



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2013/14 SESSION

11 April 2014

Third Sitting of the Sixth Meeting

Cayman Brac

(pages 807–824)

**Hon Juliana O'Connor-Connolly, JP, MLA
Speaker**

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

PRESENT WERE:

SPEAKER

Hon Juliana Y O'Connor-Connolly, JP, MLA

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
--------------------------------------	---

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

Hon Anthony S Eden, OBE, JP, MLA	Deputy Speaker, First Elected Member for Bodden Town
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. McKeeva Bush, OBE, JP, MLA	<i>Leader of the Opposition</i> , First Elected Member for West Bay
------------------------------------	---

INDEPENDENT MEMBERS

Mr V Arden McLean, JP, MLA	Elected Member for East End
----------------------------	-----------------------------

APOLOGIES

Hon Samuel Bulgin, QC	Attorney General, ex officio Member responsible for Legal Affairs
Mr Bernie A Bush, MLA	Third Elected Member for West Bay
Capt A Eugene Ebanks, JP, MLA	Fourth Elected Member for West Bay
Mr D Ezzard Miller, JP, MLA	Elected Member for North Side

OFFICIAL HANSARD REPORT
SIXTH MEETING OF THE 2013/14 SESSION
FRIDAY
10:30 AM
11 APRIL 2014

Third Sitting in Cayman Brac

[Hon. Juliana O'Connor-Connolly, Speaker, presiding]

The Speaker: I will invite the Honourable Minister of Education, Employment and Gender Affairs to grace us with prayers.

PRAYERS

Hon. Tara A. Rivers, Minister of Education, Employment and Gender Affairs: Let us pray.

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

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

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

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

The Speaker: Please be seated.
 Proceedings are resumed.

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

APOLOGIES

The Speaker: I have received apologies from the Honourable Attorney General, the Third Elected Member for West Bay, the Fourth Elected Member for West Bay and the Elected Member for North Side.

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

The Speaker: I recognise the Honourable Premier.

**CONDOLENCES ON THE PASSING OF
 ARTHUR NAPOLEON RAYMOND ROBINSON
 FORMER PRIME MINISTER AND PRESIDENT
 TRINIDAD AND TOBAGO**

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

It is with a deep sense of sorrow that I rise to briefly pay tribute to the life of a true Caribbean luminary, leader and past President and Prime Minister of the Republic of Trinidad and Tobago, Arthur Napoleon Raymond Robinson, better known throughout the region as A. N. R. Robinson, who departed this life on 9 April at the age of 87.

A few notable highlights of his illustrious career included his election to the Federation in the late 1950s, his rise to Prime Minister from 1986 to 1991, and his election as President from 1997 to 2003. Perhaps his greatest legacy will be his vision for the International Criminal Court, or ICC, which he so eloquently proposed during a speech at the United Nations General Assembly in New York in 1989. Subsequently, the ICC was established in 2002 to prosecute and bring to justice those responsible for the most heinous crimes, genocide, crimes against humanity and war crimes, irrespective of where they were committed in the world.

May the life of public service led by the late A. N. R. Robinson serve to remind us all that regardless how small our country or humble our beginnings, within us lies the capacity to positively impact our country or region and, indeed, the world.

On behalf of the Government and the people of the Cayman Islands, I wish to offer our sincere condolences and expressions of solidarity to the Gov-

ernment and people of the Republic of Trinidad and Tobago.

The Speaker: I recognise the Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, if I may, not a question, but I would appreciate your indulgence to add my few words to the tribute just paid, as I knew A. N. R. myself, personally, and knew of his works as said. I do have his book and had opportunity to have discussions with him early during his political career.

Besides his political career, he was an outstanding Trinidadian, one who fought a courageous battle for what he believed in and did great work to move that Island-state forward. I do remember one of their cries when they won the election, "Not a seat; not a damn seat for the Government." Maybe I should take that pitch myself, but I do remember at that time where campaign and add my sympathies of those on this side to that of the Government.

GOVERNMENT BUSINESS

BILLS

REPORTS ON BILLS

CONTRACTS (RIGHTS OF THIRD PARTIES) BILL, 2014

The Clerk: The Contracts (Rights of Third Parties) Bill, 2014

The Speaker: I recognise the Honourable Minister of Financial Services.

Hon. G. Wayne Panton, Minister of Financial Services, Commerce and Environment: Good morning, Madam Speaker, and thank you.

I beg to report that a Bill for a Law shortly entitled The Contracts (Rights of Third Parties) Bill, 2014, was considered by a Committee of the whole House and passed without amendment.

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

EXEMPTED LIMITED PARTNERSHIP BILL, 2014

The Clerk: The Exempted Limited Partnership Bill, 2014.

The Speaker: I recognise the Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I beg to report that a Bill for a Law shortly entitled The Ex-

empted Limited Partnership Bill, 2014, was considered by a Committee of the whole House and passed with amendments.

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

REPORTING OF SAVINGS INCOME INFORMATION (EUROPEAN UNION) (AMENDMENT) BILL, 2014

The Clerk: Reporting of Savings Income Information (European Union) (Amendment) Bill, 2014.

The Speaker: I recognise the Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I beg to report that a Bill to amend The Reporting of Savings Income Information (European Union) (Amendment) Law, was considered by a Committee of the whole House and passed without amendment.

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

STOCK EXCHANGE COMPANY (AMENDMENT) BILL, 2014

The Clerk: The Stock Exchange Company (Amendment) Bill, 2014.

The Speaker: I recognise the Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I beg to report that a Bill for a Law shortly entitled The Stock Exchange Company (Amendment) Bill, 2014, to amend the Stock Exchange Company Law, was considered by a Committee of the whole House and passed without amendment.

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

BUILDING SOCIETIES (AMENDMENT) BILL, 2014

The Clerk: The Building Societies (Amendment) Bill, 2014.

The Speaker: I recognise the Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I beg to report that a Bill for a Law shortly entitled The Building Societies (Amendment) Bill, 2014, to amend the Building Societies Law, was considered by a Committee of the whole House and passed without amendment.

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

TAX INFORMATION AUTHORITY (AMENDMENT) BILL, 2014

The Clerk: The Tax Information Authority (Amendment) Bill, 2014.

The Speaker: I recognise the Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I beg to report that a Bill for a Law shortly entitled The Tax Information Authority (Amendment) Bill, 2014, to amend the Tax Information Authority Law, was considered by a Committee of the whole House and passed without amendment.

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

THE DIRECTORS REGISTRATION AND LICENSING BILL, 2014

The Clerk: The Directors Registration and Licensing Bill, 2014.

The Speaker: I recognise the Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I beg to report that a Bill for a Law shortly entitled The Directors Registration and Licensing [Bill], 2014, was considered by a Committee of the whole House and passed with a number of amendments.

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

THIRD READINGS

CONTRACTS (RIGHTS OF THIRD PARTIES) BILL, 2014

The Clerk: The Contracts (Rights of Third Parties) Bill, 2014.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: I beg to move the Third Reading of The Contracts (Rights of Third Parties) Bill, 2014.

The Speaker: The question is that a Bill shortly entitled The Contracts (Rights of Third Parties) Bill, 2014, be given a third reading and passed.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The Contracts (Rights of Third Parties) Bill, 2014, given a third reading and passed.

