East End: Thank you, Mr. Speaker.

I don't know if the Minister has, but can he tell us the terms of reference for this committee? And, [can he say] whether or not Government has set any timeline as to a report and solutions being recommended?

The Deputy Speaker: Honourable Minister.

Hon. Osbourne V. Bodden: Thank you, Mr. Speaker.

The terms of reference are for the committee to operate under the broad parameters as I spoke about earlier which Cabinet has approved.

I said earlier at page 407, basically those are the points that I numbered and as I went through there were five main points, the broad parameters under which Cabinet policy guidance for the project. So that's the starting point for the steering committee.

The timeline has to be actually set out by the steering committee because of the FFR [Framework for Fiscal Responsibility] process and, as I understand it, because we are following closely the same procedure as being conducted by the Deputy Premier with the Port project, and there are a number of RFPs [Request for Proposal] as we go along and there are timelines that will be set out by the Public Works people in particular, who will have a lot to do with that.

Personally, my own timeline is within a matter of two years from now. I want action at that landfill. I want something happening. I want the process underway. But that is my own personal view at this point. Whether that is doable or not, is left to be seen once the process really gets going under this steering committee and the requirements, of course, of the FFR.

The Deputy Speaker: Elected Member for East End.

Mr. V. Arden McLean: Thank you, Mr. Speaker.

When I was in Government, one of the things we did was in the renegotiations of the CUC licence. We put a provision in there that they would have to buy waste to energy electricity from the landfill be-

cause that was our intent then. Is that part of the terms of reference for these people about discussing that to offset the cost of doing a proper waste management at the landfill?

The Deputy Speaker: Honourable Minister.

Hon. Osbourne V. Bodden: Thank you, Mr. Speaker.

The former Minister is right in that waste to energy has been the way we would like to see this go. As I have gradually educated myself about this (because I am no technical expert in this area), I have come to learn that there are other processes. I think he, himself, in his own travels when he was looking at landfills around the US . . . in speaking to one of his committee members I found out that there are many other processes, as well as reading that waste to energy is one option. But there are other options for small communities that I said as I was reading my statement may be explored. However, if it turns out that waste to energy is indeed the way that we go, and there is a company that shows up under the parameters as we go through the process and a successful bidder comes along, naturally the importance of CUC to the process is very, very important and we have to make sure they are spoken well in advance.

I think CUC will know already from our pronouncements that this is something that we are looking towards achieving. I know that in speaking to the Minister now in charge of CUC, Minister Tibbetts, that there is no uncertainty in their minds that that would be something that we would expect for them to work with us towards accomplishing.

So, if waste to energy turns out to be the end result to this, then that will naturally occur. But, as I said, I don't want to close my mind or close the committee's mind to other possible options because there are many other processes out there for dealing with waste, and we want to take this and look at all of the options available.

The Deputy Speaker: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Thank you, Mr. Speaker.

In addition to confirming commitment to an open transparent and competitive procurement process, can the Minister say if the guidelines that are outlined here, are just guidelines for the steering committee and, of course, broader and more defined project guidelines would come? And, of course, that would be made available to Members of the House or to the public.

The Deputy Speaker: Honourable Minister.

Hon. Osbourne V. Bodden: Thank you, Mr. Speaker.

The answer to both questions from the Leader of the Opposition is yes.

The Deputy Speaker: Last question.

Hon. W. McKeeva Bush, Leader of the Opposition: Thank you very much.

Would the Minister say that in terms of the last study done on the landfill that we have, the dump that we have, that, of course, the committee and the Minister himself will take serious cognisance of that study?

The Deputy Speaker: Honourable Minister.

Hon. Osbourne V. Bodden: Yes, Mr. Speaker, we will take cognisance of that study.

Mr. Speaker, I am glad for these questions because this is not a Government initiative in terms of just us. This is a House initiative as far as I am concerned. This is very, very important for these Cayman Islands, and together we must find a solution to our waste management problem. It is a very serious issue. Thank you.

The Deputy Speaker: I see the Member for East End wants to ask one final question.

Mr. V. Arden McLean: Thank you, Mr. Speaker.

This may be a little bit off base, but I would like to believe that the Minister would entertain me.

I had reason to visit the dump recently, the landfill, whatever you want to call it. And I was a little bit surprised and taken aback by the condition the dump is in. I would venture to say that in certain areas there were probably two to three inches of oil floating on the ground. That is a situation that I would like to know how we addressing in the interim. It wasn't very good there.

I noted also that the shedder that I bought in the waning hours of my tenure has not been working for a couple of years, and the fact that we spend hundreds of thousands of dollars on new equipment and there is no maintenance placed on them. We work them until they break down and then we don't do anything with them and then the tyres pile up and then we have the plumes of black smoke over George Town.

I was just wondering if he would entertain me on what is being done to address those areas on the dump currently.

The Deputy Speaker: Honourable Minister.

Hon. Osbourne V. Bodden: Mr. Speaker, I couldn't agree with the Member for East End more.

The situation at the dump right now is less than satisfactory, and I have indicated that to the director and to my chief officer. As he rightly said, when I went there I found the shortage of equipment so one of the guys said to me: "Boss, them say they don't

have no excavator but it's a brand new excavator sitting down here and the engine gone, sir." I said, "Where has the engine gone?" When I inquired, I heard that that engine was in Brazil.

I really don't understand some of the things that have gone on there. But the fact is that it is unsatisfactory running of certain areas of that dump right now and it has to get under control.

Now with a lot of broken equipment we also ended up having a lot of garbage piled up, as you would have seen. The areas where you used to drive through are almost blocked off because they weren't able to move the stuff as they should be able to, and they had to subcontract equipment from the NRA and the like. So, there is a lot there that needs to be sorted out under the current environment.

I don't want anyone thinking that because we are moving forward to another process eventually, that we can just, as it were, disregard what is there now. We have to continue to manage that, and the Department knows that, and I am sure that they have heeded what I have said and will be busy remedying the situation.

But it didn't happen overnight, the way it is right now, and they are going to take some time to get it back on track.

The Deputy Speaker: Member for East End.

Mr. V. Arden McLean: [INAUDIBLE]

Hon. Osbourne V. Bodden: No, that is an important point.

I am also working closely with the Minister of Works. We may know that there is a new director (I think the title is "director") at DVES [Department of Vehicle Equipment and Services], and we are working closely with a new and better maintenance programme. We are talking to our own; that is the DEH [Department of Environmental Health] operators and drivers to ensure that they perform better with the equipment and not just be reckless. Oftentimes I think things are broken because of reckless behaviour.

We have also managed to get three new garbage trucks on-Island. Training is being conducted, and I have actually told the director that I want to come there one day before they hit the road and actually speak to them. We expect that they will be commissioned in the very near future.

Two more trucks are ordered and we have the residential trucks which are on-Island but the front loaders which handle a lot of the commercial waste are now being ordered as well. A number of them will be repaired. But the state of the fleet there was really horrendous. I mean, the average age of that stuff must have been somewhere in the vicinity of 15 years or more. As a result, naturally, if you don't take good care of something that old it is going to break. So we have had a lot of breakage. We have had issues at

DVES. We have had our own internal issues with DEH and we are working hard to bring it all back on plane and hopefully get a better service. In the meantime we are working hard as well to get a new comprehensive waste management system. Thank you.

The Deputy Speaker: Elected Member for East End.

Mr. V. Arden McLean: Thank you, Mr. Speaker.

I applaud the Minister for trying to get the ordering of new equipment back on track. When I was there we ordered somewhere around three trucks. And the programme was in place to order a new truck every 18 months. And it just went off the end of the precipice.

Mr. Speaker, I experienced the same problems the current Minister is now experiencing, the lack of maintenance, the lack of attention to detail with the maintenance of those very important vehicles, particularly garbage, ambulance and police vehicles. When I found that problem, the first thing I did was make them pick up residential waste by us engaging dump trucks. Seal them up and put them out on the road.

I wonder if anyone has suggested to the Minister that while our trucks are down to use dump trucks. Just throw it on the back and take it to the dump and dump it out. It worked very well then. You didn't have to do it for very long, just a couple of weeks that we used dump trucks. We sealed them with silicone around the back and made sure they weren't leaking and we didn't have the residents complaining that garbage was rotting on their front lawn.

I don't know if anyone has suggested that to the Minister, but may I just suggest that in a crisis that's what you order that they do?

The Deputy Speaker: Honourable Minister.

Hon. Osbourne V. Bodden: Thank you, Mr. Speaker.

Thanks for the advice, from the former Minister.

That was not done in the past few weeks when we had the crisis. I guess it is unfortunate that it wasn't. But I think I am pretty confident that the schedule that they have now put in place, which has been publicised . . . and up to this morning I heard them in my area, which is according to that schedule on Fridays. I am hoping and trusting that they are on top of it at this point. And once those new trucks are put into operation within the next week or two, everything should be back to normal with residential.

[Inaudible interjection]

Hon. Osbourne V. Bodden: Going forward, future crisis, God forbid, we will employ such methods. Thank you.

GOVERNMENT BUSINESS

BILLS

The Deputy Speaker: The House will now go into Committee to consider the Bills.

House in Committee at 12:21 pm

COMMITTEE ON BILLS

[Hon. Anthony S. Eden, Chairman]

The Chairman: Please be seated. The House is now in Committee.

With the leave of the House, may I assume that, as usual, we should authorise the Honourable Attorney General to correct minor errors and such the like in these Bills?

Would the Clerk please state the Bill and read the Clauses?

POLICE (AMENDMENT) BILL, 2014

The Clerk: The Police (Amendment) Bill, 2014.

Clause 1 Short title and commencement.

The Chairman: The question is that clause 1 stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Clause 1 passed.

The Clerk: Clause 2 Amendment of section 65 of the Police Law (Law 36 of 2010) - detention of persons arrested without warrant.

The Chairman: There is an amendment by the Honourable Attorney General.

