



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2012/13 SESSION

15 March 2013

Fourth Sitting of the Third Meeting

(pages 711–764)

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

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PRESENT WERE:

THE SPEAKER

Hon Mary J Lawrence, MBE, JP

MINISTERS OF THE CABINET

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

OFFICIAL MEMBERS OF THE CABINET

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

ELECTED MEMBERS

OPPOSITION MEMBERS

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

INDEPENDENT MEMBER

Mr D Ezzard Miller, JP, MLA	Elected Member for North Side
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OFFICIAL HANSARD REPORT
THIRD MEETING OF THE 2012/13 SESSION
FRIDAY
15 MARCH 2013
11.57 AM
Fourth Sitting

The Speaker: I will call on the Honourable Leader of the Opposition read Prayers today.

PRAYERS

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

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

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

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

The Speaker: Proceedings are resumed. Please be seated.

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

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

**PRESENTATION OF PAPERS AND OF
REPORTS**

**Community College of the Cayman Islands
Financial Statements 31 December 2002 and 2001
and for the six months ended 30 June 2003**

**University College of the Cayman Islands
Financial Statements for the year ended 30 June
2006, 2007, 2008, 2009, 2010, 2011, 2012**

**University College of the Cayman Islands Annual
Report for the year ended June 30, 2007 and June
30, 2008**

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

The Deputy Premier, Hon. Rolston M. Anglin: Thank you, Madam Speaker, I beg to lay upon the Table of this honourable House the previously mentioned financial statements and annual reports.

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

The Deputy Premier, Hon. Rolston M. Anglin: No, Madam Speaker, I will have a very short statement on UCCI a little later in this sitting.

**Ministry of Education, Training, Employment,
Youth, Sports and Culture Annual Report for
2008/9 financial year**

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

The Deputy Premier, Hon. Rolston M. Anglin: Thank you, Madam Speaker, I beg to lay upon the Table of this honourable House the previously mentioned financial statements and annual report.

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

The Deputy Premier, Hon. Rolston M. Anglin: No, Madam Speaker, I will leave it for Members' perusal.

**Ministry of Education, Training and Employment
Annual Financial Statements for year ended 30
June 2010**

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

The Deputy Premier, Hon. Rolston M. Anglin: Thank you, Madam Speaker, I beg to lay upon the Table of this honourable House the Annual Financial Statements for the year ended 30 June 2010.

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

The Deputy Premier, Hon. Rolston M. Anglin: Madam Speaker, again I will leave the financial statements for the benefit of Members' perusal.

**Ministry of Education, Training and Employment
Annual Financial Statements for the year ended 30
June 2011**

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

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

I beg to lay upon the Table of this honourable House the Ministry of Education, Training and Employment's Annual Financial Statements for the year ended 30 June 2011.

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereon?

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

Madam Speaker, the previously laid financial statements mean that the Ministry is well underway in getting all of its financial statements caught up in terms of the actual audits, and getting them tabled in the House. Obviously, Madam Speaker, this is a task that was undertaken over the last few years to try and bring all of these reports from ministries as up to date as possible. So, I would like to thank all the Ministry team that was involved in making this happen, and I refer these reports to Members.

The Speaker: Thank you, Honourable Minister.

**Cayman Islands Stock Exchange Ltd. Financial
Statements 30 June 2012**

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

The Deputy Premier, Hon. Rolston M. Anglin: Thank you, Madam Speaker, I beg to lay upon the Table of this honourable House the financial state-

ments for the Cayman Islands Stock Exchange Ltd. for the year ended 30 June 2012.

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereon?

The Deputy Premier, Hon. Rolston M. Anglin: Thank you, Madam Speaker, just to say to Members and note that this brings the financial statements for the Stock Exchange up to date. A notable highlight is the fact that the Stock Exchange in this fiscal year recorded a net operating income of \$405,925 and has positive cash flows.

Madam Speaker, it also attracted a clean, or unqualified, audit report. So, the CSX has come a long way since it was established in 1996 with over 3,500 listings to date in market cap[ital] of over US\$165 billion. The CSX has been making a small profit for the last few years and has not had to depend on Government for subsidy. Of course, Members who have been elected for a while will recall that not too long ago we were all looking for the day when the exchange would have reached this level.

Madam Speaker, with a view to the future the CSX is about to launch an upgrade in trading platform. The CSX intends to use the platform to develop a secondary trading market in equities, debt and other securities. It is hoped that this platform will contribute liquidity to local companies through the connectivity of over 400 other brokers worldwide facilitated by the new platform. Another feature that is worthy of note—

The Speaker: Excuse me, Honourable Minister, is your microphone on?

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

The Speaker: Okay.

The Deputy Premier, Hon. Rolston M. Anglin: — through its new system, the CSX is planning to allow full trading and transfer listing catastrophe bond and insurance link to security notes. As a growing area of business such a move will increase the competitive position of the CSX and potentially lead to significant growth of the Exchange.

Madam Speaker, as it enters the world of real trading, I can say that the entity with which it is partnering is a member of the World Federation of Exchanges, a highly reputable and credible organisation. So the only other thing that will have to happen now is to ensure that CIMA [Cayman Islands Monetary Authority] is positioned to be able to properly regulate the stock exchange. And that is the view of Government that we ought to staff up at CIMA. CIMA already is the regulator, and to now go and try to create a second regulator just for the Exchange, which, presently,

it has a Stock Exchange Authority that really doesn't provide any high level of regulation due to the fact that it had not traded before, we believe would be a duplication, therefore a waste of resources, and so the work is being undertaken to do just that.

It is also noteworthy that CIMA is already world recognised by agencies such as IOSCO [International Organization of Securities Commissions], et cetera. So, with that level of credibility and being our financial services regulator, we believe that this is the right way to go and it will save on any long term, but also provide a level of regulation needed for an entity that will soon in the future be trading.

Thank you, Madam Speaker.

The Speaker: Thank you, Honourable Minister.

Cayman National Cultural Foundation Financial Statements June 30, 2009 and 2008

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

Hon. J. Mark P. Scotland, Minister of Health, Environment, Youth, Sports and Culture: I beg to lay on the Table of this honourable House the Financial Statements of Cayman National Cultural Foundation June 30, 2009 and 2008.

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

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

Ministry of Health, Environment, Youth, Sports and Culture Financial Statements for the year ended 30 June 2012

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

Hon. J. Mark P. Scotland: I beg to lay on the Table of this honourable House the Government of the Cayman Islands Ministry of Health, Environment, Youth, Sports and Culture Financial Statements for the year ended 30 June 2012.

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

Hon. J. Mark P. Scotland: Very briefly, Madam Speaker, just to say that with the tabling of this report for the last financial year is very timely in terms of our Ministry and I would like to thank the Ministry, the Chief Officer, the Chief Financial Officer and others for putting this report together. This now brings near 50

reports tabled in this House by myself as Minister for the various entities for which I have responsibility. I just want to say again, going very far in terms of getting up to date on all the financial reporting of all our entities over the past four years.

Cayman Islands Strategic Plan for Education 2012–2017

The Speaker: Honourable Minister.

The Deputy Premier, Hon. Rolston M. Anglin: Madam Speaker, it is with great pride that I am able to present and to lay on the Table of this honourable House the [Cayman Islands Strategic Plan for Education 2012–2017](#). So, I beg to lay this on the Table of this honourable House.

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

The Deputy Premier, Hon. Rolston M. Anglin: Yes, Madam Speaker, very briefly.

All Members should have a copy of the Strategic Plan in their possession by now. Originally, we had planned to do something slightly different for Members of the House, but as time is of the essence, and I know that there are many things that Members are going to be doing over the next less than 10 weeks now, I figured one would not be being interested in showing up for me to present them with a strategic plan for education. So, I thought that while we were sitting that this would be a good place, a more appropriate place than for setting something up outside the House. So, Madam Speaker, that is the reason we have gone this route of presenting it formally to the House, to Members.

Madam Speaker, very briefly, the report is a result of a number of years of consultation that started in 2009, resulted in a stabilisation plan in January 2011, and at the time I said to the country that stabilisation did not mean stagnation, but we felt as though there needed to be that level of stability.

At that same time I announced to the public that we would be immediately moving and working on a strategic plan and now I am happy to report that we have gotten to this point.

Over the last few years we have seen significant improvements and work done in the area of education. There has been developed a number of national policies, written policies in some key areas such as teaching and learning, behaviour for learning, appropriate use of ICT by students, appropriate use of ICT by teachers. We have restructured the Ministry and the Department to try and have the Ministry more focused on policy development, and the Department on school support and improvement and monitoring. Of course, we now have our full two high schools. We

do have further education with key second chances and the introduction of V-tech, technical vocation offerings.

I have said before and I will say to Members here again that that is an area that as we look to the future has to be expanded. I, for one, believe that we need to look at a number of other boards, such as City & Guilds and start to mix the product offering to more appropriately serve the needs of the economy and, therefore, be of greater value to our students.

Madam Speaker, we have seen some significant improvement in outcomes in our most recent data on primary schools. As at 2011, we had 33 per cent achieving or exceeding the standards for English. Madam Speaker, I am happy to report that at the end of the last school year that percentage had increased to 50 per cent. Madam Speaker, we believe that we are really turning the corner now on numeracy and the numeracy strategy seems to be really taking root.

At primary, 25 per cent were at or above expectations in 2011. That percentage rose to 42 per cent in 2012. Madam Speaker, not only has there been an intervention and a change in approach, but we also have a numeracy specialist who has done an incredible amount of work. I think for any of you who were able to watch Monday night's *Talk to the Expert*, one would have gotten some insight from not just him, but two of our primary school teachers appeared on the show, a primary teacher from East End Primary School and one from the Sir John A. Cumber Primary School who are part of our primary leaders in mathematics. The policy there was to get back to the basics in terms of the science of teaching mathematics. I think we all know that there are lots of people who have a fear of numbers. And that doesn't exclude teachers, in particular primary school teachers who, of course, have to teach a wide array of subjects.

So, the approach was to set up a leadership cadre of leaders at primary level who themselves would be further trained in the science of teaching math to really underpin the work of the new approach using Abacus and then at school level they are then charged with supporting the other teachers in their schools.

We have also had a cadre of teachers, with the assistance of CISPA (Cayman Islands Society of Professional Accountants), who actually co-funded Math Recovery. That too has really taken route. That has been happening for the last two years. Again, Madam Speaker, I am confident that those increases in terms of our end-of-year assessment, and also teacher's assessments on levels are the cause of the result of the increased performance that we are seeing.

Madam Speaker, we have also announced publicly the introduction of new academics . . . well, for the first time academic criteria is part of the graduation criteria. We established a National Professional Standards in teaching for teachers in Cayman. We

established our Principals Consultative Council. We launched the curriculum Framework for Early Years and trained hundreds of practitioners, many of whom are not qualified teachers at private centres. I think most of us by now know that that is an area, continues to be an area of concern. It is one that we are going to continue to work diligently in supporting private centres at raising standards.

We have had now our Early Years Unit who was a three-person team that actually split the centres with each of them having a portfolio of centres that they are responsible for in terms of going out and actually monitoring what is happening, seeing what is happening on the ground after the actual training that we offered had taken place.

Madam Speaker, the reintroduction of reception has been met with open arms by schools and by the general public. Again, that has been a key development.

Our June enrolment programme . . . for a long time people have asked what we are doing for our high flyers. So, for those of our students who are soaring at the end of Year 11, get the opportunity to get an early start at UCCI or go off and do their A levels. Madam Speaker, I am happy to report that just last Saturday evening at the honours convocation at UCCI a large contingent of our dual entry students were being honoured for being on the President's list and on the Dean's list.

Madam Speaker, to put that into context: these are 15-to16-year-old children who are getting an early start at tertiary education and excelling. What we have done there is actually take a teacher and plant that teacher in UCCI to offer support for the students so that we ensure that we do not take kids at that very young age and simply expose them to tertiary and expect them to make that leap from a British style system to a US style system without that support.

We have also mandated a number of courses for them, critical thinking and that sort of thing, that actually gets them more prepared for university. So, Madam Speaker, by the end of this year those students will be well on their way toward completing their degree. That is another key development for us within the system.

Madam Speaker, I am happy to say that this plan builds on those successes and is the result of a very structured consultative process where each of the key objectives in the stabilisation plan was led by an individual who was underpinned by a team of people who actually looked at each of those areas and consulted and ensured that the final product would be one that was based on consensus. The overall process was overseen by a strategic advisory group made up of educators and members of our community.

Madam Speaker, I am happy to say that during that process the Education Council was consulted, the Principal Consultative Council, focus groups

around each strategic goal, we formed a new concept 'Student Voice,' which allowed primary and secondary students to have input. I must say, Madam Speaker, that that was one of the richest experiences in terms of the final leg of this process that got us to this stage. It was their feedback that caused us to actually change the plan and go from five strategic goals to six. The students made it known loud and clear to us that home support, parental involvement, whilst we had in each of the key areas, such as early childhood and proving outcomes, we had infused how parents would be involved in each of those areas.

After listening carefully to them we pulled all of those out and have now a standalone objective which is about parental involvement and support. We had a teacher forum, and that was very impressive, Madam Speaker. Each school had a teacher representative who went back to their home school and actually consulted with their staff and then fed their opinions back into the team on the entire plan.

Madam Speaker, we can say we did the same thing on Cayman Brac for teachers and parents. Down here we did PTA presidents and representatives. And we also consulted with the private schools association.

We then have before us the Strategic Plan for Education which has as its six strategic goals: strength and leadership, and build national capacity; build a world class early childhood care and education system; secure high standards and improve student progress and achievement; build safer school communities and promote inclusion; enhance skills for learning, life and work; engage parents as partners in their children's learning.

The National Strategic Plan was officially launched on 7 February at the George Town primary schools. Copies of the plan have been distributed to all schools and an electronic version is available on the Ministry's website. The Strategic Plan is a commitment to positive change. However, its benefits can only be realised if it is effectively implemented. Over the past month our team in the Ministry has developed action plans which set out specific tasks to accomplish the strategic goals in the plan. Each strategic goal is broken down into strategic objectives. The objectives are the elements that together will contribute to the achievement of each Strategic Goal. The action plans outline resources, responsibilities and timelines and help to ensure that the goals of the strategic plan are specific, measurable and attainable.

The action plans also reflect the feedback provided by the stakeholder groups throughout the consultative process. They are stepping stones for success of the plan.

Going forward we will continue to seek the valuable input of all stakeholders as we believe that it is vital to the success of the plan. Thus far, we have developed a project management structure to ensure stakeholder participation with the effective monitoring

and valuation and implementation of the plan. Now on that point, Madam Speaker, I would draw Members' attention to page 11 where we publicly commit to a project management structure. On that page you will note that there is a strategy manager who would obviously be an employee of the Ministry. Reporting to that person will be a project leader for each of the six strategic goals. Those project leaders will continue to have dialogue with all of the relevant stakeholders that impact their strategic goal and ensure that at policy level the policies are developed and implemented at school level.

Madam Speaker, the strategic advisory group is going to continue to exist and the strategy manager will report to the strategic advisory group. That is innovative because it is not just educators. There are many private citizens on that group, and for a long time people have asked how they could have an impact on the system. This is going to be a key way for the community to do that.

Also, Madam Speaker, the strategy manager will report to the student forum, the parent forum, the principal's consultative council and the teacher forum. Each of those bodies will again have a continuing voice of how this plan is implemented and hold the project manager accountable for the implementation of the plan. The strategy manager will report to the Ministry's internal senior strategy group which will be chaired by the Chief Officer. And, of course, Madam Speaker, there will be an ongoing relationship of keeping the Education Council, or equivalent, up to date on what's happening with the plan.

Madam Speaker, money spent on improving our education system is money well spent because we are investing in our children and the future of our country. It is important to recognise that the Strategic Plan for Education is not an extra. It addresses real needs right at the heart of educating our children and young people. As part of the action planning process, resourcing the plan will take into consideration the annual budget allocations to the Ministry for each financial year and it will be aligned with the budget process. This will enable the Ministry to identify and Cabinet to consider any funding needs over and above the proposed allocations to the Ministry at a time when Cabinet is in the decision-making process of funding priorities.

At the same time, it is important to recognise that we are operating in times of fiscal restraint. As a result, many of the proposed actions will require changes in approach and more efficient utilisation of available resources.

Madam Speaker, the world is changing fast and it is imperative that our young people, as the vision states, are confident, motivated learners, responsible productive citizens who are capable of succeeding in this globally competitive world. We need our entire community to support them. The Strategic Plan for Education if effectively implemented will provide

the framework we need to guide our young people to become successful and resilient citizens who are adaptable, flexible, and skilled enough to flourish as global and Caymanian citizens.

Madam Speaker, I believe that given the amount of work that has gone in already, and given the thoughtful process that was undertaken and the engaging process that was undertaken, that this roadmap is one that is action oriented and allows any government to be able to continue our growth and prosperity in education from good to great. Madam Speaker, I think that for too long we had too low of an expectation of our students and our system generally. This system, our public education system, has every opportunity to be a world class and a great education system. We have to stay the course and continue on our march in our journey from good to great.

Madam Speaker, I therefore take great pleasure now in tabling this Cayman Islands National Strategic Plan for Education 2012/2017 and commending it to Members of the House and our community generally. I would like to thank the many people who have been involved. To get to this stage, obviously is a mammoth task and takes a lot of people putting in tireless and hours of work going well above and beyond the call of duty. I can recall seeing people staying quite normally very late hours to ensure that this happened. So I want to thank the Chief Officer. I thank the Chief Policy Advisor, Dr. Jo Wood, who led the process. Ms. Ceytonia Cachoo, Ms. Kiva Powell, Mr. Mark Ray, who were integral to moving us forward and getting us to this point.

Madam Speaker, I thank you for allowing me the opportunity to offer those very brief comments on this report.

The Speaker: Thank you, Honourable Minister.

STATEMENTS BY HONOURABLE MINISTERS AND MEMBERS OF CABINET

The Speaker: I have a number of statements. The first is by the Honourable Premier, and then several by the Minister of Education again.

Honourable Premier.

National Energy Policy

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

I appreciate this opportunity to inform the honourable House regarding the National Energy Policy (the NEP) to create a sustainable and vibrant energy sector and address the challenges the Islands face with energy security and fossil fuels independence.

Under the auspices of the Ministry of District Administration, Works, Lands and Agriculture (DAWLA), Cabinet appointed a National Energy Policy Committee (NEPC) on 1 June 2010, to support the development of a National Energy Policy. Cabinet approved a term of reference for the NEPC in November 2010.

Madam Speaker, the sustainable economic development of these Islands is tied to the availability and affordability of energy resources. The NEPC members both from the private and public sectors have been working arduously to develop a policy that will be a guideline for the future decisions these Islands take in relation to energy.

The following topics were considered in the development of the NEP:

1. Construction, Buildings and Land Use.
2. Electricity, Renewable Energy, Water and Wastewater.
3. Petroleum Products and Transportation.
4. Public Education.

Madam Speaker, the NEP is structured as follows:

Vision for the NEP: This defines the orientation towards which the Cayman Islands intends to steer its energy sector; and provides the overall setting for the NEP's Goals, Objectives, and Policies.

Vision: The vision of the Cayman Islands' energy sector to 2032 is to be an efficient, diversified energy sector, supported by informed public behaviour within the Cayman Islands, which provides secure, reliable and affordable energy in an environmentally sustainable manner.

Madam Speaker, goals for the NEP: These state what the Cayman Islands wants to achieve for its energy sector: decrease costs of energy (as a priority), increase environmental sustainability, increase energy security, and contribute to economic development of the energy industry.

Goals: through the NEP, the Cayman Islands aim is achieving the following four Goals:

1. Decrease the cost of energy for the Cayman Islands as a whole as a priority.
2. Increase the environmental sustainability of the Cayman Islands' energy sector.
3. Increase energy security.
4. Develop and grow a renewable energy industry in the Cayman Islands.

Decreasing energy costs to the country as a whole should be pursued as the priority goal, given very high costs and prices of energy in the Cayman Islands. The priority granted to decreasing energy costs to the country as a whole has three important implications:

The pursuit of technology neutrality: The Government shall promote all and any energy technologies that allow reducing costs, as soon as they be-

come viable and can benefit the country. Prioritising certain technologies that are viable today shall not mean discarding once and for all other technologies that are not yet viable.

Pursuit of net economic benefits: Where a sustainable energy policy would increase energy security, environmental sustainability, and economic development in the energy industry, but would also increase energy costs to the country, the Government shall pursue that policy only if local economic benefits exceed the economic costs—that is, provided that the Government is convinced that the policy may lead to net economic benefits for the country as a whole.

Priority to local environmental sustainability: In assessing the net economic benefits that a policy should create for the Cayman Islands when it achieves greater energy security, environmental sustainability, and economic development, but increases energy costs to the country, the Government shall prioritise the increase in local environmental sustainability (that is, reduction of pollution and particulate matter emitted locally) over global environmental sustainability (that is, reduction of greenhouse gases, the emission of which matters at a global, and not local scale). The reason for this priority is threefold:

1. The Cayman Islands may enjoy the entire benefits of any additional costs that it incurs to increase local environmental sustainability by reducing emissions of pollutants and particulate matter—whereas it would only enjoy a minimal fraction of benefits (if any) of reducing global emissions of greenhouse gases.
2. The Cayman Islands is a small island country that contributes marginally to global emissions of greenhouse gases, but may suffer disproportionately high damages from the emissions of other larger countries—prioritising global over local environmental sustainability would mean spending disproportionately to try to solve a problem that is created by far larger countries, and that is beyond the Cayman Island's control.
3. Many unrealised options are available to the Cayman Islands to avoid emissions of greenhouse gases while also achieving cost savings—it is possible for the Cayman Islands to contribute to greenhouse gas abatement in many ways while also saving money.

Raising Public Awareness of Energy Efficiency and Energy Conservation will also be a vital step in achieving the Goals of the NEP.

Madam Speaker, the Objectives of the NEP shall be dynamic, not fixed. Dynamic objectives are intended to allow for appropriate flexibility in policy making and implementation. Progress against objectives shall be monitored, measured, and assessed periodically; and dynamic objectives shall be updated as necessary.

In pursuing its objectives, the NEP shall be technology neutral in that it shall prioritize technologies that are feasible and commercially viable, while remaining open to supporting any technology as soon as it becomes feasible and economically viable in the Cayman Islands.

The Implementation Strategy and Plan includes interim objectives at five-year intervals, provisions for monitoring actual progress against the objectives set, and processes to revisit policies and objectives.

The objectives of the NEP based on today's available technologies are viable in the Cayman Islands for the long term as compared to business as usual scenario:

- Increase energy efficiency in electricity use: 21 percent overall savings in energy use from all sectors (27 per cent in electricity, 20 per cent in water use resulting in 16 per cent reduction of electricity for water, 16.5 per cent in transportation, and no change in stationary uses)
- Increase renewable sources of energy: 13.5 per cent of electricity sold generated from renewable energy sources (9 per cent of all energy consumed)
- Reduce greenhouse gas: 19 per cent overall reduction in emissions of CO₂

The above dynamic Objectives are the result of a forward-looking model that projects demand for energy over the long term, and identifies how to meet that demand at least cost by integrating sustainable measures to generate or consume energy.

Madam Speaker, policies for electricity (renewable energy, energy conservation, and energy efficiency in supply and demand), transportation, fuel products, land use, and public awareness and education: these (divided into general and specific policies) identify how to pursue desired results. Each Policy:

- is consistent with the Goals, and helps reach the objectives;
- is flexible enough to last in time;
- includes various specific policies under it; and
- leads to key actions throughout time.

Madam Speaker, an Implementation strategy and plan will soon be developed to complement the NEP by specifying the actions and resources to put the NEP in place, and monitor actual progress against the NEP's goals and objectives.

Electricity Policies: It is the Government's policy that the electricity sector in the Cayman Islands develops according to principles of economic efficiency in cost, high quality and reliability of service, safety, and environmental protection.

