



**CAYMAN ISLANDS  
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT  
ELECTRONIC VERSION**

**2016/17 SESSION**

**8 March 2017**

*Fifth Sitting of the Third Meeting*

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

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PRESENT WERE:

**SPEAKER**

Hon Juliana Y O'Connor- Connolly, JP, MLA  
Speaker of the Legislative Assembly

**MINISTERS OF THE CABINET**

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

**EX OFFICIO MEMBERS OF THE CABINET**

Hon Jennifer M Ahearn	Acting Deputy Governor, Temporary ex officio Member responsible for the Portfolio of the Civil Service
Hon Samuel W. Bulgin, QC, JP	Attorney General, ex officio Member responsible for the Portfolio of Legal Affairs

**ELECTED MEMBERS  
GOVERNMENT BACKBENCHERS**

Mr Roy M McTaggart, MLA	Second Elected Member for George Town
Mr Joseph X Hew, MLA	Sixth Elected Member for George Town

**OPPOSITION MEMBERS**

Mr Bernie A Bush, MLA	Third Elected Member for West Bay
Capt A Eugene Ebanks, JP, MLA	Fourth Elected Member for West Bay

**INDEPENDENT MEMBERS**

Mr Alva H Suckoo, Jr., MLA	Fourth Elected Member for Bodden Town
Mr Winston C Connolly, Jr., MLA	Fifth Elected Member for George Town
Mr D Ezzard Miller, MLA	Elected Member for North Side
Mr V Arden McLean, JP, MLA	Elected Member for East End

**ABSENT**

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

**OFFICIAL HANSARD REPORT**  
**THIRD MEETING OF THE 2016/2017 SESSION**  
**WEDNESDAY**  
**8 MARCH 2017**  
**1:45 PM**  
*Fifth Sitting*

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

**The Speaker:** Good afternoon.

I will call on Honourable Minister responsible for Finance and Economic Development to say prayers.

### PRAYERS

**Hon. Marco S. Archer, Minister of Finance and Economic Development:** Let us pray.

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

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

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

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

**The Speaker:** Please be seated.

The House is now resumed.

### ADMINISTRATION OF OATHS OR AFFIRMATIONS

The Speaker: There are none.

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

**The Speaker:** I received apologies from the Honourable Deputy Speaker who is not here for today.

I also wish to take this opportunity to wish all women a very happy International Women's Day and to pay particular honour to the ten women who have had the privilege and honour of serving this honourable Chamber, namely, Evelyn Wood (1962-1964); Anna Huldah Bodden (1961-1965 nominated and 1965-1984 elected); Esterleen Ebanks (1976-1980) Daphne Orrett (1984-1988); Berna L. Thompson-Murphy-Cummins (1992-1996); Honourable Edna M. Moyle (1992-May 2009); Heather Bodden (December 1995-2000); Lucille Seymour (2005-2009); Honourable Tara Rivers (2013-present); Honourable Juliana Y. O'Connor-Connolly (1996-present).

### PRESENTATION OF PETITIONS

The Speaker: There are none.

### PRESENTATION OF PAPERS AND OF REPORTS

The Speaker: There are none.

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

**QUESTION NO. 31****CAN THE HONOURABLE DEPUTY GOVERNOR, EX-OFFICIO MEMBER GIVE AN UPDATE ON THE REVIEW OF THE ROYAL CAYMAN ISLANDS POLICE SERVICE BY THE NEW COMMISSIONER AS PROMISED BY THE GOVERNOR, AND WHAT, IF ANY, CHANGES AND/OR ADDITIONAL RESOURCES WILL BE PROVIDED FOR NORTH SIDE POLICE STATION?**

**The Speaker:** I recognise the honourable Member for North Side.

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

Madam Speaker, I beg to ask the Honourable Deputy Governor, ex-officio Member responsible for the Portfolio of the Civil Service the following question: Can the Honourable [Acting] Deputy Governor, ex-officio Member give an update on the review of the Royal Cayman Islands Police Service by the new Commissioner as promised by the Governor, and what, if any changes, and/or additional resources will be provided for North Side Police Station?

**The Speaker:** I recognise the Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Thank you, Madam Speaker.

Madam Speaker, the answer: The Commissioner of Police took up his post on the 7<sup>th</sup> November 2016. Since his appointment, the Commissioner has been reviewing current processes, policies and procedures across the full range of policing business areas, including assets and estates, to inform the future strategic direction of the Royal Cayman Islands Police Service toward the delivery of a modern progressive professional fit for purpose 21<sup>st</sup> Century policing service meeting community demands and expectations.

In discussions with the Commissioner, he has advised that his initial assessment has identified that the basic policing framework and structures underpinning current operations at the RCIPS are sound, but that there is a significant requirement to build capacity, capability and resilience to meet societal and environmental demands and expectations. This requirement necessitates a full and detailed review of current resource allocation and deployment to identify and implement a 'best-fit model' for policing in the Cayman Islands.

As highlighted above, assets and estates are key components of the review and a service delivery model is being developed. The Commissioner has advised that he has identified critical skill gaps and vulnerabilities impacting on the capacity of the Royal Cayman Islands Police Service to deliver an effective and efficient policing service to the people of the Cayman Islands. I am aware that the Commissioner is

currently attending to his review and will provide a strategic document in the coming months to inform the future strategic direction of the RCIPS.

Turning to the North Side Policing District, you will be aware that early in his tenure the Commissioner reopened the North Side Police Station and allocated two police officers there. The Commissioner has advised that he will keep this matter under review to ensure that available resources are used to optimum effect across the Cayman Islands.

The Commissioner has further advised that he is currently examining the feasibility of reopening the East End Police Station staffed with a complement of two police officers to meet service demands in that district. Further, the Commissioner is contemplating the completion of minor repairs at both North Side and East End Police Stations to upgrade official accommodation facilities with the view to having a police officer reside in the accommodations at each location. This added presence will be intended to bolster engagement and partnership with the surrounding community.

Finally, Madam Speaker, the Foreign and Commonwealth Office (FCO) commenced a security review of the Cayman Islands, the outcome of which will assist the Commissioner to set out the future strategic direction of the Royal Cayman Islands Police Service.

**The Speaker:** Are there any supplementaries?

**SUPPLEMENTARIES**

**The Speaker:** Member for North Side.

**Mr. D. Ezzard Miller:** Through you, Madam Speaker.

I wonder if the [Acting] Deputy Governor can confirm the period of time that these two police officers were assigned to the North Side Police Station.

**The Speaker:** Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Madam Speaker, if I could just consult.

**The Speaker:** Certainly.

*[Short pause]*

**The Speaker:** Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Madam Speaker, unfortunately I don't have that information but I can give an undertaking to get it for the Member. And just to clarify the question: Is it when they were stationed there or is it the hours of operation of the station?

**The Speaker:** Honourable Member for North Side.

**Mr. D. Ezzard Miller:** How long they were stationed there because I don't . . .

Can the [Acting] Deputy Governor confirm that the only time the police station in North Side was opened with officers present, was for the one week that it was used as a staging area to investigate the 8 robberies that occurred in one week? And is this the period of time when they were riding bicycles up and down in the Rum Point area? And what is the current position—are there officers at the police station today?

**The Speaker:** Honourable [Acting] Deputy Governor:

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Thank you, Madam Speaker.

I would have to consult outside of the Chamber on that and I will give a response to the Member in writing afterwards.

**The Speaker:** Are there any further supplementaries? Member for North Side.

**Mr. D. Ezzard Miller:** Madam Speaker, I wonder if we could suspend and get the Chief of Police to come here to answer these questions, because this is a very long and drawn out answer that says nothing. And the question was asked: What specific resources due to his review, are being allocated to North Side?

**The Speaker:** Before calling on the [Acting] Deputy Governor, can I call on the Honourable Deputy Premier to move the suspension of Standing Order 23(7) and (8) to allow question time to continue beyond the hour of 11:00 am?

#### **SUSPENSION OF STANDING ORDER 23(7) AND (8)**

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

Madam Speaker, I move the suspension of Standing Order 23(7) and (8) to allow question time to continue beyond the hour of 11:00 am.

**The Speaker:** The question is that Standing Order 23(7) and (8) be suspended to allow question time to continue beyond the hour of 11:00 am.

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

**AYES**

**The Speaker:** The Ayes have it.

**Agreed: Standing Order 23(7) and (8) suspended.**

**The Speaker:** I call on the Honourable [Acting] Deputy Governor to respond to the Member for North Side.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Thank you, Madam Speaker.

With the leave of the House we can call the Commissioner of Police and have him come down if you wish to suspend dealing with this question for the moment until he arrives and we can maybe move on to the next question.

**The Speaker:** Do you have any idea how long it is going to take for . . .

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** No, Madam Speaker. I do know that he was standing by in case we needed him. So, we have just gone to call and we can advise once we have spoken to him how soon he will be available.

**The Speaker:** Honourable Member for North Side is it your wish to have the House suspended for him to come or move on to the next question on the Order Paper, or defer the question until tomorrow?

**Mr. D. Ezzard Miller:** Madam Speaker, I don't have a difficulty with that. If he can't come now to answer the questions, then I would want the question to be put back on the Order Paper tomorrow so that he can be here to answer the question.

*[Inaudible interjection]*

**Mr. D. Ezzard Miller:** Huh?  
Oh, okay.

**The Speaker:** Okay.

*[Inaudible interjections]*

**The Speaker:** So, I take it that we will go to the next question, Madam Clerk, and whenever he is here we will deal with that. Is that the will of the House?

*[Inaudible interjection]*

**The Speaker:** Okay.  
Madam Clerk.

#### **QUESTION NO. 32 CAN THE HONOURABLE MINISTER STATE: WHETHER OR NOT THE DEPUTY DIRECTOR OF HM PRISON SERVICES HAS BEEN REINSTATED TO ACTIVE DUTY? IF SO, WAS THERE A SETTLEMENT OFFER AND WHAT ARE THE DETAILS OF THE SETTLEMENT?**

**The Speaker:** I recognise the honourable Fourth Elected Member for Bodden Town.

**Mr. Alva H. Suckoo, Jr., Fourth Elected Member for Bodden Town:** Thank you, Madam Speaker.

Madam Speaker, I wish to ask the Honourable [Acting] Deputy Governor, ex-officio Member responsible for the Portfolio of the Civil Service the following question: Can the Honourable [Acting] Deputy Governor please state (a) whether or not the Deputy Director of Her Majesty Prison Services has been reinstated to active duty; (b) if so, was there a settlement offer and (c) if so, what are the details of that settlement?

Thank you, Madam Speaker.

**The Speaker:** Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Thank you, Madam Speaker.

The answer: The Deputy Director of Rehabilitation at Her Majesty's Cayman Islands Prison Service returned to active duty on February 20<sup>th</sup>, 2017. A Deed of Release and settlement was signed on February 10<sup>th</sup>, 2017 between the Chief Officer, Ministry of Home Affairs and the Deputy Director of Rehabilitation. The details of the settlement are summarised as follows: A sum of CI\$15,000 will be paid to the Deputy Director by the Cayman Islands Government as it relates to legal costs incurred. The Chief Officer will issue a letter stating that there are no findings of misconduct against the Deputy Director. The Chief Officer has undertaken that no further disciplinary proceedings will be instituted against the Deputy Director in relation to the incident in question. The Deputy Director will not institute legal proceedings in relation to defamation, constructive dismissal, breach of contract, as well as any other outstanding employment or other claims and/or any other related claims arising out of the facts outlined in the Deed of Release.

The Chief Officer undertakes not to publish any adverse statement about the Deputy Director which may have the effect of damaging or lowering her reputation concerning any matter connected to her employment in relation to this incident with Her Majesty's Cayman Islands Prison Service.

**The Speaker:** Are there any supplementaries?  
Member for East End.

### SUPPLEMENTARIES

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

Madam Speaker, I wonder if the [Acting] Deputy Governor can tell us if an investigation has taken place into how the situation got to the point where it had to go to court to do a judicial review.

**The Speaker:** Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Madam Speaker, if I may consult.

**The Speaker:** Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** I have been advised that the Ministry did review the situation leading up . . . or the investigation leading up to this situation and we are satisfied the necessary steps have been followed. And just to clarify that the matter was not before the courts at any time, it was handled outside of the courts with the support of the Attorney General.

**The Speaker:** Member for East End.

**Mr. V. Arden McLean:** Madam Speaker, I am stumped because it was reported in the papers that the judicial review said that the person was not properly dismissed and she must be put back on the job until such time. Which court was that, may I ask?

**The Speaker:** Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Madam Speaker, if I may have a moment to just confirm that.

*[Inaudible interjections]*

*[Short pause]*

**The Speaker:** Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Thank you, Madam Speaker; apologies for the delay.

There was a correction that was issued by Government Information Services (GIS) after the media story had gone out, which reads as follows: "Please be advised that in the matter of Aduke Natalie Joseph-Caesar, the Grand Court never made any orders or findings in the previous judicial review application, as many media houses are reporting.

"Also, please note that the Grand Court did not order any back payments of salary or costs; a Consent Order was entered by both parties." [UNVERIFIED QUOTE]

**The Speaker:** Member for East End.

**Mr. V. Arden McLean:** Madam Speaker, this is the question: Is this Consent Order a direct result of the judicial review that the real Deputy Governor told me when I started questioning him here, would have made it sub judice because the parties were going to get a judicial review?

**The Speaker:** Honourable [Acting] Deputy Governor, did you say there was an application for judicial review but it was pretty much a *novus actus interveniens* under Consent Order?

What I don't know, Member for East End, obviously, because the person that you refer to as the "real Deputy Governor" is not here, whether at the time he answered you, the application for judicial review was in, but please proceed.

**Mr. V. Arden McLean:** Madam Speaker, maybe the number of lawyers in here and the [Acting] Deputy Governor can tell me if information on this case can be accessed through FOI?

**The Speaker:** Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Thank you, Madam Speaker.

Under the Freedom of Information Law anyone is free to make whatever request for a record that they deem or that they would like to see. Obviously, any FOI request would be reviewed by the Information Manager and any relevant exemptions applied to it.

I haven't had sight of the detailed agreement, so I would not be able to say now whether it would be released entirely or in a redacted form but I would assume that there would be some redactions to it if it was requested under FOI to the exemptions available in that Law.

**The Speaker:** Member for East End.

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

Madam Speaker, the Deputy Governor (not the Acting Deputy Governor), in a response to a supplementary by myself, some time ago, told me that no laws were broken. Is the Deputy Governor and the Government still of that view?

**The Speaker:** Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Thank you, Madam Speaker.

Could I ask for a clarification from the Member please, in terms of, is he asking whether there was a view that there should be a case made for prosecution and as a result of the negotiations it was decided there was no basis for that?

**The Speaker:** Member for East End, could you please clarify?

**Mr. V. Arden McLean:** Madam Speaker, upon the newsbreak in that, there was some infractions (should I call them?) at the prison. I submitted a question asking for an update on whatever that was that had happened at the prison. The Deputy Governor in his response assured this honourable House that no laws were broken. I brought to the attention of this honourable House the provisions in the Prisons Law which says that only the Prison Director can discipline prison officers. I questioned the Deputy Governor, asking if

that Law was broken because the news that broke in the papers said that she was dismissed by the Chief Officer. I am asking if the Government still holds that no laws were broken.

**The Speaker:** Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Madam Speaker, if I may have a moment please.

**The Speaker:** Yes.

*[Short pause]*

**The Speaker:** Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Thank you, Madam Speaker.

Madam Speaker, I have been advised that the Member is correct in that the Prisons Law speaks to the provisions for all persons involved in administering the prison and that the individual's role could be captured by that. The challenge is that there is a conflict with the Prisons Law and the Public Service Management Law and the civil servant was hired by the Chief Officer under the provisions of the Public Service Management Law, which was why when she was initially dismissed, it was by the Chief Officer and subsequently she was reinstated.

**The Speaker:** Honourable Member for East End, I will allow two more questions.

**Mr. V. Arden McLean:** Madam Speaker, I am going to have to wrap a couple of them up in those two then.

**The Speaker:** I am sure you can do that quite well.

**Mr. V. Arden McLean:** I have been known to do that, yes.

Madam Speaker, it did not satisfy my question but that is the nature of this thing here. I should remind everybody that omissions are acceptable but commissions are not.