AMENDMENT TO CLAUSE 2

Hon. Samuel W. Bulgin: In accordance with the provision of Standing Order 52(1) and (2), I hereby move the following amendment to the Police (Amendment) Bill, 2014: that the Bill be amended in clause 2(c), in the new section 65(5)(a) proposed for insertion in the principal Law, by deleting the word "Superintendent" and substituting the words "Chief Inspector."

So it would say "a police officer of the rank of Chief Inspector or above." Thank you.

The Chairman: The question is that the amendment stands part of clause 2.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 2 passed.

The Chairman: The question is that clause 2, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

The Clerk: A Bill for a Law to amend the Police Law, 2010, Law 36 of 2010, to make the procedure following on the detention of persons in section [65] consistent with section 5(5) of the Cayman Islands Constitution; and to provide for incidental and connected purposes.

The Chairman: The question is that the Title do stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title passed.

CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 2013

The Clerk: The Criminal Procedure Code (Amendment) Bill, 2013.

Clause 1	Short title
Clause 2	Amendment of section 60 of the Criminal Procedure Code (2013 Revision) - accused person entitled to be present at trial and related proceedings and may be represented by a legal practitioner
Clause 3	Insertion of section 60A - appearing by live television link, etc., for purpose of mention and remand

The Chairman: The question is that clauses 1 through 3 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 3 passed.

The Clerk: A Bill for a Law to amend the Criminal Procedure Code (2013 Revision) to make provision for teleconferencing for purposes of mention and remand; and for incidental and connected purposes.

The Chairman: The question is that the Title stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title passed.

STANDARDS IN PUBLIC LIFE BILL, 2013

The Clerk: The Standards in Public Life Bill, 2013.

Clause 1	Short title and commencement
Clause 2	Interpretation
Clause 3	Application
Clause 4	Establishment of Commission for Standards in Public Life
Clause 5	Functions of Commission
Clause 6	Gazettal of appointments and vacation of office
Clause 7	Remuneration and staff

The Chairman: The question is that clauses 1 through 7 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 7 passed.

The Clerk: Clause 8 Reports and media releases.

The Chairman: There is an amendment to clause 8.

AMENDMENT TO CLAUSE 8

The Premier, Hon. Alden McLaughlin: Mr. Chairman, in accordance with the provisions of Standing Order 52(1) and (2) I, Alden McLaughlin, Premier, give notice to move the following amendment to the

Standards in Public Life Bill, 2013: That the Bill be amended in clause 8, by deleting subclause (2) and substituting the following subclause:

“(2) The Commission may in its own discretion issue such reports and releases to the public as it sees fit and any such reports and releases shall be sent by the Commission electronically to the Speaker for corresponding dissemination to all Members of the Legislative Assembly not less than forty-eight hours before such issuance to the public, unless it is not reasonably practicable to comply with the forty-eight hour period, in which case that period may be abridged by the Commission.”

The Chairman: I have given the Member leave to bring the amendment. The amendment has been duly moved. Does any Member wish to speak thereto?

[Pause]

The Chairman: The question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 8 passed.

The Chairman: The question now is that clause 8, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 8, as amended, passed.

The Clerk: Clause 9 Principles and Codes of Conduct.

The Chairman: There is an amendment to clause 9.

AMENDMENT TO CLAUSE 9

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that the Bill be amended in clause 9(3) by deleting the words “their staff” at the end of the sub-clause, and substituting the words “public officers.”

The Chairman: The amendment has been duly moved. Does any Member wish to speak thereto?

[pause]

The Premier, Hon. Alden McLaughlin: Mr. Chairman, for the clarification of the committee, we are substituting the words “public officers” for “their staff.” The term “staff” is not used otherwise in the Bill and the Bill throughout refers to “public officers.” So, we are simply making this change to be consistent. There is no change in substance.

The Chairman: The question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 9 passed.

The Chairman: The question now is that clause 9, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 9, as amended, passed.

The Clerk: Clause 10 Conflict of interest: persons in public life.

The Chairman: There is an amendment to clause 10.

AMENDMENT TO CLAUSE 10

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that clause 10(1) be amended by deleting the words “has a conflict” and substituting the words “has a possible or perceived conflict.”

The Chairman: The amendment has been duly moved. Does any Member wish to speak thereto?

Mr. McLean?

Mr. V. Arden McLean: Thank you, Mr. Chairman.

I spoke about this in my debate. I don't know if the Government has considered . . . I had private conversations with some of the Government concerning it, particularly the authority that I was most concerned with, which was Planning, and whether or not this could potentially cause problems with development and Planning approvals for development because of having so many people on Planning. And that is no fault of the Government it's just that the situation is such that they need the expertise.

How is it going to work? It's a balancing act, we know. But "perceived" can come from anywhere, conflicts such as somebody . . . one of those members or one of their staff doing a quote on a development and they have no knowledge of it. And that is where my concerns were. I don't know if the Premier is getting me on where I am coming from.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, the section, in fact the legislation, is intended to deal with those sorts of situations where there are conflicts or perceptions of conflicts. What the clause provides . . . and I will read the whole clause: "**Where a person in public life has a conflict of interest with respect to any matter that comes up for discussion, he shall disclose his interest . . .**" What is being changed is "has a conflict" and what we are substituting therefor are the words "has a possible or perceived conflict" . . . "**he shall disclose his interest and - (a) shall, as soon as the matter comes up on the agenda, immediately leave the place in which the deliberations are taking place and shall not participate, directly or indirectly, in the deliberations touching such matter and shall not return while the matter is under discussion until a decision has been taken by the body concerned; and (b) shall otherwise comply with such regulations as Cabinet may make with regard to conflict of interest.**"

So the Bill, and, in particular, this clause, is designed to deal with the situations to which I believe the Member is referring. If a member of that authority or any other board has a possible or perceived conflict with respect to a matter that is on the agenda, or that is being discussed, they need to leave the room. That's the purpose of it.

Mr. V. Arden McLean: Mr. Chairman, obviously I didn't explain that good enough for the Premier.

Let me go into it and use the scenario of the Planning Department. Most members from Planning are involved in construction development, or whatever, but particularly construction. And when developers are trying to cost their development they will ask these contractors to give prices on it; architects, likewise.

Now, one of those members who have staff, the staff would have been given costing, because you are not going to get Planning permission until you know what the cost of your development is. You are going to have some rough idea as to what the value is. We get that through architects and going out to the suppliers, so to speak. And that happens two months prior to it coming to Planning. There are objections to that project. And the Planning Department . . . in most instances all of them would have to excuse themselves because they all do different aspects of development—construction, selling materials, doing specific things like, some may be in the business of roofing, some may be in the business of windows, what have

you and what have you. And they don't excuse themselves. There is a potential conflict.

They haven't been given the contract to supply anything, but they have provided prices. There is a perceived conflict there. My concern is if that is not declared and they leave the room, we could have five, six people leaving the room on that particular project. If one of them doesn't, does it leave room for appeal, and successful appeal, by those objectors? That's where I have my concerns.

The Chairman: Honourable Premier?

The Premier, Hon. Alden McLaughlin: Mr. Chairman, if that would be the case, it is already the case, regardless of this particular piece of legislation. The reality is that there are going to have to be some changes in the way that those operate. There are a number of boards (and I think we are all aware of them) that often have members who we would regard as having a conflict of interest with respect to the decisions. It is precisely those sorts of situations, that sort of mischief that the Bill seeks to remedy. And some changes are going to have to be made in the way we do things, even changes made with respect to the kinds of persons that get appointed to some of these authorities. But it is either we do that, or we accept that the conflict or perceived conflict is okay.

Mr. V. Arden McLean: Mr. Chairman, I hear the Premier, and I support his view, that now it is the same thing, that that situation could occur right now. But we have always considered it conflicts, such as they have a contract to provide material for that place. We are now putting in "perceived conflict." Therein lies my concern.

In the past we had, *Oh yes, I have bid on that. I provided pricing on the material. But I don't know if I am going to get it. He can get it from anywhere.* But they don't have the actual contract. So, in the broader sense, that may have been overlooked. But now if there is a perceived conflict, that additional perceived conflict is where my concern is, because we need the development and we don't want to crack our eggs without touching them.

The Chairman: Premier?

The Premier, Hon. Alden McLaughlin: Mr. Chairman, let's examine this.

If there is an application for Planning permission for a development, and you, as a contractor or an architect or quantity surveyor, whatever the case may be, have been asked to bid on it, or to provide costing, you have a vested interest in the outcome of that development, that Planning application.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: So, the question then becomes whether that interest may influence your decision with respect to that application. And if the answer to that is that it might, then you have a conflict.

That's my analysis.

The Chairman: Mr. McLean?

Mr. V. Arden McLean: Mr. Chairman, I agree with the Premier. But by the same token, in my view I believe it's a little narrower than we are putting in here now. It is much broader because, potentially, you are the owner of that place and on this board you could have a staff member that did this quote, a manager, or salesperson or something. That is perceived. That's a perceived conflict. You have no knowledge of it, but it comes from your place. I'm only asking if there is some way we can cover all these bases, or if I am just being paranoid—basically.

The Chairman: Mr. Premier.

The Premier, Hon. Alden McLaughlin: My view is that in those circumstances the member concerned would have to recuse himself.

Mr. V. Arden McLean: But, if he does not know . . .

The Chairman: Mr. Miller?

Mr. D. Ezzard Miller, Member for North Side: Mr. Chairman, I think the concern that the Member for East End is trying to say is that . . . and I agree that we need to change all of them up. I don't think he should be on the board in the first place, but if the person sitting on the board happens to be the owner of a business and one of his staff does something with that item of which he is not aware . . . now, I also agree that he should be aware of everything his staff does, and I don't want to let him off the hook there. But I am wondering if there is some other section in the Law that not-having-knowledge-of is a reason for not having committed a crime. If that's fine, then I don't have any problem with it. We need to tighten it up even more.

The Chairman: Mr. Premier?
Honourable Attorney General?

Hon. Samuel W. Bulgin: Thank you, Mr. Chairman. It would only become an issue and he could only be culpable if he is aware of it and knowingly participates in the major decision. That's the point.

The Chairman: Honourable Member for East End.