The Government recognises that renewable sources of energy may represent an economically viable way for the Cayman Islands to reduce its de-

pendency on imported fossil fuels, while preserving the environment of our country and contributing to reducing global emissions of greenhouse gases.

The Government also recognises that increased efficiency in the generation and consumption of electricity (including that related to water and wastewater) represents a significant and unrealised potential to save energy, money, imported fuels, and local as well as global emissions.

Considering the above, it is the Government's policy to:

1. Maintain and improve utility regulation for renewable energy.
2. Improve permitting and planning for renewable energy.
3. Promote the investigation of utility scale renewable energy potential.
4. Support consumer owned renewable energy generation.
5. Maintain and improve utility regulation for energy efficiency.
6. Ensure increased energy efficiency of new facilities and major renovations.
7. Support energy efficiency retrofits of existing facilities.
8. Consider undergrounding utility lines to enhance energy security where feasible.
9. Maintain and promote efficiency and conservation for water and wastewater.

Transportation policies: It is the Government's policy that the transportation sector in the Cayman Islands develops in a safe, energy efficient, and environmentally sustainable way; and that transportation flows be optimised to reduce congestion and increase good service to the population.

The Government recognises that the transportation sector represents a major unrealised potential for energy efficiency and conservation.

Considering the above, it is the Government's policy to develop a National Transportation Plan that will:

1. Encourage the purchase of more fuel efficient vehicles.
2. Consider a prudent encouragement of alternative fuel transportation.
3. Encourage cycling as an alternative mode of transportation.
4. Encourage walking as an alternative mode of transportation.
5. Increase traffic efficiency.
6. Improve parking efficiency.
7. Improve public transportation.

Fuel Products Policies: It is the Government's policy that fuel products be imported and used in the Cayman Islands according to economic efficiency, security of supply, public safety and health, and environmental sustainability.

The Government recognises that imported fossil fuels are likely to represent the major primary energy resource for electricity, transportation, and stationary uses of energy in the Cayman Islands for the foreseeable future. The Government also recognises that the Cayman Islands' potential for using cleaner fuels, both fossil-based and not, may be limited due to current and foreseeable economic or technological conditions.

Considering the above, it is the Government's policy to:

1. Ensure sustainable handling, storage, and off-island disposal of waste oil.
2. Ensure a secure, reliable, and competitive supply of petroleum products.
3. Indefinitely postpone any assessment of the viability of nuclear energy for power generation.
4. Ensure quality of aviation jet fuel and kerosene.
5. Carefully consider the viability of heavy fuel oil.

Land use policies: It is the Government's policy that land use in the Cayman Islands be optimised to contribute to overall efficiency in energy use and energy conservation.

The Government recognises that land use represent a key potential for ensuring the NEP's Goals. Therefore, it is the Government's policy to:

1. Encourage zoning diversity and mixed use development.
2. Increase the efficiency of commercial and industrial zoning and land use.
3. Increase the efficiency of residential zoning and land use.
4. Increase the efficiency of hotel and resorts zoning and land use.
5. Increase the efficiency of agriculture zoning and land use.
6. Increase the efficiency of public service zoning and land use.
7. Support the incorporation of sustainable energy measures in landscaping.
8. Promote densification of new developments and proximity to major transit corridors.
9. Improve connectivity between housing developments.
10. Increase local and global environmental sustainability in our land use.

Since zoning in the Cayman Islands is applicable only to Grand Cayman, the Government intends to optimise land use for increased energy efficiency and conservation in the Sister Islands in a way that achieves results comparable to those of the above policies, while being consistent with the planning framework applicable in Little Cayman and Cayman Brac.

Public awareness and education policies: It is the Government's policy that the population become more aware of, and educated on sustainable supply and demand of energy, in support of all NEP Goals.

The Government recognises that increased awareness and education are key to ensuring a successful achievement of the NEP's Objectives. It is therefore the Government's policy to:

1. Increase public awareness for informed choices on sustainable energy.
2. Improve public education and professional qualifications for sustainable energy.

Public awareness and education policy 1: Increase public awareness for informed choices on sustainable energy. We will achieve this by increasing awareness among the general public, allowing it to contribute to the country's efforts to move towards a more sustainable supply and demand of energy, and to make more informed choices. It is the Government's policy to allow the public to be more aware of how it consumes energy, and what options are best suited to conserve it and use it more efficiently to save money and to ensure that the public is effectively informed of all incentives, programs, and initiatives in place to support sustainable energy, and that it is actually able to participate in and benefit from them.

- Adopt the Communications Strategy to inform the public about the NEP, obtain their feedback at pre-implementation stage, and disseminate it at implementation stage
- Adopt a Public Awareness Plan under which the following public awareness tools are to be developed and implemented, or improved as needed when already existing:
 - Energy labeling for energy-consuming appliances (including requirements for display at retail stores) and equipment (including vehicles).
 - Web-based resources by Government, public service utilities, and other entities.
 - Printed, radio, and television media campaigns.
 - Public outreach events—seminars, workshops, and town hall meeting.
 - Information about energy efficient commuting options (carpooling, public transit, walking, biking).
 - Bicycle safety.
 - Driving efficiency techniques for reduced diesel and gasoline consumption.
 - Benefits of mixed-use development and denser zoning.
 - Efficient building design and landscaping (through a sustainable design guide).

- Water conservation (water saving appliances, low water consumption landscaping, rainwater harvesting).
- Solid waste collection and disposal (waste reduction, recycling).
- Handling and disposal for collectors of waste oil to avoid contaminations and ensure compliance with international agreements.

Public awareness and [education] policy 2: To educate citizens and form professionals that are competent and skilled for energy-related services, it is the Government's policy to:

- Ensure that primary education covers basic information regarding energy efficiency and conservation, through teaching as well as empirical observations and practical examples
- Ensure that individuals who want to work in energy-related fields may acquire satisfactory knowledge and skills to do so successfully through secondary and tertiary education or vocational training, in cooperation with the University of the Cayman Islands and other entities
- Adopt a Public Education and Professional Strengthening Plan under which the following would be implemented:
 - A gap analysis for curricula at primary, secondary, and tertiary education entities.
 - Updating of curricula based on the results of the gap analysis.
 - Workshops for primary, secondary, and tertiary level education to introduce sustainable energy topics in existing coursework.
 - Laboratory facilities and training equipment.
 - Establishment, as needed, of new vocational colleges or polytechnics.
 - Scholarships and incentive programs.
- Adopt certifications informing consumers about the qualifications of professionals in energy-related fields. External certifications may be recognized, or local ones developed (including vocational qualifications) if necessary.
- Review licensing requirements for local professionals to ensure that they have the necessary skills to carry out dangerous activities without putting the health and safety of the population or the environment at risk.

Madam Speaker, in closing, the net benefit to the Cayman Islands (the difference between fuel savings and increased capital costs) is estimated to be CI\$168.1 million over the period 2010-2030. Also the NEP scenario is expected to lead to a projected 19

per cent reduction in energy sector CO₂ emissions over the period 2010-2030.

Madam Speaker, I thank you and Members for their indulgence, and at this time, with your kind permission I would like to lay on the Table the National Energy Policy which I referred to.

The Speaker: So ordered.

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

The Speaker: Honourable Minister of Education, I am not sure which one of these statements you want to deliver first.

Oh, I am so sorry I missed you.

Mr. V. Arden McLean, Member for East End: Madam Speaker—

The Speaker: I am very sorry, Member for East End. I did not see you that you had risen.

Mr. V. Arden McLean: I know this little corner is kind of small, Madam Speaker. Don't worry. You'll figure it . . . don't worry. That's okay, Madam Speaker.

Mr. V. Arden McLean: Madam Speaker, with your permission I would like to ask the Premier a few questions in accordance with Standing Order 30(2).

The Speaker: Yes, Member for East End.

Short Questions [Standing Order 30(2)]

Mr. V. Arden McLean: Madam Speaker, before the question, let me first applaud the Premier for their work in making some headway on this Energy Policy. It is something I tried doing, but ran out of time.

I am yet to see the policy. But my first question is: Will we make this policy law?

The Speaker: Honourable Premier.

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

Madam Speaker, I accept graciously the positive comment by my friend from East End. I am equally happy that we were able to bring this policy at this time, and it is my intention, although outside my scope—that is within the power of the voters . . . but should we be returned, or should he be returned, I take comfort that it will be put into law.

The Speaker: Member for East End.

Mr. V. Arden McLean: Madam Speaker, I thank the Premier for that because she can rest assured that it

will be if I am ever returned, or if I have anything to do with it, but also a utilities commission. That one will come in too.

Anyway, Madam Speaker, on page . . . oh God, no page [numbers]. On "Objectives of the NEP", I would just read this so she will know where I am at. I think it's three.

The Speaker: Five.

Mr. V. Arden McLean: Three?

The Speaker: Page 5.

Mr. V. Arden McLean: Anyway, five, but three on the number of pages. In the middle of the page: "**The objectives of the NEP based on today's available technologies which are viable in the Cayman Islands for the long term as compared to business as usual scenario.**" And she lists: "**Increase energy efficiency in electricity use: 21 percent overall savings in energy use from all sectors (27 percent in electricity, 20 percent in water use . . .**"

That is quite a bold statement! But that is quite an objective to achieve. I must say that. But I wonder . . . my question is: Did we use these objectives in the most recent solicitation for the 36 megawatts that—*don't make me go any further than that*—the recent solicitation process . . .

The conclusion said that these goals have a 20 year (over the period 2010 to 2030) . . . so I am wondering if those objectives were considered during that evaluation of that solicitation process.

The Speaker: Honourable Premier.

The Premier, Hon. Juliana Y. O'Connor-Connolly: Madam Speaker, as the Member would know, the CEO of the ERA is no longer with us, so I don't have the benefit of that knowledge. And I won't say anymore about that aspect. But I am sure he knows where I am coming from.

I would say that it was done . . . I am reliably informed, because I don't sit on any independent board, based on the certification of need from CUC . . . and there is a two-year gap because it actually started there, but the policy was not formally accepted by Cabinet until last week, Tuesday.

The Speaker: Member for East End.

Mr. V. Arden McLean: Okay, that's the difficulty we run into when people are no longer on the job.

Madam Speaker, the other question that I had was . . . I know there was a requirement by CUC by the end of this year or last year to do some renewables. They sent out a request for interested persons, and one of those called me (because it was in my constituency). And, Madam Speaker, I am coming to

the . . . One of the people who was looking at it found properties but was having difficulties with some government departments in giving them . . . not permission, but their objections, or their requirements if it was going . . . during that study so they could incorporate into their response.

Is this policy known by the various departments that are involved in this type of process? And, are all government departments in support of the policies to ensure renewables are given every opportunity to succeed? That is basically what I want to know. [Do] all the government departments have their hands on the pulse and are [they] ready to do this? Have we instructed them properly? Are they aware of these policies? Or is that to come?

If we don't have the government departments, like exclusion zones and aerial interventions, those who deal with that . . . because it seems like we all have our own little kingdoms and don't want to let go. So I am just wondering if that has already been done because it appears like we need to educate them before we get to the public.

The Speaker: Honourable Premier.

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

As I indicated previously, the policy was just approved last Tuesday with the Government. I am reliably informed that it was CIA who was not given the letter of objection, which is outside our scope. But I rest an assurance that our Deputy Governor sits in Cabinet and was part and parcel and had a front row seat to the policy. I have confidence that he will do what he normally does, pass it on to the civil service and those under him to ensure that a policy, through the Cabinet office and the Ministry, will be carried out.

The policy is past its embryonic stage in that it was given birth last Tuesday. But it is still in its toddler stage. We look forward to its maturity and embrace your input.

The Speaker: If there are no further questions . . . I will move on to the Statements to be delivered by the Honourable Minister of Education.

FATCA—Foreign Account Tax Compliance Act

The Deputy Premier, Hon. Rolston M. Anglin: Madam Speaker, my first statement is in regard to FATCA.

I rise to give an update on the current international tax matters.

The global landscape in taxation is changing at an unprecedented pace. The greater alignment of tax-related initiatives is evident in the high-level communiqués from the G20 and the G8, and these messages are moving down through a hierarchy of international bodies, governments, industry and quite importantly, the global public.

One of the urgent messages stemming from this greater alignment is the worldwide demand for even greater transparency. The modern cooperative and transparent jurisdiction will be one that uses automatic exchange of information mechanisms and multilateral approaches in tax matters, and that demonstrates effectiveness in the implementation of these measures.

The changes that we are discussing in this honourable House today, mark the future of global taxation issues generally, and international tax cooperation in particular. This is the present and future reality in which the Cayman Islands, as an international financial centre, must continue to be actively engaged, both for the reputation and stability of the financial services industry, and for the jurisdiction as a whole.

Madam Speaker, principal among these moves towards greater transparency and effectiveness in tax matters is the US Foreign Account Tax Compliance Act, better known as FATCA, which was designed to assist the United States in preventing tax evasion by US persons. FATCA requires all Foreign Financial Institutions (FFIs) in all jurisdictions to report detailed information on US account holders, payments and assets to the IRS. The concept of FFIs is very broad and includes custodial institutions, depository institutions, investment entities and specified insurance companies.

Although FATCA was initiated unilaterally by the United States as a domestic tax measure, its international application renders it a multilateral approach for automatic exchange of information. It plays a principal role in the global alignment of tax-related initiatives that I spoke of earlier.

Madam Speaker, as I indicated earlier, this is the present and future reality in which the Cayman Islands must operate. Because the nature of FATCA is comprehensive in scope and global in reach, it has implications across all sectors of the financial services industry in the Cayman Islands.

Madam Speaker, I confirm to this Honourable House that Government is committed to combating tax evasion and maintaining our good standing in international tax cooperation matters. Because of this commitment, we carefully considered the approach that these Islands would take to facilitate the implementation of FATCA.

Today I announce that Government has decided to pursue a Model 1 intergovernmental agreement (known as an IGA) with the United States for the implementation of FATCA. This decision will also apply to a similar arrangement for automatic exchange of certain information with the United Kingdom.

Madam Speaker, the Model 1 approach has significant global traction. The United Kingdom signed the first Model 1 IGA with the United States last year, and the United States is now engaged with multiple jurisdictions in progressing this mechanism.

In order to make the best choice regarding which IGA to adopt, Government designed and initiated a plan of broad-based consultation. Madam Speaker, Government engaged in productive discussions with the US from 2011 and more recently, in 2012, began discussions with the UK shortly after the UK version of FATCA was announced.

Government also conducted extensive consultation with industry, and I thank the industry associations for their positive engagement and comprehensive feedback that has led to this important decision. I would particularly like to thank Cayman Finance for providing a consolidated position and analysis of the different alternatives that are available to the jurisdiction.

Madam Speaker, at this point I also recognise industry for being in the advanced stages of preparations for FATCA, and note that Government is committed to working with our industry partners towards keeping compliance costs down on both sides.

Because of the fruitful discussions we have held with the US and UK Governments, which have been informed by consultation with industry, our Government expects negotiations towards a Model 1 IGA to conclude quickly. These are extremely important agreements for the stability of our financial services industry. They will ensure that business continues to operate and compete effectively with our global counterparts, and that we retain the positive reputation we have earned regarding transparency and exchange of information for tax purposes.

Madam Speaker, the Cayman Islands already has 30 tax information exchange arrangements in place with all major trading partners. Further agreements are either, technically agreed [and] awaiting signature, or are in the course of negotiation. In addition, Madam Speaker, as Members are aware, the Cayman Islands has been greatly involved in the work of the Global Forum on Transparency and Exchange of Information for Tax Purposes, and since 2009 has served as an active member of the Steering Group and the Peer Review Group.

This decision to adopt the Model 1 IGA will fortify our good standing in the global community and continue to build on the solid foundation we already have in place with our existing agreements. We will continue to take our place in the international arena and ensure that we maintain our positive and informed engagement in the rapidly developing environment of international tax cooperation.

Thank you, Madam Speaker.

The Speaker: Thank you, Honourable Minister.
Are there any questions?

[Pause]

The Speaker: Shall we move on to the next statement?

TeachCayman Education Programmes

The Deputy Premier, Hon. Rolston M. Anglin: The next statement is on TeachCayman Education Programmes.

TeachCayman is an initiative by the Ministry of Education, Training and Employment that focuses on the development of new teachers as outlined in the National Strategic Plan for Education 2012-2017, which I tabled earlier. Research shows that an aspiring and informed teacher is the most important school-related factor influencing students' achievements. High quality teaching enables our young people to learn effectively and achieve their potential. Simply put, great teachers help to create great students.

As we seek to prepare our young people to be globally competitive, it is not enough to have teachers who have a passion and love for teaching. This desire—and I stress *must*—be coupled with knowledge of subject areas, specific learning strategies and teachers' willingness to extend their own repertoire through ongoing professional development.

Madam Speaker, it is imperative that we have teachers in our system who can help our young people to be literate and numerate and to analyse and understand different cultures. We want teachers who can facilitate learning so that our students have the ability to communicate effectively, both orally and in writing, to solve problems by forming and testing hypothesis, to work well with persons from different backgrounds and to keep learning and become life-long learners.

Madam Speaker, we must recognise that our young people will live, work and compete in a global economy. So our goal should be a simple one: to ensure that our teachers can deliver an education that prepares students to graduate ready for college and the careers the global economy offers. In order to continue to raise standards and to have a positive impact in our community, it is vital that the education system change including improving teaching practices.

My many visits to schools have strengthened my belief in the power that teachers have in influencing their students' minds and hearts. As part of the Strategic Plan for Education, the Ministry has focused on initial teacher education. Quality teacher education programmes emphasise subject matter mastery and provide many opportunities for potential teachers to spend time in classrooms under the supervision of an experienced teacher/mentor.

We would like to stretch our potential teachers even further and have, therefore, worked collaboratively with the University College of the Cayman Islands to begin development of three Exemplary Primary Teacher Preparation Programmes, an associate degree in education, a bachelor degree in education and a post secondary certificate of education.

The associate degree in education will be a newly developed programme of study that targets potential teachers who want to work as teacher's assistants in our schools. It will be a two-year programme that provides foundation courses in key content areas as well as core education courses designed to equip potential teachers with the knowledge, skills and competencies to assist classroom teachers in raising standards.

Individuals in this programme will take part in classroom observations and teaching practices that provide authentic experiences in managing classrooms, arranging for learning and assisting the classroom teacher. The people who complete this programme will be able to facilitate learning for individual and small groups of students. They will have the ability to follow lesson plans and ensure that students continue to learn in the absence of a classroom teacher for short periods of time.

The Associate Degree is a building block to the bachelor of education programme as individuals who successfully complete the programme can seamlessly progress to the bachelor of education programme which provides an additional two years of study.

The Bachelor of Education programme is being redeveloped to include methods courses in literacy, mathematics, science, and social studies. It will also provide a range of courses that promotes student teachers' awareness of social, cultural and development issues of children. The programme will equip potential teachers with the professional skills required to foster positive development and learning in children.

The main aim of the Bachelor of Education programme is to provide persons aspiring to a career in teaching in primary schools with the professional training and experience necessary to develop as effective and reflective teachers.

The Post Graduate Certificate in Education [PGCE] is an intense one-year programme for bachelor degree holders who wish to become teachers. The programme targets individuals who are recent college graduates and those who are seeking a career change. The PGCE focuses on methods, courses, designed to enhance teaching skills. There is an emphasis on subject knowledge, increased use of educational technologies, and innovative teaching programmes.

Madam Speaker, these programmes will be launched in September of this year (2013). They are being designed to prepare potential teachers with the knowledge, attitudes, behaviours and skills required to perform their tasks effectively in the classroom, school and wider community. They allow potential teachers the time to apply their learning of theory in the context of teaching in the real classroom and to develop their pedagogical skills.

Central to the development of these education programmes are the Cayman Islands National Professional Standards for Teachers. The teacher standards set a clear baseline of expectations for the professional practice and conduct of teachers. They are an integral part of the performance management system for teachers and, as such, are also utilised in teacher education for consistency of good practice.

In addition to the three education programmes, potential teachers will have an opportunity to focus on many of the STEM (or Science, Technology, Engineering and Mathematic) courses that UCCI already offers. Concentration in these areas will expand potential teachers' knowledge and build a better understanding of methods to support students in their classrooms.

Madam Speaker, these teacher education programmes are being designed to create:

- teachers who will be strong candidates for employment in public and private schools in the Cayman Islands and internationally;
- teachers who will model design-making processes that reflect the vision, mission and values of both the University College and the Ministry of Education;
- teachers who will possess the skills and critical understanding of teaching and learning required for teachers to achieve in the 21st century;
- teachers who will develop a deep pedagogical knowledge and use it to create rich learning experiences that nurture the whole student and use creativity to promote learning;
- teachers who will model respect and promote diversity to create instructional opportunities and meet the needs of every student;
- teachers who will promote students' personal, spiritual, moral, social and cultural development and their sense of social responsibility;
- teachers who will foster positive social interaction and collaboration and provide opportunities for parents to be involved in their child's learning.

Teachers will meet the objectives as outlined in the Cayman Islands National Professional Standards for Teachers and teachers will be lifelong learners and inspire students to be creative inquiring lifelong learners.

Our goal in partnership with UCCI has been to offer high quality educational experiences which prepare our potential teachers to be professional and reflective educators. The three education programmes will provide content-specific methods, courses, connected with requiring teacher practice. Potential teachers will be teaching and applying specific, focused learning in our local classrooms. We want to ensure that our potential teachers will develop deep subject and pedagogic and use effective instructional

practices that result in student learning and achievement in the classroom.

Madam Speaker, our world is constantly changing and evolving. And we must ensure our teacher education programmes, ultimately enable our future educators to prepare our young people for the jobs in the future—jobs that do not yet exist. As a result of the new partnerships between the Ministry and UCCI, I can confidently state that we are well on our way to achieving this goal.

Madam Speaker, I must also add that the PGCE that is currently on offer is a partnership with the University of Sunderland in the United Kingdom.

Madam Speaker, I thank you.

The Speaker: Thank you, Honourable Minister. Are there any questions?

If not, please move on to the next statement.

National Pensions Bill update

The Deputy Premier, Hon. Rolston M. Anglin: National Pensions Bill update.

The National Pensions Bill is the first major revision to the National Pensions Law, which governs private sector pensions, since it was created in 1998. The needed reform of the pension regime has been previously discussed in this honourable House and by the general public. The key objectives of the new Bill are to:

- enhance the process whereby pension contributions are monitored and enforced;
- improve the regulation of pension plans and pension plan administrators;
- create a new culture of compliance around pensions; and
- better prepare our people for their retirement.

The National Pensions Bill 2012 proposes new arrangements for the regulation of pensions. The Cayman Islands Monetary Authority will take responsibility for the regulation of pension plans, pension plan administrators and trustees. The remaining functions, which relate to human resources, and especially employers and employees, will stay under the Ministry and the newly formed Department of Labour & Pensions (DLP) which will function as a one-stop shop to resolve individual disputes of rights for all labour related issues, including pensions. This reorganization will result in the better alignment of function and thereby create more efficient and effective services.

Some key changes within the bill include:

- the requirement of trustees and pension plan administrators licensed by CIMA which enhances the protection of pension plan members;
- an increase in the age at which persons become entitled to access their pension (formerly known as the “normal retirement

age”) recognising the longevity of people in today’s society (that will go from 60 to 65, as proposed);

- new and enhanced mechanisms to improve compliance with the National Pensions Law and especially strengthen and broadening the DLP’s powers;
- new provisions for designated voluntary contributions to supplement pensions to save for key priorities such as health, education and housing;
- more and better available information on pension plans including the publication of performance and expense data;
- an increase in the information available to pension plan members including the requirements for annual general meetings, quarterly pension statements and notification of non-compliance by the employer.