EXEMPTED LIMITED PARTNERSHIP BILL, 2014

The Clerk: The Exempted Limited Partnership Bill, 2014.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: I beg to move the Third Reading of The Exempted Limited Partnership Bill, 2014.

The Speaker: The question is that a Bill shortly entitled The Exempted Limited Partnership Bill, 2014, be given a third reading and passed.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The Exempted Limited Partnership Bill, 2014, given a third reading and passed.

REPORTING OF SAVINGS INCOME INFORMATION (EUROPEAN UNION) (AMENDMENT) BILL, 2014

The Clerk: The Reporting of Savings Income Information (European Union) (Amendment) Bill, 2014

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: I beg to move the Third Reading of The Reporting of Savings Income Information (European Union) (Amendment) Bill, 2014.

The Speaker: The question is that a Bill shortly entitled The Reporting of Savings Income Information (European Union) (Amendment) Bill, 2014, be given a third reading and passed.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The Reporting of Savings Income Information (European Union) (Amendment) Bill, 2014, given a third reading and passed.

STOCK EXCHANGE COMPANY (AMENDMENT) BILL, 2014

The Clerk: The Stock Exchange Company (Amendment) Bill, 2014.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: I beg to move the Third Reading of The Stock Exchange Company (Amendment) Bill, 2014.

The Speaker: The question is that a Bill shortly entitled The Stock Exchange Company (Amendment) Bill, 2014, be given a third reading and passed.

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

Ayes.

The Speaker: The Ayes have it.

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

BUILDING SOCIETIES (AMENDMENT) BILL, 2014

The Clerk: The Building Societies (Amendment) Bill, 2014.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: I beg to move the Third Reading of The Building Societies (Amendment) Bill, 2014.

The Speaker: The question is that a Bill shortly entitled The Building Societies (Amendment) Bill, 2014, be given a third reading and passed.

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

Ayes.

The Speaker: The Ayes have it.

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

TAX INFORMATION AUTHORITY (AMENDMENT) BILL, 2014

The Clerk: The Tax Information Authority (Amendment) Bill, 2014.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: I beg to move the Third Reading of The Tax Information Authority (Amendment) Bill, 2014.

The Speaker: The question is that a Bill shortly entitled The Tax Information Authority (Amendment) Bill, 2014, be given a third reading and passed.

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

Ayes.

The Speaker: The Ayes have it.

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

DIRECTORS REGISTRATION AND LICENSING BILL, 2014

The Clerk: The Directors Registration and Licensing Bill, 2014.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: I beg to move the Third Reading of The Directors Registration and Licensing Bill, 2014.

The Speaker: The question is that a Bill shortly entitled The Directors Registration and Licensing Bill, 2014, be given a third reading and passed.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The Directors Registration and Licensing Bill, 2014, given a third reading and passed.

MOTIONS

GOVERNMENT MOTION NO. 6/2013-14—Public Management and Finance Law (2013 Revision) Issuance of a Deed of Indemnity to the New Members of the Board of Directors of Cayman Airways Limited

The Speaker: Before I call on the Honourable Minister, I am sure he would like, on behalf of all Members

of Parliament, to welcome Mr. Juman [PHONETIC] of the Layman E. Scott High School with his students. We hope that it will be a productive learning exercise for you and perhaps one day some of you will be filling some of these chairs.

It is now my pleasure to call on the Honourable Deputy Premier to lead Government Motion No. 6/2013-14.

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

It is indeed a pleasure for me to join voice with you in welcoming the class of Mr. Juman here this morning. I hope you will enjoy your morning here with us.

Madam Speaker, I beg to move Government Motion No. 6/2013-14, which is captioned Issuance of a Deed of Indemnity to the New Members of the Board of Directors of Cayman Airways Limited. With your permission I will read the Motion.

The Speaker: Please proceed.

Hon. Moses I. Kirkconnell, Deputy Premier: Thank you, Madam Speaker.

WHEREAS in 2010, Governor in Cabinet and the Legislative Assembly approved the issuance, to new Members of the Board of Directors of Cayman Airways Limited (the "Board"), of a Deed of Indemnity guarding against the potential liability of members of the Board and allowing the Company to continue to trade despite the Company's difficult financial position;

AND WHEREAS the same factors and concerns apply to the existing Board, the Government of the Cayman Islands (the "Government") is therefore desirous of issuing a Deed of Indemnity to new Members of the existing Board (as per the attached Deed of Indemnity);

AND WHEREAS Section 8 of the Public Management and Finance Law (2013 Revision) provides that, as a general rule, no guarantee may be given by or on behalf of the Government unless it has been authorised by a resolution of the Legislative Assembly;

BE IT NOW THEREFORE RESOLVED that the Legislative Assembly hereby authorises the issuance, to new Members of the Board of Directors of Cayman Airways Limited, of a Deed of Indemnity guarding against the potential liability of members of the Board of Directors of Cayman Airways Limited.

The Speaker: The question is: BE IT NOW THEREFORE RESOLVED that the Legislative Assembly hereby authorises the issuance, to new Members of the Board of Directors of Cayman Airways Limited, of a Deed of Indemnity guarding against the potential

liability of members of the Board of Directors of Cayman Airways Limited.

The Motion is open for debate. Does the Honourable Deputy Premier wish to expound on his motion?

Hon. Moses I. Kirkconnell, Deputy Premier: Yes, thank you. I just wish to speak briefly to this Government Motion.

The Articles of Association of Cayman Airways Limited allow for its board of directors to be indemnified. As in years past, this is achieved by the issuance of a deed of indemnity to the board of directors in consideration of the fact that there is a possibility of some personal financial risks against the directors primarily emanating from the difficult financial conditions under which the company operates. The last deed of indemnity was duly authorised by Government Motion No. 8 of 2009/10, and approved by the Legislative Assembly on the 24th of February 2010.

Section 8 of the Public Management and Finance Law (2013 Revision) states: **"Except as provided in section 13, no guarantee may be given by or on behalf of the Government unless it has been authorised by a resolution of the Legislative Assembly."** An indemnity, such as the one being proposed in this Motion, is a form of guarantee. Accordingly, it requires the approval of the Legislative Assembly in order to be issued. The proposed deed of indemnity is between Her Excellency the Governor of the Cayman Islands for and on behalf of the Government of the Cayman Islands and the new board members of Cayman Airways Limited.

Madam Speaker, the Government of the Cayman Islands is the sole shareholder of the company. The deed provides that the Government will indemnify the new board of directors individually and collectively from and against all actions, proceedings, costs, charges, losses, damages and expenses which the directors may incur or sustain by reason of any act done in the execution of his duty as a director of the company, except any actions, proceedings, costs, charges, losses, damages and expenses which the directors may incur or sustain by or through his own willful neglect or default or gross negligence.

The deed of indemnity is effective from the date of the new director's appointment and remains in effect until the directors are removed or resign.

This Motion is of critical importance to permit the new board of directors to function with the same level of protection that past board members have received. Typically, such matters would be covered by the airline obtaining directors' liability insurance. But given the company's historical financial difficulties, such an approach is not feasible. A deed of indemnity from Government continues to be the preferred means to provide directors some level of protection.

