



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2016/17 SESSION

15 March 2017
*Eighth Sitting of the Third
Meeting*

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

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

PRESENT WERE:

SPEAKER

Hon Juliana Y O'Connor- Connolly, JP, MLA
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 Franz I Manderson Cert Hon, JP	Deputy Governor, 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

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

INDEPENDENT MEMBERS

Hon Anthony S Eden, OBE, JP, MLA	<i>Deputy Speaker</i> , First Elected Member for Bodden Town
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

OFFICIAL HANSARD REPORT
THIRD MEETING OF THE 2016/17 SESSION
WEDNESDAY
15 MARCH 2017
10:48 AM
Eighth Sitting

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

The Speaker: Good morning.

I will call on honourable Member for the District of East End to say prayers this morning.

PRAYERS

Mr. V. Arden McLean, Elected Member for East End: 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: None.

PRESENTATION OF PETITIONS

The Speaker: There are none.

**PRESENTATION OF PAPERS
AND OF REPORTS**

**FINANCIAL STATEMENTS OF THE CAYMAN
ISLANDS NATIONAL INSURANCE COMPANY
LIMITED, 30 JUNE 2014**

[Deferred]

The Speaker: I recognise the Honourable Premier to do a motion for it to be put down until the Minister is able to enter the Chamber.

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

The Speaker: Good morning.

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, I beg to move that item No. 51, Financial Statements of the Cayman Islands National Insurance Company Limited, 30 June 2014, be deferred until later in the order of today's proceedings.

The Speaker: The question is that item No. 51 as it appears on today's Order Paper, being Financial Statements of the Cayman Islands National Insurance Company Limited, 30 June 2014, be deferred for later on today's Order Paper.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Item No. 51 on the Order Paper deferred until a later time in today's Sitting.

The Speaker: Madam Clerk.

NATIONAL CULTURE & HERITAGE POLICY AND STRATEGIC PLAN FOR THE CAYMAN ISLANDS 2017-2026

The Speaker: I recognise the Honourable Premier.

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

Madam Speaker, I beg to lay on the Table of this honourable House a copy of Cayman's very first National Culture & Heritage Policy and Strategic Plan for the Cayman Islands 2017-2026.

The Speaker: So ordered.

Does the Honourable Premier wish to speak to the report?

The Premier, Hon. Alden McLaughlin, Jr.: Just briefly, Madam Speaker, to read the foreword which I have written with respect to the Policy.

Madam Speaker, I am pleased to present the National Culture & Heritage Policy and Strategic Plan for the Cayman Islands 2017-2026. This document is informed by existing instruments, strategies and policies which comprise culture and heritage components, including the Cayman Islands Constitution, Vision 2008 and National Regional and International Policies. In developing this Policy and Strategic Plan, we had many discussions with a cross section of individuals and representatives from cultural entities, including the Cayman Maritime Heritage Foundation, Cayman Catboat Club, Cayman National Cultural Foundation, the National Trust, the National Museum and the National Gallery. I was thoroughly pleased with the interest and enthusiasm of those who served on the Cabinet appointed steering committee and appreciate the result of their undertakings which are vital to preserving our heritage and further developing our culture.

The Culture and Heritage Policy and Strategic Plan will assist when making decisions, such as resource allocation, for things like educational and social programmes. Areas of focus included land based heritage, maritime heritage, legal and governance aspects, literacy arts and oral history, visual arts, crafts and creative industries and performing arts and festivals. While it is important to remember our heritage and history, we must remember that our culture is a dynamic thing constantly evolving, reflecting the inclusion of new people and new influences. Cayman over the past 50 years in particular, have seen massive

amounts of people from all over the world come to live and work in our country. When I was born the population was 8,500 or thereabouts. Now it is more than 60,000 people. With that meteoric increase in population in a small country that now supports more than 130 different nationalities, it is easy to see the fluidity of culture. As it paves the way for the future we must recognise the vibrancy of the Caymanian culture, realise how important it is to us as a people and how significant it has always been to those who come here and truly want to understand what life is like in these Cayman Islands.

As a jurisdiction it is crucial to ensure that our younger generations are aware of and appreciate from whence we came. Indeed, our Constitution reminds us of the important role our history, culture and heritage played in shaping our past and present, and will eventually shape our future. This is why the Ministry of Culture believed it was important to address this long overdue need to develop a policy outlining our visions, goals and aims for the culture and heritage sectors of the Cayman Islands.

The Policy and Strategic Plan is an expression of this Government's belief that we need to adopt and implement a set of coherent principles and aims to foster, nurture, and support the cultural expression of the people of the Cayman Islands, preserve our heritage and help grow our individual and collective knowledge of the arts and creative industries. Its success will contribute to the sustainable development of our Islands and the social wellbeing of our communities. I appreciate the input and thank everyone who had a hand in making the National Culture & Heritage Policy and Strategic Plan for the Cayman Islands 2017-2026, a reality.