Following the extensive work on the National Pensions Bill, in June 2012, the Bill was gazetted and the Ministry commenced a wide public consultation period which included:

- The development of explanatory notes on the Bill to educate the public and key stakeholders on its main provisions. This document was and remains posted on the NPO website, www.npo.gov.ky.
- The development and conduct of an online public survey which allowed for anonymous feedback from stakeholders presentations to the chamber council, Pension Plan Administrators and a well-attended Chamber ‘BE INFORMED’ session.
- Appearances on both Rooster [101] and [Radio Cayman’s] *Talk Today* to explain the Bill to the general public and answer questions on this key piece of legislation.
- Feedback from professional organisations and other stakeholders

The extensive feedback received from this all-encompassing public consultation period, which was extended to accommodate further submissions, has been reviewed by the Ministry, in consultation with CIMA, where necessary. As a result of this comprehensive review of the feedback, the Ministry has taken the views expressed into consideration and amended some of the provisions to the Bill, since it was initially gazetted.

In addition to the work on the Bill, the Ministry has also undertaken extensive work on the National Pensions (Pension Fund Investments) Regulations (“Regulations”), which included meetings with CIMA, pension plan administrators and the National Pensions Board. The Ministry is completing the amendments necessary to modernise these regulations in the best interest of members as well as in line with

best practice on the subject. Once completed, these Regulations will be shared with the pension plan administrators and other stakeholders in order to allow for a critical consultation period.

In recent years, there have been several reports that pointed to the need for pension legislative changes, including both the Mercer Report and the OCC's investigation report of the National Pensions Office. I am pleased to confirm that the legislative reform of the pension regime has taken into consideration the information identified in both documents.

For example: the increase in the age at which persons become entitled to access their pension (formerly known as the "normal retirement age") is consistent with the findings of the Mercer report. In addition, the introduction of a victimisation clause and the increases in the fines which the court may impose in a delinquent employer, are both consistent with the findings of the report from the office of the complaint commissioner.

Madam Speaker, as you can tell, much work has been accomplished over the past three years to advance a much needed realignment and reform of the pension regime in the Cayman Islands. I am pleased to be able to advise this honourable House and our country, that an updated version of the new comprehensive Pensions Bill will shortly be finalised. I wish to thank and recognize the time and effort put into this legislation by the Ministry, the National Pensions Board, the Superintendent, CIMA and other stakeholders to enable us to reach this significant milestone.

I am convinced that the changes proposed in this legislation are critical to protect and educate pension plan members, and the general public as a whole, and to modernise our pension regime.

I do regret, Madam Speaker, that under the present circumstances, I am unable to bring this Bill forward for finalisation at this time. However, it will be available for consideration following the May general election.

Thank you Madam Speaker.

The Speaker: Thank you, Honourable Minister.

Any questions?

If not, please move on to the next statement.

UCCI Update

The Deputy Premier, Hon. Rolston M. Anglin: Madam Speaker, Update on UCCI.

In May 2009 when I took over as Minister for Education there were a number of issues that were identified as contributing to the weakening of UCCI as an educational institution of excellence. These issues included:

- Lax and disorganised campus security.
- Lowered standards for admission on to degree programmes.

- Poorly planned and maintained campus and physical plant.
- Disorganised and problematic student registration.
- Weaknesses in the financial systems of internal control.
- Student Service vacuum.
- Gaps in Academic Programmes.
- Institutional weaknesses such as inadequate systems for the management of faculty.

Since then, Madam Speaker, there have been many changes, and I can confidently say that the UCCI of today is far removed from the UCCI that existed. We have seen the institution make gradual and steady progress over a range of different areas during this period. I wish therefore, Madam Speaker, to update members of the progress and achievements that have been made by UCCI over the course of the last four years.

The appointment of President Roy Bodden and a new Board of Governors in 2009/10, and the good work that they have subsequently carried out has helped to recover the dignity and integrity of UCCI from the depths that it had plunged to following the escapades and questionable dealings of former President, Hassan Syed.

The physical security of the campus has been greatly enhanced with the introduction of CCTV monitoring. Students, staff and physical property are all better protected as result. We have ensured essential maintenance and improvements to the physical plant of UCCI, which should result in cost savings in the long term. We have seen the introduction of improved student registration systems and procedures, though there is still room for improvement through better use of online registration.

Madam Speaker, there have been significant improvements achieved by Management and Board in relation to financial controls, an area that had previously been of serious concern. Under this new Board, Madam Speaker, the financial statements are now up to date and have been audited, and I am pleased to say have been unqualified since 2009. I am pleased to advise that the Board and the Ministry have committed to the development of a Five Year Strategic Plan scheduled to begin this fiscal year.

Furthermore, the governance of UCCI has been greatly enhanced through the implementation of the Administrative and Academic Committee which has the responsibility for considering, approving, or submitting for approval by the Board, recommendations on all matters pertaining to the functioning of the College under section 19 of University College Law (2010 Revision). This has led to a significant improvement in the day-to-day governance of the institution.

In addition, Madam Speaker, a Faculty Management System has been developed which will af-

ford a scientific review of faculty members' performance through a system which includes self-review, peer review, students' (of classes taught by the faculty member) and department chairs' reviews. These reviews will be assessed by an external party who will make recommendations to the president for discussion and decision making by the Administrative and Academic Committee and for the president's information. This new regime, Madam Speaker, will be fully functional for the 2013/14 academic year and will inform faculty members' development and contract renewal.

Madam Speaker, let me set out what we have done in respect of addressing institutional weaknesses.

First, Madam Speaker, I am pleased to inform this honourable House that a new grading system has been developed by UCCI which reflects international standards. This will ensure that the outside world's view of UCCI's GPA system is on par with standards elsewhere. It will also help to build a sense of pride in achievement and to develop a drive for excellence in our students. This new grading system was completed in this fiscal and implementation will come into effect in fall 2013 semester. Previously, a B average was 3.25 versus 3.0 as is the international standard.

Second, we have addressed the gaps in programming with a range of new offerings. Music and the performing arts is now a vibrant part of the UCCI curriculum with the introduction of a new Caribbean dance and culture course in fall 2010, and the launch of the highly acclaimed UCCI Choir, Dance Troupe and Steel Pan.

We have addressed the need to strengthen character development through the introduction of "Men of Standard"/"Women of Character" programmes. In addition, we have launched a whole range of new programmes such as the professional MBA which came on line in September 2010 and the Associates in Engineering Technology in 2011/12. Two new and exciting programmes are the Associate Degree in Legal Studies and the BSc in Nursing which are currently being advertised and will commence in Fall 2013.

We implemented the Dual Enrolment Programme for students of Year 12, which was implemented in September 2011. This programme enables students who have achieved at least 5 level 2 passes, including Mathematics and English, to commence associate degree courses, alongside college preparation classes.

We introduced the first Pre-College Programme in fall 2010 to provide academic pathways into higher education for those not possessing the requisite entry requirements. In addition, Madam Speaker, an MOU [Memorandum of Understanding] has been signed with Ritz Carlton to provide Hospitality Programme students with quality work experience and a new Language Lab has been implemented.

UCCI has partnered with the Agriculture Department to provide Agricultural Workshops, leading to Certificate in Agricultural Studies March 2011, and we saw 24 RCIPs officers graduate from a new bespoke programme in October 2010. These new programmes and initiatives, Madam Speaker, will go some way to developing our human capital; to bridging the programme gaps and meeting our needs for the skills and attitudes required in our growing economy.

Third, we have improved Student Services through, for example, the provision of personal counselling for students and the opening of a new bookstore.

Madam Speaker, I would like to turn my attention to some of the other achievements of UCCI: These include being selected in 2010/11 by the Chartered Institute of Securities and Investment to be its Accredited Training Provider in the Cayman Islands, and being selected in 2010/11 by the Association of Caribbean Tertiary Institutions (ACTI) to pilot the Associate Degree in Information Communications Technology.

UCCI's international reputation continues to grow through the hosting of its UCCI Annual International Conference which has been held every year since 2009/10.

Madam Speaker, UCCI's contribution to the promotion of the Sciences must not be forgotten. In February 2012 the new William H. Hruday Observatory, one of the most advanced in the Caribbean was opened. The Observatory includes a 16-seat classroom on the lower floor and a fully ICT-driven 12.5 inch Newtonian telescope with sophisticated camera and tracking equipment on the second floor.

UCCI went on to hold the first Science Conference in March 2012 at which the Keynote Speaker and primary resource person was Dr. Shirin Haque, the first and only female astrophysicist in the Caribbean. This was followed in October 2012 with STEM (Science, Technology, Engineering and Mathematics) Caribe 2012, a conference which sought to engage educators, students and professionals in a learning environment about the current trends in science, technology, engineering and mathematics. The hugely successful conference was held in collaboration with the University of the West Indies, the Caribbean Institute of Astronomy, and the Cayman Islands Astronomical Society.

In closing Madam Speaker, I would like to acknowledge and thank the chief officer, the president, the chairman and the board of UCCI, faculty and staff for four years of significant progress and achievement. As Minister, I take great pride in sharing the successes that have been achieved while acknowledging that much remains to be done.

Madam Speaker, I thank you.

The Speaker: Thank you, Honourable Minister.

Are there any questions? If not, the Minister has one more statement.

Expansion of Primary Schools update

The Deputy Premier, Hon. Rolston M. Anglin: Madam Speaker, Some time ago I told the House that I was embarking upon a programme of expansion at primary schools and I am happy to now say that we have officially opened all of our facilities.

Madam Speaker, it is with great pleasure that I inform you and this Honourable house that the Primary Schools Expansion Project and the upgrades to Layman E. Scott Senior High School in Cayman Brac are now completed. This project included new classroom blocks at Bodden Town Primary, savannah Primary, George Town Primary, Sir John A. Cumber Primary Schools and Layman E. Scott Senior High School, and a new multipurpose hall at East End Primary School.

The project arose as a result of me and the Chief Officer for Education, touring all schools in our system in January and February 2010, and realising that the aspects of the physical plant were interfering with optimal teaching and learning and/or student life. There was also a need for additional space at many schools to cope with rising enrolments and to provide much needed administration space and libraries. A large stock of modular classrooms were in existence across the education system which raised health concerns for our students and teachers, and which also contributed to increased energy costs relating to their operation as additional buildings.

As a result, a plan for improvement was put into place to solve the most pressing facilities concerns of schools in our system. This plan was included in the 3 year plan which was successfully negotiated and approved by the FCO [Foreign and Commonwealth Office] Minister Responsible for the Overseas Territories. And I thank my colleagues for that support.

This project, which took approximately two years to complete, has made huge improvements at our schools. The official opening dates, upgrades and costs of each building at each school are as follows:

East End Primary School: Building was officially opened on May 31, 2011. Construction [took place] of an assembly hall which doubles as their canteen, with an attached commercial kitchen on top of an existing classroom block.

[Pause]

The Deputy Premier, Hon. Rolston M. Anglin: Madam Speaker, I crave your indulgence.

Madam Speaker, I apologise to you and Members of the House, there is some data missing in some of these and I will ensure that it is updated and re-circulated.

East End Primary School: Construction of an assembly hall which doubles as their canteen, with an attached commercial kitchen on top of an existing

classroom block. Total square feet added 2,787; Total cost: CI\$411,074.27.

Layman E. Scott Senior High School: Building was officially opened on May 4, 2012—construction of two classrooms and one storage room for Physical Education Equipment totaling 1,827 square feet. Total cost: CI\$147,661.37

George Town Primary School: Building was officially opened on May 17, 2012. A two storey classroom and administration block, total of 17,510 square feet. The building adds eight classrooms, a music room, a library, dental unit, staff lounge, and eight bathrooms. All classrooms contain smart interactive whiteboards, upgraded wireless network, a disability elevator for students with special needs and is built to withstand up to a category-3 hurricane. Total cost: \$3,934,676.29

Bodden Town Primary School: the building was officially opened on November 8, 2012. Again it is a two storey classroom and administration block, total of 10,710 square feet. The building adds six classrooms with self-contained restrooms and storage rooms, a new library and an administration office consisting of principal office, vice principal office, conference room, and a reception area. All classrooms contain smart interactive whiteboards. Again, a disability elevator, built to withstand up to a category 3 hurricane. A netball court was also rebuilt on site as part of this project. Total project cost: \$2,750,649.74

Savannah Primary School: Officially opened on November 15 2012; a two-storey classroom block, a total of 12,638 square feet. The building adds eight classrooms with self contained storage rooms and a new library; boys and girls handicap restrooms on each floor. All classrooms contain smart interactive whiteboards. The building also contains an elevator for special needs students. And it is built to withstand up to a category-3 hurricane. One old classroom building on the site was renovated to house two additional classrooms. The old library space has been converted to a vice Principal's office and two specialist rooms. The entrance to the school has been relocated and a parking lot for teachers established to the east of the site. A new football field and a 200 metre, four lane walking track developed on the east side of the site. Total cost: \$3,048,165.23.

[Inaudible interjection]

The Deputy Premier, Hon. Rolston M. Anglin: Yes, my colleague is reminding me that you can run on this track as well.

The Sir John A. Cumber Primary School officially opened on February 27, 2013, construction of a two storey classroom room, total of 10,710 square feet. The building adds eight classrooms each with its own restroom and storeroom. It has infrastructure for intercom. All classrooms contain smart interactive whiteboards, a wheelchair life for students with special

needs and is built to withstand a category-3 hurricane. A fully covered walkway was also constructed to connect the new building to the old schools buildings. Total cost \$3,043,985.09

All of the buildings are equipped with a fully functioning intruder alarm system.

Therefore Madam Speaker, this entire project added 56,182 square feet of learning and administrative space to our schools and cost a total of \$13,336,211.99.

Even though we can quantify the cost of these facilities, they are truly considered invaluable to the improved learning space they are providing at our schools and the healthier and safer environment they have created for our staff and students.

I would like to publically thank everyone involved in this project, especially the Ministry of Education team, Public Works team, all contractors and subcontractors and to our Principals, teachers and students who have been so patient throughout the construction of their new buildings and helped get their new spaces up and running for use.

I will also be informing Members before the day is out on the date for the official opening of the Clifton Hunter High School which I am sure all Members will be very interested and keen on attending.

Thank you, Madam Speaker.

The Speaker: Honourable Leader of the Opposition.

Short Question

[*Standing Order 30(2)*]

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: I beg permission to ask the Minister a short question in relation to his statement.

The Speaker: Yes, Honourable Member.

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Madam Speaker, in my copy, at least, there is no figure in relation to the total cost of the works done to the Sir John A. Cumber Primary School. I wonder if the Minister could say whether or not that project is complete, and, if so, what the total costs are.

The Deputy Premier, Hon. Rolston M. Anglin: Madam Speaker, just before I started, and perhaps the honourable Leader of the Opposition missed it, but I realised that the copy of the statement printed was slightly out of date and I did commit to re-circulating it. I did read from the final version of the statement and I will get these hastily to Members. It is complete. Students have been in since October of last year. The official opening was February 27, 2013. And the total cost was \$3,043,985.09.

The Speaker: Any further questions?

If not, I will suspend the House at this time for lunch until 3.00 pm.

Proceedings suspended at 1.47 pm

Proceedings resumed at 3.23 pm

The Speaker: Proceedings are resumed. Please be seated.

GOVERNMENT BUSINESS

BILLS

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

The Speaker: Honourable Deputy Premier.

The Deputy Premier, Hon. Rolston M. Anglin: I move the Suspension of Standing Order 46(1) and (2) to enable three Bills on the Order Paper to be read a first time.

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

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 46(1) and (2) suspended.

FIRST READINGS

Insurance (Amendment) Bill, 2013

The Deputy Clerk: The Insurance (Amendment) Bill, 2013, First Reading.

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

Companies (Amendment) (No. 2) Bill, 2013

The Deputy Clerk: The Companies (Amendment) (No. 2) Bill, 2013, First Reading.

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

Immigration (Amendment) Bill, 2013

The Deputy Clerk: The Immigration (Amendment) Bill, 2013, First Reading.

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

SECOND READINGS

Marine Conservation (Amendment) Bill, 2013

[Continuation of debate thereon]

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

The Speaker: At the conclusion of business last night, the Member for East End was debating the Marine Conservation (Amendment) Bill, 2013.

Mr. V. Arden McLean: Thank you, Madam Speaker. One correction, it was Wednesday.

The Speaker: Oh.

Mr. V. Arden McLean: I know, when we closed on Wednesday, and then yesterday was Private Members'—

The Speaker: You are correct, Member for East End.

Mr. V. Arden McLean: Yes, the days go into nights, and the nights into morning.

The Speaker: Very rapidly these days.

Mr. V. Arden McLean: Yes, Madam Speaker.

Madam Speaker, thank you. When we adjourned on Wednesday, I was at the point of talking about the difficulties that the residents of my district, North Side, West Bay, Cayman Brac and Little Cayman, in particular, were having with the Marine Conservation Law. I noticed that on Thursday, the *Caymanian Compass* had a lengthy article entitled "All at sea over marine conservation," which I will not go into at any length, but it was concerning the new proposals on the no fishing zones and the likes. I have worked with the residents of East End, in particular the fishermen, (whether as a means of livelihood or pleasure or hobby), and we came up with counterproposals, I should say. But it appears that those are not too acceptable to the Board.

Madam Speaker, I can't say that the department has not done its job. I believe their job is to do proposals and to preserve the marine environment around the country. I noted some time ago that it appears like East End and North Side were getting the brunt. I believe that is primarily because we have the most fertile fishing grounds.

[Inaudible interjection]

Mr. V. Arden McLean: The Minister of Education is saying I can't say "fertile fishing ground." Well, trust me; it's very fertile up there. Or maybe he wishes me to say the most productive fishing ground.

Madam Speaker, I also mentioned on Wednesday that I think it is a fact that the people of the districts that I mentioned, and elsewhere (George Town/Bodden Town as well), recognise the need to preserve something for the future, something that we can pass on to our generations to come. However, I should caution that they are becoming extremely animated about legislation being imposed upon them for total control. And I can only report what they say to me. They feel like they have been targeted, rightly or wrongly.

They feel like it is unfair that at some stage this House legislated that anyone, other than Caymanians, for instance, had to get a licence/permit to fish and that it's not being enforced. And now the pressures are coming to bear upon them. Madam Speaker, in some regard you can appreciate how they feel when they are being totally restricted from catching, whilst they concede that there is need for preservation and they are happy with having catch limits imposed upon them.

Madam Speaker, perception and reality in many instances, because they see people who are not Caymanian on the shorelines taking juvenile fish and creatures that hitherto were ornamental to Caymanians, and they feel slighted. That is why I am trying to impress upon the Government, the Minister in particular, that we need to get that perception out of the minds of Caymanians. We need to address the perception, and in instances reality, that others can do something and they cannot. I believe that the department's and board's actions are of good intent. But I also believe that the directives and legislation are in response to their frustration of not being able to manage the environment because of the lack of the tools to do the enforcement. I strongly believe that.

So this is multi-faceted. We blame the department and board for being "abusive" and we don't do anything. And they blame the Government for not supporting them to be able to get the right personnel on the ground, the right tools on the ground to do the enforcement. I think we need to approach it from all angles to ensure that we come up with a holistic solution to this problem.

We have responded with spear guns the same way that we did with the groupers. In 2003, the law said that from January 2003 to December 31, 2003, no groupers could be taken, and then every alternate year. And we changed that and banned it for eight years.

It is difficult for the department to enforce these things. So, what we do then is legislate or send out directives under the provisions that they have available to them to try to legislate morality and say: *If we legislate it people will follow it.* Well, that's not alto-

gether true, Madam Speaker. We legislate that there are certain speed limits in this country, but if we don't put police officers on the streets people are going to test the limits. That's why you have traffic cops to ensure that you don't exceed the speed limits because of the dangers of exceeding the speed limits.

We say you can't take conch. But if no marine officers are up there, people are going to stretch it. They are going to take more conchs. So we need the tools to do it with. And if we are serious about the environment . . . and, Madam Speaker, the problem is . . . the real reason is that many of us don't frequent there. We frequent the roads every day, but we don't go fishing. We don't go on the water. So we tend to forget it until somebody brings up that somebody had 500 conchs yesterday. Then we say, *Oh, that's destruction!* Well, you know, people are going to get 500 conchs if you don't have the marine officers there.

I am somewhat of a fisherman. Recently my brother and I were right around Coxen Bank where the grouper hole is. I was fishing in 1200 feet of water. That's where I fish; in very deep water! And the Marine Patrol Boat turned up around eleven, twelve o'clock in the day. It just doesn't make sense. They should have been there from four, five o'clock in the morning just anchored there, you know. I don't know the reason why they weren't there earlier to see to it that nobody went near the grouper hole. That's not for me to say. But I do know that they should have been there earlier. I was out there from six o'clock. I left the shores at six anyway.

Madam Speaker, I believe that's a direct result of the lack of the tools to get the job done. You know? Every day I see Sir Vassel's son . . . what is his name?

[Inaudible interjection]

Mr. V. Arden McLean: Bradley [PHONETIC].

Bradley comes up. He has to drive one of the centre council boats all the way from George Town, and he goes out and does his research, and what have you, what have you. But he is a research person. I don't think he's the only enforcement. I think he's research. I believe he and a few other people with cages look for sharks or groupers or whatever.

Then there are enforcement officers and you only have one for East End/North Side and must be part of North Sound. If he was on the shuttle he wouldn't be able to see all those places at the same time. If he had a satellite he wouldn't be able to see all those places. And he has one little boat, so he makes his round in his car. Or, if he gets a complaint, he goes back to Breakers to pick up his boat. You could murder the whole North Sound in that time. We need to have these people on the water. They need to be on the water. The presence of police prevents crime. The presence of marine officers prevents destruction of the marine environment.

Madam Speaker, they say I can't say anything in here about Governors and stuff, but the previous Governor, the little short fellow, Jack, when we discussed about firearms and giving authority to the marine officers and the joint task force out on the water, whatever they are, he refused. He refused it. In the meantime we expect these men to go out there and confront people who are (for the want of a better word) hostile. Somebody is going to get hurt. These are people who carry spear guns, whether they are legal or illegal, and if they stop some boat anything can happen. We have had it happen before, at least threats of it. We need to stop that too.

But we need to be a little more receptive to the cultural heritage as well. We will never, in two generations from now . . . I won't be around; but these *Hansards* will. I predict today that we will not know much of what we were. There will be no continuity. Madam Speaker, as hard as you have worked to try and preserve that, it is going to be lost.

I said yesterday while quoting that song that there is no new frontier. There will be one, because it will be all gone. Too many people tell us what we need to do or how we should do it. We need to save something for the future. Yes, preserving the marine environment is saving it, but there is another part to it too, the fishing, the spear guns, the use of spear guns. There are ways we can control it. But when we arbitrarily shut it down, we are losing a part of the heritage of this country. The historical perspective that we have, we know what we were.

My grandchildren, and our great-grandchildren, will not know what we did, unless they come here and see that we said something about it in the *Hansards*. We need to preserve it. It's not only about preserving the trees and the bees. We need to preserve the behaviours of our people. We need to also ensure that that is part of the future. If we do not, we will be like the American Indian. We are going to be put on a reservation and all around us will be controlled by others. Five hundred years of culture and history will be for naught. There will be nothing left representing us.

Our Catboats—Mr. Kem Jackson, Jerry Slim [PHONETIC] and a number of other people are trying to preserve that now. If they did not stem the slide on the catboat in this country, Madam Speaker, by now I predict we would not have had one. We would not have had one catboat in this entire country. We need to stop the slide. And a piece of that slide is preserving part of a right and privilege to fish.

I believe there is one person in East End now (there may be two) licensed to use a seine. Mr. Stanford's kids, I believe carried it on, and maybe Ray Watler. You think their kids are concerned about carrying that on? They can't do it. They cannot pass on the seining licence. So the kids go and do something else, get on the computer and do something else. Their interest is elsewhere, you know? The only one I

believe that will carry it on is Six Pack, if he gets that from Ray. But then he has to fight for it. He is going to have to fight for it. These are little things, Madam Speaker, that make us who we are.

Yesterday my son sent me a text asking me to take him deepwater fishing. He doesn't do it that often, but he wants to catch onto it. Well, you know I ain't pulling it up by hand like my forefathers did. You have to use electric too! Weeee, bring it up! But we need to keep something. That's all I'm asking, particularly coming from the district of East End where people fish.