Mr. V. Arden McLean: Does the onus then fall on him to prove that he wasn't aware of it? And we know that

second out-of-shape building in Cayman, how long it takes.

Hon. Samuel W. Bulgin: But invariably a perception—because this is what it is talking about, a perception—of a conflict would arise where there is probably some public announcement somewhere before, where somebody stated a position on some issue publicly and it is known that this is the stance on it and then thereafter they proceeded to get involved. It presupposes that you are aware of, or you have expressed some prior interest in, the thing somewhere somehow. But if you are not aware, then clearly you cannot be culpable.

Thank you.

Mr. V. Arden McLean: But, Mr. Chairman, may I then ask the Attorney General . . . I am aware of a development immediately following Ivan that was proposed for East End, my constituency. There were objections to that project. One of the members on the board signed a support petition therefor.

[Inaudible interjection]

Mr. V. Arden McLean: I understand that.

It was declared, but [he] never left the room. There wasn't any public pronouncement about that as to whether or not he was involved in that project, but the project got turned down on appeal.

These are the simple little things that the system will favour what we don't want to happen. I am concerned; that's all. If all them lawyers over there on that side, Mr. Chairman, are comfortable with it—

[Inaudible interjection]

The Chairman: Honourable Attorney General?

Hon. Samuel W. Bulgin: Mr. Chairman, 99.999 per cent of the time the person who is affected will know whether he or she is conflicted, or ought to know. If you are unclear, then the best way to deal with it is to recuse yourself.

The Chairman: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, thinking this thing through, and being practical, if I am a principal in an architectural firm and I am a member of the Central Planning Authority, I get the agenda in advance so I know what is coming. The responsibility must be mine to check with those who work for me and say, *Listen, this is what is on today's agenda. Are we involved in any of these matters?*

[Inaudible interjections]

The Premier, Hon. Alden McLaughlin: And if you are, then you know in advance.

So, the members of the board have to accept responsibility for these matters. And I am not saying that there could never be an instance where a person could not possibly know. Sure, there are always exceptions. But, as the Attorney General has said, in 99 per cent of the cases, if you check, as you should, you will know whether you are involved or not.

[Inaudible interjection]

The Chairman: The question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 10 passed.

The Chairman: The question now is that clause 10, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 10, as amended, passed.

The Clerk: Clause 11—Duty to furnish declarations.

The Chairman: Amendment, Honourable Premier.

AMENDMENT TO CLAUSE 11

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that clause 11(1), be amended in (a), by deleting the words “income, assets and liabilities” and substituting the words “income, assets and liabilities as specified in section 12(1)”; in paragraph (b), by deleting the words “income, assets and liabilities” and substituting the words “income, assets and liabilities as specified in section 12(1).”

The Chairman: The amendment has been duly moved. Does any Member wish to speak thereto?

[Pause]

The Chairman: The question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 11 passed.

The Chairman: The question now is that clause 11, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 11, as amended, passed.

The Clerk: Clause 12—Contents of declarations.

The Chairman: Honourable Premier, you have an amendment, I understand.

AMENDMENT TO CLAUSE 12

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I move that clause 12 be amended by deleting subclause (1) and substituting the following subclause: “(1) In making a declaration required under section 11(1), a person in public life shall include, in relation to himself and any connected person, details relating to –

- (a) shareholdings and directorships held in any company or other corporate body;
- (b) any contract made with any public entity;
- (c) any company, partnership or association in which money is invested;
- (d) any trust;
- (e) any land, whether beneficial or otherwise;
- (f) any investment fund in which an interest is held;
- (g) any political, trade, professional, fraternal or charitable association or organisation, registered or unregistered, to which there is a connection;
- (h) sources of income other than a salary or money from other perquisites of office;
- (i) other substantial interest whether of a pecuniary nature or not, which raise or may appear to raise a material conflict of interest;
- (j) any loan, secured or non-secured, other than from any institution regulated under “regulatory laws” as defined by section 2 of the Monetary Authority Law (2013); and
- (k) such other details as Cabinet may prescribe in regulations.”

By inserting after subclause (1), the following subclauses: “(2) Where a person in public life holds

property in trust for any connected person, he shall so state in his declaration but shall not be required to disclose the terms of the trust.”

And, Mr. Chairman, with your permission, I move the following incidental amendment which has not been circulated to Members, but which I have mentioned to you.

The Chairman: I have received notice of the amendment and given the Honourable Premier permission to bring it. Would you please read it so that the Committee will hear and understand?

The Premier, Hon. Alden McLaughlin: As I said, Mr. Chairman, it is incidental in nature only. It proposes a new subclause (3) which will read that subclause (3) be amended by inserting after the words “nothing in” the words “section 11 or”.

Members will understand the effect of the change, so that 12 (3) will read, “Nothing in section 11 or this section shall be taken to require disclosure of the actual amount or extent of any financial benefit, contribution or interest.”

Hon. W. McKeeva Bush, Leader of the Opposition: That would be 11(3)?

The Premier, Hon. Alden McLaughlin: Again, so that Members follow what I am proposing, clause 12(3) will be amended so that it reads, “Nothing in section 11 or this section shall be taken to require disclosure of the actual amount or extent of any financial benefit, contribution or interest.”

I apologise to Members. The reason why it hasn't been circulated is because this was a product of a rather protracted discussion we were having in the committee room and it would have delayed the start of proceedings further if I had to go and retype all of this.

Hon. W. McKeeva Bush, Leader of the Opposition: Would the—

The Chairman: The amendment has been duly moved.

Would you like to speak to it?

Hon. W. McKeeva Bush, Leader of the Opposition: Thank you.

Would the Member explain what this subclause is doing together with the present clause, what it would be doing with the entire [clause] 12?

The Premier, Hon. Alden McLaughlin: Right.

Clause 11 in the Bill (which will become section 11 in the Law), requires: “(1) A person in public life -

(a) shall, within ninety days of assuming the functions of his office, or, in the

case of a candidate for election to the Legislative Assembly, before filing his nomination papers, make a declaration to the Commission of his income, assets and liabilities in respect of the previous year in such form as may be prescribed by regulations; and

(b) thereafter no later than thirty days after 30 June in each succeeding year that he is a person in public life, he shall file further declarations of his income, assets and liabilities for that year ending 30 June.”

I will skip 11(2) because that's . . . so, that is 11. Then [clause] 12(1), which I have just been through with the amendments, sets out what is required with respect to a person in public life and any connected person, the details that they are required to provide on the register. What clause 12(3) does is say that nothing in clause 11 or in this clause (that is, 12), shall be taken to require disclosure of the actual amount or extent of any financial benefit, contribution or interest.

So you have to provide details of this, but you do not have to say what they were.

Hon. W. McKeeva Bush, Leader of the Opposition: If you have a mortgage—

The Chairman: Mr. Bush.

The Premier, Hon. Alden McLaughlin: Well, any loan from—

Hon. W. McKeeva Bush, Leader of the Opposition: A bank, or—

The Premier, Hon. Alden McLaughlin: —from an institution regulated under the Monetary Authority Law, you are not required to give those details.

Hon. W. McKeeva Bush, Leader of the Opposition: Any loan?

The Premier, Hon. Alden McLaughlin: Yes. But if you have a private loan from an unregulated entity, if you made an arrangement with someone you know to borrow money from them, you have to disclose the existence of that, but not the amount of the loan or the details of the repayment.

Hon. W. McKeeva Bush, Leader of the Opposition: And we are not talking any amounts?

The Premier, Hon. Alden McLaughlin: No amounts.

Hon. W. McKeeva Bush, Leader of the Opposition: So you borrow \$5.00 you have to say you borrowed \$5.00?

The Premier, Hon. Alden McLaughlin: Right.

The purpose of it is so that the Commission will be aware of what your financial arrangements are. If a question arises about the propriety, or otherwise, of it, the Commission will—

Hon. D. Kurt Tibbetts: If you borrow \$5 you do not have to say it is \$5.

The Premier, Hon. Alden McLaughlin: The Commission . . . please let me explain.

Hon. W. McKeeva Bush, Leader of the Opposition: Mr. Chairman, to save time, I quite understand now what the Premier is saying and why he is moving this other amendment. I quite understand that.

The Premier, Hon. Alden McLaughlin: For the sake of completeness, let me finish this.

The Chairman: Mr. Premier.

The Premier, Hon. Alden McLaughlin: It is so that the Commission has the information about what your financial arrangements and circumstances are. If any question arises about the propriety of any of this or about a conflict, the Commission can ask for further details, can summon you, can insist on the details of what the account is and the transactions and so forth. But those details are not required to be placed in the public view. What is required is the details about the existence of those particular arrangements; not the amounts.

The Chairman: Mr. Miller?

Mr. D. Ezzard Miller: Mr. Chairman, I have two questions. In 12(1)(g), “any political, trade, professional, fraternal or charitable association or organisation, registered or unregistered, to which there is a connection”. There is no definition of “fraternal” in the Bill. Are “fraternal” organisations restricted to those that are licensed under the Friendly Society Act? How would you know that a fraternal organisation existed, that there is one?

The Chairman: Honourable Attorney General?

Hon. Samuel W. Bulgin: The Member is correct; there is no definition of “fraternal” or charitable association. I suppose what we would be guided by is something that we could probably clarify in the regulations, which are those that are sort of the well-known and established fraternal organisations. But we did

discuss the possibility of clarifying some of these in the regulations.

The Chairman: Mr. Miller, continuing?

Mr. D. Ezzard Miller: That’s okay. I don’t understand how you are going to clarify it in regulations because there are fraternal organisations here that may not be registered with the Friendly Societies Act.

I think in some way if you are going to do it in the regulations, are you going to define the term “fraternal” and the term “charitable” as a specific definition in the regulations? I think there is some comfort in that, but . . .

The Chairman: Mr. Premier?

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I think I know from where the Member’s concern is coming. I thought about this myself. But the reality is, those of us who are in public life who get to make decisions about a whole range of things, particularly those of us in this House, about how the country’s money is spent and so forth, all of us belong to some organisation or another, whether it is a service club, whether it is a fraternity of one kind or the other.