I thank you, Madam Speaker.

**GOVERNMENT OF THE CAYMAN ISLANDS
CAYMAN NATIONAL CULTURAL FOUNDATION
FINANCIAL STATEMENTS, 30TH JUNE 2015**

The Speaker: I once again recognise the Honourable Premier.

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

Madam Speaker, I beg to lay on the Table of this honourable House the Financial Statements of the Cayman National Cultural Foundation (CNCF) for the year ending 30 June 2015.

The Speaker: So ordered.

Does the Honourable Premier wish to lay it at this time and speak after?

The Premier, Hon. Alden McLaughlin, Jr.: Very briefly, Madam Speaker.

Madam Speaker, just to say that the Auditor General has found the following: "In my opinion, the

financial statements represent fairly in all material respects the financial position of the Foundation as at 30 June 2015 and of its financial performance and its cash flows for the year ended according with International Public Sector Accounting Standards.”

The point being, Madam Speaker, this is another clean audit of a government entity.

MINISTRY OF FINANCE AND ECONOMIC DEVELOPMENT – CAYMAN ISLANDS GOVERNMENT ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE, 2016

The Speaker: Members, it is the same position. Is it the will of the House that the Motion passed be inclusive of this? Or, would Members wish to repeat another mundane motion to that effect?

[No audible reply]

The Speaker: I see heads nodding on both sides, so I take it that the Motion the Premier previously passed would encapsulate all the matters for the Minister until he so arrives. No dissents?

[No audible reply]

The Speaker: Okay.

Madam Clerk, next item. Thank you.

PUBLIC SERVICE PENSIONS BOARD 2016 ANNUAL REPORT

The Speaker: I recognise the Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the Public Service Pensions Board 2016 Annual Report.

The Speaker: So ordered.

Does the Honourable Deputy Governor wish to speak to the report?

The Deputy Governor, Hon. Franz I. Manderson: Yes, Madam Speaker, briefly.

Madam Speaker, the Public Service Pensions Board (PSPB) also received an unqualified opinion which, as the Premier alluded to earlier, is becoming the norm in the Civil Service and indeed, the Public Service.

Madam Speaker, some key financial information of the PSPB is the net assets available for benefits as of 30 June was [\$]552.3 million; net increase and net assets available for benefits ending in the 12 month period, 30 June was [\$]40.9 million; total contribution to the pension plan for the year ending 30

June 2016 was [\$]58.8 million; total benefits paid to participants for the year ending 30 June 2016 was [\$]35.8 million; investment income was [\$]26.7 million; operating income was [\$]0.2 million; operating in investment expense was [\$]8.2 million; actuarial present valuation of the accumulated plan benefits based on an actuarial valuation as of 1st January 2014 was [\$]624.2 million; and the fund deficit using assets of funds as of 30 June 2016 being [\$]624 million; and the actuarial valuation as of the 1 January 2014, CI[\$]522 million was actually [\$]71.9 million.

Madam Speaker, the Public Service Pension Board is this year celebrating its 25th Anniversary. They have done a fine job in managing the public service pension fund. It started from very humble beginnings and has grown into a dynamic organisation which, as I said, is managing over a half billion assets. And, Madam Speaker, it was noted that even though with a very volatile year in the investment markets, the public service pension fund still gained a good interest rate of over 5 per cent. So, Madam Speaker, it shows that the investment strategies deployed by the PSPB are strong, and I want to commend the Managing Director and her team and the Board of Directors for all the great work that they are doing in managing what is our retirement funds.

Madam Speaker, I thank you.

NATIONAL ENERGY POLICY 2017-2037 – CAYMAN ISLANDS

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

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

Madam Speaker, I am going to lay the National Energy Policy (NEP) on the Table of this honourable House but I only have one copy, so before I actually hand it over to the Serjeant, I would ask that you allow me to read a section before I hand it over.

The Speaker: Request permitted.

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

I beg to lay on the Table of this honourable House the National Energy Policy 2017-2037—Cayman Islands.

The Speaker: So ordered.

Hon. D. Kurt Tibbetts: Thank you.

Madam Speaker, I am really happy today to announce that the Cabinet has approved the first National Energy Policy for the Cayman Islands which contains bold national goals for renewable energy de-

velopment and greenhouse gas emission reductions over the next 20 years, through 2037.

First of all, Madam Speaker, let me begin by acknowledging the excellent work of representatives from both the public and private sectors that have all made their invaluable contributions to the drafting of this policy.