Madam Speaker, Cayman Airways Limited continues to play a crucial role in the economy of the Cayman Islands and it facilitates the movement of people and goods both domestically and internationally. The proper management of the airline by the board of directors is essential and, in turn, the board of directors must have some level of protection from personal risks that may arise from the decisions taken in the management of the airline. The deed of indemnity that is attached to Government Motion No. 6 2013/14 provides that level of protection.

Accordingly, I commend Government Motion No. 6 2013/14 to all honourable Members of the House and ask for their support of this Motion.

Thank you, Madam Speaker.

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

Elected Member for East End.

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

I don't mean to be disruptive, contrary to what my colleagues may think, but I understand why we are doing this. I didn't support it without provisions before, and I feel the same way now.

In the first "Whereas", in this deed of indemnity: **"The company and the Governor recognise that competent and experienced persons are increasingly reluctant to serve as Directors of corporations unless they are protected by comprehensive liability insurance or indemnification or both, due to increased exposure to litigation costs and risk resulting from their service to such corporations."** Madam Speaker, I understand that.

I also understand the Minister just saying that this protects the directors from the risks which may arise from the decisions of management. We know. We all support Cayman Airways. We all support it as our national flag carrier. When I entered these hallowed halls, we were subsidising Cayman Airways to the tune of \$5 million. Fourteen years later, we are somewhere over \$20 million. It gives the impression that it is a money pit and we keep piling and throwing money into it. I have no problem with us subsidising Cayman Airways so we can bear our flag throughout this world wherever it may go. But at some time we are going to have to do exactly the reverse of exactly what this indemnity tries to protect. And that is that the management of Cayman Airways needs to be given some timelines, objectives, particularly with the expenditures within Cayman Airways.

I believe, Madam Speaker, without any disrespect, the fact that we have put our flag carrier as such an important, intricate part of this country that people just make decisions without any consideration whatsoever. That's sad. It is bad for us to say that. But where do we plug the hole? How do we plug this hole? Twenty-odd million dollars?

Of course, it's the sacred cow. We love to think of it as the sacred cow, or the sacred entity that we can't say anything about. Madam Speaker, the fact that we don't say anything or try to stem this tide, we are going to get ourselves in trouble. We hear rumours of decisions being made by that company that just do not make sense. We hear them. We hear of management decisions that from the outside they don't seem reasonable, they don't seem rational. And we are indemnifying the directors from that because they don't have the day-to-day operations of Cayman Airways. So they can't be responsible for these decisions, but we need to do something with management.

We need to put some strongholds on management that their decisions are efficient and effective. Now, if we are indemnifying the board of directors from poor management decisions, then we are expecting poor management decisions. And if they happen, then somebody needs to be fired in management. That's very simple because litigation in these instances—from which we are protecting the board of directors—could go into the millions and millions and millions of dollars.

Madam Speaker, I can't blame the current Minister. He is just there. But hopefully, my good friend the Minister will show us what is going to be done to hold people accountable. I know former Ministers . . . some have tried, and some have just been free hand with it as well. But I believe the time has come where somebody needs to be held responsible for those anticipated poor decisions. And I know the airline industry is not making money, Madam Speaker. I know that. But when you get to the point where we have to indemnify a board of directors because of risks that could arise from poor management decisions, we need to look extremely critically at this thing. No company in this world would keep anyone on that puts them at risk. And the decisions that are being made just don't make sense.

Madam Speaker, I am no expert, so I am talking from a legislator/citizen/resident perspective. When you hear these things, they just don't make sense to you, things like sending the plane for a C-Check right in the middle of the tourism season. Then you have to resend it. This cannot be right. And I hope my good friend, the Deputy Premier, takes it in hand because we cannot forever come to this Parliament and ask the people of this country to continue to pour money into it regardless of how important it is to the country. We need to give some . . . you know, we may have to plug a square hole with a round peg, but at least it will stem the flow.

Madam Speaker, this is not the only one. These quasi-government companies are killing us. They are killing us. And I see the Minister of Finance is trying to scrape up every one cent to balance our budget and ensure we are in good standing and have money for the future. And here we go again—on the

one hand he's doing that, and on the other hand we are pouring it into these statutory authorities and giving indemnity to the board of directors. Madam Speaker, I want us to do something about it, hold someone accountable.

I recall that one Minister brought in Lufthansa to do a complete review of Cayman Airways. He even lost his seat over that. And it may mean that I will lose my seat too, Madam Speaker, but these are things that need to be said, these are things that need to be done to preserve the future generations. We have 20, 30, 15, in here today. What will become of their future? In fourteen short years it went from \$5 million up to \$20 million. By the time they sit in here, like you said, Madam Speaker, it is going to be \$200 million we're pumping into Cayman Airways if we continue in the manner we are. What are we going to leave for them? What legacy of management are we going to tell them that they have to carry on the country with, these same ones that are going to sit—at least two of them—in here at any given time out of them for the foreseeable future anyhow. It could be more.

Madam Speaker, I am not saying I don't support the deed of indemnity, but something needs to be done. How do we do it? I am imploring my good friend to at least try and plug that hole with a knot size [SOUNDS LIKE] plug to stem part of the flow. We need to do it. Or the Minister of Finance will be for naught. All he is doing is taxing our people in one hand and putting it back in Cayman Airways and other the statutory authorities. Isn't it the objective to at least break even, at the very least?

We must be somewhere near seventy-five hundred million dollars now dumping into statutory authorities. And that is where all the bright minds are supposed to be! Madam Speaker, my good friend, on one hand I sympathise with him, [because], on the other hand, he really has a daunting task. But whatever consolation you can take from my sympathy, please receive it well, my friend.

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

Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, I didn't plan to speak here this morning, but I have listened to the impassioned speech by my colleague on this side. Much of what he says we can agree with. But there are other considerations. Nothing in what he is saying is wrong, but, as I said, there are other considerations.

If we spend \$23 million on Cayman Airways, and I remember when there was not one meeting of the House that went by where we didn't discuss Cayman Airways. We finally got Deloitte to do a study that showed what Cayman Airways brought into the country. That was over \$200 million. Now, we can say . . .

well, we could easily get other airlines. And if we look, we have Delta, US Air, American, British Airways. But we only know too well the day when trouble hits us that we have nobody to depend on to airlift. In an emergency it is not easy to just go get a plane—as much as people think it's easy. It is not easy.

I have been associated with it. I have been a board member before. We know the struggles from day one. And the day the late National Hero decided we were getting rid of LACSA and standing on our own, it has always given us that concern. And we talk about the \$23 million and how much we can do to lessen that. There are times throughout when we do some things, and that amount falls down. And then something happens and it rises back up somewhere in that level. But we can't overlook the fact that we spend \$23 million of our money—

Mr. V. Arden McLean: Plus what they take in, you know.

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

—to make \$200-and-something-million of value to the country. That is \$200-and-something-million to the country. But then there are offshoots of that. If you say they bring in \$200 million that's spent, according to the economists, at least three times that goes into the economy, through all the expenditure.

My colleague mentioned Lufthansa. One of the things we got out of Lufthansa was the tails painted—\$2 million! And the tails changed to the Lion showing his rear-end on the tail. That's about what we got out of that \$2 million.