It's not that they are less than anyone else. They love fishing! I love it too. The weather doesn't allow me, or parliament doesn't allow me to go, but you give me a break and I'll go! Don't catch much, according to the Opposition; but he is asking me for some though.

[Laughter]

Mr. V. Arden McLean: But, Madam Speaker, you know what I am talking about. You have been . . . you know all your life that's what you have done. You're up in Bodden Town trying to preserve something so that your great-grandchildren and the next couple of generations can know. It also applies to our marine environment and what it meant to us. Capt. Eugene, that's all he ever did, he and his daddy, and still does.

So, Madam Speaker, I implore the Government and the next government (whoever that may be) to look at this with a critical eye from that perspective. Whilst we want to control it, we cannot ban it altogether.

I had a brief discussion with the Minister and others from the other side. I believe there will be some changes to the Law, but maybe not now. So be it. Madam Speaker, we just need to ensure that our offspring (if we have any) get a glimpse of what yesterday was. I know there is a good friend of mine in here who likes to say there is no future in the past. Well, if you don't know your past, there is no future.

Madam Speaker, I encourage us all to look at these things with a critical eye and make sure we do something about it. We can control it. Spear guns, for instance, that is selective killing. It is not a seine where you kill everything. And the people who use spear guns . . . the young ones are not going to be as good, but licence them. They cannot hold it unless they have a licence in their hands. But because we don't have that kind of mechanism, that kind of tool, we just ban it. That's not how you do it. You spend some money to preserve the past into the future. That's what we do. We need to spend a little bit of money to carry the past into the future so everybody will know what it's about.

Thank you very much, Madam Speaker.

The Speaker: Thank you Member for East End.

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

If not, I will call on—Fourth Elected Member for George Town.

Mr. Ellio A. Solomon, Fourth Elected Member for George Town: Madam Speaker, thank you very much.

Just to make a short contribution. In looking at this section, I did have an opportunity to discuss this with some of the Members on the Government Bench, and I am pretty sure we could argue what priorities should be, but I just wanted to highlight that [with the amendment of] section [3], [subsection] (1), [the insertion of] (1B), for example, talks about the fact that "the Governor may, in his discretion, terminate the appointment of any member of the Board." And it goes on to say, "and shall terminate the appointment of any member of the Board if he is satisfied that - . . ." and gives several different points, one of those saying [in section 3 (1B)(b)], "the member has been adjudged and bankrupt.

For what it's worth, I believe that perhaps this is just one of those things that got added into a lot of legislation. I can't help but say that on the area of a marine conservation board, if you were to have a person who had the legitimate expertise required, but simply found themselves in a position of being adjudged as highlighted in (b), that the person is not going to be able to serve. Again, I give the example here that not long ago, if we have someone in here with all the legal expertise that we require, why would we use such a reasoning to eliminate someone?

In those discussions with the Member responsible, I think that there is some agreement that that could be looked at. I believe that when it comes to many of our boards, obviously if it was something in relation to finances or otherwise, perhaps that is a very relevant point. I am not sure how relevant it is on the marine conservation. It may simply be a case where it gets carried on because it's almost like a standard draft.

Madam Speaker, I do want to just very quickly lend my support. I understand and I believe it is very important for us to understand that insofar as our tourism product, it cannot be understated how important the Stingray City is to this country. I recall that ICCI conducted a very short survey. They surveyed around 150 to 200 persons coming into the country and leaving the country. And while this is not all the full empirical evidence that some would like, it is very, very important to appreciate that the overwhelming majority of persons entering the country and leaving the country wanted to see Stingray City and the majority having viewed Stingray City and thoroughly enjoyed it. I believe, as deficient as that may be in terms of empiri-

cal evidence, it is perhaps a good example of how important Stingray City is.

When we were sitting there as the United Democratic Party Government it was very important for all of us to take the necessary actions to ensure that the Stingray City (as just one example of a very important tourism product) was going to be sustained.

When we appreciate that there were numbers somewhere in the region of 200 stingrays (according to the Minister) that has now been reduced to as little as 60, and that's not to mention the gender issue that we face, that is a significant drop in stingrays. We have other countries now (as mentioned by the Deputy Leader of the Opposition) that are in competition with the Cayman Islands. So, for those reasons, if not additional ones, we have to take necessary action to protect the industry that we have, to protect that wild life. So it should not be viewed for a second that it is simply a matter of just protection for the sake of protecting.

Madam Speaker, insofar as that I wish to highlight a couple of other things, observations. I did have an opportunity to speak with the Attorney General. He has said that my concerns are not anything to necessarily worry about. But this section 4 reads, "Whoever in Cayman waters takes, injures, or has in his possession" and it gives a list of things, including the rays, "taken from Cayman water is guilty of an offence."

Naturally I had concerns, Madam Speaker, because I wanted to make sure that in no way at all, particularly in the last two parts, the "injures" and "in his possession", that there were not going to be some strict liability offences where persons simply driving their boat somewhere hits or injures or kills a stingray and finds himself liable for some offence. And in addition, again there are unintentional circumstances and there are situations where some will even argue defence or otherwise. But, as I said, and just to put it into *Hansard* the concern that I did have, and perhaps if nothing else for the relevant bodies, if it is necessary, to review the Hansards, can see obviously the concern that I had and understand based on the legal information.

I will stress that it's important because if and when the courts were to get into a position if it were necessary to decide what the legislators meant, they are going to review the Hansards. So, I wish to have it put into the records that it was a concern of mine; that we did not have it where a Caymanian or anyone else would be boating, for example, hit a stingray and then end up with a serious situation where unintentionally they have injured or killed a stingray and find themselves in a heap of problems, as we would say.

So, having had the discussions with the legal mind, the Attorney General, and he has put those fears to rest, I nevertheless have them noted in the *Hansard* that that is not the case; it would simply be a matter that if they were, for example, to injure or kill a

stingray unintentionally then obviously that person would stand in the court to defend themselves saying and making it very clear that it was unintentional and that is a consideration. So, it is not a strict liability offence.

With that, Madam Speaker, I just succinctly put and say that this is a very important piece of legislation and I was very pleased and happy to have been a part of the Government at the time when we took this consideration to make sure and take action because it has gone on quite long enough. And when you talk about reduction from 200 to 60; that is serious.

There was a time when if you mentioned Stingray City you could possibly only think of the Cayman Islands. That is not the case today. And we definitely need to take further steps, wherever necessary, to protect the industry. Thank you, Madam Speaker, for the opportunity to make my contribution.

The Speaker: Thank you, Member for George Town.

Does any other Member wish to speak?

Member for North Side.

Oh, sorry, Fourth Elected Member for West Bay.

Capt. A. Eugene Ebanks, Fourth Elected Member for West Bay: Madam Speaker, I know what you meant! Thank you.

I too would like to offer my support to a Bill for a Law to amend the Marine Conservation Law (2007 Revision) to make certain changes in relation to rays, to limit the tenure of office of members of the Marine Conservation Board to three years; and for incidental and connected purposes.

Madam Speaker, I would crave your indulgence to give a little bit of background history leading up to where we are with the stingrays.

In the late 1950s and early 1960s I was just a young boy. But I used to go with my father and my uncles out to the sandbar. Back then there was really not much of any opportunities on the Island so we did shark fishing to catch sharks to sell their hides. We shipped their hides to a tannery in New Jersey. So we would go out in the afternoon to the sandbar and we'd harpoon the stingrays for bait to set our shark traps with. And then the next morning we'd go and check the shark traps. Sometimes we would find a whole shark, a big one, probably 8, 10, 12 feet; sometimes we'd just find the head. So these were some of the experiences I had growing up.

As tourists started coming to the Island the shark fishing gave way to tourism. My father and a lot of guys like Capt. Ertis, especially, Capt. Gleason, and Solomon, Weston, Asley, Crosby, Frank [ALL PHONETIC], started getting into the tourism business. So, the shark business went by the wayside. Everybody stopped fishing for the sharks then.

However, we would take a charter on a cat-boat. We didn't have outboard motors and we didn't have snorkel equipment, so we used to use a water glass and go over the coral heads and we'd strike a lobster and use a hand line to catch a fish. And nobody got in the water. We could rig the striker so that you could actually get the conch and pull the conch up. So everybody was happy that nobody had to get in the water. We would go and take our catch to the beach, do a beach cookout for the guests, and we always stopped back to the sandbar.

We didn't stop to see the rays. We were more afraid of them than they were of us! But we stopped there primarily to let our guests get a swim in the crystal clear waters and for them to collect sand dollars. That was the big thing before the stingrays became popular. That's how it started.

While we were there we always had more. We'd always take fish back home. So we always cleaned our catch while we were there as well. And after years of going to the sandbar the stingrays became friendlier and friendlier. Mark Ebanks was working with my dad then as a mate and after months of trying to get the stingrays to take a piece of food from his hand he succeeded.

Madam Speaker, the rest is history. But that's how Stingray City came about. Today, Stingray City is the single biggest tourist attraction in Cayman. Just very recently when 10 of the rays were discovered at one of the dolphin parks in West Bay it was very disturbing. And some of those rays were actually tagged at the sandbar. So, nobody can seem to explain, nobody wants to say who took them there, but obviously somebody took them there.

Madam Speaker, those rays today, each and every one of them is worth millions of dollars to the economy of this country. And we must do whatever is necessary to protect them and make sure that we don't have another occurrence or try to make sure we don't have another occurrence of incidents like that.

Madam Speaker, it was a real experience to grow up around the sandbar on the boats with the tourists doing the cookout on the beach and now for that charter, a party of four, whether it's a family or two couples, it was a grand total of US\$25 for a day for the boat. Most of the time, our guests felt so guilty about such a small price that they would give us more tip than we charged them. So, everybody was happy. They were happy they had a good time. The crew was happy they had made some money. So these are some of the experiences that we will never see again, Madam Speaker. But we need to try to hold on to as much of our culture and heritage as possible. I must commend you for your efforts in trying to do that. I just don't tell you very often, but I do appreciate your efforts.

Madam Speaker, for that reason this Bill has my wholehearted support and I trust that every other

Member of this Legislative Assembly will also support it. Thank you.

The Speaker: Member for North Side, you caught my eye earlier.

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

Just to give my endorsement to the Bill before the House, the Marine Conservation (Amendment) Bill. And to endorse what the Member for East End said about the restrictions and the way the people in our communities feel that things are just being forced upon them. That kind of response is confirmed, Madam Speaker, when I had four public meetings in my community with all the stakeholders in this matter. We sent to the Department of Environment what the people of the community wanted and what we were recommending. And they just didn't recommend what they thought was the draconian increase of several hundred per cent in the area for marine parks and, in particular, the new restriction on the marine parks to make them absolute no-take zones.

We thought that we had come to a reasonable compromise, and it is disappointing when the people in North Side are now going to read in the *Caymanian Compass* of Thursday, 14 March, that they are still negotiating with the people of North Side, because the fact is that they are not negotiating with the people of North Side. They are negotiating with a couple of money people down in Cayman Kai who they have allowed to come and make their own personal representation for what they want done, and the Department seems . . . they certainly have entertained them to have a private meeting with them, when they had the same opportunity in the North Side community that every fisherman had.

We had public meetings and they were advertised and announced in all the churches and everything else. And when they want to complain about something they don't have any problem coming to the meeting. But when they come to the meetings and they can't have their way over the majority of the people in the community, then they seem to be able to go through the back door and make their representation and get what they want done, especially when they go to the trouble to circulate lies and absolute misinformation about me, the duly elected Representative in the community.

Of course, Madam Speaker, you know that that is not a good plan because I am likely to defend myself. So they are writing letters all over the place now apologising for this and apologising for that. But the point the Member for East End was making was that often times the people in our communities believe that anybody from anywhere else, except the community, has a greater opportunity for input into government policy and they get more action from the Government that is supposed to be there to elect them.

In this particular case, the people in my community agreed to give up quite a bit. And it was the recommendation of the Department of the Environment to discontinue the existing small marine park which they themselves admit has not worked. But because that happens to be the area where these people live and they don't want North Side people walking on their beach, they are going to go to the Department of the Environment to get it to remain and write lies about me and other members of the community that we are proposing these things.

Madam Speaker, I will just take the opportunity to read into the *Hansard* the representation that the community collected and made to the Department of Environment, because I think it's important that people understand how balanced a view the North Side and East End communities have taken to try and preserve what we have. But, as the Member for East End said, we also want to preserve some of the things that we do. I should be able to teach my daughter to spearfish. I have a perfectly good speargun. I probably should not say this because they will probably come and arrest me this evening!

[Laughter]

Mr. D. Ezzard Miller: It's leaning up in my garage. I had a licence. The rubber is worn out on it. I didn't renew the licence.

Now, Madam Speaker, everybody in this room knows that if I were to go to Miami and be willing to break the law and pick up a set of speargun rubbers from any supply store in Florida and put it in my suitcase, what is the likelihood of Customs discovering that when I come back here? None!

Hon. D. Kurt Tibbetts, First Elected Member for George Town: Better look out from now on!

Mr. D. Ezzard Miller: But I refuse to break the law. The law is ridiculous and stupid. The law needs to be changed!

If you have a licence to use a speargun you should be able to get parts for the speargun. But here is what we have created. We have all these people who have licence for spearguns, can't get parts for them, because the way in which the law was done, the intention was to stop spear fishing in Cayman. And if you couldn't get parts for the spearguns, therefore you wouldn't be able to use it. But the people are jerry-rigging the spearguns and continuing to use them. And it's an accident waiting to happen.

We need to change the legislation and under strict restrictions in kinds of catch, strict restrictions as to who can get a licence, but you should be able to go and buy a new speargun.

But this is what the community in North Side recommended to DoE [Department of Environment]. And I quote:

"We the undersigned persons support the revision exercise to improve the sustainability of the marine life around the Cayman Islands for the future generations and fully believe that enlargement of the current no-take zones is necessary. However, we also believe that the proposed increase of these no-take zones by approximately 2,400 per cent to 40 per cent of the total fishing area in the North Side electoral district is too drastic.

"We cannot support the increase as proposed as this will have a drastic effect on our way of life and our ability to feed our families and to teach our children and grandchildren how to fish both for enjoyment and for food.

"We would propose an increase in the current no-take zones in the North Side electoral district, that is the area east inside the reef from Rum Point to Cayman Kai Resort be expanded east to the eastern boundary on the house named Almond Hill and west and south along the shore of the southern shore of Finger Key, and northwest to the southeast corner of the wildlife interaction zone and to extend outward from the shoreline to the 50 foot depth beyond the reef and the no-take zone will include the cove and the area between the Kaibo public beach and the environmental zone.

"We agree that the environmental no-take zone in the Little Sound remain. We would propose no changes to the existing retrenchment zone from Anchors Point to Spotters Bay other than to change to a no-take zone and to extend from the shoreline to 50 feet beyond the reef.

"We will also propose that such no-take zones include no fishing from the shoreline either with nets, lines or any other means that may be used to remove marine life of any kind.

"We also recommend that all no-take zones be no-scuba diving zones including shore diving.

"We would suggest that limits per boat per day as well as size restrictions be placed on particular species of fish in all other areas around the islands eg parrot fish = 10 per boat per day and sprats = one half a five gallon bucket per person per day. These catch limits and size restrictions be agreed with the fishermen.

"We would also propose that Caymanians who fish specifically to catch fish for sale register with the department of the environment and report on the numbers and species of fish they catch for sale monthly. No commercial fishing be allowed by non Caymanians.

"We would encourage the department to encourage replenishment through the development of hatcheries for conch, lobster and other fish species on a commercial basis for release to

the wild for which persons or companies would receive payment from the environmental fund.

“We would encourage the department to contract with local fishermen and other entrepreneurs to develop and protect habitats and receive compensation from the environment fund. These habitats created in the no take zone would also be no take but some in the fishing areas would be fisher-able and others would not.

“We also believe that restrictions on numbers of divers and the frequency of the use of all dive sites be included in these marine park legislation that allow for annual cycling of these dive sites and that feeding of fish with none natural marine foods such as cheeses etc be strictly prohibited.

“The no take zones as proposed are coloured red on the attached map and the catch restrictions apply to all other areas.

“We also recommend that those Caymanians who have speargun license be allowed to purchase parts and new spearguns when necessary and that other Caymanians be allowed to purchase new spearguns and obtain licenses to spearfish.”

Madam Speaker, in my view the community made a good recommendation to the department. So I am very troubled when I see this thing in the *[Caymanian] Compass*, and I know that these people are making specific recommendations to the Department of the Environment outside of what the community has agreed and accepted.

Madam Speaker, if the Department of the Environment . . . and I agree with the Member for East End in the lack of resources. But unless there is acceptance by the people in these communities to accept these restrictions in these marine parks, so that they can become themselves a part of the enforcement and that they understand the need for enforcement and that they will assist the DoE marine officers, it is not going to work. But all of that, Madam Speaker, is being destroyed because some people who only visit the community have gone and made representation that is being accepted outside of the community.

Madam Speaker, I support the Bill in its present form. But I would just draw the Minister's attention that when the department comes out into these communities, and the communities make a special effort to be a part of it . . . don't allow one or two people who do not belong in the community to come along, and just because of who they think they are they are allowed to override the recommendations of the community. That is not going to bode well for the marine officers.

I must also say this, Madam Speaker. The marine officers need better supervision. I have noticed one of the marine officers using the truck that he is supplied with to tow boats, to launch boats. And he is competing with people in my district who make a living

from servicing boats in Cayman Kai. He is going and taking the boats, he is storing them in the yard where he pays his own rent (and I am sure that's up to him). I think he might have even damaged the truck.

You know, an FOI is a powerful thing. And I am watching the garages to see which one the truck turns up in. And there are reports in the community that there seems to be a lot of marinated conch and lobster available in a certain yard. So—

[Inaudible interjection]

Mr. D. Ezzard Miller: Well, you will know if I say “teamers” [SOUNDS LIKE]. The rest of them won't!

[Laughter]

Mr. D. Ezzard Miller: But, Madam Speaker, they need better supervision, and they need to do the job for which they were hired, and not spend time doing other jobs they are not hired to do.

Again, the people in the community . . . and, Madam Speaker, in these tough economic times, when a North Sider, East Ender, goes fishing on a Saturday, he is not fishing for fun. He is fishing to get food for his family for the following week, and often-times to get lunch for him to take to work, particularly if they are in the construction industry. And when they are often prevented from doing that sort of thing . . . we know that the dive lobby is very powerful and very successful in this country.

When this original Marine Conservation Legislation was put in place, I managed to get two no-dive zones created in North Side. I think it was in 1985 . . . '86? Right? And, Madam Speaker, you know that all of these years the Department of the Environment cannot find two pieces of plywood to paint “No-Dive Zone” and put that out by the road! Because the dive industry continues to use the areas, particularly for shore diving. And I call the police, I call the marine, I call everybody. They even tell me I don't know how to read GPS because I got a mile wrong. But anyway, point being, Madam Speaker, that we have to enforce the law fairly and squarely.

The people in the community, if you go to my community, believe that the laws are now being enforced unfairly by the people who are doing the patrolling.

Thank you, Madam Speaker.

The Speaker: First Elected Member for West Bay.

Hon. W. McKeever Bush, First Elected Member for West Bay: Madam Speaker, the legislation before us is very important. I know the Government has been working some time on it. The matter of conservation around the country is an important one and a topical one.

Madam Speaker, as we all know, the marine environment is most important to our country, not just for tourism purposes, not just for the luxury of having it, but it is absolutely necessary for our own survival, as the environment is connected to so many other issues.

Madam Speaker, even when I was Minister of Environment between 2000 and 2005, I was sometimes scared to get up to speak on it, or to try to do anything with it because the conservation lobby, any time that you have to say anything that they don't like, they say that you are anti-the environment. But that is not so, Madam Speaker. And I know they have tried to brand me with that, and I think a lot of other things, but my record on it is good. Talk to the director and she can tell you that there are many, many areas that were covered in those years to enhance and protect and promote the environment. Hundreds of acres of property were given up for the protection of fisheries.

Madam Speaker, I can go back way beyond that and the Member for North Side might remember. I took a serious issue way back when we only had a three mile limit. And the Japanese, Koreans, and everybody else was using our 12 mile bank in long line fishing. We used to see the boats down there, Madam Speaker. You could see from here because they were big boats. Nobody knew what they were doing down there. We found out just how much over fishing and the long line fishing was costing us and the damage it was doing.

I brought a motion to the House which asked that our limit be extended for 12 miles. That's how it got there today. I believe the Member for North Side was the seconder of the motion, as in those days we played a serious tag team. But he has since digressed and gone in a different direction.

[Laughter]

Hon. W. McKeever Bush: But we got a lot done in regard to that motion.

Madam Speaker, in 2001, 2005, we had to do something to protect the fisheries. We had to because everything was being overfished, and sometimes wastefully. Sometimes I heard about some of the huge catches. Even talking about seining, said they couldn't sell the fish afterwards. Fish rotted. They might have depleted. I understand that it is coming back now because we put some regulations in place. The Nassau grouper was the big fight. I am sure everyone in this House remembers the blows I took because I put that ban on. But it was needed.

And it can always be overkill both ways, you know. We can overkill by not allowing the local people to participate. And that's all we say. And then you can overkill by overkilling, doing too much. So, I am . . . the conchs, we had to change . . . just look at how, whether it was oversight or whether it was the various thought processes at the time, but lobster season,

Madam Speaker, was during the months that the lobsters were with young, pregnant, if you may. So, time after time, for years and years while our marine parts worked—because that system worked, whether some of us liked it, and some of us criticised certain aspects of it. If it wasn't that that was put in by the late Sir Vassel at the time, we wouldn't have what we have today; I maintain that.

But, nobody dared change the lobster season or the amounts. But we did it between 2000 and 2005. We took the hard decisions. And we protected the Nassau Grouper, and I believe there could be some re-looking at it. We protected the taking of lobster and the lobster came back.

[Inaudible interjection]

Hon. W. McKeever Bush: Yes. Shortened the conch one and shortened, I think, the lobster season as well, both of them. But in particular, [we] made it illegal to take lobster spawning. So it is outside now of the spawning season.

Now, you don't hear about those kinds of things, Madam Speaker. No, no, no. If we had moved a motion to the other extent or brought legislation to the other way, you would have seen something in these Islands. But boy when you do something good, nobody gets up and rings that bell. That doesn't go in the headline much. And even if they put it and they don't like you, you can believe that they are not going to mention that you did it. Oh no!

But we can look back, and legislators here in this House, as much as we are all criticised, and we all take licks, can look back over our periods of service in this House to say, Madam Speaker, good things that we have done for these Islands. But, unfortunately, we don't take the time to congratulate each other. We'd rather beat up on each other, accuse each other. Therefore, those on the outside have every right to beat us up, call us names, because we do so much ourselves. As the longest serving Member in this House, it's a pity that we do not recognise our own good works and we are not man enough, we are so disingenuous sometimes, that when we get a piece of legislation, like how I saw some coming here recently, they can't say, *The last Minister did this and I am bringing it now*. They can't say that. No, no, no, no, no, that would not fit the time.

[Inaudible interjection]

Hon. W. McKeever Bush: Oh, you keep out of this. Okay?

[Laughter]

Hon. W. McKeever Bush: Madam Speaker, the Member only wants to get in because in all that he said he

forgot to say all those good things. That's what I am talking about right now.

Madam Speaker, inasmuch as this Bill is what we want, there are areas that I think are not covered and that we need to cover. Members have covered much ground, but the licensing of spearguns importation, is an important matter. It is an important matter and for years we have thought about it. I was one of them who opposed a wholesale ban on it because I know, as one US legislator said, you cannot make laws if you don't carry the people with you. You cannot.

So, Madam Speaker, we make laws, and in particular this one, spearguns are being made locally—real good ones too, better than anything you can import. The information highway today has made everything possible. Spearguns are being made and parts being imported without knowledge.