Madam Speaker, members of the Energy Policy Committee were Mr. J.P. Morgan who acted as chairman, Mr. Charles Farrington who acted as the secretary, Mr. Louis Boucher and Mr. Jason Abraham who both acted as deputy secretaries, the Fifth Elected Member for George Town who was a very active member of the committee, and Ms. Jeana Ebanks-Petrie. Now, Madam Speaker, I trust it would not be un-parliamentary for me to name the Fifth Elected Member since there are so many of us elected Members for George Town, to make sure that everybody understands that it is Mr. Winston Connolly whom I speak to. And Ms. Maria Zingapan, Mr. Miguel Jacques, Mr. Robert Lewis, Mr. Alan Neesome, Mr. Richard Hew, Mr. Jonathan Tibbetts, Mr. James Whitaker, Mr. Haroon Pandohie, Mr. Matthew Wight, Mr. Duke Monroe, Mr. David Watler, Mr. Mark Griffith, Mr. Ian Tibbetts, Mr. Kenny Ryan, Mr. Tim Austin, Mr. Charles Brown, Mr. Sacha Tibbetts and Mr. Derek Westerborg. Madam Speaker, those names will give clear indication from the level of stakeholders that were part of the Committee and the various walks of life from which they came.

We also had contributions from outside of the Committee, and while it takes up a few minutes, I believe that it is appropriate to mention, having mentioned the names of the makeup of the Committee, to also mention where various contributions came from, so that everyone can have a good feel for how in-depth this whole process was in order to arrive at what I am tabling today. We had contributions from HOMER Energy; from the Department of Children and Family Services; the Department of Vehicle and Equipment Services; the Public Works Department; AMEC; Foster Wheeler; Environmental and Infrastructure UK Limited; the Economic Commission for Latin American and the Caribbean (ECLAC); and we also had contributions from Daymark Energy Advisors and Blue Energy Alliance.

So, Madam Speaker, the information gathering process was internal, external countrywide and outside of the Cayman Islands. The enthusiasm diligence and perseverance which was displayed during this process has resulted in what can truly be described as a "made-in-Cayman" solution that is fit for purpose utilising lessons learned and best practices from other small island jurisdictions regionally and globally.

I certainly would like also, to acknowledge the then Electricity Regulatory Authority (ERA) which has now been subsumed by the Utility Regulation and Competition Office (URCO), which acted as the secre-

tariat, Madam Speaker, during the Committee's deliberations over the past months.

Madam Speaker, just before I introduce you to the key components and makeup of the NEP, please allow me to provide you with a brief history on how the policy has progressed to this point. You will be acutely aware, Madam Speaker, yourself, that the previous government had appointed a national energy policy committee which began its first work in August 2010. The draft policy was tabled in the Legislative Assembly in March of 2013, just months prior to the last general election, however, the policy was not officially adopted as government policy. And, Madam Speaker, after that, several things happened. There was a historic climate change agreement made in Paris in December of 2015. There was a major reset to lower global oil prices that is currently benefitting local fuel and electricity consumers. And also, there were significant scientific advances in renewable energy and energy efficient technologies, making those technologies more mainstream and price competitive. And in response to these major global shifts, the Government decided a review of national energy policy was warranted. And, Madam Speaker, let me just interject here because I am not one to play games.

While I was the Minister responsible (still am the Minister responsible), and I was trying to juggle all of the various priorities that we had, there were others outside and inside who were prodding and probing along to make sure that this did not lay dormant for an extended period of time. And I remember specifically as we started to get going, I think everybody sensed that it was time, and I remember the Fifth Elected Member for George Town bringing a private member's motion which thankfully did not put me to where I was flatfooted but simply spurred the process along. So, Madam Speaker, as I said, in response to these major global shifts, the Ministry appointed a national energy policy review committee which undertook reviewing and updating the original draft policy which was created in 2013. So, we were not starting from scratch. Madam Speaker, the work from that review committee has resulted in the Cabinet approved policy which is before you today. And I will take this opportunity, Madam Speaker, to hand a copy of this Policy to the Serjeant, so that it can physically be laid on the table. And I believe Members already have copies of this Policy.

[Copy of the National Energy Policy laid on the Table of the House]

Hon. D. Kurt Tibbetts: Madam Speaker, it is my hope and if I am bold enough to say my expectation, that this Legislature will unanimously approve this Policy so that it can be on record as the National Energy Policy of the Cayman Islands, accepted by not only the Cabinet, but by all elected Members of the Legislative Assembly.

The National Energy Policy, Madam Speaker, is meant to act as a guide towards greater sustainable energy supply and the consumption in the Cayman Islands and in so doing, identify specific actions in the following sectors: Those sectors are electricity, fuels and fuel products, transportation, land use and buildings, water and waste water, public education and the environment. So, those sectors, Madam Speaker, give us a fair idea of how thorough this review has been. I want to note that due to significant scientific advances in alternative technologies, such as renewable energy, equipment, electric vehicles and energy efficient technologies which has led and is continuing to lead to increased cost competitiveness against traditional technologies, the policy before us today is much more aspirational in its aims and ambitious in its scope that the draft Tabled in the Legislative Assembly in March 2013. And, of course, Madam Speaker, that is to be expected because that is four years ago.