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: Not uncharitable, Madam Speaker. I speak from fact.

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: Mm-hmm.

Madam Speaker, what I would be concerned about are actions taken that would cause it to lose money. Just recently there was a contract at the airport for people to operate. And for years the Government, or the board, the management took the decision, which the Government supported, in not giving out more contracts that would hinder Cayman Airways in making money. And you know the Auditor General—whom everybody believes is God—was quick to pick it up. He just did in a report to say that I had interfered. Well I didn't interfere; I found the situation and I didn't change it.

When the board made a decision, they asked me if I agreed. I said I was not changing the position that had existed since Cayman Airways was in opera-

tion. And that is, you don't allow people to come in that are going to take away from Cayman Airways.

As I said, if you look at that report, Madam Speaker, the Auditor General is quick, how he writes . . . mind you, Madam Speaker, I have enough to complain about, because when you catch him and ask him to put his bills on the table, he doesn't want to do so. He spent \$40,000 on bringing in this one, \$20,000 paying out for this. He is renting cars when he comes to Cayman Brac and when he goes other places. But he can't show any of his bills. And when I want to get it, saying I'm a member of this Public Accounts Committee and I want to see how he spends his money, he says he's independent. All he does is produce the whole of just his thing saying that he spent it. Well, I believe there are more checks that can be done. I am only bringing that in to say that he is not God. But he did go and say that I had interfered. I had not interfered with the work.

The Speaker: Honourable Leader of the Opposition, you might want to observe the eminent departure of Mr. Juman [PHONETIC] and his Form.

On behalf of the House we wish to thank you once again for coming, Mr. Juman.

[Applause]

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, it's always good to have the children of this country come to this legislature to observe the proceedings. As you rightly said, one of these days perhaps they will fill these seats.

Madam Speaker, I am concerned when those sorts of actions are taken that impact Cayman Airways. Recently, one whole contract, the contract for British Airways to do all their handling, a licence was given to the company that operates American, and I have nothing against anybody. We are talking about the expenditure. That was raised, and that's why I am saying that I would be concerned. The person got his licence by the new board appointed by the Government. Immediately that management got the work for British Airways. Cayman Airways is losing probably \$1 billion and still has to retain the staff and make due. I am concerned about that when American now joins US Air, which means that that company will get that work as well. Presently, Cayman Airways does that kind of work. But this new company will certainly absorb it.

As I said, Caymanians, yes, we have no problem with that. And anything that I can do to help anyone—no matter who they are or where they come from. I don't judge accordingly. But I have to look at business decisions and say what is good for us as a whole, versus what is good for a particular company. I would be concerned about those kinds of actions. As I said, now we are going to lose at least \$1 million, if

not more, per year. Maybe less, but in that region. I'm not sure.

There are things that we can do, that government must do to take precautions against the encroachment on business that renders us helpless to the extent that we continue to pour out money in those ways. I certainly want to go on record saying that I appreciate, as my colleague did, the efforts made and the work done by staff.

Madam Speaker, one time we had to go through this cost-cutting exercise. Did a lot to bring down the cost—people of age retiring, people moving on, natural attritions, and we did bring down the cost of Cayman Airways. And then, up comes new regulations that you have to do all sorts of different things to be able to satisfy international regulations, and up comes our costs. These are things that impact us that we have no control over. But overall, we have to take into consideration the expenditure that we put in, yes, and try to keep it down as much as possible.

But as I said, I would rather struggle to find \$25 million than to have to be dependent on any international airline to solely provide air service to these Islands.

I look at Belize. I look at some of the sister islands in the region that are dependent on American Airline, or an hour from Turks and Caicos, those countries pay the planes to come there and then the citizens get charged for a one hour flight, \$1,000. We complain that ours are expensive from Cayman to Miami for an hour, yes, but those people are paying \$1,000 because they don't have. They can't depend on their own because they don't have it. And when American wants to shift around their flight or any other airline wants to shift around their timing and so on, you are at the mercy of those companies. And they make their business decision for them not to do the Cayman Islands.

I had Mr. DeLauro tell me . . . and the truth is, you know, he had a gripe against us because American wanted to put a base in Cayman and when they came to Cayman they let him sit down for four hours or so without seeing the man. And he took great affront to that. He was the regional president, I believe, of American back then. That didn't sit well with him. And when I went to see him to pay him courtesy to talk to him to thank them for giving their service, because they do provide a good service, he told me straight and plain "Sell Cayman Airways. [We] will provide the service." I said, "Sir, that's what you say. But don't think that I want my country to depend on you." Maybe I am too outspoken, but that's what I told him. "My country can't sit down and depend on you, American Airlines. We appreciate the service. We will be good partners with you, but we will not do away with Cayman Airways to take American and depend on American or any other airline." That's my position.

I hope today that we can get our subsidy down. I agree with my colleague on that. We are

spending a lot. But we have to look at the other end of the balance sheet as well. Thank you kindly, Madam Speaker.

The Speaker: Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] Final call, does any other Member wish to speak? [pause]

If not, I will ask the Deputy Premier if he wishes to exercise his right of reply.

Hon. Moses I. Kirkconnell, Deputy Premier: Thank you, Madam Speaker, just a few comments to wrap up.

First, Madam Speaker, I would like to thank the First Elected Member of West Bay for his contribution here towards this Motion. The Leader of the Opposition has made it very clear his support for this, but he also gave some of the history and knowledge he has as being the Minister responsible for Cayman Airways in the last administration. Madam Speaker, I want to assure him that I have made notes of some of his concerns. I will certainly look into those and commit to him that I will let him know what I find out about that.

Madam Speaker, I also want to thank my good friend who is said to be from North Side, but is actually from East End—

[Laughter]

Hon. Moses I. Kirkconnell: He was very kind in his comments on this Motion this morning. He was also very sincere in his concerns for the company. So, I want to take just a few minutes to hopefully alleviate some of his concerns and give him some comfort on the process that Cayman Airways actually takes now as far as how it looks at business.

I want him to shift his thoughts from Cayman Airways as a profit centre, as a company designed to make a profit, to the country of the Cayman Islands as the profit centre. The business of the Cayman Islands is twofold. One of the pillars we stand on is tourism. Our competitive edge, I humbly submit to this House this morning, is Cayman Airways. If you look at what Cayman Airways has done for our tourism product regionally . . . when American Eagle pulled their flights from the eastern Caribbean and Rickey Skerritt and Obie Wilchcombe and the Minister from Bermuda as well, had to go to the US airlines and ask what it would take for them to put flights into their islands to bring tourists back to the islands to bring the numbers up, they would have to pay a subsidy, yes—in cash! They would have to pay a seat guarantee. And, as was said before by the Leader of the Opposition, they control the price that they actually charge for the route that they fly.

Madam Speaker, I want the Member for East End to consider what Cayman Airways does for the

profit centre and the business “Cayman Islands.” It is as if you had a lumber company and you sold your lumber delivered to the builder. So you have to buy a truck to get your lumber to the builder or you don’t have a business. Cayman Airways makes us very competitive in the markets we need to get into because its job is to bring tourists to the Cayman Islands as one of its responsibilities in the business case to show its success.