Madam Speaker, can the [Acting] Deputy Governor say when this lady was reinstated, the date she was reinstated and subsequently returned to work, and between the letter of commitment and settlement and to date, have there been any further interventions between the Deputy Director, and the Government?

**The Speaker:** Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Thank you, Madam Speaker, if I could just ask to clarify: Is the Member asking, if there has been further disciplinary proceedings, since she has returned to active duty?

When you mentioned interventions, I am just not sure what's meant.

**The Speaker:** Honourable Member for East End.

**Mr. V. Arden McLean:** Madam Speaker, it covers all of those, whether it is mediations or requests to have further discussions subsequent to the agreement being made.

**The Speaker:** Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Thank you, Madam Speaker.

That is information that we unfortunately don't have with us. That would be something we would have to consult the Director of Prisons to find out about.

**The Speaker:** So, are you saying the Chief Officer did not deal with it, it was the Director of Prisons who dealt with it and he is not present?

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Thank you, Madam Speaker.

No, I meant that the Director of Prisons would be her day to day line manager. So, if she was having discussions with her line manager he would be the one. And, as far as I am aware, there have been no discussions with the Chief Officer since her return to work. So, I am just confirming that.

**The Speaker:** Member for East End.

**Mr. V. Arden McLean:** Madam Speaker, these are matters of concerns being raised by Members of the Legislative Assembly and in the absence of answers being provided, we are unable to carry out our job in an efficient and effective manner. Madam Speaker, it is incumbent upon the Government to ensure the requisite resources, human and otherwise, are available to answer these questions. I am a little bit concerned about that.

Madam Speaker, can I request that the Director of Prisons and the Chief Officer come to answer these questions?

**The Speaker:** Is that request for today?

**Mr. V. Arden McLean:** I shall bow to your ruling, Madam Speaker.

**The Speaker:** Can I respectfully ask you to consider that perhaps it could be put on for tomorrow since the Prison is in Northward? And you may wish to have them here both at the same time.

*[Inaudible interjections]*

**Mr. V. Arden McLean:** Madam Speaker, I am at the will of the House. I certainly do not wish to impose my will on the House or the civil service if it is not in keeping with any degree of efficiency for them. I don't want to impose that on them but I want the questions answered. So, I am at the will of the House.

**The Speaker:** Honourable [Acting] Deputy Governor, can you get them here this evening in a short order?

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Thank you, Madam Speaker.

The Director of Prisons is actually off Island this week, so he will not be available. But if the Member . . . we can undertake to provide a response in writing to the Member to his question.

*[Inaudible interjection]*

**The Speaker:** Member for East End, please proceed.

**Mr. V. Arden McLean:** Madam Speaker, no. Response in writing is not the answer. I would like to find out when the Prison Director . . . or the Chief Officer might be able to answer the questions; the Chief Officer that is in charge. Is he off Island too? He or she; whoever that may be.

**The Speaker:** Honourable [Acting] Deputy Governor.

**Hon. Jennifer M. Ahearn, Acting Deputy Governor:** Thank you, Madam Speaker.

The Prison Director is back next week and the Acting Chief Officer is actually here with me in the Chamber this afternoon and has been advising me.

**The Speaker:** Member for East End.

One is absent and one is acting so take your pick.

**Mr. V. Arden McLean:** Madam Speaker, I don't want the Acting Director of Prisons now either, because it looks like we are having a Hollywood day; lots of acting.

Madam Speaker, I believe I shall revert to the will of the House. If nobody can answer it and these people are not available, Madam Speaker, it will go in to next year. Or maybe when the time comes that the Director is back, if we are still here by next week, which I suspect we should be, then, I would respectfully ask that the House require his presence upon his return to the Island.

**The Speaker:** Can we get an indication from a Government Minister? As to the will of the House, it will take a motion for the question to be deferred until next week when the Director of Prisons returns.

*[Inaudible interjections]*



**The Speaker:** Number 32.

**The Deputy Premier, Hon. Moses I. Kirkconnell:** Madam Speaker, the Government is happy to defer the question until next week.

Madam Speaker, it is the availability of the people who are able to answer the questions that the Member for East End is asking for, and that is why the deferment until next week when they are back in position to do that.

**The Speaker:** Member for East End.

**Mr. V. Arden McLean:** Thank you.

Madam Speaker, I thought that it was specific in that it was the Director of Prisons that we were talking about, not the people—

**The Speaker:** That is the question I am about to put.

The question is that Question No. [32], be deferred until the return of the Prisons Director to this honourable Chamber next week.

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

**AYES.**

**The Speaker:** The Ayes have it. Accordingly, the House has voted for the Prisons Director to make an appearance before the honourable House upon his return next week to respond to inquiries as it relates to Question No. 32.

**Agreed: Question No. 32 deferred until the return of the Prisons Director.**

**The Speaker:** Is the Commissioner of Police in the precincts?

*[No audible reply]*

**The Speaker:** Okay.

Madam Clerk, we will move on to item 7 until the Commissioner is in the precincts.

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

**The Speaker:** I recognise the Honourable Minister of Education, Employment and Gender Affairs.

**Hon. Tara A. Rivers, Minister of Education, Employment and Gender Affairs:** Thank you, Madam Speaker.

Madam Speaker, on behalf of the Government and the Ministry of Education, Employment and

Gender Affairs, and the Minister and Ministry of Community Affairs, Youth and Sports, we wish all women in the Cayman Islands a happy International Women's Day.

The Government is pleased to support this year's theme "Be Bold For Change", because it calls for courageous and urgent action from all of us to take up the challenge to build a gender-inclusive world.

International Women's Day is a platform to inspire women and men to make a difference in their communities, stand up for justice and change and be a voice for those who cannot speak for themselves. This day is also a great opportunity for us to show our appreciation for those women, and just as significantly those men and organisations that actively strive for the betterment of our Islands.

In delivering this message, we acknowledge that we must unite to achieve gender equality because gender equality benefits everyone. The Gender Affairs Unit and the Department of Counselling Services' Family Resource Centre, though, in different ministries, have similarly worked together in shaping today's International Women's Day Celebration event.

As the major sponsor of the International Women's Day Celebration, the Ministry of Gender Affairs was pleased to lend their support to the Family Resource Centre by helping to bring this year's keynote speaker, Dr. Jackson Katz, to our shores. A renowned anti-sexism educator and activist, his pioneering work in the field of gender relations certainly reflects this year's theme in asking us all to take personal responsibility and Be Bold for Change. We hope to benefit from his research, and are particularly interested in how his work can be harnessed to actively promote men's participation in gender equity in our community.

You may ask, as a Government how have WE been "bold for change?" As the Minister responsible for Gender Affairs, I am pleased to report that over the past few years the Cayman Islands have experienced several "firsts" of its kind through the work of the Gender Affairs Unit in my Ministry. These would include works such as:

- Hosting the first ever National Conference on Women and Girls in 2014;
- Providing, for the first time, professional development on gender mainstreaming in the Education System at the 2015 National Education Conference held, whereby educators were taught to build their capacity in understanding and using basic concepts and tools related to gender mainstreaming and gender analysis in the classroom, helping them to better understand gender dynamics and its effect on the performance and experiences of our boys and girls in school;

- By introducing a National Minimum Basic Wage (“MW”) for the Cayman Islands. MW is a first and many of those affected by it in the lowest paid workers bracket are women, and the fact that domestics (who are majority women taking on those roles) are included in the minimum wage provision which speaks to equally valuing the work that is traditionally done by women in our society;
- In March 2016, the UK agreed to extend the Convention on the Elimination of All forms of Discrimination Against Women – CEDAW – to the Cayman Islands. This Convention will help to ensure that as a country we continue to work to eliminate discrimination against women in various areas as identified at the National Convention or National Conference on Women and Girls held in March 2014;
- By hosting an event on 30 November 2016 to officially recognise Women’s Entrepreneurship Day for the first time in the Cayman Islands, celebrating and highlighting the achievements of women entrepreneurs in our society and their contribution to our economy; and
- I’m very excited to inform this honourable House that this year we are creating a documentary which chronicles the Women’s Suffrage Movement in the Cayman Islands – the process which began in the late 1940’s leading to women eventually being given the right to vote a decade later and to participate in the General Elections. This documentary is particularly timely given that this is an election year, and I hope that all women (and men) exercise their democratic right to vote; a now right for women, fought for by a number of women who dared to “Be Bold For Change” over 60 years ago. A preview of the documentary will be aired this evening at the official International Women’s Day event being held at the Marriott Hotel.

Madam Speaker, highlighting Caymanian women and the bold decisions made which have significantly changed the political landscape of these Islands, this film, charts the local women’s suffrage movement. As an educational tool, it will be used to reach diverse audiences to spark discussion and explain women’s voting rights, entry into politics and other major achievements initiated by Cayman’s gen-

der equality pioneers. Hopefully, the film will inspire boys and men, girls and women to also become change agents through involvement in civic movements and take personal responsibility for being the change they themselves want to see.

Let us continue to engage in confronting and addressing the corrosive effects of inequality: in our homes, classrooms - in our boardrooms through to the courtroom. To enlighten our citizens on the positive economic and social potential that will be unleashed once gender equality is fully realised, we must not only win over new converts but re-inspire each other to continue to strive for what is right. This is why the Gender Affairs Unit’s documentary “*Her Story is our History*” is so apt.

We urge you to take part in honouring Women’s Month and use this opportunity as your own catalyst for taking concrete action to move our society closer to gender parity. We encourage you to visit the Family Resource Centre’s Facebook page for further details on the planned activities for the month.

Madam Speaker, on International Women’s Day, we also take this opportunity to thank the Gender Affairs Unit, the Department of Counselling Services, the Department of Children and Family Services, and all community welfare agencies for their efforts in continuing to champion the rights of men and women, girls and boys during trying times.

Let us be bold not just today, but every day, so that we can each play a part in furthering gender equality in the Cayman Islands.

Thank you.

## PERSONAL EXPLANATIONS

**The Speaker:** There are none.

## OBITUARY AND OTHER CEREMONIAL SPEECHES

**The Speaker:** There are none.

## RAISING OF MATTERS OF PRIVILEGES

**The Speaker:** There are none.

[Short pause]

**The Speaker:** I am just trying to ascertain how long it will take for the Commissioner to be here because once I commence on Bills I can’t go back into the questions. So, if it is going to be just for a few minutes . . . but if it is going to be longer, I may have to ask the Member if he would be willing to put off until tomorrow.

[Short pause]

**The Speaker:** I have been advised from the Government side that he is on his way but I have no idea whether that is five, ten minutes, half hour and we need to move on to Bills.

Honourable Member for North Side, can you assist?

**Mr. D. Ezzard Miller:** Madam Speaker, I would not want to have him come here for nothing, so let us give him a half hour and suggest he get a police escort to move him through Town with some red and blue lights.

**The Speaker:** In other words, the interpretation is that we would have to suspend for a half hour because once I go into Bills and debates, the question dies for today.

Honourable Premier, can you . . .

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, I still have no indication as to when the Commissioner will be here. I would suggest that we defer the question until tomorrow and we can make sure he is here at the start of the proceedings, rather than to lose another half hour of the House's time.

#### QUESTION NO. 31

*[Deferred]*

**The Speaker:** The question is that Question No. 31 be deferred until tomorrow morning's sitting to allow the Commissioner of Police to be present to respond to questions that may emanate therefrom.

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

**AYES and one audible NO.**

**The Speaker:** I believe the Ayes have it.

**Agreed: Question No. 31 deferred until the next sitting on 9 March, 2017.**

**The Speaker:** Madam Clerk, next item please.

### GOVERNMENT BUSINESS

#### BILLS

#### SECOND READINGS

##### LEGAL PRACTITIONERS BILL, 2016

**The Clerk:** The Legal Practitioners Bill, 2016.

**The Speaker:** I recognise the Honourable Premier.

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

Madam Speaker, given the importance of, and the continuing controversy surrounding the Legal Practitioners Bill, the Government has resolved that I should move to promote the Legal Practitioners Bill, 2016 which is Item 20 on today's Order Paper, above Item 1 which is the Supplementary Appropriation (July 2013 to June 2014) Bill, 2016, and that the House begin debate on that Bill immediately.

**The Speaker:** Member for East End.

**Mr. V. Arden McLean:** Madam Speaker, the Government has proposed to do this and they must be knowledgeable of the fact that we would not be prepared at this time to debate this Bill since we received the Order Paper last night, albeit draft, being in the position that it appeared on the actual Order Paper today. And in so receiving, we recognised that the House would not reach that Bill today, so we did not come prepared with all of our notes.

If the Government insists on doing this today, then, it is fair to the Opposition that the Opposition is given a fair opportunity to retrieve its documentation to debate this Bill, because it is obvious the Bill will not be finished today. I would like if the Government would respond to our request to have this put back where it was, or further down on the Order Paper in order that . . . because, Madam Speaker, Mr. Miller has to go all the way to North Side and it is highly unfair to the Opposition to come here, not be prepared to debate and the Government pulls this on this honourable House where they debate it and vote for it with its majority and do not give the Opposition the opportunity to have its say. So, I appeal to your good-self as presiding officer, Madam Speaker, in the interest of fairness to the Opposition because the Opposition must be treated fairly within this honourable Chamber also.

**The Speaker:** Does any other Member wish to speak to the proposal from the Government before the Honourable Premier replies? *[pause]* Does any other Member wish to speak? Final call—

Member for North Side.

**Mr. D. Ezzard Miller:** Madam Speaker, last week Thursday, when we were trying to rearrange the Private Member's Motion to place what we regarded as the most important Motion at the top of the list, the request was not even entertained. I find it a bit unfortunate that I have been here since 9:30 this morning and all of this time the Government was planning to do this or had decided before they came here to rearrange the Order Paper. Madam Speaker, I would have thought that just out of common decency and respect . . . because had I known that, between 9 o'clock and the start at 2 o'clock I could have went and got my

papers and been prepared to debate the Bill. This is a very important piece of legislation and unless the Government is doing this to curtail the debate and hope to catch us off-guard so that we will not be in a position to make a proper contribution to the Bill, Madam Speaker, I am not going to support rearranging the Order Paper at this . . .

*[Inaudible interjection]*

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

The Fourth Elected Member for the District of Bodden Town.

**Mr. Alva H. Suckoo, Jr., Fourth Elected Member for Bodden Town:** Thank you, Madam Speaker.

Madam Speaker, I also want to rise to give support to my colleagues in expressing concern for this last minute change. Madam Speaker, this is a democracy, this is not a dictatorship. Every one of us has to respect the other. The role of the Opposition Members is equally important to the role of the Government Members, Madam Speaker, and I think it would only be fair that if we are going to have a debate on this very important Bill, Madam Speaker, that all sides have equal opportunity.

Some of you may laugh and think that that is funny, however, I am being very clear and serious, Madam Speaker. This is a serious change that is being considered here to this Order Paper and to try to catch the Opposition Members unaware and unprepared, simply means that we are going to have a one-sided debate. I would much prefer that we move this down, so that even tomorrow it can occur. But I really do not think it is fair to the honourable Members of this House for us to make this change now and I will not support it. Thank you.

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

The Fifth Elected Member for the District of George Town.

**Mr. Winston C. Connolly, Jr., Fifth Elected Member for George Town:** Madam Speaker, I guess they say politics is war, so this must be the first shot. Madam Speaker, it is highly irregular—

*[Inaudible interjection]*

**Mr. Winston C. Connolly, Jr.:** Well, I was going to get to that but . . . well, let me just go to that—and disrespectful to the Opposition. The Government is doing what it said it would do in October, to which it had the majority, so it made the rules. And I am happy to debate this on any stage, but if this was part and parcel with a draft Order Paper sent out last night and we were here from 9:30 this morning and have the Gov-

ernment sit out all morning until 2:00 and now come with this, Madam Speaker, I guess, that great word “transparency” is something we just say willy-nilly.