Madam Speaker, I also want to interject here. I haven't had the opportunity really, to seek agreement from colleagues, but I certainly want to advise everyone that I am going to see what the possibility is of us encouraging more electric vehicles being brought to the Island by way of lowering the duties that are charged on such vehicles at present, to give some advantage to those types of vehicles being used more.

Madam Speaker, the policy's vision which is enhancing and embracing a sustainable lifestyle through responsible and innovative energy supply and consumption, reflects the aspirational nature of the policy as we seek to position the Cayman Islands as a leader amongst small island states in the development and application of renewable energy as our primary energy source. The vision articulates the National Energy Policy in the broadest of terms and it accentuates clearly, to all stakeholders, that any energy development over the 20 year policy timeline, must meet the needs of the present without compromising the ability of future generations to meet their own needs. Madam Speaker, the policy's focus on sustainability regarding energy, aligns with the greater long term goals of the Cayman economy which are GDP growth, rising Caymanian employment, and growing visitor numbers that is due to greater cost competitiveness. The policy's four goals, once successfully achieved over the life of the policy, will assure the realisation of the policy's vision. And, Madam Speaker, with your indulgence I just wish to name the four goals.

The Speaker: Please proceed.

Hon. D. Kurt Tibbetts: These goals are:

1. To increase knowledge and education with respect to energy use and sustainable energy solutions focusing primarily on school curriculum and public education with the intent of

assisting the public in making better informed energy choices;

2. To make the Cayman Islands a destination of excellence for energy development emphasising well researched innovative environmentally sensitive and sustainable energy development to keep services affordable for local consumers which benefits key factors in the economy that are competitive regionally and globally, such as financial services, property development and tourism.
3. To address energy security. With our Islands' energy needs almost 100 per cent reliant on imported fossil fuels, the Cayman Islands are vulnerable to global market price volatility and product supply disruptions. Also, living in a hurricane zone requires a modern energy infrastructure that is innovatively designed and is resilient and safe.
4. To aim at socioeconomic and environmental sustainability. Given our sea level topography on all three Islands, the threat of climate change is real and potentially detrimental to key sectors of our economy. The policy also sets out two aspirational, yet, in my view, very attainable targets. The first target is current total electricity generation from renewable energy in the Cayman Islands is less than one per cent. That is what it is today. However, given significant scientific advancement in alternative technologies, the policy is targeting 70 per cent of total electricity generation in the Cayman Islands from renewable energy by 2037. Sounds kind of high but with all of the technological advances that we are seeing today, we believe that it is very possible to achieve that target.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: The second target.

Madam Speaker, in total, the Cayman Islands are but a nominal contributor to greenhouse gas emissions compared to industrial countries and one could fairly say today that we are not in any way obligated to emissions reductions under the Paris Climate Change Agreement. However, Madam Speaker, that being said, the policy aims to lead by reducing 2014 Cayman Islands greenhouse gas emissions of 12.3 metric tons of carbon dioxide equivalent per capita to meet the UK's greenhouse gas emissions reduction target of 4.8 metric tons of carbon dioxide equivalent per capita by 2030.

Madam Speaker, the modelling which is based on industry best practices indicates that both of these targets are attainable, however, it is our hope that these two targets will not only be met but will be surpassed by the deadline years that have been given. I have been advised that the modelling was in

some areas conservative as the intent has been to phase the buildout of renewables based on known developments, but I believe that it is possible with higher than modelled rates of penetration from distributed renewable energy, alternative fuels and electric vehicles, the target can be surpassed. So, we then say, Madam Speaker, how do we implement this?

The implementation of this policy is so critical to the economic growth of the Cayman Islands that we can't afford to allow it to become another document on the bookshelves. It is therefore set out in some detail the strategy to assure its implementation and continuous review and in adopting the policy, this Legislative Assembly will also be approving the implementation, the monitoring and the review strategy. The Ministry responsible for energy in the future, from hereon-in will have primarily responsibility for overseeing the policy's implementation. And, Madam Speaker, once we can achieve the other legislative amendments that are on our agenda this time, to really make URCO be up running and with all of the components put together along with the energy policy, I believe there is a good future to look forward to in the Cayman Islands, and there will be a framework which will be in place that is not only workable, but I believe will bring advantages to our people.

Madam Speaker, an implementation plan developed by the Review Committee has accompanied the policy and it identifies responsible stakeholders such as government departments, statutory authorities, utilities and other stakeholder groups to establish timelines and to develop performance indicators for measuring the policy's progress. Once the implementation has begun, the policy will need to be monitored and periodically evaluated to ensure it is on track to meet the renewable energy penetration and greenhouse gas emission targets.