Hon. W. McKeeva Bush, Leader of the Opposition: Those people who fix cars and build houses, them too.

[Laughter]

The Premier, Hon. Alden McLaughlin: And the public is entitled to know and to be able to make judgments, if we make a grant to this association or to this entity, or to this charitable body, [and to] know what our interest is in that particular association. So I don’t see a basis for us excluding certain fraternal . . . the requirement to declare certain or connection to certain fraternities.

Hon. W. McKeeva Bush, Leader of the Opposition: I don’t think anybody is asking that you make it possible for them not to be included. I think what is being asked is to make it absolutely—

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: Sorry?

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: I know that, particularly after you became Premier.

—any political trade, professional, fraternal or charitable. And what people are seeking is that this will do what you just said, not leaving it to you to say

what you are doing afterwards. I think that's what this is. We are saying let's make it absolutely clear what we are doing, rather than you just admitting that you fix cars or build houses and that you don't declare it. Good.

The Chairman: Mr. Miller, continue to ask your question and then Mr. McLean.

Mr. D. Ezzard Miller: I am not seeking that they be excluded. I just want to make sure that they understand that they have to be included. But the question is: Why isn't the word "service clubs" in here as well? And the other one that is very wide is "or organisation." That is extremely wide in terms of having to declare that you are a member of . . .

The Premier, Hon. Alden McLaughlin: It is intended to be wide. I mean, you should know better than anyone else which organisations or which fraternities you belong to. Maybe we can fix this one by saying whether registered or not, if that would help.

Mr. D. Ezzard Miller: But it depends on the salary I'm getting. I don't want people to be able to bail out by saying they are not a fraternal organisation because they are not registered in the Act, or that they are not a charitable organisation because they are not approved by [Cabinet], or they are not a non-profit company.

Hon. W. McKeever Bush, Leader of the Opposition: The word "organisation" would be covering quite a bit, if you put that in. But it is not there now, right?

The Chairman: Mr. Premier?

Mr. D. Ezzard Miller: No, "organisation" is there. You understand where I am going, Mr. Premier. I am not trying to . . . I am trying to keep people from being able to slip through the cracks.

The Chairman: Mr. McLean.

Mr. V. Arden McLean: Mr. Chairman, for the sake of clarity, the Premier said that we are all involved in some organisation or fraternity in one way or the other. For the sake of clarity, I am not worthy of being in any of them, that's why I have never been asked to join.

[Laughter]

The Chairman: Noted.

Mr. V. Arden McLean: Thank you. I just want to clear it.

I would like to—

The Chairman: Mr. Miller?

Mr. D. Ezzard Miller: I just want to confirm with the Premier that there is an amendment to say "registered or unregistered" in this clause—if that's agreed.

The Chairman: Would you repeat that question please?

Mr. D. Ezzard Miller: The Premier said that one way of achieving what I want to achieve, so that everybody is included, is that you would put "registered or unregistered" after the clause. That satisfies my concern because I think that would take care of all.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I have consulted with the Attorney General and he thinks that that would be appropriate. So, Mr. Chairman, perhaps the appropriate course is for me, under Standing Order 52(2), to move that clause 12(1)(g) be amended by including the words "registered or unregistered" after the word "organisation".

The Chairman: Everyone okay with that?

Hon. W. McKeever Bush, Leader of the Opposition: Yes. We'll dress you up like a goat so you got to come back to tell the Clerk.

[Inaudible interjections]

Hon. W. McKeever Bush, Leader of the Opposition: Not even the Clerk now.

The Chairman: Can we move on?

Mr. V. Arden McLean: Mr. Chairman, if I may.

The Chairman: Mr. McLean.

Mr. V. Arden McLean: Thank you.

Mr. Chairman, on that same one, [clause 12(1)(g)], this requires all of us in public office to make: "**A declaration required under section 11(1) shall include, in relation to a person in public life and any connected person, details relating to- (g) any political, trade, professional, fraternal or charitable association or organisation registered or unregistered to which there is a connection;**"

Clause 12(3), which we are discussing amending, says, "**Nothing in this section shall be taken to require disclosure of the actual amount or extent of any financial benefit, contribution or interests.**"

Can we hear what is going to happen with the Election Law? The Elections Law requires us as Members of Parliament to declare all contributions, particularly over \$5,000. But we need to declare the amounts with them. We can't spend over \$30,000 and

\$35,000 respectively. So how does this conflict? Or does it conflict?

The Premier, Hon. Alden McLaughlin: Mr. Chair.

The Chairman: Mr. Premier?

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I think that that is quite distinct from this provision. Those are contributions with respect to an election campaign. It is campaign contributions that the Elections Law speaks about in the section to which I believe the Member is referring, which is quite distinct from this.

That governs how much can be spent lawfully for a campaign for the period defined, and it defines how much can actually be accepted from an individual contributor and so forth and so on, dealing specifically with an election campaign, not with your conduct generally as an elected Member, which this governs.

The Chairman: Mr. McLean, continuing and then Mr. Miller.

Mr. V. Arden McLean: Mr. Chairman, this also applies to [clause] 11. It says, “**(1) A person in public life - (a) shall, within ninety days of assuming the functions of his office, or, in the case of a candidate for election to the Legislative Assembly, before filing his nomination papers, make a declaration to the Commission of his income, assets and liabilities in respect of the previous year . . .**” and anything within a party, you are a political party, and you are saying you don't have to do it? You don't have to declare the contributions?

The Premier, Hon. Alden McLaughlin: That is regulated by the Elections Law. And whatever the Elections Law says you have to do with respect to that, you have to do. But that is separate and distinct from this.

Mr. V. Arden McLean: But we are drawing blood from stone now because you want me to do it there, and now you are requiring me to declare here. And I am trying to see how this works.

You are asking me to declare here if I am in a political party all and sundry, but I don't have to say what the contributions were.

The Chairman: Mr. Premier?

The Premier, Hon. Alden McLaughlin: Mr. Chairman, this particular provision simply mirrors what was in the Register of Interests Law, which is being repealed. We have extracted the requirements from there and inserted them here. That is not to say that we do not need to look again at the whole issue and how the two line up with the Elections Law.

Mr. V. Arden McLean: All right. Okay.

The Chairman: Mr. Miller?

The Premier, Hon. Alden McLaughlin: We all know there are many things in the Elections Law aside from single member constituencies that need to be dealt with.

Mr. V. Arden McLean: Don't be facetious now.

The Premier, Hon. Alden McLaughlin: It's not just that that has to be dealt with in the Elections Law.

Mr. D. Ezzard Miller: We agree with most of the others too.

Mr. Chairman, just not on this particular clause, but can the Premier say what the reason is that the total judiciary seems to be excluded from all of the provisions in this Law?

The Chairman: Honourable Attorney General?

[Inaudible interjection]

The Chairman: Premier.

Hon. Samuel W. Bulgin: Thank you, Mr. Chairman.

The practice has always been that the judges have their own code of conduct which regulates their behaviour. I think in 2000 there was a code named the [Bangalore Principles](#) [of Judicial Conduct] which sets out how a judge is supposed to conduct himself or herself. It sets out a range of principles, impartiality, integrity, independence, et cetera. And in more recent times, certainly in the case of the Cayman Islands (in 2012, I think it was) a judicial code of conduct was promulgated. If you go on the Commission's Secretariat website you will see that there is a code of conduct printed there. So, in that case, you might want to say that the judges or the judiciary are ahead of us in that respect, and it has always been.

We have no difficulty with that. Judges have always been alert and alive to the possibility of conflict of interest. It is the usual custom that if there is a perceived conflict or bias, it is either raised by an attorney, or, if not raised by an attorney, a judge himself would always make a point that, *there is a particular issue with which I am probably remotely connected and I will hear from counsel as to whether or not they are comfortable with my hearing the matter.* And counsel will indicate on the record whether or not they are okay for a judge to sit.

So the judges have a long established code of conduct, the Bangalore Principles, and in the Cayman Islands our own domestic code of conduct that regulates the conduct of judges and that is the way it should be. That speaks clearly to the separation of

powers and the independence of the judiciary. Thank you.

The Chairman: Mr. Miller, continuing.

Mr. D. Ezzard Miller: Mr. Chairman, what we are doing here has nothing to do with conduct. This has to do with integrity and registering interests so that I know that you own half the car dealership down the road that I am suing. How is the public supposed to know that a judge may have a possible conflict if we can't expect that they register what they own?

The Chairman: Mr. Attorney General?

Hon. Samuel W. Bulgin: We need to trust them to make that clear.

Mr. D. Ezzard Miller: So, Mr. Chairman, to extrapolate that, if we as parliamentarians in here decided today to just simply adopt a code of conduct, we don't need to be included in this law then either. Just do it for public servants.

[Inaudible interjections]

Mr. D. Ezzard Miller: No, I want an answer.

The Chairman: Honourable Attorney General.

Hon. Samuel W. Bulgin: Mr. Chairman, that was a comment, that's not a question.

Mr. D. Ezzard Miller: That's a question: If the 18 Members of this Parliament here today decided to adopt an international convention amongst politicians to say that we were going to do everything right, right, right, then we could be exempted from this Law too.

Hon. Samuel W. Bulgin: That is a matter of policy for Government.

The Chairman: Mr. Premier?

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I hear the concern, and even frustration, of Members on the other side. But, as far as I am aware, in every jurisdiction the judiciary is treated quite differently than the executive and the legislative branches of Government. You have special legislation and conventions which govern their operations. So, I don't think it would be appropriate for the judiciary to be included in this particular Bill.

Mr. D. Ezzard Miller: Mr. Chairman, can the Attorney General say whether the judicial code of conduct requires them to register in any document within their separate thing any interests or ownership or stuff that they might have that some attorney who is a member

of their fraternity could inspect to see if there was a conflict? How is a conflict discovered? Do we rely on the judge himself admitting and proposing that he would have a conflict when he might be paid through the side to do something about it?

The Chairman: Mr. Premier?