I hope that those viewing this honourable House and those listening to the proceedings of this honourable House, understand what is happening here, and that even though the Government has the numbers to pass this, that that be noted, because a lot has been said about this Bill and I absolutely acknowledge there is a grave national importance, but to try to do it this way, especially when you have the numbers, especially when you can pass it at any time, I hope the Caymanian people and the Caymanian lawyers are watching.

Madam Speaker, I will not support this—I *will never support this*—and I want that emphatically on the record.

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

The Third Elected Member for the District of West Bay.

**Mr. Bernie A. Bush, Third Elected Member for West Bay:** Madam Speaker, we too, on the official Opposition, find it highly strange that last week when it was asked to change one [item] on our thing, it was not agreed or not even considered and all of a sudden this popped up on us. Two Members looked at the Order Paper for today and they are presently meeting with constituents and won't be here to say what they have to say on it as well, so we too do not agree with it as well, Ma'am.

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

If not, I'll recognise the Honourable Premier to reply.

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

Madam Speaker, I hear all of the Members on the other side suggesting that somehow this move is intended to prejudice their ability to make their presentations. I wish to assure them and the House and all who are listening that that is not the case. I know those Members understand that that is not the case. They have been . . . not the Third Elected Member for West Bay but the rest of them have been up and down every talk show in Cayman for the last two weeks talking about these issues, so I know none of this is catching them by surprise. Indeed, they admitted they sought to have these issues moved more quickly through this honourable House by promoting their motion on essentially the same set of issues last week. So, all of this claim and these protestations

about being unprepared, as far as I am concerned, are a bit disingenuous.

That aside, Madam Speaker, even if that is the case it is not the Government's intention (I wish we could do so) to push this debate through and have this Bill voted on this evening. It is now 20 minutes to three. We know what time the House will rise. In fact, we will probably have to rise a bit earlier because Members have other important public engagements this evening. So, Madam Speaker, the Government spent this morning talking about how we deal with this because of the huge amount of public concern there is in Cayman, in London from which I just returned last night, about, what is happening in Cayman with respect to the legal profession in particular and the financial services industry in general.

The Fifth Elected Member for George Town well knows how serious this is. He was in a meeting with the Chief Justice along with the Minister of Financial Services until nearly 10 o'clock last night on the same issue. We have to understand that more important than our individual political positions and where we hope to get to, is the concern about the future of these Islands and our people and the financial services industry. For those who don't seem to appreciate it, it is 60 per cent of GDP and 40 per cent of government revenue. It employs thousands of our people. We have taken a decision as the Government, a principal decision that we are not going to let this linger anymore because the longer it carries on, the more damage that is done.

So, the proposal from the Government, Madam Speaker, is that we will present the Bill and those Members on the Government side, assuming there is time, who wish to speak, will speak, and we will then continue tomorrow and the rest of the time it takes to have this Bill taken to its vote and completion and we put this matter behind us. If Members on the other side are not in a position to speak this evening, the Government is not going to insist nor are we going to take this matter to a vote; we will simply continue the matter tomorrow and through the remaining days necessary for it to be dealt with.

We know that this is going to take days if not a week to deal with. There are more than 100 amendments being proposed by Members on the other side, not to mention the substantial committee stage amendments that the Government has already circulated. So, all of this talk and complaint about somehow the Government is trying to sneak one on the Opposition is just political posturing.

Madam Speaker, I ask Members for once—for once—to put the public's interest beyond their own political interest and let's get on with the business of this House and do what is right by the people of this country.

#### POINT OF PROCEDURE

**Mr. V. Arden McLean, Member for East End:** Madam Speaker, on a procedural—

**The Speaker:** If it is procedural, go ahead. If it is going to be speaking further to the motion I don't have the discretion to allow that.

**Mr. V. Arden McLean:** No, no, I am not speaking to the motion. He already said what he said. We know power is majority has ruled and that is what he is using.

Madam Speaker, the Premier said that he is going into tomorrow on the debate on this. Is he going to forego the Private Members' day? And we have all of these amendments and they are yet to be circulated. What is happening about that? When will they be circulated because it appears like the Government is circulating a lot of amendments on every Bill? The amendments from me were submitted a very long time ago. When will they be circulated? If this Government is overpowering parliament to hear this, then, the amendments should be circulated also.

**The Speaker:** Member for East End, as you would full well be cognisant of the Standing Orders, Thursday is Private Members' day and that would be the case unless a motion is moved by either side to suspend the Standing Orders, so that will be dealt with when we come to that tomorrow.

As far as to the circulation of the amendments that you have put forward, I will have to ask Madam Clerk to assist me with that response as you know it is done through administrative. And I know that they have been received but you would also appreciate that it is a substantial amount of complex amendments and the Clerk and the Deputy Clerk will have to go through them to make sure that they are in order. So, let me just check with the Clerk as to what stage they are at.

Madam Clerk.

*[Inaudible interjection]*

**The Speaker:** Honourable Member for North Side, I am reliably informed by the Clerk that the amendments will be circulated tomorrow.

I will now put the question that item No. 20 as it appears on today's Order Paper, being the Legal Practitioners Bill, 2016, be changed to place first on the Order Paper as item No. 1 to be debated in that order.

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

**AYES and NOES.**

**The Speaker:** I believe the Ayes have it.

**Mr. Winston C. Connolly, Jr.:** Madam Speaker, can we call for a division please?

**The Speaker:** Most certainly.  
Madam Clerk, can we have a division please?

**The Clerk:**

### Division No. 30

**AYES: 9**

Hon. Alden McLaughlin  
Hon. Moses I. Kirkconnell  
Hon. D. Kurt Tibbetts  
Hon. Osbourne V. Bodden  
Hon. G. Wayne Panton  
Hon. Marco S. Archer  
Hon. Tara A. Rivers  
Mr. Roy M. McTaggart  
Mr. Joseph X. Hew

**NOES: 5**

Mr. Bernie A. Bush  
Mr. Alva H. Suckoo, Jr.  
Mr. Winston C. Connolly, Jr.  
Mr. D. Ezzard Miller  
Mr. V. Arden McLean

**ABSENT: 3**

Hon. W. McKeever Bush  
Capt. A. Eugene Ebanks  
Hon. Anthony S. Eden

**The Speaker:** The result of the Division is as follows: 9 Ayes, 5 Noes and 3 absentees. The motion is carried. Item No. 20 now becomes item No. 1.

**Agreed by the majority on division: That item No. 20 on the Order Paper, being the Legal Practitioners Bill, be changed to item No. 1 and to be debated in that order.**

**The Speaker:** What I would say, Honourable Members, based on the submission from the Honourable Premier and the discourse that has emanated therefrom, that the debate on the Bills will commence this afternoon and should, for whatever reason, Members do not respond to when I put the question, when I ask "Does any other Member wish to speak?" I will not put the question on this Bill until tomorrow. If the motion is not carried for whatever reason, to suspend to allow the Government Business to take precedence over Private Members' Motions tomorrow, then, I will only put the question after Members of the Opposition or Members of the Backbench have had an opportunity to have all of the necessary aids for a full debate because it is a matter of national importance.

Madam Clerk, please continue.

## SECOND READING

### LEGAL PRACTITIONERS BILL, 2016

**The Clerk:** The Legal Practitioners Bill, 2016.

**The Speaker:** I recognise the Honourable Minister responsible for Financial Services.

**Hon. G. Wayne Panton, Minister of Financial Services, Commerce and Environment:** Thank you, Madam Speaker.

I beg to move the Second Reading of a Bill shortly entitled The Legal Practitioners Bill, 2016.

**The Speaker:** The Bill has been duly moved. Does the Honourable Minister responsible for Financial Services—

Member for East End.

**Mr. V. Arden McLean:** Madam Speaker, may I bring to your attention section—

**The Speaker:** Are you in the Constitution or the Standing Orders?

**Mr. V. Arden McLean:** No, Madam Speaker, the Standing Orders . . . Standing Order 83.

**The Speaker:** Pecuniary and Professional Interests?

**Mr. V. Arden McLean:** That is correct, Madam Speaker.

Madam Speaker, the Member who is currently moving the Second Reading of this Legal Practitioners Bill has been known to be an owner, equity Partner in Walkers—

**The Speaker:** Member for East End, for the record, the Member moving the Second Reading of the Legal Practitioners Bill is the same Member who was slated as from the First Reading of the Bill and there has been no change. I noticed you said the current Member. Do you want to elucidate on that?

**Mr. V. Arden McLean:** Madam Speaker, I shall.

Any person who is believed to have a pecuniary interest . . . a person of pecuniary interest cannot speak or vote on any such matter. There was no speech thereon for the First Reading. It was deemed to have been read under the First Reading.

**The Speaker:** I understand that, but you are obviously taken a point based on Standing Order 83 and the sub-standing orders thereon, so the onus is on you to show that there is a direct or personal pecuniary interest, so, I await to hear.

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

Madam Speaker, it is common knowledge and the Member, I have not researched his register of interest, but the Member has said in public that he is part owner of the building that Walkers is housed in and Walkers is one of the large firms that this new Practitioners Bill and the controversy that the Premier has said that this Bill has brought to this country relating to large law firms practicing overseas. Walkers just happens to be in the category of one of those, thus it

is our submission . . . it is my submission that the Minister of Financial Services who is part owner of that building has a personal pecuniary interest.

Secondly, Madam Speaker—

**The Speaker:** Member, before you go on, because I want to make sure I follow your reasoning, is it your position that the Member is a landlord or is he a partner of a company (company being W.S. Walker & Co. or whatever they are called), because there is a distinction?

**Mr. V. Arden McLean:** No. It is my understanding that he is a part-owner of the landlord-ship of that, if that is the correct way to put it. He is part owner so he derives pecuniary dividend from the rent being paid on that building by Walkers which is one of the large law firms.

**The Speaker:** And, is it your opinion that that is a direct or indirect?

**Mr. V. Arden McLean:** It is a direct, Madam Speaker, because certainly—

**The Speaker:** Can you continue to speak to persuade me?

**Mr. V. Arden McLean:** Okay.

Madam Speaker, certainly it affects his financial position if Walkers is not allowed to practise overseas, then, that is less money for Walkers to receive. So, who is to say that Walkers will not have to downsize and move out of his building, therefore it is a pecuniary interest.

You can groan as much as you want. You want politics, politics it is.

*[Inaudible interjection]*

**The Speaker:** Please continue.

**Mr. V. Arden McLean:** Madam Speaker, in my last submission on this matter . . . and I will move the motion if you so choose to do so, and let them vote and then do the sub-divide . . . I can't move a motion? You watch me. If you move it, I can move it.

**The Speaker:** Member, please keep your comments through the Chair.

**Mr. V. Arden McLean:** Madam Speaker, in all of my research and in all of my years in this honourable House, anything to do with legal matters must be brought or has always been. So, the convention is, the reason we have an Attorney General here is to advise on legal matters and head of the legal profession industry, therefore, there is no place for the Minister of Financial Services to be bringing this Bill. From a con-

vention perspective, from a practice perspective, it has been the Attorney General, as far back as my research took me, which was to 1982. The Attorney General has always been the one who brought any matters to deal with the Legal Practitioners Bill. So, I certainly have my concerns as to why his constitutional responsibility is not being carried out and it has been taken over by the Minister of Financial Services. He does not have constitutional responsibility for the legal fraternity nor legal advice to the Government or, as the Constitution says, to the Legislative Assembly. And this matter relates to the legal profession and the legal industry.

Besides that, Madam Speaker, the other question that should be asked is: We know how these lawyers, especially those in equity positions and managing partners, when they leave firms their pay-out is over a lengthy period of time. Maybe the Minister needs to explain if his retirement pay-out has been completed, because that is a direct pecuniary interest. And, of course, those are those binding and non-disclosure matters but it does not mean, Madam Speaker, that, I cannot question it, or any Member, for that matter, cannot question the pecuniary interest of any other Member, and those Members speaking or voting on any matter that affects their pecuniary interest.

Madam Speaker, on those two, I submit to you and I will move a motion. I so move a motion—

**The Speaker:** Before you move the motion, Member for East End, are you relying on Standing Order 83(1) or 83(2)? They are different.

**Mr. V. Arden McLean:** Madam Speaker, it is both. [Standing Order] 83(2) “**A motion to disallow a Member's vote on the ground of personal pecuniary interest may be moved only as soon as the numbers of the Members voting on the question . . .**” But [Standing Order] 83(1) is “. . . **amendment relating to a matter in which he has a direct pecuniary interest or speak on any such matter, whether in the House or in any Committee, . . .**” This is an amendment, not a bill to make a law.

**The Speaker:** Member, continue reading so that the House can have the full position.

**Mr. V. Arden McLean:** “. . . **without disclosing the nature of that interest, and shall in no circumstances vote on any such matter.**”

**The Speaker:** So, for the benefit of the Chair, you are relying on [SO] 83(1)?

**Mr. V. Arden McLean:** That is correct, Madam Speaker, in this instance.

**The Speaker:** So, basically the point of issue is whether or not there is a direct pecuniary interest? Can you confirm, Member for East End?

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

**The Speaker:** Okay.

**Mr. V. Arden McLean:** And if I may, because it was a little broken, 83(1), when I spoke on it, if you wish I can read that, Madam Speaker, in its entirety without break.

**The Speaker:** Please do so.

**Mr. V. Arden McLean:** Madam Speaker, [SO] 83(1) says: **“A Member shall not move any motion or amendment relating to a matter in which he has a direct pecuniary interest or speak on any such matter, whether in the House or in any committee, without disclosing the nature of that interest, and shall in no circumstances vote on any such matter.”**

Madam Speaker, I have not seen any declaration of such matter, thus I am bringing it before the Members of this honourable House and your good-self to make a determination thereon.

**The Speaker:** Honourable Minister responsible for Financial Services, the Chair will ask you one basic question: Do you have a direct pecuniary interest as far as you are aware of?

**Hon. G. Wayne Panton, Minister of Financial Services, Commerce and Environment:** Thank you, Madam Speaker.

Madam Speaker, I take my responsibilities in this honourable House very seriously. And while the Members on the Opposition side have been discussing this issue for some time publicly, most of the time has been spend casting aspersions and making allegations about conflict of interest in relation to myself and others on this very important issue of this Legal Practitioners Bill that we have been trying to get dealt with for 15 years.

Madam Speaker, because I take my responsibilities seriously and because of those allegations being made, I have taken specific legal advice from senior counsel on any relevant circumstance in my situation or relevant to myself, including, Madam Speaker, the matters which the Member has mentioned, and I have been advised that I do not have a direct pecuniary interest in relation to this matter which I need to declare to this honourable House.

Madam Speaker, such as my concern about ensuring that my principles are reflected in my behaviour and that I do the right thing, Madam Speaker, you will know that I have provided you with an explanation and a clear indication of the advice which I was given

and the fact that that advice says that I have no direct pecuniary interest to declare. I think, Madam Speaker, that that enables me to continue with this presentation of this Bill.

Madam Speaker, I regard it as unfortunate that we are now in a position where the Members have taken this issue of the presentation of the Legal Practitioners Bill to a new low which has nothing to do with the merits or demerits of the Bill, nothing to do with a discussion or analysis of the issues, but simply an attempt to smear any and everybody who could be involved. Yes, Madam Speaker, I am a former partner of one of the law firms. That experience and my knowledge, Madam Speaker, made me or put me in a good position to fulfill the role that I perform as Minister of Financial Services. The allegation is that because of that I am somehow conflicted or I am somehow in contravention of Standing Order 83.

Madam Speaker, I think that I have done what I need to do personally. I have done the right thing. I have done the responsible thing and I have taken senior counsel's advice on this issue, Madam Speaker, which, the advice has been that I do not have an interest which requires me to declare it in accordance with Standing Order 83, and an interest which precludes me from being able to speak, present this Bill and to vote on it, Madam Speaker. Thank you.

**The Speaker:** Member for East End.

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

Madam Speaker, the Minister said he takes his responsibility seriously; so do I.

I have an absolute responsibility to ensure there is no conflict in this House and that is why I am standing on my feet, Madam Speaker, because it is in the better interest of the country and its people that no one in here has a conflict and when they do they do not speak. That's my responsibility too. Thank you very much.