Do you know what I remember when I was reminded of it? A speargun was confiscated down here. Confiscated! Lo and behold it ended up in the Brac. Now, tell me how that happened. Tell me who was complicit in what. How could that happen? These are the things that are not right. And when we make laws . . . and this one needs to be . . . if we are taking time until 12.00 tonight, and I don't know what time we will ever finish here, but I tell you what, something should be done. And we should sit down and do it. Five minutes, ten minutes, make something that says it is going to be regulated this way. But to stop the importation only criminalises everything else.

The Government, because we are an Island, could never afford to pay for the kind of policing that is necessary to cover the laws that we have on the books. It would cost you, I don't know what. And we heard the complaints from Members about what people do when they should be on the water taking care of the environment.

Now, we hear all kinds of complaints, and I am not going to berate anyone there because the truth is that the Department of the Environment has done fantastically well in this country to enhance, protect and promote the natural environment and the marine environment. I think that they go overboard with things but so be it. We should be at the end of the day saying this is where it goes and this is where it stops or begins—this body here.

So, Madam Speaker, we need to appreciate just how much the director and her staff have done and are continuing to do over these many years. If we look back we would not have the pristine environment that we have today if it were not that we put in those marine parks 20-odd years ago, nearly 27 years ago. I know it was sometime in 1986, I believe, that we debated it. It was just after I was elected in 1984. So we have much to be thankful for. We stopped certain kinds of pots.

I still say that we need to look at the fish that we catch. I see people going in the snapper season

and it is ridiculous, the little fish. And you know what, we see it in supermarkets.

[Inaudible interjection]

Hon. W. McKeever Bush: And so, Madam Speaker, there are some thought processes that I think need to be listened to.

Now, some people believe, *Oh, leave these things alone and they are going to correct themselves.* The truth is that our little seabed, the little areas for spawning that we have, are not growing, I do not believe. We are not like the Bahamas with hundreds of little islands, thousands of square miles where they have and protect the fisheries for spawning areas and so on.

We need to be cognisant of these things. But that speargun issue, this House needs to sit and and probably remember what the late Captain Mabry [Kirkconnell], former Speaker, told them. I think it must have been the bicycle, "If you want my vote, you got to change it!"

[Laughter]

Hon. W. McKeever Bush: I never forgot that.

[Inaudible interjection]

Hon. W. McKeever Bush: Yes.

So, we need to understand that it hasn't gotten any better because I know good people who are very responsible people that can use a speargun. And I am not arguing for me, Madam Speaker, because I was never one that loved diving. I like to go to my waist in water. I stay in the boat! I ain't going out amongst any stingrays. I'm not that fool-fool!

Madam Speaker, I hope that the Minister will take what I am saying into consideration. There is one more point (might have been covered, but I want to repeat it). The board . . . and boards in this country, by and large, do a good job. And we thank the board members who have been persistent in certain areas to ensure that laws are carried out, and, in particular, this board. They have been pushy at times in wanting to flex their muscles like they are the legislators. But they are board members. They work there. They sit there and they do the work and try to protect our marine environment.

Madam Speaker, they cannot make policy. They cannot. They cannot make laws. They should recommend and this House carry out policy, or put it in law and the Government carry it out. But we go too far when a board seems to take legislation in their hands. And while I congratulate them and thank them and we are appreciative for what they do, that aspect of the law needs to be changed.

I say no more, Madam Speaker, than to say that we are thankful for all those who carry out the

task of trying to protect our marine environment. We have many instances . . . but we have found them out, all the little taking of the periwinkles and all of this, but we have protected that now. We found it out and we made legislation and protected it. As I said earlier, the real problem is just how much can we enforce the things that we put on the law books?

I am winding down, Madam Speaker.

The Speaker: I can allow you a couple of minutes to finish off.

Hon. W. McKeeva Bush: That's what I am doing, completing my . . . I hope that the Minister will take some thought on what has been said by various Members, and will make some changes to the law as we sit in this last meeting.

Now, we can say as we said earlier, not everything is going to get done in this last sitting because we seem to be trying to do everything in this last sitting. But we cannot and we know that. So, I would hope that the Minister and CEO take note of what has been said and make some changes. But I want to thank them for bringing and getting the legislation here. It has been worked on for some time. Thank you.

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

I refer Members to [Standing Order] 10(2) which allows the Presiding Officer, if the Presiding Officer is of the opinion that proceedings in which the House or Committee is engaged could be concluded by a short deferment of the Moment of Interruption, he may in his discretion defer interrupting the business.

I call on the Honourable Premier for a motion.

Suspension of Standing Order 10(2)

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

By virtue of Standing Order 10(2), I ask for the suspension thereof for the House to be able to continue the business on the Order Paper today.

The Speaker: The question is that Standing Order 10(2) be suspended to allow the House to conclude the business on the Order Paper today.

Hon. W. McKeeva Bush: Madam Speaker, if I may.

Madam Speaker, I know the kind of timeframe that the Government has and the number of things that they have to do and people are travelling and there is a meeting here on Monday, but are we really going to try to finish this agenda tonight? Because I must say there are some commitments that some people have with families that we would like to . . . Now, if the House is called, we can say, well we

should be here. But maybe there is some accommodation that can be made for Members.

Mind you, the House is not going to be prorogued or dissolve until 12 o'clock on the 26th. Am I correct?

[Inaudible interjections]

Hon. W. McKeeva Bush: Oh.

The Speaker: That is correct. Basically you have two more working days, as far as the House is concerned, next Friday and the following Monday, before the dissolution.

Hon. W. McKeeva Bush: Continue. I am not against continuing.

The Speaker: We are going to continue as late as possible to get as much of this done. This is just one of 13 Bills, and it's only the second reading.

The Deputy Premier, Hon. Rolston M. Anglin: Madam Speaker, if you would put the question then we could actually finish.

The Speaker: The question is that Standing Order 10(2) be suspended to allow the business of the House to continue beyond the hour of 4.30.

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

Ayes and one audible No.

The Speaker: The Ayes have it. The business of the House will continue after the hour of 4.30.

Agreed: Standing Order 10(2) suspended.

[pause]

The Speaker: Does any other Member wish to speak?

First Elected Member for George Town.

Hon. D. Kurt Tibbetts, First Elected Member for George Town: Madam Speaker, it amazes me that after everybody has spoken, they want you not to speak because they wanted to go on!

Madam Speaker, since others have taken the opportunity to ventilate it a little further than what's actually on the Bill itself, that some comments are deserving, and I will be brief.

First of all, the Opposition has already stated its support for this Bill. I have one observation. That observation, because I do not know all the names, the technical people will have to know the technical names, but I am on the water, especially in the early morning, fairly frequently, whenever I have the time.

And these species that have been named in the Bill, I see more kinds of stingrays than these. So I don't know if they want to say to them like how they say about the green iguana, if you see him kill him. So, I say what I say to suggest that perhaps a little bit more in depth study be looked at to see if they have exhausted the species. And that is not to send anybody on a witch hunt. But I know that I see more than this. And nobody has to try to explain to me who these are and what they look like because I know.

Having said that, the few comments that I wish to make are, first of all, other speakers before have spoken of the speargun issue. There is no doubt that there have been many occasions which is what I believe had led to the almost hatred by some people when they hear the word speargun, is because the situation over the years was abused time after time after time.

That is typical of the circumstances which we face and have always faced. And I noticed the First Elected Member for West Bay made the statement that we will never be able to police effectively our waters to be able to monitor and enforce the laws that we have. There may be a ring of truth in that statement, but in my view, that very situation is the genesis of all of the problems. All! And I say "all" meaning all. And I will explain.

I have heard it time and time again, literally (if I might say without saying any further) out of the horses' mouth (and that's horses plural) because of the same situation. So, therefore, whenever it is recommended about any of these laws the attempt is to try to get rid of everything and hope for the best by people not breaking the laws that you make because you have given up literally, totally given up, any attempt to try to enforce the law. So that means that instead of saying let's licence spearguns and do our best after we make what we call the laws, the best way we know how, do our best to enforce the laws, because we can't enforce it, let's just make them have none.

I am saying that is the position that is being taken because I hear them say so myself.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: Yes!

And it is not to blame them, Madam Speaker. You see, this is one situation where I know the department has a totally thankless task. They do their best to get the best results and they use the devices at their disposal the best way they now how, but their devices are very limited. But their best device is the law. So hence they try to get the law as restrictive as possible to give it a chance to happen the way they want it to happen.

I am not blaming anyone. Perhaps any one of us in these Chambers under the same circumstances would take the same view and the same course of action. But I say what I am saying this evening to say

that if we think as legislators that we should not be that restrictive, and given all of the fiscal challenges that we face, we cannot expect to move in one direction by having certain expectations if we are not prepared to, when that left arm is going forward, to move with the right arm to be able to accompany those expectations with the proper dose of medicine to make it work. That's all I am saying.

In summary, what I believe is happening is that the department is faced with very limited resources, and they know what the desired results are. And because they are in almost totally untenable circumstances of being able to enforce and monitor all of these things to try to make the short-medium-and long-term objectives be realised, then they can only resort to saying, *We can't manage it, and once people get speargun licences they are going to abuse it and that's going to kill out all of the breeding fish.* And in my humble opinion that is where we are at today.

Now, I have to tell you that I have a problem with that, personally. Not for me. Because the First Elected Member for West Bay and I may not have too many things in common, and I might want to go a little bit higher than my waist in water, but not much, so they don't have to worry that I want a speargun licence or anything of the sort. Nothing like that!

Madam Speaker, I am one of those who how I grew, I want to be able to enjoy my fishing trip the same way like the other man. I would very much like to have knowledge that my children and their children will enjoy the same heritage that we had for many a year and not just look into the empty water and everything is depleted and everything is gone because of not having the proper legislation in place to ensure sustainability. So, I think that I am average Joe when it comes to that.

Madam Speaker, there are some people who either do not wish to or do not realise that certain actions in continuity and almost in perpetuity will cause in fairly short order what we know to be able to do to just fall away, meaning, I heard the First Elected Member for West Bay, although he did not elaborate tremendously, speak about snappers when in season. I believe that we should have limits when the snapper are spawning. And I don't think that those who fish for the snappers would have a tremendous problem with a reasonable catch limit when the snappers are spawning. I don't think so.

But when I suggested it many years ago I was told that snapper is different from the conch and the lobster. They are very prolific breeders so they can catch all they want. I bet they are saying a different story today. I will bet you that.

So, Madam Speaker, the real point that I wish to make, having said what I said, is that I firmly believe that if we find this as important a subject for the people that we represent, and if we expect to make any changes that are what we consider meaningful changes for those people, namely our constituents,

then we must devise a way to arm the agency or agencies responsible who may wish to consider those changes we wish to make and be able to enforce any law that we enact here. We cannot do one and just expect the other to happen, is my point.

So, I say that I do not have any problems with having a real look to see whether giving a certain number of speargun licences is practical and how to make it work. I don't have any problems with looking at anything that we have as a statute and hearing what the technical advice is and making rational decisions on it. But we must ensure that if we are looking in that direction, that we know that we have to ensure that there are the resources to have proper enforcement. That is the point that I wish to make.

Again, the Bill that is before us proposing to amend the main law is certainly one that I am pretty sure all of us support. But I would suggest that they have just a look to see if maybe any other species need to be added.

Thank you.

The Speaker: Thank you, First Elected Member for George Town.

Does any other Member wish to speak?
[pause] Does any other Member wish to speak?
[pause] Does any other Member wish to speak?
[pause]. If not, I will call on the Minister to conclude his debate.

Honourable Minister for Health.

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

It seems like awhile ago we started the debate on this Bill. Indeed it was on Wednesday. Madam Speaker, as several of the speakers have said, it has provoked significant amount of debate. Not necessarily on the specific amendments being made, but indeed on different aspects of the environment, and, Madam Speaker, all for good reason.

As we know, environmental protection, whether it be terrestrial or marine based, is very important. And I note the comments by the First Elected Member for West Bay, in particular, when he said that sometimes as Minister of the Environment he was scared to speak on it because he would be branded as anti-environment. And, Madam Speaker, I have to echo those sentiments in some regard as well because it is sometimes a very strong lobby for the environment.

But I would say, Madam Speaker, that the First Elected Member for West Bay, former Minister of Environment, made significant contributions. Indeed, in hearing debate from all Members in this House, I would have to say that there is not one Member of the 15 in here, although not all 15 have spoken, who would be deemed anti-marine environment or terrestrial environment for that matter. Conservation is very important and what is more important is striking that

balance in terms of preserving and protecting that environment for future generations for all of those reasons that some Members have spoken about as well.

Madam Speaker, I noted the comments of the First Elected Member for Cayman Brac in his support. He talked about Stingray City, how it came about. And I also noted and am very glad that the Fourth Elected Member for West Bay rose to speak on the Bill as well, and that the comments he made were recorded in the *Hansards* of this House, because it is very, very important as he outlined in detail the history of the creation of Stingray City which has gone on to become probably the most significant tourism attraction here in the Cayman Islands.

He mentioned as well the value of those stingrays. The Member for Cayman Brac mentioned that as well. I believe in the article that was in the newspaper yesterday it was mentioned as well that an economic value is in place on those stringrays ranging from half a million dollars per year up to anywhere around \$10 million in the lifetime of one stingray. Madam Speaker, when we think of that economic impact of that one animal to our country, it is astounding but it obviously brings about and emphasises and underscores the importance of the protection being afforded to the species.

And on the comment by the First Elected Member for George Town, we are reviewing the number of species and we hope to find that information from the Department of Environment. I want to thank him for raising that point

However, going back, Madam Speaker, like I just said, when we think about the value of these beautiful marine animals to our environment, up to \$10 million for one animal in its lifetime. That underscores the significant importance of protecting these very, very valuable species. Again, talking about the decline, the Fourth Elected Member for George Town mentioned it, but we have seen a significant decline from anywhere around one-third of what the numbers were at the Stingray City and the Sandbar just less than 10 years ago.

Madam Speaker, the Member for East End spoke about the board and the amendment that we are bringing speaks to that, about the appointment to the board and the tenure of the members of the board. The Member for Cayman Brac spoke about continuity and concern about if all the members were removed at one time and having all new members. Madam Speaker, that concern is noted and will be addressed by possibly not revoking all appointments at one time, but staggering appointments because, I believe that these amendments speak to up to three years for the appointments before they then have to be renewed. If we stagger appointments that will then satisfy the concern about continuity.

Madam Speaker, in terms of the species of rays, as I understand it, there are other species of rays present in Cayman waters such as the species

known as the yellow ray. But it was decided that the species included in the protection at this time are the ones that are most in need of protection in terms of numbers. And also, as I said, from mainly from the economic perspective, because these rays are obviously the ones more frequently found at the locations where tourists visit. And certainly, for the future we would be able to revisit the species and add additional species if needed for protection in the future. But these are deemed to be the most significant ones in need of protection at this time.

Madam Speaker, the amendments we are seeking are about the tenure of the board members and the concern was raised about the functioning of the Marine Conservation Board, particularly certain provisions in the Law, in particular, section 6(8) of the Law, and others similar to that, which now allow the Board to publish in gazettes and to suspend or change operations of certain sections of the law on their own. Madam Speaker, this seems to be an anomaly as far as a government-appointed board and probably one of the only boards outside of Cabinet that has the ability to gazette its own directives.

Based on discussions with all Members in the last few days we have drafted a committee stage amendment where we will be amending section 6(8), section 7(2) and section 17(3) of the law where we will be including "with the approval of Cabinet the board may by notice in the gazette suspend or change the operation from time to time . . ." in such areas and so on. So prior to the board making these changes it will now require Cabinet approval.

A further amendment was made to section 3(8) of the existing law, which, again, we propose to do this at the committee stage, where section 3(8) will be deleted. This section currently allows decisions of the board to be put into effect by directives issued under the hand of the chairman and decisions generally affecting the public shall be gazetted. We propose to delete that section and replace it by saying something to the effect that Cabinet may, on the recommendation of the board, issue directives with respect to the implementation of decisions of the board and decisions generally affecting the public shall be gazetted. So again, it becomes a Cabinet approval. So, the authority that the board had to make these directives on its own will be removed as Members have rightly said, policy, laws are made here in the Legislative Assembly, policy is the responsibility of the Cabinet and boards in the department are responsible for implementing that policy, and there will be changes that will be affected that way.

Madam Speaker, I also believe that the concerns of Members in regard to spearguns and the procedure for licensing, we will be able to address that with these changes to the law. Currently the procedures . . . and I certainly agree with Members to the extent and I will put it into context by saying that I do agree with Members and I appreciate that Members

have all articulated that the concerns and some of the reasons they believe as to why the restrictions on spearguns are so strict at present is because of the concerns with enforcement and the lack thereof. The Department of Environment does a significant job, a tremendous job in enforcing our Marine Conservation laws and otherwise. As we all know, not only that department but many government departments are working with limited budgets, with constraints in place. So, to the Members' points where they said the law is very strict in order to be able to be easier to enforce so to speak, I do agree that sometimes comes across as the impression.

Madam Speaker, I think sometimes we get the impression that the weight of the law is so strict and so harsh that it is there to prevent the 1 per cent or 2 per cent of persons who would be the lawbreakers and going and taking too many fish when spearfishing and so on. And it certainly inhibits and negatively affects those persons who would be law abiding citizens and those who would want to have spearguns.

The point about the heritage and persons passing on that tradition to their sons and so on, I just had a call not very long ago (in the past few weeks) from a member of the community who has been trying to work with the Marine Conservation Board. He's the father of a son who wants to have a speargun licence. He has been trying to pass that speargun licence onto his son, and pass that tradition on since he no longer wants to do spearfishing. And that is becoming a difficult task for him to do. And, Madam Speaker, I do understand the need to pass that heritage on, but again we want there to be a balance struck where we have the protection afforded, but we also have the ability and opportunity for persons similar to how we have the procedure for licensing firearms. Possibly we can look at a similar procedure for speargun licences.

Madam Speaker, the points were taken and certainly we hope we can look at some amendments that can streamline the process a bit more for persons seeking to engage in that activity.

Madam Speaker, just to say that there was a lot of discussion and points made about the marine environment and the recent review of the marine parks and certain other pieces of legislation. I just want to make a note that Members were correct. There was a story in the paper yesterday talking about the marine parks review. There has been an ongoing marine parks review, a public consultation exercise that was undertaken by the Department of Environment going around to the various districts. I have to commend all of the Members for attending those meetings. Many of the Members attended the meetings in their districts and tried to facilitate and help with the discussion, and solicit the support for the proposals from the DoE.

In particular, I want to commend the Member for North Side. He has now left the Chamber, but in

particular, the district of North Side where he facilitated several meetings with the DoE and so arrived at the position which he read out into the *Hansards* for the district of North Side in terms of the position they have on the marine parks.

Madam Speaker, it is a very controversial issue because all Members here, and indeed, I believe the wider community, understand and accept the need for greater conservation of the environment, greater conservation of our fisheries. I would say that I think a majority of the community also understands the need to expand the marine park areas. I would hasten to add that I believe there could be . . . or probably the time that we are doing this exercise is not the most opportune because of the economic situation. And the Member for North Side spoke about people who are fishing to get food at present, and I believe that that has a great part to play in some of the responses we are now getting and the sort of sentiment of the community in terms of the increase in areas of the marine parks.

I want to commend the DoE for their work in carrying out that exercise over the past few years. And also I say that I hope the work will continue. The report is very near to completion. I encourage all Members to continue to work with their communities to encourage them to support some of the proposals, to work with them to understand better what the proposals are doing, to take the example of the marine parks. Even what we have now (which are very small areas in comparison to the length of our entire coastline), the results of the protection afforded therein has been very significant in preserving species, conchs and lobsters, for instance, and the First Elected Member for West Bay spoke about the grouper protection in the early parts of the 21st century (just about 10 years ago), and the protection afforded to those fisheries and what has resulted from that protection.

Madam Speaker, a lot of work has been done over the years by the DoE, indeed by successive Ministers of the Environment. And while the results have not been the passage of legislation, it is because I believe we have not been able to reach a consensus in terms of a balance. The same obtains for the National Conservation Law. There is a strong lobby that has said that the National Conservation Law has not been passed. Again, in these past four years a significant amount of work has been done to that legislation.

I remember just before the last election the previous Minister for the Environment had tabled a white paper here at the Legislative Assembly to put the proposed legislation out for review. I remember that one of his own ministerial colleagues said on the platform that he would not support the legislation. So, that is the type of controversy that this legislation has spurned where you have sitting Members in a Cabinet that were publicly saying they could not support the legislation.

Since taking office, I engaged in a wide ranging public consultation exercise for the National Conservation Law and also had a very extensive review of the law carried out by the Attorney General's Chambers. What has resulted is that there have been some significant changes to the legislation which is now, again, in draft position in terms of the new amendments. I hope that this exercise will be continued with the next Government so that we can come to a consensus and an agreement on how the National Conservation Law will be approved.

Madam Speaker, I believe that the law needs to be where it is very protective. It has protection in there for terrestrial environment, yet it is not to the point where it inhibits continued growth and development. I believe that the Conservation Law, in order for it to be enacted has to pass four simple tests: the test of parliamentary democracy; is the law going to be affordable to be implemented and what is it going to be in terms of our continued economic growth, and how reasonable is the law. I could say that that would be with most any legislation that we would want to pass here in the Cayman Islands.

I want to draw my closing remarks to a close now and be very cognisant of the time and knowing that we are trying to get through several other pieces of legislation this evening, several of which are under my name, but just to say that I appreciate the support being afforded to this Bill by all Members of the House at this point, and to thank them for their contributions, and note their contributions and how passionate they were about some of the traditions, about owning spearguns, and having speargun licence but yet still speaking about the importance of conservation.

Madam Speaker, a big part of this whole thing is about education. I believe that if we continue discussion on the environment as legislators, continue ourselves to understand the need for protection, and continue to keep it an issue in the public domain that we will certainly gain the support of the wider public eventually as we move along to be able to have environmental legislation that is needed for going to the future.

Having said that, I also want to say that for the environmental lobby that speaks sometimes as if environmental protection is non-existent in the Cayman Islands and environmental awareness does not exist in the Cayman Islands, I have to disagree strongly with that. I believe that for the most part developers here, especially the larger ones, are environmentally conscious and for the smaller ones, I believe that even though the legislation is not in place, that the other necessary legislation that governs development here in the Cayman Islands, currently does a fairly decent job of ensuring that we don't have wanton destruction of our environment with just urban sprawling.

So, we do have some protections in place. What I think affords us the best protection of our environment, at present, are the persons in the various

government entities, for instance. We have a very conscious and very diligent Director of the Environment with Ms. Gina Ebanks-Petrie. We have a very knowledgeable Director of Planning. And throughout our various government entities, with the governance of those entities and with the procedures they have in place and the laws they have on the books, we certainly have already very good protection of our environment and that certainly does not preclude us from having to pass the law, but just to say that the lobby that says there isn't any protection now, I believe is wrong.

I want to thank all Members for their support of the Bill. We will be making the committee stage amendments to the sections I outlined earlier. That will address some further concerns of Members going forward. I hope that we can continue to look at this legislation as well as our other environmental legislation that we have on the books looking to be passed as well, certain things like the marine parks review that is ongoing. When that review is completed and the report is done, hopefully legislation will be tabled for that as well, so that once again the public can understand what we are trying to do.

As well, Madam Speaker, we have the other legislation regarding (as the First Elected Member for West Bay was speaking about) the groupers. There is also draft legislation regarding catch limits, size limits and the season for groupers. That legislation is in draft format as well. We hope that legislation will be tabled eventually. So, a lot of work is being done in terms of looking at the necessary legislation for the protection of our environment, marine and terrestrial. Hopefully, some of these legislations will be brought to the House in the very early stages of the upcoming Government.

I want to thank the Chief Officer, the Department of Environment and all policy advisors in the Ministry and others for their work in drafting this legislation and for all the work being done over the past four years in drafting other legislation geared to the environment as well as all the work with the public constitution exercises and other exercises regarding the environment. I thank all Members of the House for their support of this Bill. Thank you.

The Speaker: Thank you, Honourable Minister for Health and Environment.

The question is that the Marine Conservation (Amendment) Bill, 2013, be read a second time.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The Marine Conservation (Amendment) Bill, 2013, given a second reading.