The Premier, Hon. Alden McLaughlin: Mr. Chairman, the independence of the judiciary is one of the absolute pillars of our judicial system. The independence of the judiciary does not just mean that nobody else interferes with their function, it means that they have to so order their lives that their independence cannot be called into question and that they cannot be accused, at least not properly accused, of being influenced in the decision making because of their connections to this organisation, to that individual, or to the set of events.

I mean, that is a cardinal principle that runs like a golden thread right through the whole judicial . . . the philosophy and principles which underpin our whole judicial system. I would not want us in this House to start to invade that particular terrain.

Mr. D. Ezzard Miller: Mr. Chairman, I just want to make clear that I am not questioning their independence. I just want to know that they have a similar system as those people who are being subject to their judgments, or working within that environment, with access to this kind of information in some form to benefit the public that they are judging over.

I am not aware of what the code of ethics is. Is it a situation where they, themselves, simply are relied on to identify a conflict and recuse themselves? Or is there some document that some attorney [who is] part of the system could say, *Yes, this judge owns this car dealership and he really shouldn't be sitting on whether the dealership treated me properly or not?* That's all I'm asking.

The Chairman: Mr. Premier.

The Attorney General, Hon. Samuel W. Bulgin: It's on the website. It is a public document.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, there is a code of conduct that has been developed for the Cayman Islands judiciary by the Judicial and Legal Services Commission. It has been drawn up pursuant to section 106(10)(a) of the Cayman Islands Constitution Order 2009. You can go on the website to get it, but if Members of this Committee wish to have a copy I can arrange to have copies made. It speaks to a whole range of things but specifically, and relevant to the current discussion, to the concept of independence.

The Chairman: Thank you, Mr. Premier.

I need to put the question on the last minor amendment the Premier did. I will ask the Clerk to read the wording.

The Clerk: The amendment is that clause 12(1)(g) be amended . . .

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Mr. Chairman, we have gone on so long about that, but actually I had not finished reading the amendments to that clause.

The Chairman: There was a small addition that you made that you wanted—

The Premier, Hon. Alden McLaughlin: Right. The insertion of Roman numeral (iii).

The Chairman: I needed to take a vote on the verbal amendment you made before you got to that.

The Premier, Hon. Alden McLaughlin: Very good, sir.

The Chairman: Those in favour of the amendment as proposed by . . . sorry.

The Clerk: Amendment to clause 12(1)(g), is that the words “registered or unregistered” be inserted after the word “organisation.”

The Chairman: The question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 12(1)(g), to insert the words “registered or unregistered” after the word “organisation” passed.

The Chairman: Please continue now, Mr. Premier.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, correct me if I am mistaken, but I believe we had gotten to . . . we have completed the new Roman numeral (iii). So I will pick up and what would be Roman numeral (iv).

That [clause 12] be amended by deleting subclause (4) and substituting the following subclause:

“(4) A person referred to -

(a) in section 11(4)(h)(ii), that is to say, a board member of a statutory authority,

public authority, commission or government company; or

(b) in paragraphs 6, 7 or 8 of Schedule 1, that is to say, members of governing bodies of statutory authorities, members of governing bodies of government companies, and members of Commissions created by or under the Constitution,

shall not be required to include in a declaration any interest referred to in or prescribed under subsection (1) unless there is a possible or perceived conflict with his functions on the entity to which he is appointed.”;

And, Mr. Chairman, as I indicated to you before we resumed the Committee, I am proposing an additional few words with the hope of clarifying that provision further.

The Chairman: I agreed to it.

The Premier, Hon. Alden McLaughlin: So that it would conclude with “shall not be required to include in a declaration any interest referred to in or prescribed under subsection (1) unless there is a possible or perceived conflict with his functions on the entity to which he is appointed arising out of such interest.”;

The additional words I am proposing are “arising out of interest.”

And by renumbering the existing subclauses (2), (3), (4) and (5) as subclauses (3), (4), (5) and (6).

The Chairman: The question is that the amendments stand part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 12 passed.

The Chairman: The question is that clause 12, as amended, stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 12, as amended, passed.

The Clerk:

Clause 13	Maintenance of the Register of Interests
Clause 14	Inspection of declarations
Clause 15	Retention of records

Clause 16 Offences relating to declarations

Mr. D. Ezzard Miller: I have a question on clause 15 before you put the vote.

The Chairman: I will take the vote on clauses 13 and 14. [The question is that clauses 13 and 14 stand part of the Bill.]

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 13 and 14 passed.

The Chairman: Clause 15?
Mr. Miller?

Mr. D. Ezzard Miller: Mr. Chairman, in my debate I had asked the Government to consider changing the period of retention of the records from three to five years so that it would at least span the four-year period of the House.

The Premier, Hon. Alden McLaughlin: Mr. Chairman.

The Chairman: Mr. Premier.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, if you as Chair are prepared to entertain the proposed amendment without notice, the Government is happy to make the change.

The Chairman: I will accede to that. I think it's very appropriate.
So granted.

The Premier, Hon. Alden McLaughlin: He has to move the amendment.

PROPOSED AMENDMENT TO CLAUSE 15

Mr. D. Ezzard Miller: Mr. Chairman, I move the following amendment to clause 15, in accordance with the relevant Standing Orders, that the word "three" as it appears before "years" at the end of the sentence be deleted and replaced by the word "five". So that the sentence would read: "The Commission shall keep every declaration for a period of at least five years."

The Chairman: The question is that the [amendment to change the word "three" to "five" years stand part of the clause.]

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 15 passed.

The Chairman: The question is that clause 15, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 15, as amended, passed.

The Chairman: And I will take the vote on clause 16. [The question is that clause 16 stands part of the Bill.]
All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 16 passed.

The Clerk: Clause 17—Complaints.

The Chairman: Mr. Premier there is an amendment.

AMENDMENT TO CLAUSE 17

The Premier, Hon. Alden McLaughlin: I move that clause 17 be amended deleting the marginal note and substituting the marginal note "Allegations of breach";
In subsection (1) by deleting the words "A member of the public who wishes to allege or make a complaint concerning a person in public life or any connected person has complied with or sufficiently complied with this Law shall report the matter to the Commission in writing" and substituting the words: "If any person wishes to allege that a person in public life is in breach of this Law, that person shall report the matter to the Commission in writing -".

The Chairman: The amendment has been duly moved. Does any Member wish to speak thereto?
Mr. Miller?

[Inaudible interjection]

The Chairman: The question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 17 passed.

The Chairman: The question is that clause 17, as amended, stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 17, as amended, passed.

The Clerk:

Clause 18	Power of Commission to investigate
Clause 19	Investigating officers
Clause 20	Powers of investigation
Clause 21	Right to be heard
Clause 22	Matters to be referred to the police
Clause 23	Whistleblowers

The Chairman: The question is that clauses 18 through 23 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 18 through 23 passed.

The Clerk: Clause 24—Protection of information.

The Chairman: There is an amendment.
Honourable Premier.

AMENDMENT TO CLAUSE 24

The Premier, Hon. Alden McLaughlin: I beg to move that clause 24(1) be amended by deleting the words “section 11” and substituting the words “section 20”.

The Chairman: The amendment has been duly moved. Does any Member wish to speak?

The question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 24 passed.

The Chairman: The question is that clause 24, as amended, stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 24, as amended, passed.

The Clerk: Clause 25—Commission to act in public interest.

The Chairman: The question is that clause 25 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 25 passed.

The Clerk: Clause 26—Appointment of board members.

The Chairman: Mr. Premier.

AMENDMENT TO CLAUSE 26

The Premier, Hon. Alden McLaughlin: I beg to move an amendment to clause 26(4), by deleting the word “between” and substituting “among”.

The Chairman: The amendment has been duly moved. Does any Member wish to speak thereto?

If not, the question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 26 passed.

The Chairman: The question is that clause 26, as amended, stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 26, as amended, passed.

The Clerk: Clause 27—Terms of appointment.

The Chairman: Mr. Premier.

AMENDMENT TO CLAUSE 27

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that clause 27(4) be amended by deleting the word “or” after paragraph (d); by deleting the full-stop at the end of paragraph [(e)] and substituting a semi-colon and the word “or”; by adding the following paragraph - “(f) he failed to follow any provision of this Law, regulations made under this Law, or a code of conduct referred to in section 117D(f) [sic] of the Constitution of the Cayman Islands.”

The Chairman: The amendment has been duly moved. Does any Member wish to speak?

Mr. V. Arden McLean: Mr. Chairman.

The Chairman: Mr. McLean?

Mr. V. Arden McLean: The Constitution doesn't have—

The Premier, Hon. Alden McLaughlin: Did I say “D”?

Mr. V. Arden McLean: Yes.

The Premier, Hon. Alden McLaughlin: I made a mistake. It is section 117(9)(f) of the Constitution of the Cayman Islands.

The Chairman: The amendment has been duly moved. Does any Member wish to speak thereto?

If not, the question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 27 passed.

The Chairman: The question is that clause 27, as amended, stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 27, as amended, passed.

The Clerk:

Clause 28 Appointment to fill board vacancy

Clause 29 Conflicts of interest: board members

The Chairman: The question is that clauses 28 and 29 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Clauses 28 and 29 passed.

The Clerk: Clause 30—Remuneration of board members.

The Chairman: There is an amendment.
Honourable Premier.

AMENDMENT TO CLAUSE 30

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that clause 30(1) be amended by deleting the words “as he shall from time to time” and substituting the words “as Cabinet shall from time to time”;

The Chairman: The amendment has been duly moved. Does any Member wish to speak thereto?

If not, the question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 30 passed.

The Chairman: The question is that clause 30, as amended, stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 30, as amended, passed.

The Clerk: Clause 31—No board remuneration for civil servants.

The Chairman: The question is that clause 31 stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 31 passed.

The Clerk: Clause—32 Preservation of immunities, powers and privileges of Assembly.

The Chairman: There is an amendment.
Honourable Premier.

AMENDMENT TO CLAUSE 32

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I beg to move that clause 32 be amended by adding at the end of the section the words “or any member thereof.”

The Chairman: The amendment has been duly moved. Does any Member wish to speak?
Mr. McLean?