Now, Madam Speaker, the directors of Cayman Airways, the Government policy of Cayman Airways and the management of Cayman Airways could simply say, *We have a mandate to make money*. So what they would do, Madam Speaker, is not fly to New York, not fly to Chicago, not fly to Dallas, not fly to Panama, not fly to Honduras, not fly to Tampa. They would fly to Miami and they would fly to Kingston. And they would do the run to Cayman Brac and Little Cayman because of it being the necessity that has to be done for our quality of life. And we don’t have a bridge coming here (as you found out this week); you have to fly here or come by vessel.

If they ran those routes it is very possible that Cayman Airways at the end of the year would deliver a million dollars to the Treasury of this country. And the Minister of Finance would put that in the account. But I submit to you, Madam Speaker, that when you bring tourists to this Island and when you can pick the gateways that you want to encourage people to come from, and you see that our stay-over tourism is up 7 per cent and is projected to be another 3 per cent, Cayman Airways is a big part of that competitive edge that has driven tourism to Cayman in the economic downturn of the global economy.

Madam Speaker, when you look at the tool that we have to use for tourism, it is the only leverage that we really have to incentivise people. When you think that you take the zip code of a community and you say, *A person has to make \$350,000 a year to be able to go on vacation at the Marriott or the Ritz, or the Brac Reef*, wherever you want to pick, you have to get him here and you have to make it easy for him to come here. And you also know that if you get him here that he has spendable income to spend when here. So the tool that Cayman Airways is used as is if that zip code falls close to JFK in New York, and the people in the eastern United States, where the highest concentration of money in the world is, come to Cayman and spend \$6,000 a week, instead of a visitor from, let’s say another gateway that is not as affluent, that averages \$1,500 a week, and they come because Cayman Airways has open, direct service into that gateway, Cayman Airways has delivered that tourism to this market and we are all the better for it.

Madam Speaker, when you look at how that is actually done, you look at what we are doing with the partnership between the Department of Tourism and Cayman Airways to bring arrivals, you understand that Cayman Airways plays a very important part in the

overall success of this country. And that is how I hope we can refocus the conversation of how Cayman Airways costs money. Cayman Airways is actually a very important tool in how this country makes money, as they said, with the economic impact study that showed a positive \$200 million.

So the route that we choose to purchase from Cayman Airways is a route (and I will use New York as an example) that brings in affluent tourists, that provides lift for the financial industry that goes into New York and it allows us to target the market from Grand Cayman and take control over how we bring people here. Now, when that market opens, as you've seen JetBlue put daily flights in, the success of those visitors and the success of Cayman Airways opening that route and bringing more lift to that route means that we now have the opportunity to look at another gateway that we believe by servicing will increase the tourism visits and bring the visitors that have more to spend in Cayman.

Just consider, Madam Speaker, if we had subsidised an airline to come in. They fly in, and they fly out. They pay their landing fee. They pay their pilots in Charlotte. That money is turned over in the Charlotte economy. Their maintenance is done in Atlanta. That money is turned over in Atlanta. But when you get off Cayman Airways and you see Caymanians taking care of those planes, every penny that they are paid is paid here in Cayman and goes into this economy. When you check into Cayman Airways and you are met by a young Caymanian and the efficiencies that they work with, every penny of their salary spins over into our economy.

Madam Speaker, there was chat about the management of Cayman Airways. Well, the management of Cayman Airways is Caymanianised. And I think that we should be proud that after years of having management expertise brought in from abroad that the two top positions in management at Cayman Airways are young, qualified Caymanians. If you look at what they are doing, I believe that there are things that need to be done in any business that needs to be worked on.

That's why I appreciate the comments from the Member for East End. He pointed some of those out. But I want to give assurance that we work to make those things better. And we believe that by giving support to the Caymanian staff that is there and if there is expertise that is needed, to ask the questions, but to leave them there to grow in that job and to be successful as we continue building the tool that we have, which is Cayman Airways.

If you look at the pilots . . . and each one of us in this honourable House have gotten on a plane and seen Captain Scott or Captain Jackson flying and immediately felt comfortable because we know who is flying the plane—much more so than when you get on American Airline or Delta, because you don't know. Each one of us here feels that same way.

Madam Speaker, I hope that gives my good friend from East End some comfort about how this money that he calls a subsidy is not really a subsidy. It's an investment that creates more revenue for this country. It is being used very successfully to drive our tourism arrivals up.

Also, Madam Speaker, the other part of Cayman Airways' mandate, is that we just have to remember Hurricane Ivan. We have to remember the first plane in after Ivan, because the first plane that came back actually landed here in Cayman Brac until it could get in. It landed and it started immediately bringing supplies to the Island as it had taken out many, many people.

Madam Speaker, the fact that every Caymanian thinks, depends and knows that the insurance policy of Cayman Airways is here to be cashed if there is a category 5 or a category 4 [hurricane] that that airline is needed for, is much reason and why I am so happy that I have so much support for this indemnity this morning.

Madam Speaker, I also just want to touch on the total of over 300 employees that . . . I don't have a percentage but I will say are 90 per cent Caymanian. Each one of us sees them as we watch them work and look at what that really means for the economy, what it means for upward mobility to see the young people able to become pilots, mechanics, able to be involved in this industry that not only as they work here, but gives them the certification that they can go globally and get a job wherever they want. Obviously we try to keep them home.

Madam Speaker, the indemnity for the new directors that serve, which there are some directors that stayed over for the stability of a multimillion dollar company, but just to mention young attorneys like Andre Ebanks, who give their time, we must indemnify them, Madam Speaker. This indemnity was done in 2010. The one previous to that was done in 2005. So this has come over and over. But the impressive directors that are now giving their time to Cayman Airways, Danielle Lookloy, Chartered Accountant at Maples, gives time; Mr. Norman Bodden, of George Town, an icon in the Cayman community, former manager of Cayman Airways, former Minister of Tourism. Madam Speaker, a very strong board of directors and that is why I am extremely pleased to have support to be able to get this indemnity through for them.

Madam Speaker, it would be remiss of me not to touch on the importance of Cayman Airways for Cayman Brac and Little Cayman. I believe that everything I said previously carries in to what we have an opportunity to do with Cayman Airways and improve the service into Cayman Brac and Little Cayman. And to also realise that because we do not have enough room in Cayman Brac and a long enough airstrip in Little Cayman, it would be extremely hard to get the kind of lift actually needed to grow the economies of these two Islands without Cayman Airways. So we

have to look again at the different things that Cayman Airways does for this country.

It provides the help to the pillar of tourism that drives a revenue base of more arrivals up. The economic impact is that we have a multiplier that turns this into a \$200 million direct investment into our economy. We buy routes that allow us to be more successful. It allows us, as the Leader of the Opposition said, to control the price on gateways from cities, in the US especially, leading in. It gives us the ability to expand where we need to expand and, most importantly, what each one of us should be so proud of, it is a Caymanian company owned by the Caymanian people, run by Caymanians. And now [with] the new directors I have great belief that the vote will be in favour of them being indemnified.

Thank you very much, Madam Speaker.