Madam Speaker, legal opinions, they do not work in here. Oh no! Unless it is matters dealing with this House and the Attorney General opine on them. You can get as much legal opinion as you want outside; it is the Members who decide whether or not there is a conflict. There is no court that decides in here, and an opinion, you can get as many of them as you want and everyone is going to be different. So, this has nothing to do with getting Queen's Counsel. That might satisfy his mind, Madam Speaker, but that does not say that it satisfies the requirements that the Members of this honourable House see as a conflict. It absolutely does not and everybody should take note of that.

Madam Speaker, as a matter of fact that Minister happens to be the Chairman of the Register of Interest Committee and has never had a meeting in four years.



*[Inaudible interjection]*

**Mr. V. Arden McLean:** Madam Speaker, I submit, that the Minister has a conflict because of his position with regards to Walkers, past, present or future. I further submit, Madam Speaker, that the Attorney General is constitutionally the right person to bring this Bill.

**The Speaker:** Honourable Attorney General, are you able to shed any further light on this issue as it relates to Standing Order 83?

**The Attorney General, Hon. Samuel W. Bulgin:** Thank you, Madam Speaker.

Only briefly to say, usually, as members of our profession, if there is a conflict we are the ones who usually best determine whether or not we are conflicted; it is part of our training.

*[Inaudible interjection]*

**The Attorney General, Hon. Samuel W. Bulgin:** It is. It has always been. And that is why when lawyers have matters referred to them, they do what is called conflict check to determine whether or not there is any conflict in certain circumstances.

The Honourable Minister has made it quite clear that he has gone the extra mile to seek external opinion which is always a commendable thing to do, because even though sometimes we are convinced in our minds, it is always advisable to have another opinion which he has done. And, Madam Speaker, if he is satisfied, having received that opinion that he is not conflicted, then, clearly it is a matter for him. And, of course, if it gets to the stage where he makes further disclosure and the motion is moved in this House, then clearly it is a matter for the House to decide. But it is not unusual for an attorney to seek legal opinion just to satisfy him or herself about the issue of whether or not there are conflicts.

**The Speaker:** Thank you.

Member for East End, do you have something to add?

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

Madam Speaker, I am trying to find the provision in the Constitution under which the Attorney General falls [in regards to] his functions and I am having difficulty going through it to find it.

Attorney General—[section] 56— let me get my specs here.

Madam Speaker, let me say before I read that, that the Attorney General said lawyers are best to determine whether or not they have conflict. Oh yeah? Really? Even preachers are human beings. I wonder if the gentleman in Jamaica recently determined that taking people's money and using was not a conflict—

**The Speaker:** Member for East End, let's keep it relevant. You are on section 56 of the Constitution.

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

Madam Speaker, section 56(1): "**There shall be an Attorney General of the Cayman Islands, whose office shall be a public office and who shall be appointed in accordance with section 106.**"

Section 56(2): "**The Attorney General shall be the principal legal adviser to the Government and the Legislative Assembly.**"

Now, Madam Speaker, if the Member would wish, I can go and read how he is appointed in [section] 106. But for the purposes of this exercise I do not need that because what I am about to say is that I move that the Attorney General investigate and advise this Legislature as to whether or not the Minister of Financial Services has a conflict of interest.

**The Speaker:** Honourable Attorney General, I thought that what was you just attempted to clarify. Did I miss something?

**The Attorney General, Hon. Samuel W. Bulgin:** I am not so sure what he is asking me to investigate and advise the House.

*[Inaudible interjection]*

**The Attorney General, Hon. Samuel W. Bulgin:** That's what we're saying.

**Mr. V. Arden McLean:** Madam Speaker, the Attorney General, when called upon by your good-self for some degree of clarity, he said that lawyers are best suited to determine if they conflict. Madam Speaker, I submit that that is not necessarily so. There is evidence. The Minister of Financial Services said he consulted Queen's Counsel, so, he's really not, or unless he considers himself incapable of doing it.

Madam Speaker, [section] 56(2) says: "**The Attorney General shall be the principal legal adviser to the Government and the Legislative Assembly.**"

Now, my submission is that we ask the Attorney General to advise this honourable House on whether or not the Minister of Financial Services has a conflict. To do such, the Attorney General would have to research. That's all I am asking for.

**The Speaker:** Member for East End, the Honourable Minister of Financial Services, when called upon by the Chair,—and obviously this is an honourable House and respect is due to the Chair and he knows the consequences with being non-economical with the truth—have no reason to believe that he did not speak the truth when I asked him: "Do you have a direct pecuniary interest?" and he answered in the negative to that. And that is why I asked you whether it was

Standing Order 83(1) because the litmus test for Standing Order 83(1) is such that it must be a direct pecuniary interest, not a pecuniary interest. It is like different under [Standing Order 83](2) because there is timing element which can only be moved at the time of the vote and we are just at the commencement or we are attempting to get to the commencement of the discussion of the Second Reading of the Bill.

I then solicited a response from the Honourable Attorney General just for my own clarification. I listened to what you've said and at this stage, unless there can be some submission of direct evidence that the Member is still an equity partner, that there is some direct relationship that is there, the Chair would have no other alternative in that I do not find a direct pecuniary interest. At the best case scenario, it could be indirect because he is a landlord, from what has been submitted, even by your good-self, Member for East End. I have not heard any evidence being submitted that he is anything else but that. So, unless I can hear that, the Chair would rule but I do not find that there is a direct pecuniary interest.

If at any stage during the debate that comes to light from either side of the House, then, obviously the Chair would have to reconsider and the Standing Order sets out a procedure to be followed. But at this stage I have not heard or seen anything to prove to me that the Honourable Minister of Financial Services has a direct [interest] and "direct" is the operative word in this case.

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush, Leader of the Opposition:** Madam Speaker, I don't know if I should at this point but perhaps we ought to look at [Erskine] May [Parliamentary Practice] 24<sup>th</sup> Edition on page 80 which talks about the declaration of interest and debate, and, Madam Speaker, I am not in any way going against what you have just said. But I thought for the sake of clarity that we should examine what Erskine May is saying and perhaps you would want to take five minutes. And I certainly would like to be absolutely clear in my mind where we are going with it.

*[Inaudible interjection]*

**The Speaker:** The onus is on the Member that is speaking, Honourable Leader of the Opposition; that if she or he has such an interest, the onus is on that person to declare that there is an interest. And obviously, if they don't and it is proven to the Chair that there is an interest, there are sanctions that can be taken.

I did call upon the Honourable Minister of Financial Services and he was not under oath but he stood here as an Honourable Member, as I take all Members of this House to be until it is proven to the contrary, and said that he did not have a pecuniary interest. No other Member has been forthcoming in

proving that there is a direct pecuniary interest. And I did give Members the opportunity and I still give Members opportunity.

I recognise the Honourable Attorney General who is now on his feet.

**The Attorney General, Hon. Samuel W. Bulgin:** Thank you, Madam Chair. Let me just reiterate, Madam Speaker, sorry.

The Honourable Minister is under an obligation to examine and declare whether he has an interest. He, according to him, has done so. Not only has he done so, he has taken additional steps seeking advice from learned Queen's Counsel who has also confirmed that he is not conflicted in any way that requires any disclosure to this honourable House. Madam Speaker—

**Hon. W. McKeeva Bush, Leader of the Opposition:** That has been declared to the Speaker?

**The Speaker:** Yes.

**The Attorney General, Hon. Samuel W. Bulgin:** Thank you.

—and unless the honourable Member for East End has evidence to the contrary, then, it is certainly a matter for the Honourable Minister and for yourself, Madam Speaker, that we take his word . . . sorry, his word is his bond. But I would have thought that if he has gone and took the other precaution to get legal opinion from learned Queen's Counsel, to me, that is as best as you could have hoped for in the circumstances. So, I think, notwithstanding the concerns of the Member for East End—and I am not for one questioning whether or not that his belief is genuinely held, but the fact is that there is an opinion to the contrary, and I think at least we ought to respect the Honourable Minister's position as it relates to that. He is not just a Minister of this House but he is also a member of the legal profession which also places a particular onus on him.

**Mr. V. Arden McLean:** He is not.

**The Attorney General, Hon. Samuel W. Bulgin:** He is a member of the legal profession which puts an added burden on him to ensure that his conduct, in those circumstances, is certainly consistent with the ethics of the profession. Thank you.

**Mr. V. Arden McLean:** Madam Speaker.

**The Speaker:** Member for East End, I will take a final intervention and then we will move on.

**Mr. V. Arden McLean:** Madam Speaker, I shall then bring us all to the attention of Standing Order 88(1) and (2) wherein if there is doubt we need to refer to

the rules of the House of Great Britain and Northern Ireland, which is Erskine May.

**The Speaker:** Where is the doubt?

**Mr. V. Arden McLean:** Well, Madam Speaker, obviously there is doubt here as to whether or not . . . because he has learned Counsel, does not erase the doubt that the Members have and we are entitled . . . any Member is entitled to bring the motion. And—

*[Inaudible interjection]*

**Mr. V. Arden McLean:** What do you mean?

**The Speaker:** But you can only bring a motion . . . Member if you are bringing the motion under [SO] 83(2) you will bring it when the vote is taken. That is why I asked you at the beginning, honourable Member, whether you were relying on 83(1) or (2) and you specifically said 83(1) and that is the direction of your argument thus far.

**Mr. V. Arden McLean:** Madam—

**The Speaker:** Yes, please proceed.

**Mr. V. Arden McLean:** Madam Speaker, I thank you.

Madam Speaker, what I am saying is that when there is doubt on the Standing Orders, then . . . Madam Speaker, maybe since I am not the lawyer the Premier can say what . . . **“In any matter not herein provided for, resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and the Northern Ireland, which shall be followed as far as the same may be applicable to this House, and not inconsistent with these Standing Orders nor with the practice of this House.”** [Standing Order 88(1)]

**“In cases of doubt the Standing Orders of this House shall be interpreted in the light of the relevant usage and practice of the House of Commons, but no restrictions which the House of Commons has introduced by Standing Order after the making of those Orders shall be deemed to extend to this House or its Members until the House has by Standing Order provided for such restriction.”** [Standing Order 88(2)]

Since I am no lawyer, someone interpret that then. But, Madam Speaker, the Attorney General got up here and said that the Minister of Financial Services is a member of the legal fraternity; no such thing. He announced on radio that he has not kept up his registration.

*[Inaudible interjections]*

**The Speaker:** Member for East End, we—

**Mr. V. Arden McLean:** Madam Speaker, if I may, I shall bow to whatever your ruling is. The question has been put.

**he Speaker:** I was just responding to the point that you raised about deference to May's and that is made when our Standing Orders are incomplete or is silent on a procedural matter, and in this case our Standing Orders does, in fact, have a section dealing with pecuniary and professional interests and there are sections which you quite adequately relied on, 82(1)(2)(3) and (4) and from my reading and my cognisance, I do not see where it is silent on it. It sets out very specifically how the matter should be dealt with if it is a pecuniary and professional interest, and the Chair has not found that there is a direct pecuniary interest.

**Mr. V. Arden McLean:** Madam Speaker, I was referring to that [Standing Order] 88 and [Erskine] May as there is nothing on indirect pecuniary interests. And if it is silent, like you said, on indirect, then you refer to May.

**The Speaker:** But, Member for East End, the fact that it actually says, it does not just say “a pecuniary interest” and I am sure our forefathers and mothers were brilliant enough and had the foresight enough when they chose those words because the English language is very precise and shall I reflect and remind Members? It says, **“A Member shall not”** (which means it is mandatory) **“move any motion or amendment relating to a matter in which he has a direct pecuniary interest . . .”** So, there is a precedent and I am sure the movers and the drafters of this would not have included the word “direct” if they wanted to lower the bar to be that, just merely of a pecuniary interest. If we, in 2017 are not satisfied based on progress or lack thereof that it should be “direct” I would say Members make a move to delete it through the correct procedure so that Standing Order 83 would read “that has a pecuniary interest”. At that stage we would have the opportunity to say what direct and indirect is, or refer to Erskine May Standing Orders, which if we look at those Standing Orders it does cover circumstances of direct and indirect. It is the view of the Chair that we do not have to refer to May's because our Standing Orders specifically say it must be a direct pecuniary interest.

**Hon. W. McKeeva Bush, Leader of the Opposition:** And so, if it is not direct . . .

**The Speaker:** And it is not direct.

**Hon. W. McKeeva Bush, Leader of the Opposition:** But then that is why you ought to go to Mays.

*[Inaudible interjections]*

**Hon. W. McKeeva Bush, Leader of the Opposition:**  
Madam Speaker.

**The Speaker:** Honourable Leader of the Opposition.  
Thereafter, we will move on.

**Hon. W. McKeeva Bush, Leader of the Opposition:**  
Madam Speaker, I know that . . . and I don't have any intention to tax your patience or otherwise, but perhaps we should read a section of Erskine May Parliamentary Practice, if you permit, that deals with direct and indirect, because while our Standing Orders relate to direct pecuniary interests but May's talks about the indirect aspect. And May's on page 80 of the 24<sup>th</sup> Edition, if you allow, the Declaration of Interest in Debate says:

**"[In debate] a Member is required to declare 'any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that he may have had, may have or may be expecting to have'. Thus the rule relating to the declaration of interest is broader in scope than the rules relating to registration in requiring the declaration of both relevant past interests and relevant interests which the Member may be expecting to have in the future. Members are also encouraged to declare non-registrable interests which might be thought to influence them. Such interests have been held to include financial interests which fall below the registrable threshold, financial interests of close family members, and any other circumstance which, though exempt from the requirement to register, might be thought to have a bearing on a Member's personal financial position."**

It goes on to say: "It is the responsibility of the Member, having regard to the rules of the House, to judge whether a financial interest is sufficiently relevant to require declaration. The basic test of relevance is similar to that for registration: that a financial interest should be declared if it might reasonably be thought by others to influence the Member's speech. Where, however, a particular interest was shared by Members at large (in this case as employers of staff) the Speaker ruled that Members should be expected to indicate a relevant interest only where that was 'plainly additional to their interest as Members of the House'. A declaration should be brief but should make specific reference to the nature of the Member's interest. A Member should declare such an interest when it is most relevant to do so; normally at the beginning of his or her remarks. Any declaration 'should be sufficiently informative to enable a listener to understand the nature of the Member's pecuniary interest without recourse to the Register or other publications'."

That I think should be put in and on the record.

**The Speaker:** Honourable Attorney General.

**The Attorney General, Hon. Samuel W. Bulgin:**  
Madam Speaker, I just want to confirm, did the Honourable Leader of the Opposition read that it is within the judgement of the Member to make that determination?

**The Speaker:** It is the responsibility of the Member.

**The Attorney General, Hon. Samuel W. Bulgin:**  
Thank you.

**The Speaker:** Same thing.

**Hon. W. McKeeva Bush, Leader of the Opposition:**  
It is but there are other things that I thought are not clear enough.

*[Inaudible interjections]*

**The Speaker:** Honourable Minister of Financial Services, the Bill has been duly moved. Does the Honourable Mover wish to speak to the Bill?

**Hon. G. Wayne Panton:** Yes, thank you, Madam Speaker.

**The Speaker:** Honourable Minister, let me just say so that everybody will be on the same footing.

That interjection dealt with 83(1). The Standing Orders still obviously have a scope for 83(2) and until we get to that stage, I have no control whether another Member or Members may wish to deal with it at that stage. I will then move from there.

**Hon. G. Wayne Panton:** Yes, Madam Speaker, thank you. I certainly clearly understand that and I have not heard anything which changes my assessment of whether I have a direct pecuniary interest that I am required to disclose and recuse myself under Standing Order 83. I have taken advice on it, not because I had doubt about it, but because I knew that this was going to be an issue that was raised with the other side intending to make an issue of it and play politics about it.

Madam Speaker, moving on to the presentation of the Bill, I am seeking today to defy the odds which are prevented for many years the critically important modernisation of the law relating to the regulation and governance of the practise of the Cayman Islands Law.