[Pause]

REQUEST FOR VARIANCE OF ORDER PAPER

The Speaker: The Chair has had a request for the variance of the Order Paper for the day.

I will call on the Honourable Premier to raise the relevant Standing Order.

Suspension of Standing Order 14

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

I move the suspension of Standing Order 14 to rearrange the business of the day to enable the Honourable Deputy Premier to deal with number 7, which is the Monetary Authority (Amendment) Bill, 2013; number 10, the Companies (Amendment) (No. 2) Bill, 2013; and, under Government Motions, number 9/2012-13.

The Speaker: The question is that the Order Paper be varied to allow the Minister of Education to deal with the Bills, number 7, Monetary Authority (Amendment) Bill, 2013; Companies (Amendment) (No. 2) Bill, 2013; and Government Motion No. 9/2012-13, the Tax Information Exchange Agreements, between the Cayman Islands and various jurisdictions as of 7 February 2013.

The reason for asking for the variance is that the Minister will be travelling tomorrow.

I will put the question that Standing Order 14 be raised to allow the variance of the Order Paper to bring forward the Bills, the Monetary Authority (Amendment) Bill, 2013; the Companies (Amendment) (No. 2) Bill, 2013; and Government Motion No. 9/2012-13, which are the responsibility of the Minister of Education.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 14 suspended.

SECOND READING

Monetary Authority (Amendment) Bill, 2013

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

The Speaker: Honourable Minister of Education and Finance.

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

I beg to move a Bill shortly entitled, The Monetary Authority (Amendment) Bill, 2013.

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

The Deputy Premier, Hon. Rolston M. Anglin: Thank you, Madam Speaker. I thank the Chair for accommodating the request and I thank all Members for this accommodation to get these two Bills and the Motion dispensed with. We know that all Members have commitments and these are not going to elicit much debate as anticipated.

Mr. V. Arden McLean: We hope!

The Deputy Premier, Hon. Rolston M. Anglin: I rise to present this Bill on behalf of Government. It is a Bill for a Law to amend the Monetary Authority Law (2011 revision). This Bill amends the Monetary Authority Law (2011 Revision) to strengthen the provisions relating to consultation co-operation and the exchange of information. This amendment is necessary to facilitate the execution and affective implementation of the proposed Memorandum of Understanding (MOU) between the Cayman Islands Monetary Authority (CIMA) and various European Union securities regulators. Such amendments will be essential to allow the Cayman hedge fund industry to be marketed within EU countries after July of this year when the EU's Alternative Investment Fund Managers Directive (AIFMD) is due to become fully effective.

CIMA has been engaged for some time in making the necessary provisions for the jurisdiction to be viewed as compliant under the directive. This amendment paves the way for their further action thus helping to preserve a critical piece of Cayman's hedge fund industry.

Madam Speaker, there are estimates that some 26.5 per cent of all Cayman hedge funds have annexes into Europe. The detailed amendments now being proposed in the Monetary Authority (Amendment) Bill, 2013, are as follows:

Clause 1 provides the short title of the legislation.

Clause 2 amends section 2 of the principal Law to define the term "cross border supervision" for the purposes of the legislation.

Clause 3 amends section 50 of the principal Law to empower the Monetary Authority, if satisfied that a request for assistance from an overseas regulatory authority should be granted (a) to apply to the Grand Court for an order to protect the interest of investors, depositors, policy holders or beneficiaries of trusts; and (b) to permit the overseas regulatory authority to carry out an on-site inspection in relation to

an entity in the Islands that is subject to its supervision.

Clauses 4 and 5 of the Bill respectively amend sections 51 and 52 of the principal Law to replace the references to "consolidated supervision" with references to "cross border supervision."

Madam Speaker, this amendment obviously impacting that portion of our hedge fund industry makes it crucially important that the Legislative Assembly does pass this legislation to ensure that CIMA can conclude all of its negotiations. This would obviously have a materially negative impact on our industry if we are not able to proceed.

Madam Speaker, I also want to thank the First Elected Member for West Bay, under whose stewardship this legislation was originally commenced. I am sure that all of us are happy that we have gotten to this stage.

Madam Speaker, this concludes my presentation of the proposed amendment to the Bill. I therefore commend the Monetary Authority (Amendment) Bill, 2013, to honourable Members for passage.

The Speaker: Does any other Member wish to speak?

Deputy Leader of the Opposition.

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

I rise on behalf of the Opposition to support this Bill. I believe that to further protect the interests of investors to make further provision in respect of exchange of information and for incidental and connected purposes, really give us a synopsis of why the Government is bringing this.

We are very cognisant of the fact that we sit on two pillars, one of them being finance. We believe that the competitive edge that the Cayman Islands has, is when they can move and bring legislation like this in a timely manner that continues to protect our industry and in this case, specifically, the hedge fund industry, and to bring more business here.

As a need for international obligation, we commend the Government for bringing it and where it originated we will certainly be voting in support. Thank you, Madam Speaker.

The Speaker: Thank you Deputy Leader of the Opposition.

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

If not, I call on the mover of the Bill to make his reply.

The Deputy Premier, Hon. Rolston M. Anglin: Just to thank the Member who spoke and to thank all Members for their tacit support.

The Speaker: The question is that a Bill shortly entitled, Monetary Authority (Amendment) Bill, 2013, be given a second reading.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The Monetary Authority (Amendment) Bill, 2013, given a second reading.

Companies (Amendment) (No. 2) Bill, 2013

The Deputy Clerk: The Companies (Amendment) (No. 2) Bill, 2013, Second Reading.

The Speaker: Honourable Minister of Education and Finance.

The Deputy Premier, Hon. Rolston M. Anglin: I beg to move the Second Reading of a Bill entitled, The Companies (Amendment) (No. 2) Bill, 2013.

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

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

Madam Speaker, this Bill seeks to amend the Companies Law (2012 Revision) to define the term "alternate director"; to create exemptions from registration; and for incidental and connected purposes insert

Madam Speaker, the Companies (Amendment) Law 2012 was gazette on 10 January 2013. One of the key changes was to repeal section 55 and substitute a new section 55 which included the requirement for information on alternate directors to be maintained on a company's register and appropriately reported to the Registrar. However, the Companies (Amendment) Law, 2012, did not provide for a definition of the term "alternate director." The amendment Bill is therefore necessary to provide for the definition of the term "alternate director. The Companies (Amendment)(No.2) Bill, 2013, addresses this deficit in order that the new obligations with respect to the keeping of information related to alternate directors is clearly understood and filings can be made to the Registrar.

The detailed amendments now proposed in the Companies (Amendment) (No.2) Bill, 2013, are as follows:

Clause 1 of the Bill makes provision for the short title of the legislation.

Clause 2 amends section 55 of the Companies Law (2012 Revision) by inserting a subsection

which defines the term "alternate director". It also specifies the persons who are not required to be registered as alternate directors.

Clause 3 amends section 214(1)(a)(v) of the Companies Law (2012 Revision) by correcting a reference made to subsection (3) which is incorrect and should be a reference to subsection (2).

This concludes my presentation on the proposed amendments by the Bill. I therefore commend the Companies (Amendment) (No.2) Bill, 2013, to honourable Members for passage.

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

Deputy Leader of the Opposition.

Mr. Moses I. Kirkconnell, First Elected Member for Cayman Brac and Little Cayman: I rise to make a short contribution in support of a Bill for a Law to amend the Companies Law (2012 Revision) to define the term "alternate director"; to create exemptions from registration; and for incidental and connected purposes.

Madam Speaker, as I said before, this is an overarching part of our country. It is one of the pillars we stand on, and any time you can be proactive and move in this particular case, correcting and adding to with an amendment the definition of "alternate director" the Opposition is certainly in support of that.

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

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

The Deputy Premier, Hon. Rolston M. Anglin: Once again, just to thank the Member who spoke and to thank all other Members for their tacit support.

The Speaker: The question is that a Bill shortly entitled, The Companies (Amendment) (No. 2) Bill, 2013, be given a second reading.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The Companies (Amendment) (No. 2) Bill, 2013, given a second reading.

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

House in Committee at 5.33 pm

[Hon. Mary J. Lawrence, Chairman]

COMMITTEE ON BILLS

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.

Monetary Authority (Amendment) Bill, 2013

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

Clause 1	Short title
Clause 2	Amendment of section 2 of the Monetary Authority Law (2011 Revision) - definitions
Clause 3	Amendment of section 50 - confidentiality
Clause 4	Amendment of section 51 - memoranda of understanding
Clause 5	Amendment of section 52 - disclosure to regulators

The Chairman: The question is that clauses 1 through 5 do 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 5 passed.

The Deputy Clerk: A Bill for a Law to amend the Monetary Authority Law (2011 Revision) to further protect the interest of investors; to make further provision in respect of the exchange of information; 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.

Companies (Amendment) (No. 2) Bill, 2013

The Deputy Clerk:

Clause 1	Short title
Clause 2	Amendment of section 55 of the Companies Law (2012 Revision) – list of directors to be sent to Registrar

Clause 3 Amendment of section 214 of the Companies Law (2012 Revision) – conversions of existing companies

The Chairman: The question is that clauses 1 through 3 do 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 Deputy Clerk: A Bill for a Law to amend the Companies Law (2012 Revision) to define the term “alternate director”; to create exemptions from registration; 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: This concludes proceedings in Committee.

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.

The Chairman: The House will now resume.

House resumed at 5.36 pm

REPORTS ON BILLS

[Hon. Mary J. Lawrence, Speaker]

The Speaker: Please be seated.

Reports on Bills.

Monetary Authority (Amendment) Bill, 2013

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

The Speaker: Honourable Minister for Education and Finance.

The Deputy Premier, Hon. Rolston M. Anglin: I beg to report that a Bill entitled The Monetary Authority (Amendment) Bill, 2013, was considered by a Committee of the House and passed without amendment.

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

Companies (Amendment) (No. 2) Bill, 2013

The Deputy Clerk: The Companies (Amendment) (No. 2) Bill, 2013.

The Speaker: Honourable Minister of Education and Finance.

The Deputy Premier, Hon. Rolston M. Anglin: I am happy to report that a Bill entitled The Companies (Amendment) (No. 2) Bill, 2013, was considered by a committee of the House and passed without amendment.

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

THIRD READINGS

Monetary Authority (Amendment) Bill, 2013

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

The Speaker: Honourable Minister of Education and Finance.

The Deputy Premier, Hon. Rolston M. Anglin: I beg to move the Third Reading of a Bill entitled The Monetary Authority (Amendment) Bill, 2013.

The Speaker: The question is that a Bill entitled The Monetary Authority (Amendment) Bill, 2013, be given a third reading and passed.

All in favour please say Aye. Those against No.

Ayes.

The Speaker: The Ayes have it.

**Agreed: Monetary Authority (Amendment) Bill, 2013, read a third time and passed.
Suspension of Standing Order 47**

The Speaker: Honourable Premier.

The Deputy Premier, Hon. Rolston M. Anglin: I move the Suspension of Standing Order 47 [to enable the Companies (Amendment) (No. 2) Bill, 2013], to be read a third time.

The Speaker: The question is the suspension of Standing Order 47 to enable the Third Reading of Bill.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 47 suspended.

THIRD READING

Companies (Amendment) (No. 2) Bill, 2013

The Speaker: Honourable Minister of Education and Finance.

The Deputy Premier, Hon. Rolston M. Anglin: I beg to move the Third Reading a Bill entitled The Companies (Amendment) (No. 2) Bill, 2013.

The Speaker: The question is that a Bill entitled The Companies (Amendment) (No. 2) Bill, 2013, be given a third reading and passed.

All in favour please say Aye. Those against No.

Ayes.

The Speaker: The Ayes have it.

Agreed: The Companies (Amendment) (No. 2) Bill, 2013, read a third time and passed.

MOTIONS

Government Motion No. 9/2012-13—Tax Information Exchange Agreements between the Cayman Islands and various Jurisdictions, as of 7th February 2013

The Speaker: I need a copy.

I think I will take a 10 minute suspension. Everybody needs to cool off a little bit. The House is suspended for 10 minutes.

Proceeding suspended at 5.45 pm

Proceedings resumed at 5.56 pm

The Speaker: [Please be seated].
Proceedings are resumed].

GOVERNMENT MOTION

Government Motion No. 9/2012-13—Tax Information Exchange Agreements between the Cayman Islands and various Jurisdictions, as of 7th February 2013

The Deputy Premier, Hon. Rolston M. Anglin: Madam Speaker, I beg to move Government Motion No. 9/2012-13, entitled Tax Information Exchange Agreements between the Cayman Islands and various Jurisdictions, as of 7 February 2013.

WHEREAS in 2000 the Government of the Cayman Islands entered into a commitment to the Organization for Economic Cooperation and Development for the effective exchange of information on tax matters;

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 Tax Information Exchange Agreements with the following countries, namely, Czech Republic, Qatar and Italy.

AND WHEREAS the Governor-in-Cabinet, pursuant to section 3(5) of the Tax Information Authority Law (2009 Revision) has approved, by way of an Order, the scheduling of the abovementioned agreements to the said Tax Information Authority Law;

AND WHEREAS section 3(5)(a) of the Tax Information Authority Law (2009 Revision) 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 (2009 Revision) is seeking approval of the Legislative Assembly for the attached agreements to be scheduled to the Tax Information Authority Law;

BE IT THEREFORE RESOLVED THAT the attached Tax Information Exchange Agreements be scheduled to the Tax Information Authority Law (2009 Revision) as follows:

Twenty-Eighth Schedule Agreement between the Government of the Cayman Islands and the Government of the Czech Republic Concerning the Exchange of Information on Tax Matters;

Twenty-Ninth Schedule Agreement between the Government of the Cayman Islands and the Government of the State of Qatar Concerning Exchange of Information on Tax Matters; and

Thirtieth Schedule

Agreement between the Italian Republic and the Government of the Cayman Islands on Exchange of Information on Tax Matters.

The Speaker: The Motion has been duly moved and is open for debate. Does the Minister wish to speak thereon?

[Long pause]

The Deputy Premier, Hon. Rolston M. Anglin: Madam Speaker, the three agreements being referred to would have been laid on the Table of this honourable House on Wednesday, 13 March, by me, by way of laying the orders. All of these were obviously concluded before my taking responsibility for the subject and brings Cayman up to 30 Tax Information Agreements (or TIEAs). Obviously, the Cayman Islands will continue to negotiate and ensure that we have agreements with key players in the global financial services industry and other appropriate countries.

To have gotten to this point is a commendable achievement. On the trip that I will be making between now and when the House resumes, we will be signing yet another. That one will bring the number to 31 and I will obviously report that to the House when I return. But I can say that there are a number that are also close to being ready for signature. So, certainly, this is an area that has continued to be successfully navigated for the country.

So, Madam Speaker, I commend this Motion to all Members of the House.

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

If not, I will ask the Honourable Minister to wind up the debate.

The Deputy Premier, Hon. Rolston M. Anglin: Thank you, Madam Speaker; just to thank Members for their tacit support.

The Speaker: The question is:

BE IT THEREFORE RESOLVED THAT the attached Tax Information Exchange Agreements be scheduled to the Tax Information Authority Law (2009 Revision) as follows:

Twenty-Eighth Schedule: Agreement between the Government of the Cayman Islands and the Government of the Czech Republic Concerning the Exchange of Information on Tax Matters;

Twenty-Ninth Schedule: Agreement between the Government of the Cayman Islands and the Government of the State of Qatar Concerning Exchange of Information on Tax Matters; and

Thirtieth Schedule: Agreement between the Italian Republic and the Government of the Cayman Islands on Exchange of Information on Tax Matters.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 9/2012-13 passed.

The Speaker: Honourable Minister for Education and Financial Services, you had a statement you wanted to make on this matter?

The Deputy Premier, Hon. Rolston M. Anglin: I will make the statement when the House resumes as I think we have stretched the cooperation of Members at this point. Thank you.

[Inaudible interjection]

The Speaker: Are we going to conclude the business for today and continue?

Hon. W. McKeeva Bush: Madam Speaker, I thought there was an agreement that we would do two health bills.

The Speaker: I don't know what the agreement was. I was only asked to re-arrange the schedule. Are we continuing beyond the hour of 6.00, because that's where we are at now?

I need to have an agreement from the House that we are going to continue with the remainder of the Bills on the Order Paper.

[Background crosstalk]

Hon. W. McKeeva Bush: Ah?

[Inaudible interjection]

Hon. W. McKeeva Bush: We're staying. If you don't read that then you are going to get your backside bust when Ezzard come back, so you better pass them bills when he is out.

[Laughter]

Hon. W. McKeeva Bush: You better read what I'm trying to tell you.

[Inaudible crosstalk between Members]

Hon. W. McKeeva Bush: You asking me what unna would do? Unna would murder me; unna done that a long time ago. Go back and be a good boy over there.

The Speaker: If we are not going to proceed any further, I will ask for a motion for adjournment.

What is the consensus of the House? Are we going to continue or not?

Hon. W. McKeeva Bush: Yes. Ellio is here. Finish them too. Arden's staying here. Arden's a good boy.

[Inaudible crosstalk between Members]

The Deputy Premiere, Hon. Rolston M. Anglin: You tell me.

Hon. W. McKeeva Bush: The two health bills.

[Inaudible crosstalk between Members]

The Deputy Premier, Hon. Rolston M. Anglin: Madam Speaker, it seems as though there is consensus by the majority of the House who are in agreement to stay to form a quorum to continue—

Hon. W. McKeeva Bush: Two bills.

The Deputy Premier, Hon. Rolston M. Anglin: —the business.

Hon. W. McKeeva Bush: Two bills.

The Deputy Premier, Hon. Rolston M. Anglin: Two bills. And, Madam Speaker, I would therefore move the relevant Standing Order to allow for the House to now consider the Health Practice (Amendment) Bill, 2013, and the Human Tissue Transplant Bill, 2013.

The Speaker: There is no need for suspension of Standing Orders. The Standing Order was suspended to allow the business of the House to continue past 4.30, and no time limit was set. We then varied the Order Paper to allow the Minister of Education and Finance to get his two Bills in because he had to leave tomorrow.

There is a considerable amount of business on the Order Paper that we can continue with, at least the Second Reading of some of these Bills. If we are going to continue with the Health Practice Bill, I will call on the Minister of Health.

[pause]

The Speaker: This is the Second Reading of the Bill.

SECOND READING

Health Practice (Amendment) Bill, 2013

The Deputy Clerk: [The Health Practice (Amendment) Bill, 2013, Second Reading.]

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

The Speaker: The Bill has been duly moved, does the mover wish to speak thereto?

Honourable Minister of Health.

Hon. J. Mark P. Scotland: Thank you, Madam Speaker. What a confusing day!

[Laughter]

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

The Speaker: I'm glad you didn't take the Mental Health [Bill] right now!

[Laughter]

Hon. J. Mark P. Scotland: I think that's the one we should pass first, Madam Speaker, so we could commit all ourselves!

[Laughter]

Hon. J. Mark P. Scotland: Madam Speaker, I rise to table a Bill for a Law to amend the Health Practice Law (2005 Revision) to make it mandatory for a registered practitioner to obtain a practising licence in order to practise his profession in the islands; to effect miscellaneous amendments with a view to improving the provision of health services; and for incidental and connected purposes.

Since the original law was enacted in 2002, various councils, the Health Practice Commission and other stakeholders have made representations to the Ministry regarding amendments that should be made. In response to these requests for amendments and updates to the Health Practice Law I established a review committee in July 2010 and gave them the task of an overall review of the legislation. The review committee included representatives from the Health Practice Commission, the Health Practice Council, the Department of Health Regulatory Services, the Health Services Authority, along with my chief officer and other Ministry staff.

The committee worked for the past two-plus years very diligently (giving much of their time and dedication) and arrived at a series of recommendations for amendments to the Health Practice Law and regulations. Madam Speaker, before I talk about those amendments, I would like to thank those members of the committee for their hard work and dedication in

providing the expertise and experience to this review process.

Madam Speaker, Members of this House will recall that back in 2010 some amendments were made to the Health Practice Law (2005 Revision) and were approved here in the Legislative Assembly which represented the first in this series of amendments that we also are making here today.

The amendments made in 2010 included provisions to facilitate the agreement that had been made between the Cayman Islands Government and the Dr. Shetty group to develop their medical tourism facility that is now under construction in the district of East End.

Madam Speaker, under that agreement the Government had made certain commitments including the ability to consider practitioners from other jurisdictions, different from the seven that are currently recognised in our Health Practice Law, for the purpose of allowing them to be registered to practice here in the Cayman Islands, and also for exclusivity from competition from other large scale non-Caymanian medical tourism providers for a certain period of time. Some of those amendments were made in the previous round of amendments in 2010.

The Bill that we have before us today represents a further set of amendments and a culmination of the overall review process. Overall, once approved, it will be combined with the amendments approved in 2010 to become the now updated Health Practice Law.

The amendments contained in the Health Practice Amendment Bill, 2013, and the Health Practice Amendment Law, 2010, not only addresses our obligations under the agreement with Dr. Shetty, but in general, these amendments also enhance our healthcare sector and benefit the healthcare of our residents. So they are not specifically for the agreement only, as has been intimated by some persons.

The amendments being debated now will help to improve the registration and licensing process for all of our healthcare practitioners, will provide clarification in some areas of the law that have proven to be in need of clarification and result in an updated legislative framework to govern health practice in the Cayman Islands.

I will now speak in more detail to the specific proposals contained in the Health Practice Amendment Bill, 2013.

Clause 2 introduces a definition for "practising licence." This is a licence issued by the relevant council to the Health Care Practitioners. Prior to this, practitioners were required to register with the relevant council and were then allowed to practice as long as they renewed their registration on an annual basis. This meant that every year a practitioner had to go through the same due diligence exercise to be registered, almost re-registered on an annual basis. With the amendments in this Bill we are moving to a sys-

tem where they will be required to register when they first come to practice in the Cayman Islands, whether a young Caymanian doctor back from medical school, or a practitioner coming here for the first time. They will go through the process of registration on an initial basis and then following their successful registration they will get a practicing licence to be able to actually be a medical practitioner, whether a doctor, nurse or otherwise.

That practice licence will be renewed every two years as opposed to on an annual basis. They will not have to go through the same rigorous due diligence process on an annual basis to be able to get registered every year. This streamlines the process because we will have on record their qualifications, experience, where they went to school, and the only time they will have to review those again is if they do not take up a practice licence for a period of more than 5 years.

This very much streamlines the process of registration and gaining a practice licence but not in any way reducing or lessening the requirements to be able to practice here.

Clause 3—health fees: This provides for the healthcare facility to display a notice that there is available on request a list of fees charged by the facility. Under the current legislation it states that a list of fees charged shall be displayed. This is not always practical; however, it is important that the practitioner has the information available so that patients can have it should they request it; thus the amendment being made to the legislation here.

Clause 4—refusal of certificate: This section has been amended for consistency throughout the law to reduce the numbers of days to file an appeal against a decision of the Health Practice Commission to refuse a certificate. The amendment changes it from 30 days to 21 days. This is in keeping with other appeal provisions in the Health Practice Law.

Clauses 5—revocation of a certificate and appeal against revocation: The word “licence” has been replaced with “certificate” as this is what is issued when an application is submitted to operate a healthcare facility.

Clause 6—offences: This section has been amended to ensure that registered practitioners practising at the healthcare facility have malpractice insurance or indemnity cover approved by the commission. Under the existing law the owner and manager of a healthcare facility are required to provide for the registered practitioner malpractice insurance or indemnity cover approved by the commission. With this amendment the onus of malpractice insurance or indemnity cover for the registered practitioner is not the sole responsibility of the owner/manager of the healthcare facility, but an agreement may be reached between the facility owner and the registered practitioner of who will pay for that.

Clause 7—inspection of healthcare facilities: Under the current legislation, the inspector has to give the facility owner at least seven days’ prior notice of the date of inspection unless in cases of an emergency. The insertion of “or in cases of emergency” seeks to further reiterate and empower the inspector to enter, inspect, and examine the healthcare facility. And this is very important as it will allow the facility inspector to enter in cases of emergency to carry out an inspection without having to give at least seven day’s notice.