The Speaker: The Question is: BE IT NOW THEREFORE RESOLVED that the Legislative Assembly hereby authorise the issuance, to new Members of the Board of Directors of Cayman Airways Limited, of a Deed of Indemnity guarding against the potential liability of members of the Board of Directors of Cayman Airways Limited.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 6/2013-14 passed

**GOVERNMENT MOTION NO. 7/2013-14—
Amendment to Development Plan 1997, proposed
rezoning: Prospect, Block 23C Parcel 224 – Ian L.
Boxall**

The Speaker: Honourable Minister of Planning, Lands, Agriculture, Housing and Infrastructure.

Hon. D. Kurt Tibbetts, Minister of Planning, Lands, Agriculture, Housing and Infrastructure: Thank you, Madam Speaker.

I rise to move Government Motion No. 7/2013-14—Amendment to the Development Plan 1997. And, with your kind permission, Madam Speaker, I would like to read the Motion.

The Speaker: Please proceed.

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

The Motion is a proposed rezoning Prospect, Block 23C Parcels 224, in the name of Ian Boxall.

WHEREAS on 8th August 2011 the Central Planning Authority received an application for the rezoning of Registration Section Prospect, Block

23C Parcels 224, from Low Density Residential to Neighbourhood Commercial;

AND WHEREAS the CPA originally considered the application on November 9th, 2011 (CPA/23/11 Item 4.1) and resolved to forward the rezoning application for 60 days notification and advertising per section 11(2) in the Development and Planning Law (2011) Revision;

AND WHEREAS the proposed amendments were advertised in the *Caymanian Compass* on February 28th, March 2nd, 5th, and 7th, 2012 in accordance with section 11(2) of the Development and Planning Law (2011 Revision) and the application was placed on display in the Planning Department. During the comment period no letters of objections were received;

AND WHEREAS on June 6th 2012, the CPA again considered the application in light of the public review process (CPA/13/12 Item 4.3) and it was resolved to forward the proposed amendment to the Ministry with the recommendation that the proposed amendment be forwarded to Cabinet and the Legislative Assembly for approval;

AND WHEREAS on December 4th 2012, Cabinet approved the rezoning application, and further that the matter be referred on to the Legislative Assembly for consideration;

BE IT NOW THEREFORE RESOLVED THAT in accordance in 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 of which are attached hereto;

AND BE IT FURTHER RESOLVED THAT, Registration Section Prospect, Block 23C Parcel 224 be rezoned from Low Density Residential to Neighbourhood Commercial.

The Speaker: The question is: BE IT NOW THEREFORE RESOLVED THAT in accordance in 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 of which are attached hereto;

AND BE IT FURTHER RESOLVED THAT, Registration Section Prospect, Block 23C Parcel 224 be rezoned from Low Density Residential to Neighbourhood Commercial.

I recognise the Honourable Minister of Planning for the presentation of his Motion.

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

For the benefit of Members, and indeed the wider listening public, I just want to give a quick history and synopsis of this application.

The parcel which is the subject of this application is located in the Old Prospect area of George Town adjoining the section of the East/West Arterial, between the roundabout near the Red Bay Primary School and the roundabout at the Shamrock Road and Prospect Point junction.

This parcel is approximately 14,023 square feet, or .32 of an acre in size. It has no existing structures on it and does not have a history of development on Planning application. Presently the parcel is zoned low density residential.

Madam Speaker, when the East/West Arterial was built in 2007, and for those listening who have a copy of the map, we will see that the construction of that had the effect of physically separating the land at Red Bay zoned neighbourhood commercial from the land to the south at Old Prospect Point zoned low density residential. However, the new road separated a very small area of land, which is the subject parcel, which was zoned low density residential, from the rest of the low density residential land. And this parcel is now on the other side of the road isolated by itself, adjoining all of the neighbourhood commercial parcels.

Following construction of the road, it is only rational that Block 23C Parcel 224, which is now contiguous with the neighbourhood commercial zoned land and physically separated from the low density residential zoned land, be rezoned to neighbourhood commercial.

On 8 August 2011, as the Motion has indicated, the landowner applied to the CPA [Central Planning Authority] for the subject parcel to be rezoned. Following the proper procedure and process and advertising in the *[Caymanian] Compass*, the proposed amendment was approved by the CPA and moved on through the process to the Ministry through the Cabinet and is now here at the Legislative Assembly. Cabinet approved this rezoning application on 4 December 2012, and directed that the proposal be referred to the Legislative Assembly.

Madam Speaker, I am not with the full knowledge of why this has taken from 2012, but be that as it may, it is here now. I certainly am in full support of the application. The Government is in full support of the application, and I trust it can see safe passage.

Thank you.

The Speaker: Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] Final call, does any other Member wish to speak? [pause]

If not, I call upon the Honourable Minister responsible for Planning if he wishes to exercise his right of reply.

Hon. D. Kurt Tibbetts: Madam Speaker, seeing as no one wishes to speak to the matter, I then work on

the assumption that it is in order for me to thank all Members for their tacit support.

The Speaker: The question is: BE IT NOW THEREFORE RESOLVED THAT in accordance in 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 of which are attached hereto;

AND BE IT FURTHER RESOLVED THAT, Registration Section Prospect, Block 23C Parcel 224 be rezoned from Low Density Residential to Neighbourhood Commercial.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 7/2013-14 passed

**GOVERNMENT MOTION NO. 8/2013-14—
Immigration Law (2013 Revision), Immigration
(Grant of Right to be Caymanian) Order, 2014**

The Speaker: I recognise the Honourable Premier.

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

I beg to move the following Motion:

WHEREAS section 20(1)(e) of the Immigration Law (2013 Revision) provides that the Cabinet, acting upon the recommendation of the Cayman Status and Permanent Residency Board, may grant the right to be Caymanian in accordance with the Section;

AND WHEREAS the said section 20(1)(e) provides that such grant be ratified by the Legislative Assembly;

AND WHEREAS the Immigration (Grant of the Right to be Caymanian) Order, 2014 was laid on the Table of the Legislative Assembly [during this meeting];

BE IT THEREFORE RESOLVED THAT the Immigration (Grant of the Right to be Caymanian) Order 2014 be affirmed by the Legislative Assembly pursuant to the provisions of section 20(1)(e) of the Immigration Law (2013 Revision).

The Speaker: The question is: BE IT THEREFORE RESOLVED THAT the Immigration (Grant of the Right to be Caymanian) Order 2014 be affirmed by the Legislative Assembly pursuant to the provisions of section 20(1)(e) of the Immigration Law (2013 Revision).

The Motion is open for debate.

I recognise the Honourable Premier.

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

In 2005, the then People's Progressive Movement Government amended the Immigration Law to allow for the more open and transparent process for the granting of the right to be Caymanian by Cabinet. Section 20(1)(e) of the Immigration Law reads as follows:

“20. (1) A person shall, for purposes of this Law, be deemed to possess the right to be Caymanian if-

- (a) he is Caymanian at the 1st January, 2004;**
- (b) he is Caymanian as of right as defined in section 21;**
- (c) he is Caymanian by grant of the Caymanian Status and Permanent Residency Board under section 22;**
- (d) he has obtained the right by entitlement; or**
- (e) the [Cabinet], acting on the recommendation of the Caymanian Status and Permanent Residency Board, grants such right to him and that grant is subsequently ratified by the Legislative Assembly; save that the [Cabinet] shall not make more than four such grants in any calendar year,**

and he shall continue to possess and enjoy the right to be Caymanian unless and until he loses it under section 27.”