Madam Speaker, the strategic aims which are the actions that have been identified to secure success, cover the ambit of the sectors that I mentioned earlier, where electricity has 10 strategic aims varying from increased consumer awareness to specific actions by the utility regulation and competition office aimed at increasing energy security via innovation and renewable energy penetration.

Fuels and fuel products have 5 strategic aims which vary from sustainable handling, storage and disposal of fuels and fuel products to consideration towards lower carbon fuels in the energy mix.

Transportation, Madam Speaker, has 7 strategic aims varying from the promotion of healthy lifestyle changes, for example, walking and biking to a shift to more fuel efficient vehicles, including electric vehicles.

Land use and buildings has 8 strategic aims promoting zoning practices to encourage sustainable energy practices and greater facilitation for renewable energy development.

Water and wastewater, Madam Speaker, have three strategic aims which promote public awareness on the relationship between water consumption and supply and energy demand, as well as the protection of ground resources.

Education has a single strategic aim meant to develop and adopt a comprehensive public education plan raising awareness of the policy and its progress.

The environment, Madam Speaker, has two strategic aims meant to lower greenhouse gas emissions in the Cayman Islands. Further, it should be noted that all strategic aims in the policy encourage strong environmental performance. The draft implementation plan, Madam Speaker, is attached as a companion document for the information of Members.

To oversee this next stage of policy progress, the National Energy Policy requires for Cabinet to appoint an energy policy council comprised of 9 to 12 members from critical stakeholder groups, from both the public and private sectors. The Energy Policy Council will monitor, review and evaluate policy performance and identify any mechanisms for change to keep the policy on track.

Madam Speaker, the success of the policy will depend on the appointment of a permanent secretariat to coordinate and manage the day to day responsibilities of implementation and to support the Energy Policy Council.

Madam Speaker, I am of the view, although I don't profess to know it all, that the establishment of URCO makes such a secretariat easier to happen. To do so effectively and efficiently, the policy requires that the Energy Policy Council develop a monitoring plan. The Council is also charged with conducting periodic reviews of the policy's strategic actions and targets at intervals of between four and five years.

Madam Speaker, I am nearly there but let me just pause for a second. We can look at other policies and because there is no specific . . . maybe I am not saying it the right way, but because there is nobody whose sole duty (that's perhaps the best way to say it) is to monitor and ensure that these reviews take place, is why we have several laws on the books today which require reviews and just have not been done because of so many other priority areas, and once it is in a general pot where you have to deal with priorities, inevitably on many occasions, such reviews get left behind. Mindful of that is why a secretariat has been suggested.

The other thing I want to say, Madam Speaker, is—and you know me. Madam Speaker, this exercise, while I was not part of the Committee, I have kept abreast for obvious reasons of what has been going on and I have been briefed quite regularly about the progress. And, Madam Speaker, I know that I am not the only one but I certainly will admit that I am one of them who has been involved in this process and who did not really fully grasp, and I don't profess even today to fully grasp, what this is all about, what leaving

this alone can make be a reality in years to come for our people. And I also recognise, Madam Speaker, we can't simply depend on the ordinary citizens of the country to be acutely aware of all of these things and to fall in line with best practice. We have to make sure that we educate them and that they understand before crisis what we all need to do as a way of life, which does not change. We still can do all the things that we want to do; we just have to do them in a more conscientious and pointed way in order to achieve the goals that I spoke to.

So, in conclusion, Madam Speaker, I want to remind everyone how firmly affixed energy is within the fabric of our daily lives. No matter what age or what gender we are, it is my hope that this House will embrace this National Energy Policy which calls for a sustainable approach to energy usage and development. Madam Speaker, under the guidelines of this Policy, clean energy infrastructure innovation, education and workforce development shall be promoted on all three Islands, and I certainly anticipate downward movement in the cost of energy to all of our consumers. All of this will impact the socioeconomic interest of all of our Caymanians and residents alike in a positive way, both today and in the future.

Madam Speaker, having had a short discussion with you, I would wish to not just lay this energy policy on the table as a policy that was accepted by the Cabinet of the Cayman Islands, but certainly I believe that this Legislature needs to send a message to the entire country that this is important and I would hope that there is some way that we could, by some method, show, hopefully, that all Members are in support and recognise this as a national country policy and the National Energy Policy of the entire Cayman Islands.

The Speaker: Honourable Minister of Planning, under 24(9): “. . . motions can be moved without notice – (h) arising out of any item of business made immediately after that item is disposed of and before the next item is entered upon;”. So—

Hon. D. Kurt Tibbetts: Madam Speaker, if I am understanding you correctly, I have finished my laying on the table and before you introduce the next item, under Standing Order 24(9)(h), I believe it is what I heard you say? I would move that this Legislature accept the National Energy Policy as one that is a national energy policy accepted by the entire membership of this Legislative Assembly by way of the usual Aye on your ask. I don't know if I said that the right way, Madam Speaker.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: Sorry?