Provision notices replaces “inspectors” with “inspector” as there is only one healthcare facility inspector currently employed by the department.

Clause 9—councils and registration of practitioners: This section has been amended to read: “Councils registration and licensing of practitioners.” Again because practitioners will now have to be registered before they can have a licence to practice in their respective profession. The registration is an initial entry onto the register and can only be erased from the register for false or fraudulent representation, if deceased, or if you have not held a practicing licence and have not applied to retain registration for a period of five years or more.

Clause 10—the councils: This is a proposal to expand the profession of pharmacy to include pharmacy technicians who will be required to apply for registration and licensing, as such a new schedule has been created to accommodate the profession of pharmacy which is the 7th Schedule. In addition the council is required to licence and register practitioners. The words “and licence” have been inserted after the word “register” in the appropriate sections.

Clause 11 is for the establishment and maintenance of registers. When the law was amended in 2010 there were three lists: the principal list; the special registration list and the provisional list. In the ongoing review, the ministry stakeholders believe that a more appropriate name the “institutional registration list” should replace the “special registration list” and this has to do with the category we have created called “institutional registration.” Persons who are institutional registered would be attached to a specific facility designated by Cabinet and under their conditions of employment they would be unable to work on their own or at another medical facility.

Madam Speaker, this specific category was the one created to allow us to consider applicants or practitioners from jurisdictions other than the seven that are currently listed in our Health Practice Law.

Members may recall from discussion at the time that we approved the Health Practice Law in 2010, that only practitioners in the seven jurisdictions we spoke to, Australia, Canada, Jamaica, New Zealand, South Africa, the United Kingdom, and the United States are currently eligible for registration on the principal list of practitioners here in Cayman.

Health practitioners who have trained and qualified in jurisdictions other than those we currently recognise will now have an opportunity to apply the relevant council for institutional registration to work at a designated facility and the procedures and requirements are outlined in the Health Practice Regulations and in guidelines which will be gazetted to those regulations as well.

As I indicated in my contribution to the debate when this category was initially proposed and approved, it is important to understand that applicants for registration in this category will still be required to satisfy the registering council as to their education and experience and I am confident that councils will also ensure that successful applicants under this category will uphold the high standard of healthcare practitioners of the people of the Cayman Islands have come to expect.

Madam Speaker, the establishment of this category “institutional registration” seeks to strike a balance between allowing the consideration for practitioners from other jurisdictions yet still giving the possibility because we have put a maximum time limit for persons to be registered under this category of up to six years, which again, the main reason for doing this is to encourage young Caymanians to train in the medical profession and there will be opportunities available for them. Because if everyone is allowed to be registered for indefinite periods of time and reach the period in terms of immigration where they are allowed to become residents here, then opportunities for Caymanians will not be forthcoming with the advent of having medical tourism here and specifically the Dr. Shetty facility. So the institution category with a time limit would seem to be a compromise to allow the practitioners to be here for the facility to be able to operate, and within that time limit they are allowed to be here, that opportunities be given to young Caymanians while encouraging them to train, come back, and, again, have opportunities for employment at that facility.

Clause 12—full registration: With these changes applicants who satisfy the criteria of the relevant council shall be registered on the principal list only. Other criteria and conditions are outlined in the regulations for applicants who require registration on the other two lists, the institutional registration list and the provisional list. This section has also been amended to allow the deputy chairman of the registering council to approve the registration of an applicant for a period not exceeding 90 days in cases of an emergency. Previously, only the chairman could perform this role. It is understandable why we want to allow the deputy chair as well in cases of emergency.

Clause 13—special registration: As I said earlier, special registration has been replaced with institutional registration, and once the application is approved, applicants are then institutionally registered by the relevant council on the institutional registration

list. Therefore, if a practitioner is institutionally registered to practice at the Shetty hospital, for example, that practitioner is unable to practice at any other facility.

Madam Speaker, when this category of registration was approved as part of the amendments in 2010, it was envisioned that this registration would last for two years and could be renewed indefinitely. As I mentioned a few minutes ago, with this amendment, institutional registration will last for two years and can only be renewed for two consecutive periods of two years for up to a maximum of six years.

Clause 14—provisional registration: Persons provisionally registered are classified as interns. The amendments to this section will require more detailed information from the applicants applying to the relevant council to be provisionally registered and will help to provide better oversight of the process. The applicant must be working towards a relevant qualification recognised by the council, has a relevant qualification recognised by the council, or is enrolled in an institution recognised by the council. Registration under this section shall be for a period not exceeding two years and may also be renewed.

Clause 16: As I stated earlier this practicing licence requirement is an update to the legislation and will replace the current annual registration process. All registered practitioners desirous of practicing in their relevant professions must apply to the relevant council for a practicing licence. This licence will be issued for two years and the fees payable may be waived by the council upon the recommendation of Cabinet if the practitioner is employed to the government services.

Under the existing law it is not a mandatory requirement that a practitioner has malpractice insurance before a registration certificate is issued. With this new legislation registered practitioners will be required to show proof of adequate malpractice insurance, liability insurance, or other relevant insurance or indemnity from an authorized insurer approved by the Health Practice Commission. That is a very important amendment being made. We can all understand why without having to say much more. It is so important for practitioners to be able to demonstrate that they do have the required malpractice insurance or otherwise.

Another provision being introduced is that if the registered practitioner is without a licence for a period of five consecutive years, whether by choice or otherwise, the practitioner’s name will be erased from the register unless he submits an application to the relevant council to be retained on the register.

We know that many of our practitioners here visit and sometimes they may leave and do not come back for some time. If they do not have a practicing licence for a period of five years they will be erased from the register and have to go through the registration process again before getting a practicing licence.

Madam Speaker, the new-proposed licensing requirement process of a two-year licence period will

reduce the workload of the Department of Health Regulatory Services at the end of each calendar year and create a much more efficient process. Currently, all registration for practitioners ends in December and they all have to be renewed in the early part of the year which produces a significant workload for not only the DHRS (Department of Health Regulatory Services) itself, but for the councils who are all volunteers for the most part receiving very little in terms of stipends or otherwise. It produces a significant amount of workload over a short period to register or to re-register all practitioners at the beginning of the year. That requirement will be reduced by having two-year licensing periods.

Clause 18—the power to make regulations with respect to the registers: The amendments made in this section reflect the proposed revisions to registration and the licensing of healthcare practitioners.

Clause 19—access to registers, et cetera: With the new amendments each council will produce a register of practitioners and a list of licensed practitioners. The list of licensed practitioners will be published in the gazette once per year. This list is published on an annual basis. Members of the public with concerns regarding whether a practitioner has a valid practicing licence will have to contact the Department of Health Regulatory Services.

Clause 20—removal of names and frauds or errors in relation to registration: A practitioner's name can only be removed from the register if he is deceased or has ceased to maintain the requirements of registration. In the event of a practitioner coming under investigation for a fraudulent entry on the register, the relevant council may suspend his practice licence until the investigation is completed. New particulars such as change in the scope of practice of a practitioner, contact details, and other clerical details have also been addressed under this section

Clause 21—registration fees: This section enables the making of regulations relating to licensing fees.

Clause 23—codes of standards of professional practice: Very important, Madam Speaker. This section seeks to amend and remove the provision whereby a registered practitioner's failure to comply with the code of standards of professional practice may only be taken to constitute unprofessional conduct once the practitioner has been advised by the council. Instead, the amendment compels practitioners to comply with the provisions of a code prepared by the council.

This is very important. I will repeat what it says: It removes the provision whereby a registered practitioner's failure to comply with the code of standards may only be taken to constitute unprofessional conduct once the practitioner has been advised by the council. So the onus is not on the council any more to advise you that you have failed to comply with the code of standards. But the onus is now on the practi-

tioner to comply with those provisions in the code; a very important amendment.

Clause 24—censure, suspension, striking off, et cetera: The amendments introduced in this section will allow the registrar and the council to censure, impose conditions on a registered practitioner's licence or suspend his licence if they believe there is just cause to do so. The practitioner will have the right to appeal the decision against the suspension of his licence.

Clause 25—emergency: Madam Speaker, there has been a call by all stakeholders to introduce what is known as a good Samaritan clause in order to offer legal protection to persons who voluntarily offer assistance to persons in cases of injury, accidents and other medical emergencies. This clause provides that protection. This could be a doctor that comes up on a car accident along the road and offers assistance to someone that is injured in that accident. This offers legal protection to persons offering assistance voluntarily.

Clause 26—immunity: The Health Practice Law, which governs the councils and the Health Practice Commission, has never had an immunity clause to protect the commission and council members. This is a standard clause, Madam Speaker. It is in many other pieces of legislation as well. This makes us consistent with provisions in other legislations for board and commission members.

Clause 27—the First Schedule of Health Practice Commission: The Board of the Health Practice Commission has been expanded to accommodate the chairs of each council and two persons representing healthcare facility. This will increase the membership of the Health Practice Commission from five to eight persons. The Registrar will act as the secretary to the council and the Health Practice Commission will be a non-voting member.

It is proposed that the quorum will consist of five members rather than three at present to reflect the increased membership. Each member will be appointed for a term of two years or less and shall be eligible for reappointment for up to two consecutive terms of two years each, therefore, a maximum of six consecutive years on the Health Practice Commission. In instances where both the chairman and deputy chairman are absent the chairman shall designate another member to act as chairman. This provision is also applicable to the other council.

Clause 28—Health Appeals Tribunal: This has been expanded to represent practitioners from the four professional schedules of medicine and dentistry, nursing and midwifery, pharmacy and professions allied with medicine. Three registered practitioners who are not members of the council from each of the professional schedules, two attorneys at law, and two other members that are not qualified to practice any of the professions specified in the law, that is lay persons, will constitute the composition of the tribunal.

Both the chairman and deputy chairman shall be attorneys at law. A member of the Health Appeals Tribunal shall be appointed for a term of two years or shorter and is eligible for reappointment for two consecutive terms of two years. Decisions of the tribunal can be made with a minimum of three members which must include the chairman or deputy chairman and a registered practitioner.

Third Schedule - constitution and general proceedings of the Councils: This speaks to the registering council and all the councils with the exception of the council for professions allied with medicine shall retain membership at the current number of five persons. The membership of the medical/dental council shall include a dentist (as is not in the law now), and we always did have to include or appoint a dentist on a temporary basis, sometimes because of not having a dentist there full time. And the membership of the nursing/midwifery council shall include a registered nurse, a midwife and a representative from the Cayman Islands Nursing Association.

The council for professions allied with medicine will expand its membership to have eight members including registrar. Six of the members will be registered practitioners in any of the professions under the schedule and one member shall be a lay person. As is the case with the Health Practice Commission and the Health Appeals Tribunal, members of the councils will be appointed for two years and should be eligible for reappointment for only two consecutive terms of two years, again a maximum of six years consecutively. In the event a member reaches their term limit they can be reappointed once they have had a break in service if so desired by Cabinet.

Clause 30—Fourth Schedule: Dental surgical assistance has been replaced with dental assistance as this title better captures the scope of practice and is the title more commonly used globally. Physicians assistants has been deleted as it was felt that in a small jurisdiction such as Cayman there is no need for such a healthcare profession as physician assistant.

Clause 31—Fifth Schedule: The Nursing and Midwifery Council has been revised to introduce the terminology currently used by the nursing profession globally. Clinical nursing specialists, nurse practitioner, public health nurse, nurse anesthetist, have been replaced with “advanced practice nurse.” These categories of nursing are specialists in their field of nursing and have completed advanced post-graduate education in nursing in both clinical and instruction. “Practical nurse” has been replaced with “registered nursing assistant.” Two categories of registered nurse have been introduced, the registered general nurse and the registered nurse. This is to accommodate the nurses trained in the region whose designation is RGN and nurses trained in the United Kingdom whose designation is RN. The RGNs are general nurses and the RNs are trained in a specific area of practice.

Clause 32—the Sixth Schedule: Under the existing law which outlines the categories for registration under the Council for Professionals Allied with Medicine or CPAM, has been repealed as wholesale changes were required. Many practitioners currently practice in their respective professions without being able to get registered by these councils. In the past due to the restrictions under this category, such as clinical psychologists, instead of psychologists, many of our practitioners such as the educational psychologists, forensic psychologists, and many others were not eligible for registration because of how the law was written.

Another restriction was the mental health counselors and substance abuse counselors. The use of these terminologies would not include school counselors, pastoral counselors, et cetera. Many other categories of professions not currently under the existing law have now been included. This revision and update to the Sixth Schedule will ensure that our Health Practice Law has a provision to register and licence a larger percentage of our health practitioners in the professions allied with medicine.

Madam Speaker, as I mentioned earlier in my remarks, a Seventh Schedule has been inserted to accommodate the registration of not only pharmacists who are currently required to register their practice here, but pharmacy technicians as well. The processing guidelines for the registration of pharmacy technicians will be developed by the pharmacy council.

Madam Speaker, these are the proposed amendments to the Health Practice Amendment Bill 2013. The Health Practice Regulations are currently with the legislative drafting department and we hope to finalise these soon and they will be submitted to Cabinet at that time. The Health Practice Amendment Bill 2013 represents the recommendations of the review committee tasked with the global review of the health practice legislation.

The amendment Bill creates the ability for a registered practitioner to obtain a practicing licence and to continue to uphold high standard for healthcare practitioners. With the changing landscape in healthcare we must ensure that our residents can be confident that the healthcare providers registered and licensed in the Cayman Islands meet the high standards we have come to expect, as well as the healthcare facilities.

I believe that not only our healthcare practitioners but all residents of the Cayman Islands will benefit from these amendments. In closing I want to express my gratitude to all those persons who contributed to putting these amendments together. I want to specifically thank members of the Health Practice Law Review Committee. I want to thank Mrs. Myrtle Brandt, from legal drafting (who is here), I want to thank my chief officer, Jennifer Ahearn (who is here as well), and other ministry staff, Mrs. Janett Flynn

and others who worked diligently to help put this legislation together.

Madam Speaker, I want to commend these amendments to all Members of this House and look forward to their support. Thank you.

The Speaker: Does any other Member wish to speak?

First Elected Member for West Bay.

Hon. W. McKeeva Bush: Thank you, Madam Speaker.

It has been a long time waiting for these two pieces of legislation. As for the agreement signed between the Government and the Narayana Hospital the Government undertook to ensure the timely registration of health practitioners employed or engaged at what is now Health City Cayman Islands.

The Cayman Islands Government committed to taking the necessary steps to include the recognition of Indian medical qualifications to enable holders of such qualifications to practice in the Islands. The current Health Practice Law recognises medical professionals from only seven jurisdictions to practice in the Cayman Islands. Keeping in mind the sensitivities of the medical practitioners currently practicing, the Government proposed recognition of medical qualifications under a new category termed "special registration" so that such a registration would enable medical professionals to practice only at a facility designated as a medical tourism facility.

Madam Speaker, this law will allow the Cayman Islands to be an attractive place for medical tourism and medical institutions carrying out advanced medical treatment to come to our shores and practice these procedures. The Government I led had long sought to develop another leg to our economy as our financial and tourism sectors continued to be challenged and pressured from competition by many corners of the world and our Caribbean region. We can't forget that when it was proposed, that project, I couldn't go myself, but the Minister of Health went, Madam Speaker, to look at what they had in Bangalore. Then when I got a chance to go, the Minister of Health travelled also.

What I do not forget, Madam Speaker, is that at the Cabinet level, when we brought the project, that it was rejected by the Governor and the Deputy Governor, Mr. Donovan Ebanks. They could not support it. I was strong willed enough, and I believe that they knew that I had the leadership skills enough to move it forward. And, Madam Speaker, I simply told the two of them that if they wanted it stopped they would have to go to the UK to do it. Of course, they backed down, the Governor and Donovan Ebanks.

What struck my mind most when Mr. Cameron himself went down to Bangalore, he went back to England and the newspaper quotes him as saying that he wished he had that project in London. I never did

believe that that was coincidental, Madam Speaker. Never did believe it. But we will find out, these machinations and maneuvering and the using of our national levers that we should be having. We will find out.

In any event, Madam Speaker, we have come thus far and I know that the developers have worked tremendously hard to get that project started. I wish we were able to long time ago, seeing the condition of our economy, seeing that people are losing their homes because they can't pay their mortgages. They don't have employment. It is a serious situation.

Medical tourism has been recognised as one of the fastest growing industries. And this industry can and will have a significant positive impact on our economy and it will provide jobs and opportunities for Caymanians. It will do so now, and it is beginning to do that, Madam Speaker. But more so was our futuristic thought processes in the whole matter as the Minister of Development and the Premier, the Minister of Finance, I thought. Look, while they are going to provide jobs for construction, important it is, Madam Speaker, is what will happen in the future—the direct employment, the direct benefits in medical care, and the spinoff from that project.

While it has been criticised and we have been criticised, one thing they can't do now is take that notch on our manifesto off.

Madam Speaker, we however cannot develop and attract medical tourism unless we are prepared to create the environment that is conducive to this, and that, I think, the Bill seeks to do. I would like to point out that several other countries in the region are also aggressively pursuing medical tourism franchises, including Jamaica, Barbados, Bermuda and the Bahamas, just to name a few, as they have recognised the huge benefits that it can have on their economy.

Healthcare is going to be one of the biggest challenges for the next few decades and even our beautiful Islands are not immune to this. In fact, we are already struggling with healthcare costs that are skyrocketing at an unsustainable rate, Madam Speaker. And if anyone doubts me they will soon see the figures from Government, what the Government is facing in this country in regard to healthcare.

So, I said awhile ago what the Governor and Donovan Ebanks had done and what was said. I didn't see how it was coincidental, and I'm not laying any smear on the prime minister, but any good legislator, any good policy maker, which I think he is, would want to do the best for their country and have a good project for their country. So, I am not castigating him in any form. Not the prime minister. I did mean to make the world know, though, who objected to the proposal at the time.

So, Madam Speaker, if we then create the right environment for medical tourism, and healthcare, we will see a dramatic growth in this industry here as many of the top medical doctors and healthcare pro-

professionals will chose to move here. This, in turn, will provide access for our people which will greatly reduce our medical costs.

Madam Speaker, the Bill before this House will not hurt the local medical industry. And I dare say that it will greatly increase the local medical industry as we create a place where healthcare professionals will be attracted to come and work and where patients will come for procedures as we will become known as a leader in healthcare. Not, Madam Speaker, as I said . . . let no one believe that this is going to hurt the local medial industry. This is going to help them rise to the challenge that is before us and before them, and, at the same time, is going to be a good pedal for forward movement of medical tourism.

This amendment was carried out to section 24 of the Health Practice Law, in the Health Practice Amendment Law 2011. In order to enact this Law into regulations the Government I led some time ago considered various options including one addition to the list of educational institutions in the regulations as provided in the Avisena directory and our completed a programme that is equivalent to the minimum standards required by the Caribbean Association of Medical Councils (CAMC), or has graduated from a college/university listed by the Medical Council of India or other council as appropriate.

However, each of these options was considered to be limiting since they were either selected in recognition of institution or did not completely fulfill the Cayman Islands Government's commitments under the agreement. It is now sought to address the recognition of all medical qualifications through a process of institutional registration. This process would enable practitioners from India and other jurisdictions outside the current seven recognised jurisdictions to be registered and practice in the Cayman Islands provided they satisfy some requirements. Those are: 1) such medical practitioners are registered by the appropriate regulatory body in their home jurisdiction and 2) such medical practitioners affiliated to a designated medical tourism facility.

I would say that this Bill is timely and in my opinion we should have had it a long time ago. But, Madam Speaker, many things prohibited that and if we had done that we would not be having such a challenge with unemployment and Government finances as we would already have a medical tourism industry that would be creating jobs and opportunities. But no one needs to believe that there were not challenges to get it thus far, that there were not attempts to stop this project.

Madam Speaker, they stopped the dock, the cruise facility, I'm talking about. They stopped the airport. They stopped the national sewerage scheme which the three of them would have gotten us at least 4,000 people directly employed by now. They stopped all of that. We pushed ahead though, and they couldn't stop this. This agreement was signed early in

the Government's tenure. And while they tried, they were too weak. But as the Government got weaker and they got stronger, those persons stopped us on other matters. This was done when we were a strong Government committed to working with each other, committed to the best things to happen for the country.

I want to thank the Minister for getting us thus far. I want to thank his chief officer who I know has worked with him to get these things done, to get it to where it is and where it started, and is causing some employment. This is not something that they are going to regret, Madam Speaker. They are not going to see the benefits of this before May so nobody is going to be able to say that this hired 1,000 people by then. But what they will be able to say is that they started a project that will be good for the country, not just by the few people that will be employed between now and May, but what is going to be for the future. So, I want to congratulate the Minister and the CEO, and I want to say a big thank you to Dr. Shetty himself (Dr. Teresita), and to Mr. Harry Chandi, and to Mr. Gene Thompson who are the local promoters and developers of this project. Cayman stands on the brink of good things to happen in medical tourism

When we push forward with a new industry in medical technology which is going to come, it is going to come, and the new things that happen, Cayman will have a very strong third leg of our economy. Thank you kindly.

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

If not, I call on the Minister of Health to conclude the debate.

Hon. J. Mark P. Scotland: Madam Speaker, I want to thank the First Elected Member for West Bay for his contribution to this debate. And indeed, I do recall his involvement from the very outset with the medical tourism project.

I do recall visiting Bangalore on two occasions to see the work being done by Dr. Shetty at his hospitals there. I have to say that it is nothing short of amazing to see the scale of those hospitals, the expertise that is there, the doctors, nurses, all the practitioners. When you talk about hospitals with thousands of beds, his facilities there, I remember the oncology unit had 1,200 or 1,300 beds, the cardiology section with 1,000 beds, and the ophthalmology unit doing some 500 or 600 or 700 procedures on a daily basis. So, the scale of it is amazing in terms of the size. The neonatal unit for newly born babies, I think may be 120 beds, or somewhere in that region. So the size and the scale . . . it's amazing to see the work being done there.

When you think of India, what might come to mind is some second rate or lower class looking facility. But I can say, Madam Speaker, that the facilities there are all very modern. They are no different than the facilities you might expect to see in the United States or the United Kingdom or elsewhere like that. It is all very modern technology and equipment and amazing work being done at those hospitals in India.

So, when we met Dr. Shetty and talked about transferring his model for healthcare, he is known as the Henry Ford of healthcare, heart cardiology, transferring his model of healthcare over to the western hemisphere, obviously a lot of discussion happened about that. So now, as the First Elected Member for West Bay said, the project is underway. It started to provide employment already in terms of the construction and looking forward to the completion of that first phase, the opening of the hospital which will bring medical tourism here on a large scale.

What has happened in the interim, Madam Speaker, which we thought would happen and we wanted to happen as well, is that there have been numerous other small scale medical tourism facilities opened and bringing patients here to Cayman, bringing stimulus to our economy in terms of those medical tourism patients. The very important point about medical tourism and why, as the First Elected Member said, rightfully, is that we see this as the third leg of our economy, diversification of the economy, sustained economic growth, as medical tourism is not cyclical like conventional tourism. Medical tourism happens all year round. People don't just get sick in the winter season or the summer season. They come for healthcare all year round and we look forward to that project completing and being open soon.

Madam Speaker, the amendments streamline the registration process for practitioners here. The section in terms of institutional registration creates the opportunity for practitioners of other jurisdictions to apply to register here. And that's important, Madam Speaker, because for the past 30, 40 years or more we have had it where practitioners from only seven jurisdictions could apply to register here to practice in the Cayman Islands. And while that has served us well for that duration, Madam Speaker, every one of us would readily admit that not only those seven jurisdictions now can provide good training and good experience for practitioners to be able to come here and register. Indeed, many of the practitioners that come here do not come from those seven jurisdictions, but have to go to one of them and get registered before then can come here to practice. So we don't have an accreditation process here and this allows us to consider applicants from other jurisdiction.