Mr. V. Arden McLean: Mr. Chairman just to ask the Premier: Is that specific to the Attorney General and the Deputy Governor, to cover them?

The Premier, Hon. Alden McLaughlin: No, Mr. Chairman. It is to ensure that each individual member has the benefit of those immunities, powers and privileges, and not the Legislative Assembly as a whole . . . not limited to just the Legislative Assembly as a whole, so that it extends to each individual member. Whether we the Legislative Assembly is sitting or not sitting, it extends to each member, as opposed to the body.

Hon. W. McKeeva Bush, Leader of the Opposition: Mr. Chairman, I hear what the Premier is saying. But is he . . . the immunities and privileges of this Legislative Assembly can only extend to this House, to Members of the House, sitting or otherwise. When I say “sitting”, [it is] the House sitting or otherwise; a Member of this House. So it is Official and Elected Members, but it does not go to board members that we appoint, although this law applies to them. Yes.

The Chairman: Mr. Premier?

The Premier, Hon. Alden McLaughlin: Mr. Chairman, if I can try to clarify again. The section says: **“Nothing in this Law shall be applied in such a way as to abrogate the immunities, powers and privileges of the Legislative Assembly.”**

The proposed addition of the words “or any member thereof” is to ensure that it is clear that the

provisions here extend to each individual Member of this House and not just the Legislative Assembly as a body—all of us sitting together.

Hon. W. McKeeva Bush, Leader of the Opposition: I don’t see the need for that because—

Mr. V. Arden McLean: You are tying the hand to the fire, making sure. Okay. All right, I see it now. But this is the Legislative Assembly. The Legislative Assembly is only a building unless we are here. I want you to know that. Okay. That’s the only time it can be called the Legislative Assembly.

The Premier, Hon. Alden McLaughlin: That is not a point at all.

Mr. V. Arden McLean: That’s not a point at all?

The Premier, Hon. Alden McLaughlin: No.

Mr. V. Arden McLean: Well you have a Legislative Assembly in this country without Members in it.

Hon. W. McKeeva Bush, Leader of the Opposition: I think we’re wasting time because—

Mr. V. Arden McLean: Mr. Chairman.

The Chairman: Mr. McLean.

Mr. V. Arden McLean: My other thing was I was trying to catch someone when we were doing 31, I think, it was. Where would the civil servants be on the board? (If I can just go back to that), because the composition does not include civil servants, does it? And I hope civil servants are not managing civil servants.

The Chairman: Would you repeat the question, please, Mr. McLean?

Mr. V. Arden McLean: Mr. Chairman, what I was trying to do was catch your eye notwithstanding clause 30(1), which says, **“Board members shall, at the discretion of Cabinet, be paid . . .”** [Clause 31] **“ . . . a board member who is a civil servant shall not be entitled to receive remuneration.”**

Which civil servant is that?

[Inaudible interjection]

Mr. V. Arden McLean: Eh? Are we putting civil servants on this board?

The Premier, Hon. Alden McLaughlin: It is not “this board”, it is “board” generally.

Mr. V. Arden McLean: Oh. Okay?

The Chairman: The question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 32 passed.

The Chairman: The question is that clause 32, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 32, as amended, passed.

The Clerk:

Clause 33	Contempt of Assembly
Clause 34	Exemption from liability
Clause 35	Regulations

The Chairman: The question is that clauses 33 through 35 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 33 through 35 passed.

The Chairman: Clause 36 Repeal and transitional provisions.

The Chairman: Honourable Premier, I think you have an amendment there.

AMENDMENT TO CLAUSE 36

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

I beg to move that clause 36(3) be amended by deleting the words "three months" and substituting therefor the words "six months".

The Chairman: The amendment has been duly moved. Does any Member wish to speak thereto?

If not, the question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 36 passed.

The Chairman: The question is that clause 36, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 36, as amended, passed.

The Clerk:

Schedule 1: Persons in Public Life
Schedule 2: Principles to be adhered to

The Chairman: The question is that Schedules 1 and 2 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Schedules 1 and 2 passed.

The Clerk: A Bill for a Law to preserve and promote the integrity of public officials and institutions; and for incidental and connected purposes.

The Chairman: The question is that the Title stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title passed.

The Chairman: The question is that the Bills be reported to the House.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Bills to be reported to the House.

House resumed at 1:50 pm

The Deputy Speaker: The House will suspend until 2:30 pm.

Proceedings suspended at 1:51 pm

Proceedings resumed at 2:40 pm

The Deputy Speaker: Please be seated.

REPORT ON BILLS

POLICE (AMENDMENT) BILL, 2014

The Clerk: The Police (Amendment) Bill, 2014.

The Deputy Speaker: Honourable Attorney General.

Hon. Samuel W. Bulgin: Thank you, Mr. Speaker.

I beg to report that a Bill shortly entitled, The Police (Amendment) Bill, 2014, was considered by a Committee of the whole House and passed with one amendment.

The Deputy Speaker: The Bill has been duly reported and is set down for third reading.

CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 2013

The Clerk: The Criminal Procedure Code (Amendment) Bill, 2013.

The Deputy Speaker: Honourable Attorney General.

Hon. Samuel W. Bulgin: I beg to report that a Bill shortly entitled, The Criminal Procedure Code (Amendment) Bill, 2013, was considered by a Committee of the whole House and passed without amendment.

The Deputy Speaker: The Bill has been duly reported and is set down for third reading.

STANDARDS IN PUBLIC LIFE BILL, 2013

The Clerk: The Standards in Public Life Bill, 2013.

The Deputy Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I am to report that a Bill shortly entitled, the Standards in Public Life Bill, 2013, was considered by a Committee of the whole House and passed with amendments.

The Deputy Speaker: The Bill has been duly reported and is set down for third reading.

THIRD READINGS

POLICE (AMENDMENT) BILL, 2014

The Clerk: The Police (Amendment) Bill, 2014.

The Deputy Speaker: Honourable Attorney General.

Hon. Samuel W. Bulgin: Mr. Speaker, I beg to move that The Police (Amendment) Bill, 2014, be given a third reading and passed.

The Deputy Speaker: The question is that The Police (Amendment) Bill, 2014, be given a third reading and passed.

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

Ayes.

The Deputy Speaker: The Ayes have it.

Agreed: The Police (Amendment) Bill, 2014, given a third reading and passed.

CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 2013

The Clerk: The Criminal Procedure Code (Amendment) Bill, 2013.

The Deputy Speaker: Honourable Attorney General.

Hon. Samuel W. Bulgin: Mr. Speaker, I beg to move that The Criminal Procedure Code (Amendment) Bill, 2013, be given a third reading and passed.

The Deputy Speaker: The question is that The Criminal Procedure Code (Amendment) Bill, 2013, be given a third reading and passed.

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

Ayes.

The Deputy Speaker: The Ayes have it.

Agreed: The Criminal Procedure Code (Amendment) Bill, 2013, given a third reading and passed.

STANDARDS IN PUBLIC LIFE BILL, 2013

The Clerk: The Standards in Public Life Bill, 2013.

The Deputy Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I beg to move that The Standards in Public Life Bill, 2013, be given a third reading and passed.

The Deputy Speaker: The question is that The Standards in Public Life Bill, 2013, be given a third reading and passed.

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

Ayes.

The Deputy Speaker: The Ayes have it.

Agreed: The Standards in Public Life Bill, 2013, given a third reading and passed.

MOTIONS

**GOVERNMENT MOTION NO. 4/2013-14—
AMENDMENT TO THE DEVELOPMENT PLAN 1997**
Proposed Rezoning: Block 9A Parcel 99 – Gerd June Stewart, Marnel E Turner, Robert W Turner
Block 9A Parcel 190 – Evelyn Hutterli, Enrique Hutterli, Walter Hutterli Jnr

Hon. D. Kurt Tibbetts: Thank you, Mr. Speaker. I beg to move Government Motion No. 4/2013-14 Session, an Amendment to the Development Plan 1997. And with your permission, I would like to read the Motion, sir.

Government Motion No. 4: Proposed Rezoning: Block 9A Parcel 99 – Gerd June Stewart, Marnel E. Turner, Robert W. Turner Block 9A Parcel 190 – Evelyn Hutterli, Enrique Hutterli, Walter Hutterli Jr.

WHEREAS the Development Plan 1997 effected the rezoning of Registration Section West Bay North East, Block 9A Parcel 99 and Registration Section West Bay North East, Block 9A Parcel 190 from Low Density Residential & Hotel/Tourism to Public Open Space;

AND WHEREAS the owner of Block 9A Parcel 99 served Notice [for Government] to Acquire on the Central Planning Authority under section 12(3) of the Development and Planning Law (1999 Revision) in November 1998, and the owner of Block 9A Parcel 190 served Notice to Acquire on the Central Planning Authority under section 12(3) of the Development and Planning Law (1999 Revision) in May 1999;

AND WHEREAS in February 1999 the CPA recommended to the Ministry that the Parcels be rezoned to their pre-1997 zoning; [that is to reverse] from Public Open Space to Hotel / Tourism and Low Density Residential;

AND WHEREAS the Governor in Council directed in July 1999 that the lands be acquired and not rezoned, negotiations to acquire the Parcels were never completed;

AND WHEREAS on 21st November 2002 the Governor in Council directed the CPA to initiate the rezoning process to restore the pre-1997 zon-

ing, and accordingly at its meeting on 27th November 2002 the CPA resolved that the Parcels be rezoned from Public Open Space to Hotel/Tourism and Low Density Residential;

AND WHEREAS the proposed amendments were advertised in the *Caymanian Compass* on 11, 13, 18 & 20 December 2002 in accordance with section 14(2) of the Development and Planning Law (1999 Revision) and the application was placed on display in the Planning Department. During the comment period two letters of objection were received in regards to Block 9A Parcel 99, and one with regard to Block 9A Parcel 190.