[Inaudible interjection]

Hon. D. Kurt Tibbetts: Madam Speaker, I have to clarify that there is absolutely, in my view, no need to debate and I would simply ask for a show of hands and I think you will have to guide regarding that, because that is not what I am trying to do. I am not trying to prolong anything with it but I just believe that this is important enough for all Members to have an opportunity to simply indicate their support by way of your question.

The Speaker: If I could seek the will of the House, the Honourable Minister responsible for Infrastructure has moved that the Legislative Assembly accept the National Energy Policy as a national energy policy accepted by the entire membership of the Legislative Assembly. By the putting the question of acceptance on this particular national energy policy, the will of the House comes in that in normal circumstances a motion provides Members with the opportunity to debate and a Member to close. As the Member who moved the Motion added in his short presentation, that was not his intention. Obviously, neither, the Chair or the Minister can prevent that, but he is asking of Members if they so wish to exercise a discretion because of the nature of the National Energy Policy. So, if perhaps the Chair could have an indication before we move forward from the Leader of the Opposition or Independent Members, I would take it that it is consensus on the Government side.

I recognise the Member for East End.

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

Madam Speaker, whilst procedurally that is correct that he has now moved a motion, in my view, debate would ensue thereafter by whoever wishes to do so. It is somewhat premature on the Minister's part in that he wishes for us to debate this Motion when we only recently received the Energy Policy. So, in debating or voting on this policy we would be, I guess, trusting that this policy is something that we can all agree with. Certainly, with my experiences in the energy sector, I do not want to question the authenticity or the abilities of the many people whom the Minister said here this morning that were consulted and thus I don't want to question the abilities of those many persons who were there. But he must understand that the rest of us have not received this in a timely manner where we could digest it (so to speak) and make a worthwhile contribution thereto. So, I am sure we will. I think the Member for North Side asked him if he wanted him to move the motion initially to accept it. But we will support it with the caveat that we have not received it in sufficient time to digest it.

The Speaker: Can the Member for East End clarify for the Chair whether or not you have had sufficient time to read it because you put emphasis on receiving it?

Mr. V. Arden McLean: Well, by extension, Madam Speaker, that is what I am alluding to, which is that we only received this one week ago and certainly when you receive something that is technical, it requires just as much technical research and we would expect that we would have more time. But, Madam Speaker, for once maybe we can trust the Minister. Most people will know I like trust but verify and I do my own research based on my own experiences and knowledge in the field. But I know there were people there and yes, based on what the Minister has said and my brief viewing of it, there is some ambitious goals in there. I hope they will be achieved.

The Speaker: I think I caught the eye of the Third Elected Member for West Bay.

Mr. Bernie A. Bush, Third Elected Member for West Bay: Madam Speaker, having worked very closely with the Fifth Elected Member for George Town and Mr. James Whittaker, and those names mentioned that they were in this board to help set this up, I too will agree with what the Member for East End said, Ma'am.

The Speaker: Out of an abundance of caution, let me make sure every Member had an opportunity.

Does any other Member wish to lend their support or objection before I put the question? *[pause]*

I recognise the Fifth Elected Member for George Town.

Mr. Winston C. Connolly, Jr, Fifth Elected Member for George Town: Madam Speaker, I rise to support the Motion made by the Minister. Obviously, I have been on the Committee and had a lot of time with the other members he mentioned, so I am happy with its contents but again I am only one Member, but I do support the sentiment of the Minister and just wanted to echo that the Fourth Elected Member for West Bay and the—

The Speaker: Third.

Mr. Winston C. Connolly, Jr.: Sorry, the Third [Member] for West Bay and the Member for East End also accompanied me to London and Trinidad at various times representing the Parliamentary Association, and had a number of discussions about the contents over time. So, I just want to acknowledge their work and the Commonwealth Parliamentary Association and our Parliamentary Association as well, in the process, and just to point out also that I think you, Madam Speaker, were also instrumental in the last administration in bringing this forward.

Thank you, Madam Speaker.

The Speaker: No other Member caught my eye so I will call on the Honourable Minister responsible for Infrastructure.

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

Madam Speaker, lest there be any misunderstanding, I was not trying to catch anyone by surprise and I was not trying to spring any trap. I truly believe that this National Energy Policy is perhaps one of the most important pieces of work that this 2013/14 Legislature could have accomplished along with whatever else and I was simply asking for a way to allow all of the Members to be recognised as supportive and accepted as the National Energy Policy, so that all of the other things that need to fall in line can be done with confidence that this is something everyone wants to have. Thank you.