Madam Speaker, I always remember in discussions with Dr. Shetty when he was talking about doing the facility here, he spoke about trying to do the facility in other jurisdictions. One of the main obstacles was not being able to get practitioners registered. I

always said that as far as I would be involved in it, I would not allow that to be an obstacle here. We would do it in such a way where we do not compromise the quality of the practitioners who are going to come here to register, but we allow the opportunity for the consideration of other jurisdictions. And that is what the amendments to the legislation does; allows consideration for practitioners from other jurisdictions without compromising the quality of medical care that is going to be provided here.

We are very pleased to be able to strike that balance, because that balance allows protection for the current cadre of medical practitioners that we have here. They do not have to have a concern that they are suddenly going to be overwhelmed with the number of new practitioners from all over the world that are going to come here and open their own practices and so on. That's the reason we put institutional registration, so that for those persons who cannot gain full registration they will only be tied to the institution where they have that registration. They can only practice there.

Further, the maximum time limit on the institutional registration also provides a measure of protection for the medical practitioners here now, as well, as I said earlier, it gives young Caymanians who want to go into the field of medicine the opportunity to go away, get trained, get their experience and come back and register here. Those persons will not have gained residency and gone on to become long-term residents here on the Island thereby taking up those opportunities.

I want to thank the Members who stayed behind to debate this Bill and to help us with its onward passage. It is very important for us to pass this legislation at this point as we are coming very near to the end of the legislative session and the dissolving of the House. So, I thank those Members who stayed behind very late to be able to achieve this. And I want to commend these amendments to the House. I thank everyone who was involved in the drafting and review of these amendments for the past few years.

The Speaker: Thank you Honourable Minister of Health.

The question is that a Bill shortly entitled the Health Practice Amendment Bill 2013 be given a second reading.

All in favour please say Aye. Those against No.

Ayes.

The Speaker: The Ayes have it.

Agreed: The Health Practice Amendment Bill read a second time.

Human Tissue Transplant Bill, 2013

The Deputy Clerk: The Human Tissue Transplant Bill, 2013, second reading.

The Speaker: Honourable Minister.

Hon. J. Mark P. Scotland: Thank you. I beg to move the second reading of a Bill entitled The Human Tissue Transplant Bill, 2013.

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

Honourable Minister of Health.

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

I rise to table a Bill for a Law to establish a Human Tissue Transplant Council for the purpose of monitoring the donation of tissue by living persons and the removal of tissue from deceased persons; to regulate the collection and use of human tissue for medical purposes; to regulate commercial dealings in human tissue; and for incidental and connected purposes.

Madam Speaker, everyone is very familiar . . . there are many people familiar, I should say, not everyone, but many people are familiar with the need for transplants, that would be kidneys, heart transplants, persons who are living with transplanted organs here in the Cayman Islands and are very familiar with the difficulty of obtaining a transplant. My colleague, the Minister of Tourism, and I know of a constituent in one of our districts now who has called us very recently because of being on dialysis regularly and coming to the end of their time to receive dialysis and the only option that remains is a kidney transplant. So, Madam Speaker, that person is very much in need of a transplant at this time, and there are others in this same category. Not having legislation to deal with transplants here in the Cayman Islands certainly precludes us from being on the International Organ Donor List and so puts us in a position where persons from here who need transplants go very low down on the list when it comes to waiting for organs.

So, Madam Speaker, I am seeking the support of Members of this honourable House for this Human Tissue Transplant Bill, 2013.

This Bill seeks to regulate the collection and use of human tissue and to establish a council, to be called the Human Tissue Transplant Council, for the purpose of monitoring compliance with the provisions of the legislation.

In 2005 the then Ministry established an organ donation committee which consisted of two local medical physicians and two attorneys. The focus of that committee was to investigate whether organ donation could be carried out in Cayman for the benefit of local

community and whether it was possible to tie into an overseas organ donation scheme.

Subsequently, the Government entered into an agreement with the Dr. Shetty group to set up a Health City here in Cayman which is a multi-special hospital and a medical university, and when fully developed, will also provide services for human organ and tissue donations and transplants.

Madam Speaker, after we signed this agreement the Fourth Elected Member for George Town (and I commend him) brought a Private Member's Motion calling for legislation allowing human organ and tissue transplants to be performed in the Cayman Islands. Madam Speaker, that Member also recognised what I said earlier about the need for this legislation which would help to facilitate organ transplants and donations here in the Cayman Islands, and I commend him for moving that motion in 2010.

The motion was subsequently passed in the Legislative Assembly on 9 September 2010, and I then instructed the Ministry to create an organ and tissue transplant review committee to develop legislation to achieve this momentous objective. The committee consisted of several medical practitioners, legal practitioners, policy advisors and a former transplant recipient from the local community who all assisted tremendously in formulating legislation. The Committee also included the Fourth Elected Member for George Town as well in the works being done.

The Bill is comprised of 6 Parts, and I will go through them briefly:

Part 1 of the Bill contains preliminary provisions and is comprised of clauses 1 to 3. Clause 1 is the short title and commencement of the legislation. Clause 2 defines various terms for the purposes of the legislation. Clause 3 prescribes the activities to which the legislation does not apply (for example, the Bill does not apply to the collection or use of fetal tissue, spermatozoa or ova).

Part 2 of the Bill deals with the establishment of the Human Tissue Transplant Council and is comprised of clauses 4 and 5. These clauses, together with the Schedule, establish the Council, set out its procedure, and specify its functions. The functions of the council include monitoring tissue donations, and regulating any business carried on in or from within the Islands in respect of purchasing of tissue. This oversight body will have an essential role in ensuring that best practice is adhered to and patient rights are protected.

Part 3 of the Bill deals with donations of tissue by living persons and is comprised of clauses 6 to 16. It speaks to consent by the adult donor to remove regenerative and non-regenerative human tissue and prohibits a person from removing tissue from the body of a living adult who lacks the capacity or the understanding to consent to the removal of the tissue for donation purposes to another living person. This part of the Bill is also significant, Madam Speaker, be-

cause it addresses donations of tissue by children and the revocation of consent or agreement of a child donor.

Part 4 of the Bill deals with donations of tissue after death and is comprised of clauses 17 to 19. It makes provisions regarding the authority to remove tissue after death and in cases where an inquest will take place. It prohibits the removal of tissue from the body of deceased persons unless a coroner has given his consent to do so.

Part 5 is another significant part of the Bill as it speaks to the prohibition of trading in human tissue. This part of the Bill prohibits the unauthorized selling of and commercial dealings in human tissue.

Part 6 is the final part of the Bill and sets out miscellaneous provisions of the legislation and consists of clauses 24 to 27 and contains provisions regarding the liability of a person acting in pursuance of any consent or authority under the legislation.

Clause 25 addresses the confidentiality provisions and clause 26 specifies the various activities which are offences under this law. Madam Speaker, it also empowers the Governor in Cabinet to make regulations to give effect to the legislation.

At this time, Madam Speaker, the Ministry has prohibited the removal of tissue from adults who lack the capacity to consent due to potential Human Rights concerns, particularly in the absence of legislation dealing with mental incapacity or disability. However, we will continue to work with the Legal Department and legislative drafting to determine whether it would be possible to include a provision in the future and make an amendment to this Bill which would address these concerns and allow for donations from adults who lack capacity.

Madam Speaker, I would like to stress the major significance of this legislation as it will potentially allow any resident of the Cayman Islands who may be in need of an organ or tissue transplant to live or survive, or to have a better quality of life to be given a second chance. It also creates the opportunity of an Organ Donor Registry, giving the people the opportunity, should they wish to do so, to have their organs and tissue donated to someone in need, saving other people's lives.

In closing, I would like to express my sincere gratitude to all those persons who contributed to develop this legislation. I want to specifically thank the members of the Human Organ and Tissue Transplant Review Committee, Mrs. Myrtle Brandt of Legislative Drafting, my Chief Officer, Jennifer Ahearn, other members in the Ministry, for their hard, hard work on this legislation. I also commend again the Fourth Elected Member for George Town for bringing the motion and for his work with the committee. I look forward to the support of all my colleagues in this honourable House for this very, very extremely important and significant potentially life-saving legislation. Thank you.

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

First Elected Member for West Bay.

Hon. W. McKeeva Bush: Madam Speaker, thank you.

I am glad from two points on this matter before us. One was that the motion made by the Fourth Elected Member for George Town has helped to propel this matter into legislation. We can certainly thank the Fourth Elected Member for George Town for his thoughtfulness and study in the matter as we can well remember his debate and how enlightening it was.

I can remember the discussions we had in caucus over it. Myself, being here for a long time and I guess coming from too much of the old school, never ever believed that we would be reaching this point when we could be doing this sort of thing in the Islands. And if we thought back 28, 30, 40 years ago, we would never have thought we would be doing something like this in these Islands. That shows you how times have changed and the need for innovation the need for technology and just the way our health is affected today.

So, Madam Speaker, we want to thank my colleague the Fourth Elected Member for George Town for his thought processes on this matter.

Secondly, is that one of the Government's undertakings under the agreement of the medical tourism project is to move for and use its best endeavours to pass all laws, regulations, and directions to the extent necessary to allow for the implementation into the Cayman Islands of human organs, tissues, including non-fetal stem cells, and body parts obtained by lawful means and intended for the provision of medical services at the centre. This Bill before us seeks to give effect to that undertaking as well as being for other incidental purposes as outlined by the Minister.

The major point of the Human Tissue Transplant Bill (and eventually a law) was to provide the context for regulations or directions for the importation and transporting of the human tissue since the prospect of securing organs in the Cayman Islands would not be a significant issue given the small number of potential organs involved. Such organs would be essential to enable the set up of most transplant programmes as envisaged under the agreement with the Narayana Hospital.

Madam Speaker, the original draft Bill of 2010 envisaged regulations of collection of human tissue from within the Cayman Islands and such standards being made applicable for determining what human tissue may be lawfully imported into the Cayman Islands. The recognised practice of collecting and donating organs done in most of the developed world is a practice that has saved thousands of lives. In some countries anyone can register as a donor and even

put that on their driver's licence. I say what a gift this could be to a fellow man. And, Madam Speaker, I think there is at least one person I am aware of that is alive and well, living here in the Cayman Islands, thanks to a donor, and a donor programme that allows that to happen.

I am comfortable that once we use internationally recognised standards, and this can and will be done, that it will be a great benefit to local and international patients needing an organ transplant in the Cayman Islands. The law also addresses the process to which the tissue will be used to certify that the tissue was obtained by means that would be lawful, had the tissue been obtained from a living person, or the body of a deceased person here on the Islands.

The other item that the Bill deals with is the importation of animal tissue. The main issue sought to be addressed was that the tissue be free of contamination from communicable diseases. Animal suture [is commonly used in heart procedures and other such procedures. And most of the developed world with mature healthcare industries uses this procedure to save many lives.

The Cayman Islands are lagging behind in this area of healthcare. And this law has been discussed for many years and just getting to this point today. I am aware of at least one Caymanian that is in urgent need of a kidney. And she and her family have gone to the US and have spent a tremendous amount of money, but she is not able to receive a kidney as they simply cannot afford the treatment. The young lady is now looking to India to have this done. Why? Because we do not have the necessary laws that would allow organs to be donated.

Although our current medical industry is not set up for this type of procedure, with the coming of Health City, Narayana Hospital and growth of medical tourism, I can assure this would be done here at a much reduced cost and this young lady will have a chance at a normal life.

Madam Speaker, the Human Tissue Transplant Bill, 2013, does not provide for any regulation of importation of human or animal tissue. It is essential that a clause relating to the importation of such tissue be included in the Bill so that the Bill is materially significant and enables the set up of an organ transplant programme. But I would hope that the Minister would have this done at committee stage or I would hope or seek to have this done during the committee stage.

We are entering First World standards. We are dealing with First World matters. No longer is Cayman considered the backwoods or the Islands that time forgot. A lot of people, with a little nostalgia, like to talk about how good it was in the old days and that we should still be there and they don't want this change, they don't want the next change, they don't want this road moved, they don't want that done, they don't want this done; stop-aholics! And when I think of this legislation I sometimes say and pray that when

things like this are done it needs to be a change of attitude in some of our people, because the truth is that far too many would rather go somewhere else, take that chance, then to stay here for anything.

That is not special to Cayman, it's throughout the Caribbean. They say that if you grow a sack of beans and you put them in a crocus sack they wouldn't touch it. You put it in an American sack and it will sell off immediately. So, Madam Speaker, we think about those things, attitudes and the attitudes to what can be done in our own territory, the confidence that needs to be built up. So, attitudes from all around, not just people needing care, but people giving it. And the administrators that are responsible for delivering policy, we need to think carefully how we manage, how we deal with people, how we can change attitudes in the country.

Madam Speaker, I don't know about anybody else, but this working late is a feel-good time for me because there are things that we have started that had not been completed and I am glad that we are here and we can debate these things. Some of them are medical, there was a Tax Information Exchange Agreement, legislation that we completed, didn't get to the House before the disruption in December. Nevertheless, Madam Speaker, I am proud of the work that we have done. As I said, we got that far because we stuck together.

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

The Fourth Elected Member for George Town.

Mr. Ellio A. Solomon, Fourth Elected Member for George Town: Madam Speaker, I have a reminder from the back to not take too long, but, Madam Speaker, I can assure you when the clock looks the way it does that admonishment is perhaps not required.

Madam Speaker, I would like to start by saying that it is definitely a very proud day for me as well, so I echo the words of the First Elected Member for West Bay. Definitely a very proud day indeed! Just yesterday (if memory serves me right, the days are blurred) we were chatting about education and I talked about the fact that you have health and you have education and I think where some argue which one is most important, I think the majority of us agree that health is most important. If anything, education follows. So, Madam Speaker, quite interestingly coincidental we are now after having chatted about education, chatting about something that is a very extremely important and that is our health.

Madam Speaker, in ¹September 2010, I would have brought a motion and that motion was asking for us to put together a committee to allow for human or-

¹ Private Member's Motion No. 1-2010/11—*Official Hansard Report 9 September 2010*, page 331

gan and tissue transplantation to take place in this country. As I have stated before, it is truly a very proud day to see that some almost three years later we have legislation that will bring that about. What I would not want us to lose is the human element behind it because there are some really good opportunities that are going to come about as a result of business and other work related opportunities in the country, but I want to focus quickly on the human element of this.

As soon as I was elected, right after the election, I believe, I took a trip down to the Housing Trust. It was just a few days in and as I sat there at the Housing Trust, I had a visitation from a married couple who were in their early 20s. And the situation (I don't recall the illness) was that the young lady was suffering from a very bad illness and, amongst other things, she had to get a kidney transplant. It was a very touching story. Here was this young couple in their 20s and already the husband had actually given up his kidney so that his wife could have it. And we say that, Madam Speaker, but we have to be in full appreciation that what we are actually talking about is that he is giving up something in order to ensure that his wife will live.

Just a few days ago (and I know for all of us who are healthy it is very easy to miss the point) I got out of the shower and I was standing just as I am right now when, all of a sudden, I fell to my knees with a crippling pain in my back. My legs collapsed under me and I actually ended up on the floor for three days. For three days I couldn't move. It hit me instantaneously, no warning; that was the circumstance. Luckily for me I was able to find out that I simply had a muscle spasm. But there are some persons who are listening to me that have probably experienced it and some who will experience it in the future. It could have been something else. It could have been a serious problem with my kidneys. It could be something that was life-threatening. The reality is to ask ourselves if and when it was to occur, what are we going to do? What are the options?

So, when the Minister refers to standing in a line, if many of us don't like standing in a food line when we're hungry and the line is 15 or 20 people, but when you have someone in a dialyses unit and it's a very painful . . . and I encourage persons to go and visit who have not had a chance to see it. It is not a nice place to be. Lucky for us who can run around! But when you have difficulties standing in a food line with 15 to 20 persons waiting to get something to eat because you are hungry, imagine having a life-threatening problem. If you don't get this it could mean the difference between life and death. And you are actually waiting in a line.

Just to give you an example of that line, I think the last time I did the research you get a line perhaps as long as 95,000 people. That is a very, very long line. Just knowing that this piece of legislation is com-

ing about means that the Cayman Islands (and without getting into the specifics of all the numbers) doesn't drop down to 96,000, if anything we get bumped up. So, perhaps your line is shortened to a queue of 5,000. But if you felt that your chances were minimal at 95,000 I think you should feel a little bit better, even though it is still a long line, in terms of the legislation in regards to what it does for the Cayman Islands in benchmarking, compliance, et cetera, puts us in a much better position.

Understanding that and understanding that in the Cayman Islands right now we are one of the highest in terms of diabetes per capita in the world. That means a significant percentage of which perhaps the Minister of Health can tell you, we can pretty much guarantee that one of our family members (at the minimum) is probably going to have diabetes. Chances are they are going to end up with some kind of renal problem, some kind of kidney problem.

Even though I know that we have had some persons in this honourable House that have taken it to the road and made some very disparaging comments about how this has come about and why, I state this: It has come about . . . in fact, even before the Dr. Shetty project I sat on the talk show and from September 4, 2006, and 2007, myself and my then colleague, learned that in the Cayman Islands we had such a serious problem and nothing had been done about it. So, it was even from my entry into parliament, coming into this Legislative Assembly, that I wanted to do something about it.

It just seems that as with the United Democratic Party, in terms of looking and searching for opportunities to help, create a third leg into the economy, further diversification, that those two efforts perfectly dovetailed. We ended up with a situation where that effort in terms of what we needed perfectly merged with the desires and ambitions of an entrepreneur and the desires and actions of the United Democratic Party, collectively came together as a perfectly good cocktail (for want of a better expression).

What we have now, Madam Speaker, in this country, as the First Elected Member for West Bay quite rightly said, is real opportunities. Just like a First World country, Madam Speaker, in a matter of months, perhaps (to use that term, matter of months), this country will no longer be the same when it comes to medical practices. Medical tourism is going to change the way we do things in the Cayman Islands. Where we now have to travel far and spend lots of money, we will have a lot of those same things available to us right on our doorsteps. And whether that means that it's an adjustment that we have to make in our thinking or not, the reality is that it will be a reality on the ground very, very soon.

That means that, yes, we have to take efforts to deal with this epidemic that we have in terms of diabetes in this country because that has to be addressed. What is causing it? What is in our diet? What

things are we doing or not doing that are causing that problem? But as we work towards those solutions we also have in this regard, with this piece of legislation, an effort that has been made that is going to bring about a solution in terms of at least the transplantation (just using kidneys as an example).

Madam Speaker, it is indeed a very proud moment for me, and a proud moment, I believe, for the United Democratic Party in terms of actually seeing that some three years later we now have this piece of legislation. I would also like to thank the Minister because after having brought the motion he would have had a myriad of choices in terms of the selection of that board and I was honoured in terms of his selection to make me chair of the particular committee that was responsible for driving this legislation forward. I thank him very much for that.

In addition to that, I had as my right hand (his right hand as well) his chief officer, Mrs. Jennifer Ahearn. I couldn't have done it without her either. So, I want to thank her and the other members of the board. Clearly, he has mentioned those persons who drafted the legislation, and I want to thank all of the persons who participated. This is a tremendous opportunity for this country. I think in terms of diversification, in terms of employment opportunities that it is going to create, a new industry when you talk about 934 potential professionals that will come to this country. What is it going to create? So, when the First Elected Member for West Bay talks about the stopaholics, Madam Speaker, we have to take it very serious. There have been some persons . . . they have a saying: "Loose lips sink ships." Madam Speaker, with lips I can assure you that you have had some persons that have destroyed nothing short of destroyed a tremendous amount of opportunities for Caymanians. But thank goodness, by the grace of God this particular one has not been destroyed. Three years, and we continue to see efforts, we continue to see progress.

So, I would like to thank all of those that are involved. I would like to thank the First Elected Member [for West Bay] for his kind comments as well, as well as the Minister. With that, thank you very much for this opportunity. I hope that the project, the legislation will be a success and God bless the Cayman Islands.

The Speaker: I am going to take a five minute break at this time before we continue the debate.

Proceedings suspended at 7.36 pm

Proceedings resumed at 7.51 pm

The Speaker: Would the Members please return to the Chamber immediately?

[Pause]

The Speaker: Proceedings are resumed. Please be seated. Will Members please be seated so that we can proceed with the Bill before the House.

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

We do not have a quorum and we cannot put it to the vote.

The Speaker: Thank you.

If no one else wishes to speak, would the Honourable Minister please wind up the debate?

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

I first want to thank the Members that rose in support of what I consider to be, and what they also intimated, a very, very important piece of legislation for our country. I am proud to be bringing this legislation today because as you heard in my introductory remarks, it has been that the whole concept of organ transplants is not a new one here in Cayman. It has been talked about for a long time. But, Madam Speaker, we saw fit to take it past the point of just discussing and contemplating it and deciding whether or not it's a good thing to do or not to do. And there was a motion, there was an agreement with the Dr. Shetty group, and there was an establishment of a committee which actually took it past the stage of a bunch of information that had been put together over a few years to where we are today to have a significant piece of legislation to take us forward in how to regulate organ donors, organ transplants, going forward.

Madam Speaker, is it a perfect piece of legislation? No. Never is any legislation perfect when it's first drafted. It seeks to address all the issues that could be contemplated and to address the objects set out in drafting legislation, and certainly, that's why you have attorneys and draftsmen. That's how they keep their jobs, Madam Speaker, because as time goes on amendments and changes need to be made to the law to improve the way it legislates, in this case, the organ transplants and donations.

Madam Speaker, we look at numbers. The Fourth Elected Member for George Town was speaking about it. I just checked, Madam Speaker, and on an annual basis there are over 100,000 people in the US waiting for an organ. I dare say for our small population there is probably a handful of people, if not more, who are in that same situation. The First Elected Member for West Bay spoke specifically of one situation. That is the same situation that I referred to in my opening remarks as well. That one individual waiting for a kidney transplant now, suffers from diabetes and so on and there is no other option for that person now but a kidney transplant.

Madam Speaker, I dare say that each of us would know individuals who have had significant or-

gan transplants and our living. I know one prominent person in the community who had his life extended for a significant time, probably over a decade if not more, through a heart transplant. I know a young man in my constituency in his early 20s with congenital heart failure at a young age and he is now able to extend his life from his early 20s to who knows how long he will live now after having a heart transplant. So, very important, Madam Speaker!

In this legislation we talk about how you and I and other individuals in the community can be on the organ donor list and give our organs if unfortunate circumstances happen to us, put our names on the organ donor list and offer our organs to other persons whether it be . . . it could be different organs, Madam Speaker, but offer those so that persons can have a second chance at life.

So, Madam Speaker, if this legislation gives even one person the opportunity to have an organ transplant, then I would deem it to be successful. As Minister of Health, the number of legislations tabled over the last four years, no different in this case. All those pieces of legislation and laws, amendments and so on, will all have one thing in common and that is that they will enhance healthcare for Caymanians and residents alike that live here in this country. I am very proud to table this legislation today, as with the Health Practice legislation earlier, and before the House dissolves, also the Mental Health legislation is very important. I hope to table that in the coming week as well to improve healthcare and the health of our people.

Madam Speaker, I again thank all Members for staying late to help us with this legislation and I thank those Members who spoke to it for their support and those who did not for their silent support. I commend this piece of legislation to this honourable House and look forward to its successful passage.

The Speaker: Thank you, Honourable Minister.

The question is that a Bill shortly entitled the Human Tissue Transplant Bill, 2013, be given a second reading. All those in favour please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

Agreed: The Human Tissue Transplant Bill, 2013, given a second reading.

The Speaker: May I have a motion for the adjournment please?

ADJOURNMENT

The Premier, Hon. Juliana Y. O'Connor-Connolly: Madam Speaker, I move the adjournment of this hon-

ourable House until next Friday at 10.00 am, 22 March 2013.

The Speaker: The question is that this honourable House do adjourn until next Friday at 10.00 am, 22 March 2013.

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

Ayes.

The Speaker: The Ayes have it.

At 7.59 pm the House stood adjourned until 10.00 am, Friday, 22 March 2013.