AND WHEREAS the zoning was referred to the Development Plan Tribunal for determination, and on 13th November 2003 the DPT recommended that the Parcels be rezoned to Beach Resort/Residential;

AND WHEREAS the CPA considered the DPT report at its meeting on 26th November 2003 and endorsed its recommended Beach Resort /Residential zoning for these Parcels, and resolved to forward the proposed amendments to the Ministry with the recommendation that the proposed amendments be forwarded to the Legislative Assembly for approval;

AND WHEREAS on 8th October 2013 Cabinet approved the CPA rezoning recommendation, and further [recommended] that the matter be referred on to the Legislative Assembly;

BE IT NOW THEREFORE RESOLVED THAT in accordance with section 10(2)(b) of the Development and Planning Law (2011 Revision) the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;

And if I may pause for a second, Mr. Speaker, and ask everyone when I read this last paragraph of the Motion to correct as I read there is a “9” that is missing. It is Block 9A, parcel “99”. And the document as it reads has a typo, and it only had one “9”.

So, as I read: **AND BE IT THEREFORE FURTHER RESOLVED** that, Registration Section West Bay North East, Block 9A Parcel [99], and Registration Section West Bay North East, Block 9A Parcel 190 both be rezoned from Public Open Space to Beach Resort/Residential.

The Deputy Speaker: The question is: BE IT NOW THEREFORE RESOLVED THAT in accordance with section 10(2)(b) Development and Planning Law (2011 Revision) the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;

BE IT THEREFORE FURTHER RESOLVED that, Registration Section West Bay North East, Block 9A Parcel [99], and Registration Section West Bay North East, Block 9A Parcel 190 both be rezoned from Public Open Space to Beach Resort/Residential.

The Motion is open for debate. Does the Minister wish to speak thereto?

Hon. D. Kurt Tibbetts: Briefly, Mr. Speaker.

Mr. Speaker, the Development Plan 1997 effected the rezoning of registration section West Bay Northeast Block 9A Parcel 99, and Parcel 190 from a split zoning of Hotel Tourism/Low Density Residential to Public Open Space. These two parcels comprise undeveloped beachfront land at Barkers, West Bay, the former being 3.8 acres, and the latter being .85 of an acre respectively.

In response, given that the implication of a zoning designation as public open space is land subject to acquisition by the Crown, the owners of each parcel then served notice to acquire on the CPA under section 12(3) of the Development and Planning Law. One was done in November 1998 and the other in May of 1999. This was a notice to the Government saying, *Since you have rezoned my land to public open space, we are now exercising our right and saying please acquire it from us.*

So, in February 1999, the CPA instead resolved to recommend to the Ministry that the lands simply be rezoned back to their pre-1997 zoning. The Governor in Council at that time, however, directed after the CPA's recommendation, that the lands be acquired by the Crown and the public open space zoning be retained. But negotiations with the registered owners of the two properties to purchase the land were never satisfactorily completed.

On November 21, 2002, the Governor in Council at that time then directed the CPA to initiate the rezoning process to restore the pre-1997 zoning. So, accordingly at its meeting on November 27, 2002, the CPA resolved that the parcels be rezoned from public open space to its original pre-1997 zoning.

After that, the proposed amendments were advertised in accordance with the Law and the application was placed on display in the Planning Department according to the legal requirements. As the Motion says, there were two letters of objection to the first parcel and one to the second.

Now, in accordance with the Planning and Development Law, the zoning dispute was therefore referred to the Development and Planning Tribunal for determination. When they met on November 13, 2003, they recommended that the parcels be rezoned, after hearing all of the arguments, to beach resort/residential, rather than the pre-1997 split zoning in conformity with the adjacent beach-fronted lands, meaning there was seemingly sufficient arguments brought forth which caused the tribunal to recommend

that rezoning when they looked at how the adjoining parcels and the neighbouring parcels were zoned.

So the CPA considered the tribunals report on the 26th of November 2003 and they endorsed it, recommended beach resort /residential zoning for both of the parcels, and they resolved to forward those proposed amendments to the Ministry with the relevant recommendation that the proposed amendments be forwarded to the Legislative Assembly for approval.

Mr. Speaker, that was in 2003. Ten years later, on 8 October 2013, Cabinet finally approved the rezoning recommendation. And I dare say in between what may seem to be a very long time, there was much to and fro and many arguments, owners not satisfied with rulings, and all kinds of different things which are not worthy of mention today because I believe we have finally reached the concluding chapter of the book.

Here we are, at this Legislative Assembly with a Government Motion asking for this honourable House to approve the rezoning of Block 9A, parcels 99 and 190 from public open space to beach resort/residential. And, Mr. Speaker, just to clarify, if there are any questions on the minds of Members, the owners have given us clear indication that they will be satisfied once this matter is brought to completion.

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

[Inaudible interjections]

The Deputy Speaker: The question is: BE IT NOW THEREFORE RESOLVED THAT in accordance with section 10(2)(b) of the Development and Planning Law (2011 Revision) the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map are attached hereto;

BE IT THEREFORE FURTHER RESOLVED that, Registration Section West Bay North East, Block 9A Parcel [99], and Registration Section West Bay North East, Block 9A Parcel 190 both be rezoned from Public Open Space to Beach Resort/Residential.

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

Ayes.

The Deputy Speaker: The Ayes have it.

Agreed: Government Motion No. 4/2013-14 passed.

**GOVERNMENT MOTION NO. 5/2013-14
Tax Information Exchange Agreements between
the Cayman Islands and various jurisdictions as of**

21 January 2014 and Convention on Mutual Administrative Assistance in Tax Matters

The Deputy Speaker: Honourable Minister of Financial Services, Commerce and Environment.

Hon. G. Wayne Panton: I beg to move Government Motion No. 5/2013-14, which is captioned: Tax Information Exchange Agreements between the Cayman Islands and Various Jurisdictions as of 21 January 2014 and Convention on Mutual Administrative Assistance in Tax Matters, and further reads, with your permission, Mr. Speaker, as follows:

WHEREAS it is an important element of the Cayman Islands Government's international cooperation and economic policy to enter into international agreements and instruments for the exchange of information for tax purposes;

AND WHEREAS it is acknowledged that the Government of the Cayman Islands has the right under the relevant terms of Entrustment from Her Majesty's Government of the United Kingdom to negotiate, conclude and perform tax exchange agreements;

AND WHEREAS the Government of the Cayman Islands has negotiated and concluded a new Tax Information Exchange Agreement with the United States of America.

AND WHEREAS the Government of the Cayman Islands has negotiated and concluded Tax Information Exchange Agreements with the following countries, namely, Brazil, Malta, Poland. **AND WHEREAS** the Convention on Mutual Administrative Assistance in Tax Matters has been extended to the Cayman Islands by the United Kingdom effective 1 January 2014;

AND WHEREAS the Governor-in-Cabinet, pursuant to section 3(5) of The Tax Information Authority Law (2013 Revision) has approved, by way of an Order, the scheduling of the abovementioned agreements and Convention to the said Tax Information Authority Law;

AND WHEREAS section 3(5)(a) of The Tax Information Authority Law provides that an Order made under the said section is subject to an affirmative resolution of the Legislative Assembly;

AND WHEREAS the Government of the Cayman Islands pursuant to section 3(5) of The Tax Information Authority Law is seeking an approval of the Legislative Assembly for the attached agreements and Convention on Mutual Administrative Assistance in Tax Matters to be scheduled to the Tax Information Authority Law;

BE IT THEREFORE RESOLVED THAT the attached Tax Information Exchange Agreements and Convention on Mutual Administrative Assistance in Tax Matters be scheduled to The Tax Information Authority Law as follows:

First Schedule Agreement between the Government of the United States of America and the Government of the Cayman Islands for the Exchange of Information Relating to Taxes;

Thirty-first Schedule Conventions on Mutual Administrative Assistance in Tax Matters;

Thirty-second Schedule Agreement between the Government of the Cayman Islands and the Government of the Federative Republic of Brazil Concerning Exchange of Information on Tax Matters;

Thirty-third Schedule Agreement between the Government of the Cayman Islands and the Government of the Republic of Malta for the Exchange of Information Relating to Tax Matters;

Thirty-fourth Schedule Agreement between the Government of the Cayman Islands and the Government of the Republic of Poland for the Exchange of Information Relating to Tax Matters.

The Deputy Speaker: The question is: BE IT THEREFORE RESOLVED THAT the attached Tax Information Exchange Agreements and Convention on Mutual Administrative Assistance in Tax Matters be scheduled to The Tax Information Authority Law as follows:

First Schedule, Agreement between the Government of the United States of America and the Government of the Cayman Islands for the Exchange of Information Relating to Taxes;

Thirty-first Schedule, Conventions on Mutual Administrative Assistance in Tax Matters;

Thirty-second Schedule, Agreement between the Government of the Cayman Islands and the Government of the Federative Republic of Brazil Concerning Exchange of Information on Tax Matters;

Thirty-third Schedule, Agreement between the Government of the Cayman Islands and the Government of the Republic of Malta for the Exchange of Information Relating to Tax Matters;

Thirty-fourth Schedule, Agreement between the Government of the Cayman Islands and the Government of the Republic of Poland for the Exchange of Information Relating to Tax Matters.

The Motion is open for debate. Does the Honourable Minister wish to speak thereto?

Hon. G. Wayne Panton: Thank you, Mr. Speaker.

Mr. Speaker, Our domestic legislative infrastructure for the provision of tax information by the Cayman Islands to other jurisdictions is the Tax Information Authority Law. This Law provides the framework and procedures for the effective implementation and administration of Cayman's international obligations in the area of cooperation in tax matters.

The Law also establishes the Tax Information Authority as the Cayman Islands Competent Authority, which is the sole and dedicated channel in the Cay-

man Islands for international cooperation in matters involving the provision of tax related information.

Mr. Speaker, there are currently 30 bilateral tax information exchange agreements which appear in the Schedule to the Law. And to allow further agreements to be scheduled for the provision of tax information the Law provides the mechanism in section 3, that Cabinet may make an order to add such further agreements as schedules to the Law. And to use the specific language of section 3(5)(a), firstly, in respect of the Tax Information Exchange Agreements with Brazil, Malta and Poland, specifically, that section reads that Cabinet may add a Schedule to this Law for the purpose of setting out and giving effect to an agreement for the provision of information in taxation matters.