Madam Speaker, Government Motion No. 8/2013-14 is in compliance with section 20(1)(e) of the Immigration Law (2013) in relation to Miss Kishna Khglia Burke.

In October of 2011, Miss Burke applied to the Caymanian Status and Permanent Residency Board for the right to be Caymanian by way of a Cabinet grant. In May of 2012 the Caymanian Status and Permanent Residency Board considered Miss Burke's application and through the Chief Immigration Officer made a recommendation to Cabinet for approval. In September 2013, Cabinet approved the grant and requested that the decision be sent to the Legislative Assembly for ratification.

Madam Speaker, I want to emphasise that section 20(1)(e) states that only four grants of the right to be Caymanian can be made by Cabinet annually, and I can confirm that no other 2013 grants have been made that would exceed this number. Madam Speaker, I will now set out why the Caymanian Status and Permanent Residency Board and Cabinet were convinced that Miss Burke deserves the highest status that we grant non-nationals, the right to be Caymanian.

Miss Burke was born in Jamaica in 1991. Her father, Mr. Eric Keith Burke [PHONETIC], also Jamaican national, possessed Caymanian status since 1981. At the request of her father she was allowed by the Department of Immigration to reside in the Cayman Islands from November 1996, at the age of 5, until she reached 18. At age 18, the circumstances were such that Miss Burke did not qualify to apply for Caymanian status and the then Chief Immigration Officer advised that she had three options if she wished to remain in Cayman: apply for a work permit; apply for permanent residence; or apply to the Governor in Cabinet for Caymanian status, otherwise she would have to return to Jamaica, although she had lived in Cayman since she was five.

In January 2010 Miss Burke applied for permanent residence. In March 2011 she was advised by the Department of Immigration to apply to the Cabinet for the right to be Caymanian as it was unlikely that she would receive enough points for permanent residence bearing in mind that she had only just completed her education and was still new to the workforce. The thought of returning to Jamaica at the age of 18 with no close relatives to care for her and protect her was of much concern to her family in the Cayman Islands.

Madam Speaker, the Department of Immigration advised that this is not an isolated case. There are similar cases where children have lived here most of their lives and have Caymanian family connections, but the parents failed to take the necessary steps at the right time to put them in a position to obtain the right to be Caymanian. As such, this Government will consider mechanisms to allow future cases to be considered without having to resort to a grant by Cabinet.

Madam Speaker, Miss Burke would be the third grant of the Right to be Caymanian by Cabinet since the law was changed in 2005. She has conducted herself well through her formative years and all of the references speak to her ability, her sense of community and her leadership. She is now 23 years old. We believe she deserves the right to be Caymanian and I would ask honourable Members to support this Motion to ratify the decision of Cabinet.

The Speaker: Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] Final call, does any other Member wish to speak? [pause]

If not, I will call on the Honourable Premier if he wishes to exercise his right of reply.

The Premier, Hon. Alden McLaughlin: Madam Speaker, just to thank all Members, including the Members of the Opposition, for their tacit support of this Motion.

The Speaker: The question is: BE IT THEREFORE RESOLVED THAT the Immigration (Grant of the Right

to be Caymanian) Order 2014 be affirmed by the Legislative Assembly pursuant to the provisions of section 20(1)(e) of the Immigration Law (2013 Revision).

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 8/2013-2014 passed.

GOVERNMENT MOTION NO. 9/2013-14—

Amendment to Development Plan 1997 – Proposed rezoning: West Bay Beach South, Block 12D parcels 24 & 79REM1 and block 12E parcels 89 & 104 (now all combined as part of block 12D parcel 108) – Embassy Investments Ltd.

The Speaker: I recognise the Honourable Minister of Planning.

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

This Government Motion No. 9, seeking an amendment to the Development Plan 1997 is being moved by me, so, with your permission, Madam Speaker, after moving the Motion I will continue on to read. Thank you.

I move Government Motion No. 9/2013-14, which reads as follows:

WHEREAS on 4th September 2013 the Central Planning Authority considered an application for the rezoning of Registration Section West Bay Beach South, Block 12C Parcel 154, Block 12D Parcels 24 & 79REM1, and Block 12E Parcels 89 & 104 from Neighbourhood Commercial and Low Density Residential to Hotel/Tourism (CPA/19/13 Item 4.2);

AND WHEREAS the CPA resolved not to support the portion of the proposed amendment from Low Density Residential to Hotel/Tourism zone of the Development Plan 1997, the CPA did resolve to forward the portion of the rezoning application that proposed to rezone [all the parcels that were zoned] Neighbourhood Commercial to Hotel/Tourism for the 60 days notification and advertising per section 11(2) in the Development and Planning Law (2011) Revision;

AND WHEREAS the proposed amendments were duly advertised in the *Caymanian Compass* on 23rd and 25th of September and the 1st and 4th of October 2013 respectively, in accordance with section 11(2) of the Development and Planning Law (2011 Revision), and persons were invited to view the application at the Planning Department for comment. During the comment period no letters of objections were received on the proposed amendments;

AND WHEREAS on 5th February 2014 the CPA again reviewed the application in light of the public consultation process (CPA/04/14 Item 4.1) and it was resolved to forward the proposed amendment to the Ministry of Planning with the recommendation that the proposed amendment be forwarded to Cabinet and the Legislative Assembly for approval;

AND WHEREAS on 17th March 2014, the applicant completed registration of a survey exercise to combine the subject land holdings into a single Parcel, that new landholding being Registration Section West Bay Beach South, Block 12D Parcel 108.

AND WHEREAS on 1st April 2014 Cabinet approved the rezoning application, and further that the matter be referred on to the Legislative Assembly for consideration;

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

AND BE IT FURTHER RESOLVED THAT, the part of Registration Section West Bay Beach South, Block 12D Parcel 108 (formerly Block 12D Parcels 24 & 79REM1 and Block 12E Parcels 89 & 104) that is zoned Neighbourhood Commercial be rezoned to Hotel/Tourism.

The Speaker: The question is: BE IT NOW THEREFORE RESOLVED THAT in accordance in 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 of which are attached hereto;

AND BE IT FURTHER RESOLVED THAT, the part of Registration Section West Bay Beach South, Block 12D Parcel 108 (formerly Block 12D Parcels 24 & 79REM1 and Block 12E Parcels 89 & 104) that is zoned Neighbourhood Commercial be rezoned to Hotel/Tourism.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 9/2013-14 passed.

The Speaker: Sorry Minister, I took your indication that your introduction was all you wanted to do, but if you wanted to do more, I will recommit it.

Hon. D. Kurt Tibbetts: Madam Speaker, you have acted in all of our best interests. Thank you.

The Speaker: Much obliged.

**GOVERNMENT MOTION NO. 10/2013-14—
Amendment to Development Plan 1997 – Pro-
posed rezoning: West Bay Beach North, Block
11B Parcel 56REM3 – Cayhesse Charitable Founda-
tion Ltd.**

The Speaker: I recognise the Honourable Minister responsible for Planning.