The Bill which I am to present on behalf of this Government, is a bill which by repealing and replacing the Legal Practitioners Law (2015 Revision) seeks to create a modern platform to regulate the practise of Cayman Islands Law. For the first time, Madam Speaker, wherever it is practised in a way which meets international standards and provides mecha-

nisms which seek to address these longstanding concerns that have existed in Caymanian practitioners relating to fair opportunities for training and development, Madam Speaker, and promotion.

Madam Speaker, other than that, let me say up front that the Bill reflects proposals which do not seek to make significant policy changes in terms of how the practise of law has been successfully carried out to the benefit of the country to date, because, Madam Speaker, it is one of the fundamental and core underlying professions of our financial services industry. The fact that we have not been able to achieve modernisation of the law relating to the governance and regulation of this industry for more than 15 years now, we have been trying, has been to the detriment of the country. And I will get on to outline, Madam Speaker, the various important issues and imperatives which are driving the need to have this Bill passed and this new modern form of regulation and supervision of the practise of law in the Cayman Islands.

So, Madam Speaker, just very broadly there are three broad imperatives for this Bill. The first is the need for the Bill to create a modern platform to regulate the practise of Cayman Islands Law and its practitioners in full compliance with the current international standards, particularly relating to the Anti-money Laundering (AML) and the Countering of Financing of Terrorism (CFT) provisions, which are promulgated under the Financial Action Task Force [FATF] standards and recommendations.

I have already reminded this honourable House, Madam Speaker, in some detail of the upcoming assessment later this year by the Caribbean Financial Action Task Force [CATF] which seeks to ascertain, both compliance with technical requirements as well as a demonstration of effectiveness of the regime in meeting the objectives of the AML/CFT regime. Madam Speaker, a satisfactory rating coming out of that assessment is absolutely necessary for this jurisdiction to maintain its positive reputation as a well-regulated jurisdiction and a sophisticated place in which to do business. Not addressing the known or identified areas of deficiency in respect of international standards is simply not an option for us as a country which relies so heavily on the financial services industry and the contribution to it, the contribution to our economy, our job market and the direct revenues, Madam Speaker, of the Cayman Islands Government.

The legal profession, Madam Speaker, in conjunction with the accounting profession seems to be popularly viewed these days in some international circles as potential enablers or facilitators of transactions and therefore there are higher risks of falling afoul of the AML/CFT regime. So, Madam Speaker, the FATF has set out in its recommendations specific proposals which address the regulation of lawyers as well as accountants as a part of the general business referred to as designated non-financial businesses.

And these are perceived to carry greater risk and therefore are in need of specific regulation.

Madam Speaker, Members of this honourable House will recall that we recently considered and passed the new Accountants Law, 2016 to regulate the public accounting profession by way of a very similar framework that is proposed in this Legal Practitioners Bill and that framework and that law was done in part to achieve the same end for the same reasons. Some of the major differences, Madam Speaker, is that while the same approach of a single private sector regulator and disciplinary body, as in the Accountants Law, is replicated in this Bill, because of the real or perceived need to address issues around the training and development and promotion of Caymanian lawyers, there are a number of specific provisions, Madam Speaker, in this Bill which seeks to address those issues, and I will talk in more detail about those a bit later.

Madam Speaker, I know that most, if not all, of the Opposition Members supported the Accountants Bill at the time that enables that profession to have the necessary regulatory framework in place to satisfy the assessment standards. And I hope they can appreciate that the legal profession is at least equally in need of this. It is critically important that we have the new regulatory framework that is proposed in this Bill in place to similarly regulate the legal profession in accordance with international standards and to achieve very importantly, Madam Speaker, a satisfactory assessment coming out of the Caribbean Financial Action Task Force assessment later this year.

Madam Speaker, the second imperative for this Bill is one that is longstanding and that many of us are familiar with. It is similarly a critical need to modernise the legislation which regulates the legal profession of the Cayman Islands and the practise of Cayman Islands Law wherever it is occurring.

Madam Speaker, the Legal Practitioners Law (2015 Revision) was originally passed in 1969 at a time when there was probably less than 30 people practising Cayman Islands Law. And I say people rather than lawyers deliberately, Madam Speaker, because a number of those practitioners were, in fact, what were described back then as law agents. They did not have formal training or professional certifications which we have today. They were often self-taught but very capable people in society who filled a need at that time. Now, of course, Madam Speaker, the need at that time was primarily related to domestic issues—family law, basic contracts, wills and estates and so forth, while at that point there was perhaps some rough idea or rough vision of what the Cayman Islands might become as a leading international financial centre that it is today. I very much doubt that the extent or the significance of our role and the size of our profession and the complexity of the practise of Cayman Islands Law as it exists today, on the global reach and significance of these three little Islands of

our small country in the Western Caribbean could have been foreseen.

So, Madam Speaker, it is that the current Law, even though amended over the period of time since it was passed in 1969, it simply cannot cope and has glaring gaps and lacunas in respect of the regulation of the practise of law with the current realities today and the task of overall regulating this complex, vibrant, sophisticated and thoroughly modern practise of Cayman Islands Law that we have now.

Madam Speaker, I have heard Members say in the past weeks and months that, well it is not true that the legislation was not amended since 1969. That is absolutely true. It has had amendments. It has had lots of minor little amendments. It is still 16 pages and still does not reflect the realities that we have before us today reflecting the current practise of Cayman Islands Law. And it certainly does not, in any way, address some of the current concerns and longstanding concerns that Caymanian lawyers have had around the questions of training, development and promotion. This Bill, Madam Speaker, seeks to address some of these issues.

Now, Madam Speaker, focusing on the geographic reach, the issue that has exercised much of the debate in the context of modernisation of the Legal Practitioners Law has been the reality that the practise of Cayman Islands Law is now carried on to a significant extent outside the Cayman Islands. Madam Speaker, we now have Cayman Islands Law being practised in most of the centres of commerce around the world. Now, having said that, I should point out that we are not unique in that respect; all of our major competitors are doing the same thing and taking the same approach. And it is absolutely true to say that this practice initially arose in terms of a Cayman context as much as a defensive or reactive approach to the actions of our competitors as it was a response to the pull of globalisation and the pursuit of opportunity. So, Madam Speaker, we were far from being the first jurisdiction amongst our peers to have overseas offices for law firms.

Nevertheless, Madam Speaker, there has been a view expressed in some quarters for as long as we have been seeking to modernise our legislation, that the practise of law outside the Cayman Islands is disadvantageous to Cayman and to the interest of Caymanian practitioners. That is a view that some reflect. And, Madam Speaker, I think it is largely this view which has effectively stymied efforts at modernisation at this point.

Madam Speaker, I think around 2008 we had roughly about 100 lawyers who were practising Cayman Islands Law in offices overseas. Today, that number is closer to around 200 by my estimates. Madam Speaker, whatever people want to call that, it is a reality that all of our competitors have been engaged in and all of them have been trying to address the need to deal with proper regulation and a way to

control this and a way to ensure that it is developing in a way which both benefits the country, both ensures that the financial services industry is strong and growing as a result of that, but also addresses the local concerns.

Madam Speaker, what is a little ironic is that these concerns arise specifically because the existing Law has absolutely no provisions dealing with the current practise of Cayman Islands Law as it exists today in its full reality. And preventing the modernisation of the existing Law, Madam Speaker, only serves to exacerbate the concerns that have been expressed to begin with. It is also ironic that it is those who have been fighting against modernisation to reflect the current realities and to address the current realities, have been doing so against the Caymanian Bar Association (CBA) itself, that has been leading this issue for the better part. . . well, let's say, leading this issue for nearly 15 years now. We have other Members on the other side of the House who have been engaged in that very same process during that period of time.

#### POINT OF ORDER

**Mr. V. Arden McLean:** Madam Speaker, on a point of order.

**The Speaker:** Please state your point of order, Member.

**Mr. V. Arden McLean:** Madam Speaker, the Minister is saying that there are Members on this side of the House who have been engaged in trying to prevent modernisation of the Legal Practitioners Bill. That is not true. He needs to say who on this side is engaged in such behaviour.

**The Speaker:** Honourable Minister of Financial Services, if you are in possession of specific Members and have your proof, then you can proceed along that line, otherwise, I am going to ask you to take a detour and get back on track.

**Hon. G. Wayne Panton:** Madam Speaker, I think the . . . and I apologise if it came out wrong but I think the Member misunderstood what I was saying. I was simply saying that the Caymanian Bar Association has been involved in the charge to try to get the modernisation of the Legal Practitioners Law. And I am saying that certain Members of this House . . . let's say certain Members of this House on both sides have been involved in this process through the Caymanian Bar Association. I thought that that is what I was saying. If I did not say that then I apologise.

**Mr. V. Arden McLean:** Madam Speaker.

**The Speaker:** Member for East End, do you have a point of order?

**Mr. V. Arden McLean:** Madam Speaker, the Member is now being economical with the truth on his words which is, that he said there are Members on this side who have been engaged in trying to stop it. Now he is saying that we have been on the side of the CBA trying to get it through. That's not what I rose on the point of order. He is saying things about the Members on this side that is not a fact and he needs to declare and name those people.

**The Speaker:** Honourable Minister of Financial Services, are you in a position to identify the Members and if not, then, please do not generalize.

**Hon. G. Wayne Panton:** Madam Speaker, as I indicated earlier, I thought that I was saying that there are people who have been pushing it against the modernisation and that there have been people on . . . as members of the Caymanian Bar Association who have been engaged in the process of trying to help address this issue and some Members . . . the Fifth Elected Member for George Town was a member of the Caymanian Bar Association as well as myself and other Members, so I am simply saying that there were certain Members who have been a part of this, Madam Speaker. But I . . . to the extent that the Members feel that I was suggesting that there are Members on that side who were not in favour of it, that was not what I was suggesting at this point, Madam Speaker.

**The Speaker:** Honourable Fifth Elected Member for George Town.

#### POINT OF ORDER

**Mr. Winston C. Connolly, Jr.:** Madam Speaker, on a point of order, that is exactly what the Member said; there are Members . . . what he started out saying was that there are Members fighting against modernisation and then went on to say that there was at least one Member on this side involved with the process. It is the first bit that I take umbrage to, because I have never said that I am against modernisation of this Bill. I have always said that we need modernisation but it has to be balanced and the Caymanian situation has to be improved. That's what I am fighting for.

**The Speaker:** Honourable Minister of Financial Services.

**Hon. G. Wayne Panton:** Madam Speaker, if I said "Members" initially in terms of the first limb as the Member for George Town has indicated, then, I certainly withdraw that. I was not suggesting that.

**The Speaker:** Okay, let's move on.

**Hon. W. McKeeva Bush, Leader of the Opposition:** Oh my.

**Hon. G. Wayne Panton:** So, Madam Speaker, the Bar Association's concerns were based on the perceived reputational risk posed to the jurisdiction because the existing Law provides no framework for any form of regulation for the practise of law overseas, and secondly, because of concerns of this location of the economic value and reduced opportunities for Caymanian practitioners.

Madam Speaker, the issue of the practise of Cayman Islands Law overseas is therefore an important issue, which this Bill seeks to address by providing, firstly, for the issue of practicing certificates to lawyers in overseas offices for the same qualification requirements to be applied across the board irrespective of geographic location for a mechanism through which those practising Cayman Islands Law overseas have a definite nexus and connection to Cayman, and for a mechanism in the form of a one-to-one ratio which limits the number of non-Caymanian lawyers of any one firm that can receive practising certificates to work overseas, so that the aggregate of all non-Caymanians working for a particular firm overseas cannot exceed the aggregate of all lawyers and trainees working in the Cayman office of that firm.

Madam Speaker, there is a proposed amendment to the relevant provision which would for the purposes of the ratio, restrict the number of non-Caymanian lawyers in the Cayman office, only to those who have been in the Islands for a minimum of one year. Representations were made during the public consultation process that perhaps firms could hire people quickly and get them into their offices and grow the numbers locally in order to create capacity offshore to hire more, hence the reason for the proposal to restrict it to only those non-Caymanian lawyers in Cayman who have been here for at least one year.

Madam Speaker, it is fair to say that our experience with the overseas offices of Cayman firms in a protracted period spanning several decades now, is that fears of rampant growth outside of Cayman have not materialised because overseas offices will operate in high cost centres, high operating costs and high tax scenarios, in particular. And, Madam Speaker, firms pursue rational decision-making and only growing to the extent of the opportunity they think is available in that location or region. But this mechanism, Madam Speaker, this one-to-one ratio certainly puts a limit on that irrespective of what the realities are in terms of how firms approach it. So, Madam Speaker, one of the longstanding arguments have been that law firms have overseas offices with lawyers to stack them because it is cheaper than Cayman and it allows them to circumvent the immigration requirements. If that was correct, Madam Speaker, and based on the evidence, I would agree that it is a real concern; that we should try to find a way to address it. But, is it true, Madam Speaker? Madam Speaker, I think if it was true we should be able to look at offices around different parts

of the world and see evidence of that very thing happening.

Madam Speaker, the jurisdictions in which Cayman firms operate that is closest to Cayman in terms of cost and no income tax, would really only be the Dubai International Financial Centre (DIFC). That is similar in cost, perhaps a little more in operating cost, but it is tax free.

Madam Speaker, if the speculation is true about firms willing or wanting to place many lawyers overseas to avoid Cayman regulation and Cayman cost, then we would see it there. I have looked at the websites for two Cayman firms that I know of that have had offices in the DIFC for the last . . . well, since 2005, so close to a dozen years ago. One of them has six lawyers based on the website and the other has nine. Now, Madam Speaker, I recall well those offices when I last visited there in Dubai, probably about eight years ago, and they were very much similar in number at that time. So, Madam Speaker, I think based on what I have seen, the reality does not really match the speculation. And I think that should be able to satisfy the arguments that this is not a driving force behind the motivations of firms. They are there to service the needs of clients.

We do have other scenarios happening, Madam Speaker, where we have firms that have no connection to Cayman, no nexus to Cayman, no office in Cayman and they have people who are practising, who, we believe, are practising Cayman Islands Law and we have a Law which is deficient in its ability to deal with it.

Madam Speaker, I think it is helpful just to provide some background in terms of the rationale for the practise of Cayman Islands Law overseas. The primary driver for this is meeting client expectations. Now, the initial response from a Cayman context was a defensive measure against competition. I think another one of our competitor jurisdictions opened an office overseas in the Asian region which Cayman eventually responded to. But the bottom line is that where we have centres of commerce and there is a need for the type of sophisticated high quality international financial centre services products that we have, clients will go with those options that are available to them who are in their time zone and in their geographic location generally.

So, when we talk about meeting clients expectations, Madam Speaker, this is precisely the thing we are talking about. If we are not there meeting their expectations in those centres of commerce, if we are not there to be able to go to their office, visit them or have them come to our office to discuss transactions or to have closing meetings or to have meetings with other onshore council, we are going to lose business because they have options, and if we are not there and those expectations are not met, clients will simply look to an alternative jurisdiction. And, unfortunately, Madam Speaker, there are many other jurisdictions

today that are strong competitors. We are not the only choice. We do not get to dictate the rules of global finance and the needs and demands and the wants and desires of sophisticated customers.

Madam Speaker, the truth is the gap has narrowed in terms of competitive advantage for Cayman. Many jurisdictions that compete with us have improved their services, they have copied our policies and products and they are generally much better than they were in the past. So, we have got to find a way to continue to differentiate ourselves. We have got to find a way to continue to innovate to create cutting edge products and to deliver services that are second to none, in order to continue to maintain what we once had, which was a lot of clear blue water. We still have some of that but it is a lot less. Madam Speaker, this is just another way of saying we must not just meet client expectations, but we must differentiate ourselves by exceeding those expectations whenever possible.

The third broad imperative, Madam Speaker, and one which is of significant importance to all of us, is the concerns expressed by Caymanians in relation to perceived limitations in training, in the development and promotion opportunities within firms. This is a general complaint that we hear and it is probably because of the numbers, most often, in relation larger firms where there is greater competition. In particular, Madam Speaker, there is the perception that too few Caymanians have made it to the top as equity partners in one of the big firms. Madam Speaker, it is a fact that the large firms are certainly making the largest share of investment in the scholarship and training of Caymanians to qualification. I have been advised based on review that it is also the case that close to 90 per cent of Caymanians trained to admission by their training firms have been retained by them. The rate of attrition does increase by the time those who were kept on initially are in the region of three years post-qualification experience. And that is reflected in a drop in the retention rate to something around 65 per cent. But, Madam Speaker, if we compare those numbers to other regions, to the UK, for example, and other Commonwealth territories, those are not bad numbers but we would certainly love to have them better.