The Speaker: The question is that the Legislative Assembly accepts this National Energy Policy as the Cayman Islands' National Energy Policy.

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

AYES

The Speaker: The Ayes have it.

Mr. Winston C. Connolly, Jr.: Can we have a division, Madam Speaker?

The Speaker: Most certainly.

Madam Clerk, please call a division.

The Clerk:

Division No. 32

AYES: 16

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
 Mr. Bernie A. Bush
 Capt. A. Eugene Ebanks
 Hon. Anthony S. Eden
 Mr. Alva H. Suckoo, Jr.
 Mr. Winston C. Connolly, Jr.
 Mr. D. Ezzard Miller
 Mr. V. Arden McLean

NOES: 0

ABSENT: 1

Hon. W. McKeeva Bush

The Speaker: The result of the Division is as follows: 16 Ayes and 1 absent. The motion is carried.

Agreed by majority: Motion for the National Energy Policy as the Cayman Islands' Energy Policy, was accepted by the Legislative Assembly.

**GOVERNMENT OF THE CAYMAN ISLANDS,
MINISTRY OF PLANNING, LANDS, AGRICULTURE,
HOUSING & INFRASTRUCTURE, AUDITED
FINANCIAL STATEMENTS FOR THE YEAR ENDED
30TH JUNE 2015**

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

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

Madam Speaker, I beg to lay on the Table of this honourable House the Ministry of Planning, Lands, Agriculture, Housing and Infrastructure Annual Financial Statements for the Year ended 30 June 2015.

The Speaker: So ordered.

Does the Honourable Minister wish to speak further?

Hon. D. Kurt Tibbetts: Very briefly, Madam Speaker, just to quote the Auditor General's opinion and she says: "In my opinion, the Financial Statements present fairly in all material respects the financial position of the Ministry of Planning, Lands, Agriculture, Housing and Infrastructure, as at June 30, 2015, and its financial performance and its cash flows for the year then ended in accordance with International Public Sector Accounting Standards." [UNVERIFIED QUOTE] And, Madam Speaker, I take that to mean that this is an unqualified opinion which has been given on this report. Thank you.

**GOVERNMENT OF THE CAYMAN ISLANDS,
MINISTRY OF PLANNING, LANDS, AGRICULTURE,
HOUSING & INFRASTRUCTURE, ANNUAL
REPORT 2015-2016**

The Speaker: I recognise the Honourable Minister of Infrastructure.

Hon. D. Kurt Tibbetts: Thank you.

Madam Speaker, I beg to lay on the Table of this honourable House the Annual Report of the Ministry of Planning, Lands, Agriculture, Housing and Infrastructure for the Fiscal Year 2015-2016.

The Speaker: So ordered.

Does the Honourable Minister wish to speak to the report?

Hon. D. Kurt Tibbetts: Madam Speaker, the report is fairly extensive and I would invite Members to peruse that report to get a pretty good picture of the activities of the Ministry for the 2015-16 year.

Thank you.

**FINANCIAL STATEMENTS OF THE CAYMAN
ISLANDS NATIONAL INSURANCE COMPANY LTD.
30 JUNE, 2014**

The Speaker: I recognise the Honourable Minister of Finance and Economic Development.

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

Madam Speaker, firstly, my apologies, I was trying to get some work done in the office.

Madam Speaker, I beg to lay on the Table of this honourable House the 2013-14 audited Financial Statements of the Cayman Islands National Insurance Company Ltd. (CINICO).

The Speaker: So ordered.

Does the Honourable Minister wish to speak to the report?

Hon. Marco S. Archer: Thank you, Madam Speaker; just briefly.

Madam Speaker, the audited financial statements of CINICO for the financial year ended 30 June 2014 shows that CINICO ended the year with total assets of CI\$31.5 million; total liabilities of CI\$13.9 million; a net-worth of \$17.6 million and cash and cash equivalents of \$16.3 million. During the 2013-14 Financial Year CINICO earned CI\$63.6 million in total revenue and incurred expenses totalling CI\$59 million. There was a resulting operating surplus of CI\$4.6 million for the year ended June 30, 2014.

Madam Speaker, the Auditor General has issued an unqualified audit opinion on the 2013-14 financial statements of CINICO. And an unqualified opinion means that information contained in the financial statements can be relied upon.

**MINISTRY OF FINANCE AND ECONOMIC DEVELOPMENT – CAYMAN ISLANDS GOVERNMENT
ANNUAL REPORT FOR THE YEAR ENDED 30
JUNE, 2016**

The Speaker: I recognise the Honourable Minister of Finance and Economic Development.

Hon. Marco S. Archer: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House, in accordance with section 44 of the Public Management and Finance Law, the Annual Report for the Ministry of Finance and Economic Development for the Year ending 30 June 2016,

which also contains the audited financial statements for the Ministry.