Hon. D. Kurt Tibbetts: Thank you, Madam Speaker.
Government Motion No. 10/2013-14 Amendment to the Development Plan 1997, I beg to move with your permission, and also seek your permission to read the Motion.

The Speaker: Please proceed.

Hon. D. Kurt Tibbetts: Thank you, Madam Speaker.
WHEREAS on 18th September 2013 the Central Planning Authority (CPA) considered an application for the rezoning of Registration Section West Bay Beach North, Block 11B Parcel 56REM3 from Low Density Residential to Neighbourhood Commercial (CPA/20/13 Item 4.1);

AND WHEREAS the CPA resolved to forward the portion of the rezoning application that proposed to rezone Low Density Residential to Neighbourhood Commercial for the 60 days notification and advertising per section 11(2) in the Development and Planning Law (2011) Revision;

AND WHEREAS the proposed amendments were duly advertised in the *Caymanian Compass* on 30th of September and the 2nd, 8th and 11th of October 2013 respectively, in accordance with section 11(2) of the Development and Planning Law (2011 Revision), and persons were invited to view the application at the Planning Department for comment. During the comment period no letters of objection or representation were received on the proposed amendments;

AND WHEREAS on 5th February 2014 the CPA again reviewed the application in light of the public consultation process (CPA/04/14 Item 4.2) and it was resolved to forward the proposed amendment to the Ministry of Planning with the recommendation that the proposed amendment be forwarded to Cabinet and the Legislative Assembly for approval;

AND WHEREAS on 25th March 2014 Cabinet approved the rezoning application, and further

that the matter be referred on to the Legislative Assembly for consideration;

BE IT NOW THEREFORE RESOLVED THAT in accordance in 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 of which are attached hereto;

AND BE IT FURTHER RESOLVED THAT, Registration Section West Bay Beach North, Block 11B Parcel 56REM3 be rezoned from Low Density Residential to Neighbourhood Commercial.

The Speaker: The question is: BE IT NOW THEREFORE RESOLVED THAT in accordance in 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 of which are attached hereto;

AND BE IT FURTHER RESOLVED THAT, Registration Section West Bay Beach North, Block 11B Parcel 56REM3 be rezoned from Low Density Residential to Neighbourhood Commercial.

The Motion is open for debate.

I recognise the Honourable Minister of Planning.

Hon. D. Kurt Tibbetts: Thank you.

Madam Speaker, the information that I have here says that the applicant is Cayhesse Charitable Foundation LTD. I know no more. The subject land adjoins both West Bay Road and the Esterley Tibbetts Highway and it is located at the intersection of Esterley Tibbetts Highway with Magellan Quay and Peninsula Avenue. Access was originally solely from the West Bay Road between RBS Coutts and Trafalgar Place as the map shows, but more recently direct access is also available from the new link section of the West Bay Road that intersects with the Esterley Tibbetts Highway. The parcel comprises approximately 4.35 acres of undeveloped land zoned low density residential.

The records indicate that although the site was zoned commercial in the 1977 Development Plan, the records show it as zoned low density residential in the 1997 Development Plan. The neighbouring properties in this locality between the West Bay Road and the Esterley Tibbetts Highway are all zoned neighbourhood commercial. So, every one of the properties within that area are already zoned neighbourhood commercial and this is the sole parcel zoned low density residential.

When the Esterley Tibbetts Highway was built in 2006, and the construction of the adjacent link section of the West Bay Road in 2013, that had the effect

of emphasising the apparent irregularity of the present low density residential zoning. The parcel now has additional direct access to the new adjoining West Bay Road link. And with major highways on both sides, rezoning of the site to neighbourhood commercial is consistent with the adjoining land and has been deemed more appropriate than retaining the residential zoning which it now has.

The landowner applied to the CPA for the subject parcel to be rezoned from low density residential to neighbourhood commercial. It went through the process of the meeting and the 60-day waiting period and the public was invited to view the application at the Planning Department for comment. During that 60-day period, no objections or any type of representation was received.

On February 5th, the CPA considered the application and resolved to forward the proposed amendment to the Ministry of Planning with the recommendation that it be forwarded to this Legislative Assembly for debate, subject to Cabinet approval. Cabinet approved the application on 25 March and directed that the proposal be referred to the Legislative Assembly. Madam Speaker, hence, since we are having this Meeting at this time, we sought to put this one along with the other applications and I do trust that Members will see it fit to approve the Motion.

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

If not, I will call upon the Honourable Minister of Planning to exercise his right of reply if he so wishes.

Hon. D. Kurt Tibbetts: Madam Speaker, all I can say is that it started off a little shaky, but we are ending very well. Thank you.

The Speaker: The question is: BE IT NOW THEREFORE RESOLVED THAT in accordance in 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 of which are attached hereto;

AND BE IT FURTHER RESOLVED THAT, Registration Section West Bay Beach North, Block 11B Parcel 56REM3 be rezoned from Low Density Residential to Neighbourhood Commercial.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 10/2013-14 passed.

The Speaker: I recognise the Honourable Premier for the motion on the adjournment.

VOTE OF THANKS

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

And so it is that we come to the end of what I believe has been a very eventful and productive Meeting in Cayman Brac; the first Meeting in Cayman Brac for more than a decade.

Madam Speaker, I wish to thank you and the staff of the Legislative Assembly, the Clerk, Mrs. Zena Merren-Chin, and all of the other officers who have worked so hard to make this Meeting so successful.

I want to thank all of those who were involved with the preparation and the logistics of having this Meeting here; all of the people within the various ministries and within the Cabinet Office. I wish to especially thank the Cabinet Secretary, and, to thank the District Commissioner and all of his staff and those who have worked so hard to make our visit here comfortable and very organised.

I want to thank the people of Cayman Brac for turning out, especially on the first day to witness the proceedings of the Legislative Assembly, and for coming to the reception which we held, and for greeting us all in such a hospitable manner, and for making us all feel so very welcome.

I wish to thank those who have travelled with us from our various offices; the chief officers, my press secretary, my political assistants and advisors. I wish to also thank the media that turned out every day to witness these proceedings and to report upon them, because without that, I do not think that most people would know what actually transpired in the Meeting here.

ADJOURNMENT

The Premier, Hon. Alden McLaughlin: Madam Speaker, I hope I've covered all of those that ought to be thanked, and it is now just for me to bring this Meeting to a conclusion to pray God's travelling mercies on all of us as we return to Grand Cayman, and to say again to the people of Cayman Brac how happy we were to have held this Meeting here and to thank them once again for their tremendous hospitality and very warm welcome.

Madam Speaker, with those few words I move the adjournment of this honourable House sine die.

Madam Speaker, I have indicated to Members that we are hopeful that the next Meeting will be the 15th of May, which will be the Budget Meeting. But I hesitate to actually adjourn the House until then because one never knows what will transpire with re-

spect to the budget process, with us having to obtain the ultimate approval of the Foreign and Commonwealth Office before we are actually able to bring the budget.

So, to avoid any problems with the date, I will just move the adjournment of this honourable House sine die.

The Speaker: The question is that this honourable House do now adjourn sine die. All those in favour, please say Aye. Those against, No.

Ayes.

The Speaker: Accordingly, this honourable House stands adjourn sine die.

At 12.28 pm the House stood adjourned sine die.