Madam Speaker, the pace of qualification for Caymanian lawyers is not slowing down. We currently have 21 article clerks in training in Cayman and since 2008 we have had 114 lawyers who have completed their training to admission here. In total, Madam Speaker, the Caymanian Bar Association have around, I am told, 130 student members. These numbers suggest that the penetration of Caymanian lawyers in the local profession is increasing substantially. In fact, Madam Speaker, of the 700 plus lawyers that I understand are on the Roll today, around 240 of those are Caymanian. Whatever the number is, Madam Speaker, it is very clear that that number is set to con-



tinue to grow significantly. And while we absolutely, have to have a level playing field and an environment which enables our fellow Caymanian to achieve their full potential, at the same time we must be careful to ensure that as is the case with other industries in Cayman, firms do have access to the numbers of skilled and experienced staff that they may need to operate effectively.

Madam Speaker, this Bill seeks to work in conjunction with, and seeks to enhance the applicable provisions of the Immigration Law to ensure that there is this appropriate balance achieved which serves the interest of Caymanians in the legal professions and serves the interest of the legal profession in ensuring that it is effective and continues to work well. Madam Speaker, as Caymanians we are very proud people. We all want to accomplish all that we can and we want our children to be able to do the same. It should be the case that based on our abilities we should be able to maximise our potential. And if we are capable of participating in ownership and management of law firms, then those opportunities should be available to us. Madam Speaker, some of us have had those opportunities. There are good many others who are well on their way if not there at this point. Notwithstanding this, Madam Speaker, there is this perception that not enough of us have had these opportunities and that must be addressed. Madam Speaker, it is not hard to feel that reality, but I think this Bill *finally* goes a long ways to addressing concerns around these issues and puts in place mechanisms through which Caymanians may become a part of this very significant legal fraternity and have the opportunity to develop, be trained and progress to any level they want to achieve.

Madam Speaker, I said environment and framework deliberately because that is what it needs to be. We don't need a mechanism which gives Caymanians anything, because I know that there are many young Caymanians out there. There are many other Caymanians in the profession currently who are at varying levels, who got there on their own merit, and we simply need a framework which provides that platform for them to do that. They do not need to be handed anything. They do not need a mechanism which mandates that a certain number of people must be partners or mandates that at a certain point they must become partners. We are proud people, we are capable people and we will continue to be capable people and to demonstrate that we can do that. As I have said here before, Madam Speaker, there is a crop of young lawyers in this country today who are amazing in terms of their abilities and their qualifications, and we will not see those Caymanians failing to achieve their full potential. I am confident of that, Madam Speaker. But this Law, this Bill provides a framework through which this can happen and we address all the plethora of issues that have existed for some time.

Madam Speaker, as I said, this Bill seeks to create this supportive environment. It does so in several ways, including making it an express function of the Council of what will be created of the regulatory legal body that we created by this Bill, called the Cayman Islands Legal Practitioners Association, making it an express function of that to promote the qualification, training and development of Caymanians as attorneys-at-law.

Madam Speaker, the Bill also creates a special business plan regime applicable to any law firm that has just one work permit holder. And it also provides for the mandatory application of Best Practice Guidelines (BPGs) which firms have to apply and follow where they have provided an acceptable explanation . . . except (I should say) where they have provided an acceptable explanation why it is difficult for that particular firm to follow the Best Practice Guidelines which are set out in the Bill. These guidelines, Madam Speaker, are based on those published by the International Bar Association (IBA).

Madam Speaker, in terms of the first imperative and the relevant parts of the Bill, I would note that Part 1 of the Bill includes definitions that are used throughout the Bill. And Part 2 of the Bill deals with the creation of this Cayman Islands Legal Practitioners Association (CILPA). This is a corporate body, Madam Speaker, with separate legal personality and run by a council. So, I am going to provide some of the detail around the issues and the provisions of the Bill which are constructed to address some of these issues.

Madam Speaker, CILPA will be the body which is the regulator of those practising Cayman Islands Law anywhere in the world. And in order to achieve this, the Bill provides in clause 24 that no one can practise Cayman Islands Law in the Islands or in any other jurisdiction other than in accordance with the provisions of Part 4 of the Bill. Madam Speaker, they have to be an attorney-at-law as defined in clause 2 of the Bill and that effectively means they will have to have a practicing certificate and have their names on the Court Roll. In that case, Madam Speaker, pursuant to clause 5 of the Bill all such attorneys-at-law are required to be members of CILPA.

Part 2, Madam Speaker, goes on to clarify that members of CILPA are only liable for unpaid membership fees if it was ever wound up, that in each year the Council may or must call a meeting of the members and provide a report from the President detailing the business carried out by the Council in the previous year, consideration of audited accounts and the election of a new Council. Madam Speaker, I note here that the Bill currently contemplates an annual election but we are proposing an amendment so that the election would, in fact, be biannual because the composition of the Council is fairly complex by design to try to ensure that it is very much representative of the various interests and that, in particular, is a specif-

ic comment received from small firm practitioners who want to ensure that their specific interests are represented by members of their specific component of the membership of CILPA.

There are other relevant provisions, Madam Speaker, dealing with typical matters for an association such as how meetings are requisitioned, who presides at meetings of CILPA and the duties of the secretary.

So, Madam Speaker, the first thing the Bill achieves is the creation of this singular body which will regulate the profession and ensure that practitioners are complying with the obligations under the Law. The body will also deal with complaints from the public and address disciplinary measures if thought appropriate.

Part 3 of the Bill, Madam Speaker, deals with the composition and powers and functions of the Council to enable CILPA to function and perform its regulatory role. Now, Madam Speaker, I will talk a bit more subsequently about the specifics of the Council but suffice it to say at this point that this regulatory body will be required pursuant to clause [72] of Part 9 to receive annually from law firms a report which certifies that during the previous year the firm complied with each of the obligations imposed on it by the provisions of the Bill, the Misuse of Drugs Law (2014 Revision), the Proceeds of Crime Law (2014 Revision) and the Terrorism Law (2015 Revision).

In my subsequent comments, Madam Speaker, I will note in more detail the requirements in Part 6 of the Bill, to comply with the mandatory Code of Conduct, but for the present discussion I will note that chapter 5 of the Code enshrines the obligations of each practitioner to observe and comply with regulations made under the Misuse of Drugs Law, the Proceeds of Crime Law and the Terrorism Law, and they are also required to follow any relevant supervisory or regulatory guidance made by the Cayman Islands Monetary Authority or the Legal Advisory Council which will continue under this Bill. Also, Madam Speaker, a firm of attorneys must maintain appropriate records and carry out appropriate procedures in accordance with such regulations for the conduct of relevant financial business.

The express in co-operation of these obligations, Madam Speaker, is absolutely crucial to the impending 2017 or later this year, CFATF assessment as we have discussed. And, Madam Speaker, the reality is, if Cayman does not have the Legal Practitioners Bill, 2016 in place and it has to produce the Legal Practitioners Law (2015 Revision) to the CFATF assessor, we are guaranteed to fail the assessment. That will not be a good result at all for the Cayman Islands, for our financial services industry and for those Caymanians who depend on a strong financial services industry to serve the needs of the country.

Madam Speaker, coming back to the need for modernisation of the Law to regulate the legal profes-

sion as a second imperative noted above, we have touched on Parts 1 and 2 of the Bill and continuing with that, I note that Part 3 of the Bill provides detail around the Council of the Association.

Clauses 11 to 23 of the Bill, Madam Speaker, sets out matters which includes the composition of the Council, the method and details around the election of the Council, the general responsibilities of the Council, rules around meetings of the Council, quorum requirements and rules as to how to deal with conflicts and declarations of interest. It further provides a requirement for the Council to keep accounts, a power for the Council to charge a membership fee and the rules around that, a power of the Council to appoint committees and lastly, powers of Council to make general rules as well as rules of procedure for itself and rules relating to financial matters that law firms should be complying with. Madam Speaker, the Council will have powers clearly that are not insignificant. After all, it is going to be the regulatory body. There are a number of powers and functions of the Council which have a direct impact on attorneys-at-law. There is also, Madam Speaker, one specific function to note and that is in clause 13 to (e) which has been noted earlier, is the function to promote the qualification training and development of Caymanian or Caymanians as attorneys-at-law.

Madam Speaker, the foregoing comments which I have set out explains why the Government, with the support of the Caymanian Bar Association wish to have the composition of the Council arranged in a way that the majority perspectives and experiences represented, would be those of Caymanians and smaller firm attorneys. So, Madam Speaker, clause 11(1) provides that the Council will consist of 8 members who are attorneys-at-law, and clause 11(3) provides that they must all be resident in the Islands and at least 5 of the 8 must be Caymanian which is defined in the Bill as being in accordance with section 2 of the Immigration Law. So, Madam Speaker, we have a majority of the members of the Council who are Caymanians.

Madam Speaker, the desire to ensure that we have a, as broad a local Caymanian perspective as possible, does not just stop with that provision. We also, through the same clause 5, will be requiring that 3 out of the 5 Caymanian members must have achieved their qualifications locally so that they are able to provide that local perspective in the operations and functions of this Council. Madam Speaker, in pursuit of relevant perspectives to ensure that we include all of those in the decision-making process, clause 11(3) further states that at least two of the members of Council must be attorneys from firms with less than 10 attorneys. This reflects this desire, Madam Speaker, to ensure that the perspectives of small firms are represented on Council by two members. That is a minimum, I should emphasise. It is not a maximum, it is a

minimum. So, we could end up with more small firm representation.

However, Madam Speaker, one of the committee stage amendments that will be proposed in respect of this Bill is specifically in relation to how the two required small firm representatives are elected. Part of the comments received in respect to the consultation, Madam Speaker, was that small firms did not feel that the broader body of the membership of CILPA would be able to appropriately elect representatives on their behalf to reflect their true interest. So, there is this proposed change which will seek to allow those firms which are 5 members or less to separately appoint or elect rather, their own two representatives to Council and it is only if they fail to do that, that the broader membership would appoint them.

#### **Moment of interruption—4:30 pm**

**The Speaker:** Honourable Minister, we have reached the hour of interruption.

I would like to recognise the Honourable Premier.

#### **SUSPENSION OF STANDING ORDER 10(2)**

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

Madam Speaker, I beg to move the suspension of Standing Order 10(2) in order that the business of the House may continue beyond the hour of interruption.

**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 the interruption.

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

**AYES and one audible No.**

**The Speaker:** I believe the Ayes have it.

**Agreed: Standing Order 10(2) suspended.**

**The Speaker:** Please continue with your debate, Honourable Minister of Financial Services.

**Hon. G. Wayne Panton:** Thank you, Madam Speaker.

Could I get an indication of the remaining time?

**The Speaker:** At 4:37 you will have one hour remaining.

**Hon. G. Wayne Panton:** So, Madam Speaker, I've explained the appointment for representatives of small

firms and the change that we propose in respect of that and why.

There is also, Madam Speaker, a proposed limit of no more than two members from any one firm because there is a concern that a bigger firm could end up dominating the membership of the Council. And the Council with the powers that it has, both from the perspective of the power that it has to ensure that the right things are done and good things are done, as well as ensuring that the interest of Caymanians are properly fulfilled in accordance with their powers, all of that is best served by having as broad a representation on Council as possible and not something which is narrow in terms of where the membership comes from. That, Madam Speaker, has certainly been the subject of a lot of comment and I think that approach addresses or should address those concerns. Because of those concerns, in a general sense, we have taken the time to review all of the comments and views from all of those who have provided input to understand what their concerns were and to ensure that they were appropriately addressed.

Madam Speaker, there is a particular issue that I would like to raise or deal with in terms of comment which has been the subject of concern as well, which has been in relation to clause 23 relating to the power of Council to make financial rules. That clause is essentially about the requirements and possible rules to protect client monies which may be maintained by law firms and in particular how to keep client monies separate from the monies of the firm. Madam Speaker, the particular clause which has been attracting comment is clause 23(2) and that provides that the Council may make rules prescribing how such client accounts shall be audited. It is very clear to me that this is a suggestion of rules which may provide for an audit only of a client account and not the financial statements of a firm. But there have been concerns expressed and unfortunate conclusions drawn that it means the Council could prescribe a mandatory audit for small firms. I certainly do not wish any member of the legal profession or operator of a small firm to be under that view, and I certainly would not be supporting anything in the way of a mandatory audit. So, Madam Speaker, there will be a committee stage amendment specifically to ensure that it is clear that this is specifically in relation to the question of whether the conduct of client monies are being appropriately dealt with. But, Madam Speaker, it will be necessary to ensure that CILPA, in appropriate circumstances where there is a complaint, for example, can or does have the power to call for a specific audit of those client accounts. But again, it is not the normal operating accounts of any practice.

Madam Speaker, moving on, I mentioned previously that Part 4 of the Bill deals with the practise of Cayman Islands Law and clause 24, in particular, goes beyond the current Law by specifically providing that the Bill would regulate the practise of Cayman

Law, not just within the Islands but in the rest of the world as well. The contravention of which can result in a fine of up to \$100,000 and incarceration for up to two years. Madam Speaker, in addition to that, because the current Law does not adequately define what it means to practise Cayman Islands Law, clause 24 very clearly does so. And, importantly, Madam Speaker, it also prescribes activities which are routinely carried out by other service providers by individual members of the public on behalf of themselves or public officers which importantly, from a policy perspective, should not be taken as practising Cayman Islands Law. There are things which the public should be able to do for themselves that do not require them to go and hire an attorney to do.

Madam Speaker, clause 24(5) would give Cabinet the power to make . . . well, provides that currently it will give Cabinet the power to, in consultation with the Council of CILPA, make an order, making changes to clause 24. Madam Speaker, there will be a committee stage amendment in respect of that which seeks to provide that it is Cabinet only that makes that decision in terms of an order and it does not require and will not require consultation with the Council. Madam Speaker, this obviously is for speed and convenience.

Madam Speaker, I beg your indulgence for one moment.

*[Short pause]*

**Hon. G. Wayne Panton:** Thank you, Madam Speaker.

Madam Speaker, clause 25 goes on to provide that attorneys who hold a Cayman practicing certificate may practise Cayman Law in the Islands but also outside the Islands as well, provided that they comply with the provisions of the Bill relating thereto. And importantly, Madam Speaker, they must also comply with the laws of the jurisdiction in which they are practising Cayman Law.

Part 4, Madam Speaker, also goes on to exclude the functions of the Attorney General and the Director of Public Prosecutions from being affected in any way, including their respective chambers and office, or anyone they instruct to assist them.

Madam Speaker, Part 5 of the Bill deals with admission as an attorney and much of the provisions are similar in principal to the current Law with some important clarifications and additional provisions. This part, Madam Speaker, makes clear what a judge who is considering an application for admission must be satisfied on in addition to be satisfied that the applicant is a fit and proper person to be an attorney. Now, one of the important personal qualifications in the Bill, Madam Speaker, is that if an applicant is not ordinarily resident in the Islands but is instead so in another jurisdiction, he must be a partner, director, member or an associate or employee of a qualified firm or an affil-

iate of a qualified firm. And, Madam Speaker, this concept of a qualified firm or an affiliate of a qualified firm, this concept is a critical part of the framework which supports the issue of practicing certificates to attorneys who reside outside the Cayman Islands and wish to practise Cayman Islands Law.

Madam Speaker, we are certainly aware, as noted earlier, of strong allegations that certain firms overseas have been taking advantage of the fact that our current Law is silent on the issue. In trying to design a framework which enables those who are currently practising Cayman Islands Law with . . . or to enable them to continue to do so, albeit with Cayman Islands practicing certificates, we needed to ensure that this was limited to those attorneys and firms which have a connection or a nexus to the Cayman Islands and we successfully exclude those, Madam Speaker, who do not have that nexus or connection. In addition, Madam Speaker, we needed a way to ensure that the decisions in overseas offices relating to the practise of Cayman Law were not being made or dominated by partners from other jurisdictions who are a part of the group who may have conflicting views or biases in favour of their own or other jurisdictions over the views of the Cayman based . . . or overseas based partners running the Cayman practice.