Similarly, section 3(5)(b) specifically refers to amending revoking or replacing any such schedule and that particular element would refer to the new Taxation Exchange Agreement with the United States, which is why it is referred to in the Motion as being a replacement for Schedule 1.

Where the order is made by Cabinet, it is subject to an affirmative resolution of the Legislative Assembly. The four bilateral agreements that were recently signed were approved by Cabinet and approved as Schedules to the Law. This was just to go through them in detail. The Tax Information Exchange Agreement with Brazil, which was signed on the 19th of March 2013, the Tax Information Exchange Agreement with Malta, which was signed on 25th November 2013, the Tax Information Exchange Agreement with Poland, which was signed on 29th November 2013; and the replacement of the Tax Information Exchange Agreement with the United States of America, with a new agreement which was signed on the 29th of November 2013.

In addition, we have the Convention on Mutual Administrative Assistance in Tax Matters which has been extended to the Cayman Islands by the United Kingdom effective on 1st of January 2014. This was also approved by Cabinet as an additional schedule to the Law.

Mr. Speaker, with that short description and comment, I commend this Motion No. 5/2013-14 to all honourable Members of this House for their support and passage. Finally, I would say that the effect of the House passing this Motion would be to add these four Tax Information Exchange Agreements and the Convention on Mutual Administrative Assistance in Tax Matters to the Tax Information Authority Law. That is, of course, the last step that is required to permit the provision of information under those agreements. Thank you, Mr. Speaker.

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

If not, does the Honourable Minister . . .

I recognise the Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition:

Mr. Speaker, unfortunately over the years despite Cayman's numerous exchange of information agreements which started in the early 1980s, the country continues to be the subject of negative criticism by those who are jealous of Cayman's position. So, Cayman has a history of participation in agreements and exchanging information in relation to international criminal activity and crime, other crimes which are recognised as crimes in Cayman and other countries with whom we have entered those agreements.

There are many, despite those agreements of numerous tax information exchange agreements, that we continue to be the subject of arbitrary and uninformed criticism even from the countries with whom we have such agreements. There are many who now wish information to be provided without the usual and normal rule of law provision found in most democratic countries. Those provisions exist in the very countries who wish Cayman to enter into agreements without such rule of law provision in developed countries which have various forms of income tax.

Tax information is not normally exchanged without dual tax provision existing in both treaty countries. Cayman has no income tax. And despite our cooperation, there has been a refusal to insert provisions in the agreement that Cayman will not be subject to any prejudicial legislation from those countries with whom we have agreements. That, in my opinion, is a clause which should be a condition of all the agreements we have been forced to enter into to say we are open and transparent.

The OECD that proposes the model agreement still has not recognised that this should be a condition in our model. In fact, the G-20 refuses to acknowledge it and we are still signing to satisfy the UK International Agreement, even though, in my opinion, what we have done with the UK and the US will come back to bite us.

It is a recognised principle of all tax legislation that a country should not extend its tax legislation beyond its sovereign borders. It is not likely that the United States, United Kingdom or Europe would accept another country extending its tax legislation to residents and dual nationals in the United States, the UK, Europe or Canada, and, I think China too is making a big fuss over this.

Unfortunately, all those countries I named are extending their tax legislation and collection measures into jurisdictions, such as the Cayman Islands, while offering no benefits but which cause reduction in benefits to us, cause reduction in business to us. The latest agreement is a prime example of the extension of foreign laws into our jurisdiction. As long as they can find willing governments and destroy unwilling governments, they are happy. The indication of the priva-

cy that law-abiding individuals in democratic countries are normally entitled to should be swept away in Cayman while being constitutionally maintained in the countries that would seek these agreements, is still alarming to me and should be of concern for all good democrats who love their country.

While Government here signs for the benefit of others—and we've all had to do that—without any protection for our economic engines to participate in the very countries with whom we are signing . . . and they tell us that we will get some business. I guess, the future of our children is still jeopardised and our ongoing ability to provide the services for our people to enjoy a reasonable standard of living and our civil servants to enjoy their hard-earned and well-deserved pension is jeopardised too, while other countries are seeking to implement tax free zones. For instance, New York is now moving in that direction, and, at the same time, seeking to reduce their income tax and regulatory burden while increasing ours.

Mr. Speaker, Prime Minister Cameron has recently announced a government initiative to reduce their regulatory burden and to reduce their income tax burden on cooperation for 25 per cent. So, if taxation was such an economic stimulator, one would have expected them to increase it to improve their economies and huge unemployment problems instead of which they are now following our example—the Cayman Islands' example—by heading to lower taxation. Of course, we have none. No income tax. Of course, what they are doing would make them even more enticing while making us all the more uninviting.

So, Mr. Speaker, it is my insistence that unfairness in the process with the absence of a level playing field led me to tell the United Kingdom, to advise the United Kingdom Treasury in December of 2012 (before I came back here), that I would not be signing any such additional agreement for them. But who are we to stand up to the conniving vindictiveness and destructive actions that they can heap, and have heaped, on us and that they have at their disposal?

For those reasons, because of unfairness and absence of a level playing field that I am speaking of, until fairness in the process is introduced to give our Islands a better chance to survive, I am going to withhold my support for the UK agreement and that of the United States on the matters of those agreements that were signed recently.

I don't know that we can split the Motion. I would have to look at it again. I think it's only one resolve section, so I don't believe that I can split it to get my desired position. But I certainly put it on record that there is no level playing field and they are out to do what they can. In fact, what they will do is to take business of this position that beneficial ownership is going to come at some point. We wait and see. But, better minds than mine are saying the same thing that I said. When I went there to the Treasury I know I told

them, either [on the] 7th or 8th of December (I went there with the Auditor General and Mr. Jefferson), I wasn't signing. I know they didn't like that and days later they had already made up their mind as to their skullduggery. But time will tell.

As I said, it's on record. Thank you, Mr. Speaker.

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

If not, does the Honourable mover of the Motion wish to exercise his right of reply?

Hon. G. Wayne Panton: Thank you, Mr. Speaker, I will be very brief, I think.

I believe the Leader of the Opposition in his comments was in fact referring to terms of his reference to the agreement with the US and the agreement with the UK. I think he was referring to the FATCA Agreement under the Foreign Account Tax Compliance Act in the US, and the FATCA style agreement with the UK, neither of which are dealt with in this Government Motion. Those are agreements signed but not otherwise dealt with. Those will be implemented subsequently by legislation which would need to be brought to this honourable House. So, there isn't an issue of splitting the Motion in this case as he was suggesting or considering.

I also note his comments earlier, or initially, in relation to the forms of the Tax Information Exchange Agreements. Of course, those views were shared at the time the OECD-style Tax Information Exchange Agreements were being considered. In fact, as I recall, the Government of 2005 to 2009, in addition to signing a number of Tax Information Exchange Agreements, also had the unilateral Exchange of Information mechanism put in place by legislation. I think there was something like 14 countries added to that, and they were also specifically attempting to negotiate some form of *quid pro quo* for the Government of the Cayman Islands entering into these agreements for the exchange of information, because, as the Leader of the Opposition rightly pointed out, we don't have a tax regime. Normally these things would have some kind of mutual benefit where there is an exchange of information. In this case, it's essentially a one-way street.

But I do recall, interestingly, when he took office in 2009, that the position then was we should immediately go and sign these exchange of information agreements—not question the terms, not attempt to negotiate any *quid pro quo*. My point is that that is the route we've gone down, that was the road that he, at least in part, continued, or, if he didn't exactly initiate it, he certainly abandoned any attempt to negotiate a *quid pro quo*.

Of course, he is also right that we can complain that a lot of the approaches taken, particularly in

relation to the FACTA style agreements, specifically with the US form of FACTA, the intergovernmental agreements, is the extraterritorial extension of tax laws, US tax laws, in particular, around the world. But it is something that we are not in a good position to attempt to negotiate our way out of, our way around, we have to deal with it. We have to engage on an international level or we lose credibility as a premier international financial centre.

Of course, whenever possible the Government should, and this Government will, insist on a level playing field. That should be a position that there isn't any compromise on, when it is possible. So there will be instances where it is difficult to take a position against the odds. And that is the reality of it.

I think, Mr. Speaker, that that is probably the extent of my further comments in response to the Member who spoke. I commend the Motion to this honourable House.

The Deputy Speaker: The question is: BE IT THEREFORE RESOLVED THAT the attached Tax Information Exchange Agreements and Convention on Mutual Administrative Assistance in Tax Matters be scheduled to The Tax Information Authority Law as follows:

First Schedule, Agreement between the Government of the United States of America and the Government of the Cayman Islands for the Exchange of Information Relating to Taxes;

Thirty-first Schedule, Conventions on Mutual Administrative Assistance in Tax Matters;

Thirty-second Schedule, Agreement between the Government of the Cayman Islands and the Government of the Federative Republic of Brazil Concerning Exchange of Information on Tax Matters;

Thirty-third Schedule, Agreement between the Government of the Cayman Islands and the Government of the Republic of Malta for the Exchange of Information Relating to Tax Matters;

Thirty-fourth Schedule, Agreement between the Government of the Cayman Islands and the Government of the Republic of Poland for the Exchange of Information Relating to Tax Matters.

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

Ayes.

The Deputy Speaker: The Ayes have it.

Agreed: Government Motion No. 5/2013-14 passed.

The Deputy Speaker: Mr. Premier?

ADJOURNMENT

The Premier, Hon. Alden McLaughlin: Mr. Speaker, we have concluded the Government business on the current Business Papers and, indeed, on the Order Paper. As I have indicated over the course of the last couple of days, and after some discussions in here, we propose to take the three Private Members' Motions after I return from the United Kingdom.

So, Mr. Speaker, I will adjourn the House now *sine die*, and will arrange to advise Members as to when we resume as soon as I have been able to sort out those details.

The Deputy Speaker: The question is that this House do now adjourn *sine die*.

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

Ayes.

The Deputy Speaker: The Ayes have it.

AT 3:56 PM THE HOUSE STOOD ADJOURNED SINE DIE.