So, effectively we needed a mechanism which gave the Cayman based partners and those running overseas practices of Cayman firms, full control over the practise of Cayman Law within their firms. And this is particularly important, Madam Speaker in firms where the Cayman Office is in fact a branch of a firm which is headquartered elsewhere. So, Madam Speaker, after consideration this mechanism of qualified firms and affiliates and their overseas affiliates was agreed upon to achieve this policy objective. And this is to ensure, Madam Speaker, that there is this nexus and that the decisions which are being made reflect those decisions which are most beneficial to our economy, to our country and to the interest of our Caymanian lawyers. They are not new concepts, Madam Speaker, that have been created specifically in terms of this Bill. They, I think, date back as far as the 2009 version of the Bill that was developed by the Bar Association which was supported at that time. And I should add, Madam Speaker, that the whole concept of having a nexus or requiring a nexus or a connection for firms which have offices overseas, that is reflected as well in recommendations of the Law Reform Commission (LRC) from as far back as 2007. And if I have time, Madam Speaker, I will run through some of those.

So, broadly, Madam Speaker, the mechanism contemplates that to be able to get practicing certificates for lawyers in overseas offices, they have to work for affiliates of a qualified firm, so the first prerequisite is that the firm must fall within the definition of a qualified firm, and that is intended to be a firm in

the Islands in respect of which the voting control is held by persons who are resident in the Islands and who are Caymanian or have at least one Caymanian partner amongst their number. An affiliate of a qualified firm must have similar voting control in Caymanians or other residents in Cayman in respect of which there is at least this one Caymanian partner amongst their number. Further, Madam Speaker, those persons must have a right-of-veto over the promotion and appointment of any attorney in either the qualified firm or any affiliate of the qualified firm. So, those partners who are Cayman based need to have overriding control over who becomes a partner in an overseas office to practise Cayman Islands Law and not perhaps other partners in the same group or a related group who otherwise have some voting control. So, this framework is created to protect the interest of the Cayman Islands, protect this nexus and control and protect the interest of Caymanians.

Madam Speaker, as it is with the current Law, at the moment the Bill does not require any special qualification in respect to a new firm being established in the Cayman Islands which is not intended to be a qualified firm with any affiliate. That will be subject to the normal licensing and work permit process as it is today. But we needed this mechanism to ensure that where a firm was talking about having overseas offices; that is when that mechanism came into play and protected the interest of the jurisdiction. Madam Speaker, we are proposing an amendment, which in those circumstances . . . Let me start over there, Madam Speaker.

Madam Speaker, significantly clause 34 of Part 5 of the Bill would, for the first time seek to codify in law the existing policy that an applicant for admission to the Bar in Cayman needs to have at least three years PQE [post-qualification experience]. For many years now, Madam Speaker, that has been a policy position which is implemented through the actions of the Honourable Attorney General. This will codify this three year PQE in law but the Bill further provides that after the 1<sup>st</sup> January, 2019, this minimum PQE will increase to four years. In addition, Madam Speaker, there will be a requirement from commencement of this Bill that each applicant will have to complete four months or have completed four months of mini-articles and have taken an exam set by the Legal Advisory Council which is designed to address concerns expressed that lawyers were seeking to be admitted to practise in Cayman, should have demonstrated some minimum familiarity at the time with Cayman Islands Law.

Madam Speaker, in addition, let me note that clause 35 of Part 5 ensures that all persons admitted to practising Cayman Islands Law must make an application in accordance with the rules of the Court, which means effectively that they have to appear in person. The judge has to be able to look them in the

eye and consider their application and move or accede to their admission.

The transition provisions in Schedule 1 to the Bill provide that they will have 12 months to accomplish this. But, as I said, all lawyers in overseas affiliates will be required to travel to the Cayman Islands to accomplish this. And I should say, Madam Speaker, there is a proposed committee stage amendment which will effectively reduce this to 9 months and require that existing lawyers indicate within 90 days of commencement of the Bill that they wish to be admitted and obtain a practicing certificate and that they have the necessary qualifications. Having complied with that requirement during that minimum period, Madam Speaker, they would have a further 9 months within which they could seek to complete their admission process.

So, Madam Speaker, moving on to Part 6 of the Bill, this part deals with the status of attorneys on the high standards of professional ethics and conduct to be observed amongst other things. Of particular significance, Madam Speaker, is clause 38(4) which makes it mandatory for attorneys and law companies to observe the Code of Professional Conduct set out in Part 1 of Schedule 2 to the Bill. And for law firms themselves to observe the law firms Best Practice Guidelines set out in Part 2 of Schedule 2 to the Bill, which I will speak about in a bit in more detail. Madam Speaker, the background significance to the Code of Conduct is that under the rules in the UK at the moment, a lawyer who is Cayman qualified is unable to take advantage of the qualified lawyer transfer test mechanism to be able to get admission or seek admission in the United Kingdom, because we do not have a mandatory code of conduct in place. This Bill, Madam Speaker, will address this concern or this issue by having the necessary provisions and attaching the Code of Conduct to the Schedule which will be mandatory on the legal profession. So, that will open up that opportunity for qualification through the current equivalent of the qualified lawyer transfer test.

Turning to Part 7 of the Bill, Madam Speaker, this will vitally provide further that it is an offence to practise Cayman Islands Law outside the Islands without being in possession of a valid practicing certificate.

Part 8 of the Bill, Madam Speaker, deals with law companies and Part 9 deals with law firms. The two are the typical forms of business organisations through which the practise of law is carried out. Madam Speaker, for law companies the managers and shareholders must be attorneys and there is a mandatory insurance requirement because they are limited liability companies. There is no mandatory requirement for insurance in respect of partnerships because all partners are jointly and severally liable for debts of the partnership.

Madam Speaker, a very important provision of Part 9 is clause 68 which is representative in part of

the third imperative which I talked about previously. This clause, Madam Speaker, seeks to put a limit on the number of attorneys that can have Cayman Islands practicing certificates outside the Islands relative to those within. The clause, Madam Speaker, provides a very important ratio which may not be exceeded by a qualified firm and its affiliates. I've talked about that in some detail earlier but the ratio is described, Madam Speaker, as A must not exceed B plus C plus D where A is the number of non-Caymanian attorneys who practise outside of Cayman; and B is the number of Caymanian lawyers who practise with a qualified firm or any of its affiliates anywhere; and C is the number of non-Caymanian attorneys who practise with a qualified firm inside Cayman; and D equals the number of trainee attorneys employed by the qualified firm and any affiliates.

I mentioned the committee stage amendment change in respect of [clause 68(1)]C, Madam Speaker, such that it would be the number of non-Caymanian attorneys who practise with the qualified firm in Cayman that have been in Cayman for at least one year. That ratio is designed to ensure that if the Cayman firm is growing, there is capacity to grow offshore and meet the needs of clients but it can't be the other way around. The offshore offices cannot be growing and getting larger with more lawyers than we have centered in the Cayman office which will include our trainee attorneys because that is an incentive for firms to continue to do what I think they have been doing . . . at least the bigger firms have been doing a fairly good job with, but, of course, those are the firms with the resources to do a much better job and those are the ones we certainly expect to see continue that.

Just to clarify as well, Madam Speaker, in terms of the Caymanian attorneys in [clause 68(1)]B, they can be anywhere in the world. So, I talked about the offices of two firms that are in Dubai International Financial Centre. Madam Speaker, one firm there has 9 attorneys and one of those attorneys is actually a Caymanian. There are a number of other offices that I know of where our own Caymanians are working and doing admirable jobs and are quite happy.

So, Madam Speaker, this is effectively a one to one ratio where a qualified firm in Cayman can have in the aggregate of all of its overseas offices no more attorneys than they have on work permit within the Island and Caymanian lawyers anywhere plus their trainees. So, this caps the numbers of non-Caymanians that can be outside of Cayman.

Madam Speaker, the managers of a qualified firm are also responsible for ensuring compliance with this ratio and they are required to file a certificate by January 31<sup>st</sup> in each year, certifying their ratio numbers. Madam Speaker, clause 69 gives the Clerk of the Court the power to enforce this if there is a breach by suspending the practicing certificates of those non-Caymanians in overseas offices, sufficient to bring the firm back into compliance with the ratio. Now, obvi-

ously, Madam Speaker, that would be viewed as a harsh remedy but it shows the seriousness with which this provision is viewed.

Madam Speaker, moving on to Part 10 dealing with business staffing plans—

**The Speaker:** Minister, you have 37 minutes remaining.

**Hon. G. Wayne Panton:** Thank you, Madam Speaker.

Madam Speaker, this Part 10 dealing with business plans is another crucial part of this Bill which seeks to address the concerns of Caymanians. Clause 73 provides that any firm which seeks to apply for any work permit or which seeks to obtain a practicing certificate for an attorney practising Cayman Law overseas with any affiliate, must submit a business staffing plan to the board. So, the current regime, Madam Speaker, is if you have, I think you have to have about 15 work permits before you have a requirement to file a business staffing plan. In this case, the business staffing plan requirement would kick in the moment you seek to apply for any work permit for the firm. This is obviously a special regime which is far more stringent than the normal business staffing plan requirements and they will have significant power to strengthen the provisions if it is perceived to be necessary at some point in the future. Madam Speaker, the managers of a firm are obliged to ensure that the firm is in compliance with their business staffing plan and if they are in breach, not only might it constitute professional misconduct, which might found a complaint under clause 95 of the Bill, but it may also be an offence under the Immigration Law (2015 Revision), which may subject the manager to penalties under that Law as well. Neither of those scenarios reflects consequences, Madam Speaker, which a manager will want to subject themselves to.

Clause 76 of the Bill, Madam Speaker, articulates the purpose of the business staffing plan which is to ensure that firms accept a commitment to provide opportunities for Caymanians and specifically, Madam Speaker, a business staffing plan is designed to make reasonable provision to give Caymanians access to the legal profession, including training and development and subsequent equitable progression within the law firm. Further, a business staffing plan must contain details of how the firm intends to comply with the provisions of the guidelines set out in Part 2 of Schedule 2. Those guidelines, Madam Speaker, seek to improve transparency in firms around a variety of areas, including training and development, performance management, remuneration in benefits, career development amongst others. Being aware, Madam Speaker, of what is expected of them, the opportunities that are open to them and what they have to do in order to achieve progression is the minimum information that Caymanian employees should be clear on

as a result of this. So, Madam Speaker, this is yet another important aspect of this Bill which is in the interest of Caymanians.

Madam Speaker, there are two further protective provisions. Firstly, the business staffing plan must contain a provision that if an attorney is proposed as a partner and the board refuses to approve a work permit in that position, that person will not be able to get a practicing certificate as a partner in an affiliate or overseas office for a period of two years. And secondly, a firm may not appoint a person or promote a non-Caymanian as a partner without first providing to the business staffing plan board a declaration regarding the effect of such appointment or promotion on the opportunity for advancement for any similarly qualified Caymanians. And, Madam Speaker, there is an amendment proposed which will add specifically that the business staffing plan board must also, in addition to that declaration being made, give approval before any promotion is carried out. So, they have full ability to consider the full ramifications and whether it will be appropriate to approve such a promotion for a non-Caymanian.

Madam Speaker, the remaining parts of the Bill consists of Part 11 dealing with local education qualifications and Part 12 dealing with articles which together has similar provisions to the current Law. And, Madam Speaker, an important point to note is that those doing articles under the new regime proposed by this Bill will specifically be able to do so in affiliates offices, and that office significantly greater opportunities and advantages of exposure to new cultures in the direct business world and specific client exposure and the daily rigours of the practise of Law while dealing with clients directly, Madam Speaker.

So, Madam, to date, I think around about 50 Caymanian lawyers and trainees have had the opportunity to work in overseas offices and having this mechanism under this Bill will only facilitate greater opportunities for Caymanian article clerks to be able to work in the overseas offices and get good training at the same time and that will certainly only enhance opportunities for Caymanian lawyers.

Madam Speaker, Part 13 deals with the very important provisions of the Bill as to investigation of allegations of professional misconduct. And Part 14 deals with final provisions which relate largely to the practise of the laws of other jurisdictions within the Cayman Islands which may be done with the consent of the Council. So, if someone is in the Cayman Islands, not practising Cayman Islands Law but giving advice on the laws of foreign jurisdictions, they may do so with the consent of the Council.

Part 14, Madam Speaker, also contains the repeal provision for the current law and gives effect to transition provisions in Schedule 1. Before leaving this, Madam Speaker, I want to note in respect of Part 13 that it makes provision amongst other things for the appointment of a professional conduct committee and

a disciplinary tribunal. And, of course, Madam Speaker, the composition of these two committees reflects the Caymanian centric theme which is reflected in the Council of the Association. Madam Speaker, those two bodies, the Professional Conduct Committee (PCC) and the Disciplinary Tribunal will effectively have a majority of their members being Caymanians.

Specifically, Madam Speaker, clause 94 empowers the Council, after their election, to appoint a five member professional conduct committee, so it will comprise of two members of Council, two attorneys who are not on Council and person approved by the Attorney General who has professional qualifications but who is not an attorney. So, that provides an outside perspective. Madam Speaker, it further provides that at least three of the five members of the PCC shall be Caymanian and similarly, Madam Speaker, clause 98 provides that the Chief Justice shall, on receiving a complaint of misconduct which the professional conduct committee was unable to resolve, appoint a disciplinary tribunal which will consist of the Chief Justice and two attorneys or former attorneys nominated by the Council, and at least one of whom shall be Caymanian. So, two of those members will be Caymanian and therefore there will be a Caymanian dominance on that tribunal.

Madam Speaker, it is also significant that the Bill will provide a proper disciplinary process for the first time to address allegations of misconduct and the disciplinary tribunal will have full powers of court to resolve matters, including being able to order that an offending attorney may be struck off the Court Roll or fined up to \$100,000 amongst other powers.

Madam Speaker, I think I should address a few issues that need to be put to rest. The Bill reflects, Madam Speaker, as some on the . . . well, as Members of this House will probably understand by now, know by now, reflects a joint position paper which was finally agreed between the Caymanian Bar Association and the Law Society and it is patently obvious that the provisions set out in the Bill reflect a very Caymanian centric position and a framework which puts Caymanian perspectives first. This Bill is based on this joint position as modified by Government. The specific provision which government included, firstly, was the ratio in clause 68 so that there can be no growth outside unless it was matching growth within the Islands. And also, that would incentivise the hiring of more Caymanian lawyers as well as article clerks. Secondly, we require that all firms whether they are qualified firms or affiliates of qualified firms, had to have these business staffing plans. And lastly, we required that the law firms Best Practice Guidelines be included. And. Of course, I am happy to indicate that those were specifically sourced by the Fifth Elected Member for George Town when he was on the Government side, from the International Bar Association website.

Madam Speaker, the Bill was drafted following the issuance of drafting instructions by Cabinet, based on the foregoing, and it was certainly a clean slate approach which was carried out by an external draft person, Madam Speaker, who had previously worked for the Cayman Islands Government. I can assure anyone that the Bill was certainly not drafted by any individuals at the Caymanian Bar Association or at the Cayman Islands Law Society or any member firms thereof. The Cayman Islands Legal Drafting Office finalised the initial draft and have subsequently been involved in refinements and they will be finalising the committee stage amendments.

There have also been a number of comments that this Bill seeks to put an undue burden on small firms or practitioners. Madam Speaker, nothing is further from the truth. This Government has stated emphatically and delivered on this promise that we would not be increasing taxes or fees generally, and, in fact, the opposite is true, we have significantly reduced fees in a number of ways. And certainly in relation to this Bill, Madam Speaker, we were careful to ensure that this was reflected there. Madam Speaker, as a reminder, there is no operational licence fee on small firms or firms of five lawyers or less. There is no mandatory insurance unless you choose to operate as a limited liability law company. And there is no mandatory insurance. In fact, Madam Speaker, this Bill is drafted in terms of the transition provisions in Schedule 1 that the fees as they exist under the current law and regulations will exist under the Bill as a law. So, there was no contemplating of any mechanism to increase the level of fees or change them initially. Furthermore, Madam Speaker, the Bill proposes significant opportunities for involvement by small firms in the Council and that is only limited by their willingness to participate. It is therefore untrue, Madam Speaker, to suggest at all that there is any disadvantage to small firms under this Bill.

Madam Speaker, notwithstanding that fact, we are also proposing further committee stage amendments which will further reduce the cost to sole practitioners and small firms and make the operating burden paid by firms more fair and ensure that it applies to all lawyers that work in qualified firms or their affiliates in the Cayman Islands. So, Madam Speaker, we will be seeking to change the way the operating licence fees calculated and that will do a number of things. We are removing any disincentive to take on a Caymanian lawyer or the opportunity to grow for firms where their numbers are currently just short of the next ban within the existing fee-ban structure, and this is going to be particularly beneficial for small firms that are looking to grow beyond five lawyers. At the moment, if they take on the sixth lawyer they would fall within the first fee-ban under the operating licence regime and they would pay something close to \$20,000 in fees. The committee stage amendments that we are proposing would reduce that effectively to

just under \$4,000. This provides a fairer mechanism and a better opportunity to grow for small firms but it is also fair for all firms.

So, for all the talk and concern about the impact on this legislation on the aspirations of Caymanian lawyers, Madam Speaker, it has to be clear that the negative impact on the interest of Caymanian lawyers is not what is contained in this Bill. It is not this Bill but it is the absence of a bill like this being passed and implemented. That is what is patently against the interest of Caymanian lawyers, but not just those, the jurisdiction and the country as a whole.

Madam Speaker, it cannot be more clear that going from a position where there are no restrictions or controls on the practise of Cayman Law overseas to one which seeks to have carefully constructive controls and restrictions which address core qualifications, minimum PQE, competence initiatives and a mechanism to limit speculative growth outside the jurisdiction, that must all be better and must better serve the interest of Caymanian lawyers and the jurisdiction. There are certainly those who will continue to feel as they have, in the past, that preventing this Bill will be some sort of victory. Madam Speaker, I would describe that as a Pyrrhic victory. Madam Speaker, the current status quo is the worst possible situation for the country and the interest of Caymanian lawyers. Every day that goes by without the provisions of this Bill, we slip further behind our competitors in terms of modern regulation and the interest of Caymanians suffer further. Any success at delaying this Bill is, as I have said, not a victory for anyone; it will be a defeat in the interest of our Caymanians and Cayman as a whole.

**The Speaker:** Minister, you have 17 minutes remaining.

**Hon. G. Wayne Panton:** Yes, thank you, Madam Speaker.

Madam Speaker, you know there is another point which I would address and it in a way personal. I have certainly had the good fortune to have people in my life that saw potential when I did not, and urged me to pursue a career in law. And one man in particular, Madam Speaker, that I will always be grateful to is Mr. William Walker who was my principal. He and his partners at the time encouraged and gave me an opportunity to become a lawyer when I thought I had no interest in the profession. I was always a science oriented person, someone who was in awe of the beauty and wonders of our God-given natural world and enamored with the complex science and chemistry, biology and physics that governs our world in the universe. Madam Speaker, I thought I would be connected to that in some way. But I have certainly grown to love the law and I worked hard for many years and was lucky enough to go from being an articled clerk to retiring as global chairman of a Cayman headquarter-



tered firm; a firm which is a substantial organisation with a significant global presence, Madam Speaker. And the thing that I am most proud of is the opportunities that it provides for many Caymanians. Madam Speaker, no one can tell me in the history of my experience about what it is like to have to deal with politics in the office, what it is like to have to deal with discrimination sometimes, and difficulties with dealing with certain people. So, I understand when people experience those types of things today. But you have work through that and I would encourage our fellow Caymanians who come across these things from time to time, not to give up but to continue and to fight to continue to chase their dreams and achieve their full potential.

Madam Speaker, I have certainly tried my best during my career to help my fellow Caymanians, as many as I could, and today that is one of the motivators for me to be in this office, to be here today as the Minister presenting this Bill to try to get a new regime in place after all this time of fighting and arguing and having this particular issue, be a political football. That is my motivation for being here as the Minister doing this job. And I think I should confirm that I am not here representing any organisation. I have no interest in the private sector, I have no ownership interest. I long ago retired and walked away from that. Madam Speaker, I have mentioned this in detail because there are those certainly who will question motives and make allegations of conflicts rather than really looking at the merits and demerits of the provisions of the Bill.

These are the same types of issues that have prevented this Bill or any similar bill from being implemented in the past 15 years and it is amazing that sometimes it seems that there is a view that this is a one shot deal and there will never be another opportunity to further enhance any legislation in respect of this. Clearly, Madam Speaker, that is not accurate. We all know that much of the things, in fact, much of the agenda here today, are not bespoke new bills, but amendments to existing bills. So, there will always be this opportunity as long as there are Caymanians who sit in these seats in this honourable House, to assess whether there is a further amendment or evolution of a concept or principle or mechanism which is needed to further serve the best interest of our fellow Caymanians and this jurisdiction and this very critically important financial services industry in which this profession operates.

Madam Speaker, I think it is time for this Legislative Assembly to seize this opportunity and finally pass this essential Bill. So, just very quickly I would like to reiterate a summary of the benefits which this Bill provides for:

1. We have the protective provisions to keep control of the practise of Cayman Islands Law with Caymanian attorneys and non-

Caymanian attorneys which are largely based within the Cayman Islands. This reflects recommendations in terms of nexus and connection which was reflected in the report from the Law Reform Commission back in 2007.

2. We talked about the Council of CILPA must consist of 8 attorneys, 5 of whom are Caymanians. So, there is a Caymanian dominance.
3. We talked about the Council having responsibility to promote the qualification, training and development of Caymanians as attorneys.
4. We talked about ensuring that non-Caymanian persons seeking admission with a foreign qualification will be suitably qualified to practise Cayman Islands Law.
5. We talked about compelling law firms to comply with strict business staffing plans, much more strict than what exist currently under relevant provisions of the Immigration Law and Regulations, including provisions to ensure that qualified Caymanian attorneys are properly considered for promotion inside and outside of Cayman which strengthens the career opportunities for Caymanians.
6. We talked about a protective provision to set a limit on the number of trainee attorneys. Sorry, I didn't go into that but there is a protective provision in the Bill which set a limit on the number of trainee attorneys that an attorney may take on. So, again, an attorney simply can't take on a number of article clerks and thereby create capacity for either more work permits locally or more work permits externally. There will clearly be a limit on how many they can adequately train.

Madam Speaker, I mentioned the various committee stage amendments that we are proposing as I went through. I think all of those, Madam Speaker, add very substantively to the very positive impact of this Bill in terms of creating a very critical framework which provides for the effective regulation and control of the practise of law as it exists in the context of the Cayman Island and/or significance in the global financial services industry today.

Madam Speaker, I would like to, before closing, take the opportunity to thank the many members of the Caymanian Bar Association as well as the—

**The Speaker:** You have seven minutes to do so.

**Hon. G. Wayne Panton:** Yes, Madam Speaker, thank you.

—Cayman Islands Law Society that have contributed so much time and effort to this initiative over the years, and this Bill in particular, Madam Speaker, of which those two associations have, as of the context of doing this Bill now, finally reached the agree-

ment. Madam Speaker, for 15 years there was disagreement between the Cayman Bar Association and the Cayman Islands Law Society on issues relevant to this. So, it is understandable that in years past with those different perspectives and issues, that it was more difficult to get a bill which genuinely reflected the majority interests and concerns. Madam Speaker, today, we have a bill which is based on a joint position of the Cayman Islands Bar Association and the Law Society, a bill which reflects a lot of principles and a C-change movement between the Law Society and the Bar Association, but by that I mean, the Law Society moving more towards the position of the Bar Association, the perspectives of the Cayman Islands Bar Association and seeking to reflect those interests in the Law and jointly seeking to ensure that we have a piece of legislation which best protects this jurisdiction, which protects the reputation of this jurisdiction, which best protects the opportunities for Caymanians today and in the future in this jurisdiction who are seeking to pursue careers in this most honourable profession.

So, I want to thank them very much for the various movements and positions that they have taken, which have allowed this to happen finally. And I don't want to forget that, certainly, the Law Society has demonstrated that the vast majority of their membership, which is something around 90 or 95 per cent, is in support of this Bill. The Caymanian Bar Association has indicated that their membership by majority has supported this Bill. Madam Speaker, they did a survey amongst their membership where they asked one simple question and that was: Are you in favour of this Bill? Or do you support this Bill? Or do you not support this Bill? They supported the Bill as was published. The amendments even add a far greater basis upon which the members of the Caymanian Bar Association can support this Bill. And I am happy to say that the members of the Cayman Islands Law Society have been right there in agreeing to those amendments which better underpin opportunities for Caymanian lawyers.

Madam Speaker, I also want to thank the judiciary and specifically Chief Justice Smellie for some helpful contributions that he and his colleagues made in terms of just giving an overall perspective on whether the framework looked appropriate, but also in respect of certain specific committee stage amendments which deals specifically with the admission of partners on a limited admission basis . . . not partners, overseas lawyers coming into the Cayman Islands on a limited admission basis, Madam Speaker, because we seek to protect the ability for those members whether they are senior members of the local Bar or junior members, to have a sustainable path for development at that Bar. And I will talk more about that during the committee stage amendments, Madam Speaker. So, I certainly would like to thank them, the Honourable Attorney General, colleagues and our

Honourable Premier. And certainly not least, Madam Speaker, I want to thank the consultant draft person, the Government Legal Drafting Department for their patience and good work, as well as the excellent members of my Ministry, and without trying to diminish the output of others, I certainly would single out the Senior Policy Advisor, Andre Ebanks, himself, a lawyer who has been very tolerant of my pressures to get things done for the benefit of this country and for responding always without grumbling.

**The Speaker:** You have two minutes remaining.

**Hon. G. Wayne Panton:** So, Madam Speaker, this concludes my presentation on this very critically important Bill. I think given the fact that it is as controversial in some areas or some quarters as it is, that is probably one of the best indicators of how critical it is to get a bill like this in place which addresses the concerns and issues of Caymanians and the needs of the jurisdiction for proper regulation of this profession.

Madam Speaker, I thank you very much, and I will simply say that I commend this Bill to the Members of this honourable House for passage.

**The Speaker:** I recongise the Honourable Premier.

### SUSPENSION OF STANDING ORDER 14(3)

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

Madam Speaker, given the indication of Members from the other side that they would not be prepared to go ahead with debate this evening, I am proposing to adjourn and return to the debate on the Bill tomorrow. And so, Madam Speaker, with your permission, I would move a motion that the relevant Standing Order be suspended in order that Government business may take precedence over Private Members' business tomorrow, Thursday, and that the Order Paper for tomorrow can be prepared on that basis.

**The Speaker:** I recognise the honourable Member for East End.

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

Madam Speaker, what I am hearing here is again, the Government utilising their power in here to truncate the Opposition which is a day set aside for Opposition Private Members' Motions, or for that matter, backbench Private Members' Motions.

Madam Speaker, the Government cannot continue to truncate the Opposition by doing these things. They don't answer questions for us. They put two questions on the Order Paper this morning which had to be postponed. It is curtailing the ability of the Opposition Members to function in this honourable House. Madam Speaker, I respect that there are times

when the Government must get things through. I respect the old cliché that the Government will have its way, but it also says that the Opposition should have its say. So, Madam Speaker, I am prevailing upon your good-self in the Chair who is the presiding officer, to look at this with a clear view of the deliberate attempt this Government is making to try to curtail or truncate the Opposition in getting their job done. It is wrong. The same way the Government has business, the Opposition has business to be conducted in this honourable House. And because they have the majority they are deliberately doing it, Madam Speaker, and I prevail upon your good judgement as the presiding officer.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker.

**The Speaker:** Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** I am not inclined at all to get into an argument; I just want to bring some practicality to the Member's comment. We have, looking at the diary, 12 working days left before the House is dissolved. There are 23 more Bills, 3 Government Motions, not counting the committee stage amendments. The Members have indicated they have more than 120 proposed amendments to this Bill alone. There are 10 Private Members' Motions, and so, Madam Speaker, unless we make some real progress, a lot of the business of this House is simply going to fall away without being dealt with. Madam Speaker, we are not proposing to prevent the Opposition from presenting their Motions. I've indicated and have spoken to the Leader of the Opposition that we will give back the day, the Thursday that they lose tomorrow, providing we have the time, towards the end of the Meeting in order that the Opposition gets their one day a week. But if we don't press on and, indeed, I am indicating to Members that we are going to have to start sitting much later than 7 o'clock, starting tomorrow night, if there is to be any hope at all of us getting through the business that is on the Business Paper, and therefore on the daily Order Papers for this Meeting. So, it is not about trying to keep them from saying what they want to say or to not deal with their Motions. But they will be the first to get up and say that I have mismanaged the business of the House and therefore the business have not been completed. I will endeavor to ensure that the business is completed. Madam Speaker, it is my only objective.

**The Speaker:** Member for East End.

**Mr. V. Arden McLean:** Madam Speaker, I am not going to get up and say that the Premier has mismanaged the business of the House and that is why the business did not complete. I am going to tell him that he is trying to mismanage it so that ours can't get

completed but his is going to get completed; that is what his intent is. But our business is as important as his.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** You don't think so?

*[Inaudible interjection]*

**Mr. V. Arden McLean:** It isn't?

*[Inaudible interjection]*

**Mr. V. Arden McLean:** It isn't. You see?

Madam Speaker, you know, he listed all the things on the Order Paper and he listed 10 Private Members' Motions—*absolutely*—that are left. When does the Opposition get the opportunity to do it? He speaks with the Leader of the Opposition . . . the Leader of the Opposition don't control me. There are independent Members here but he considers us so little in here in his infinite wisdom and power that he thinks he has, that he dismisses us, and it is unfair because we represent a certain sector of this society as well. And, by dismissing us and our work on behalf of the people, by extension, he is dismissing the people as well. But, Madam Speaker, be that as it may, it won't be any dismissal soon.

**The Speaker:** The question is that Standing Order 14(3) be suspended to allow Government Business to take precedence over Private Members' Business.

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

**AYES and NOES.**

**The Speaker:** I believe the Ayes have it.

**Mr. V. Arden McLean:** Division please.

**The Speaker:** Madam Clerk, please call a division.

**The Clerk:**

#### Division No. 31

**AYES: 9**

Hon. Alden McLaughlin  
Hon. Moses I. Kirkconnell  
Hon. D. Kurt Tibbetts  
Hon. Osbourne V. Bodden  
Hon. G. Wayne Panton  
Hon. Marco S. Archer  
Hon. Tara A. Rivers  
Mr. Roy M. McTaggart  
Mr. Joseph X. Hew

**NOES: 4**

Mr. Bernie A. Bush  
Mr. Alva H. Suckoo, Jr.  
Mr. D. Ezzard Miller  
Mr. V. Arden McLean

**ABSENT: 4**

Hon. W. McKeeva Bush  
Capt. A. Eugene Ebanks  
Hon. Anthony S. Eden  
Mr. Winston C. Connolly, Jr.

**The Speaker:** The result of the Division is as follows:  
9 Ayes, 4 Noes and 4 absentees.

The motion is carried.

**Agreed by the majority on Division: Standing Order 14(3) suspended to allow Government Business to take precedence over Private Members' Business.**

**The Speaker:** Honourable Premier, can you move the motion for the adjournment?

**ADJOURNMENT**

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

Madam Speaker, I move the adjournment of this honourable House until 10:00 am tomorrow sharp.

*[Laughter and clapping]*

**The Speaker:** The motion is that the honourable House be adjourned until 10 am tomorrow sharp.

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

**AYES.**

**The Speaker:** The Ayes have it.

**At 5:54 pm the House stood adjourned until 10:00 am sharp, Thursday, 9 March, 2017.**