Thank you, Madam Speaker.

The Speaker: So ordered.

Does the Honourable Minister wish to speak to the report?

Hon. Marco S. Archer: Thank you, Madam Speaker.

Madam Speaker, the Annual Report that has just been tabled consists of two broad sections. The first 56 pages are in respect of management information that the Ministry believes Members of the Legislative Assembly and the public will find informative. And the last 24 pages of the report are in respect of the audited financial statements.

With respect to the information from the annual report, the Ministry of Finance and Economic Development is organised into four main agencies; those being Finance Administration, the Customs Department, the Economic and Statistics Office and the Treasury Department.

The Ministry is responsible for the Cayman Islands National Insurance Company (CINICO) and it also has administrative responsibility for the Central Tenders Committee (CTC).

The Ministry's responsibilities include the direct management of its four main agencies that I have just mentioned. It provides an advisory management function for central government's financial affairs which impact all ministries, portfolios and offices that make up the Government.

The Ministry of Finance does not have a direct management role with respect to statutory authorities and government companies (SAGCs), however, it does provide accounting and financial advice to SAGCs.

The Ministry also has the important responsibility of preparing an annual budget and financial statements for central government and collating the budgets and financial statements of SAGCs into the annual budget documentation and financial statements presented to the Legislative Assembly, thereby establishing the expected financial performance and subsequently reporting on the actual financial performance of the entire public sector for any given financial year.

In terms of governance, page 9 of the annual report indicates those laws, regulations and orders that impact the activities of the Ministry of Finance and its underlying agencies. These main laws and responsibilities include the Public Management and Finance Law, Financial Regulations, the Statistics Law, the Customs Law, the Customs Tariff Law, Customs Regulations and Customs Orders.

Information with respect to the staff employed within the Ministry is provided on page 12 and 14 of the annual report. As of the 30 June 2016 there were 211 full time staff employed within the Ministry which

represents approximately 6 per cent of the Civil Service. Madam Speaker, the Ministry is proud of the professionalism, qualifications, diversity and the community spirit of its employees. And, Madam Speaker, of the 211 staff members just mentioned, 54 of those have achieved Bachelor's degrees or higher and also possess professional qualifications. Of the 54, 7 of them have MBAs (Master of Business Administration). With respect to accounting qualifications, 6 of them are Certified Public Accountants (CPAs) or Professional Accountants. Three of them are Associates of the Certified Chartered Accountant (CCA). One is a Certified Management Accountants (CMA); one is a Fellow Certified Accountants (FCA); and one is a Fellow of the Certified Chartered Accountants (FCCA); and there is one Chartered Financial Analysis (CFA) and two Attorneys-at-law.

Of the total 211 full time staff employed with the Ministry as of the 30 June, 2016, 195 or 92 per cent were Caymanian and the remaining 16 or 8 per cent were non-Caymanian. In terms of gender, Madam Speaker, 54 per cent is female and 46 per cent is male.

Madam Speaker, the Annual Report at pages 26 and 27 show the Ministry's key events that have occurred during the 2015/16 Fiscal Year which ended 30th June 2016. Some of these key events include:

- In July 2014 the Ministry indicated that the Government no longer needed an overdraft facility. On page 26 of the Annual Report it indicates that the Government's overdraft facility was no longer required effective July 2015. For correction that should read "July 2014".
- In August 2015 Mr. Charles Clifford became the Collector of Customs; Mr. Matthew Tibbetts was appointed the Accountant General in the Treasury Department in September 2015.
- In November 2015, the Ministry tabled its 2014/15 Financial Statements in the Legislative Assembly and those financial statements received a clean or unqualified audit opinion from the Auditor General.
- In December 2015, import duty concessions on building materials and concessions encouraging development on Cayman Brac were continued.
- In December 2015, Moody's maintained its robust Double A-3 Rating of the Cayman Islands.
- In June 2015 the decision was taken that starting in January 2016, duty on diesel imported by CUC for electricity generation would be decreased by a further twenty-five cents for imperial gallon.
- In June 2016 Finance Committee concluded its review of the 2016/17 Budget and approved the Budget.

On page 28 of the Annual Report is shown a letter dated 18 February 2016, received from the United Kingdom's Foreign and Commonwealth Office (FCO) which indicated that it was satisfied that the Cayman Islands Government was comfortably on course to maintain compliance with the cash reserve ratio requirement to the 30 June 2016. The letter also acknowledged that the Cayman Islands Government had achieved compliance with the net debt ratio.

Madam Speaker, the 30th June 2016 Financial Year ended with the Government being in full compliance with all of the principles of responsible financial management contained in the Public Management and Finance Law (PMFL). Those principles have recently been repeated for the Framework for Fiscal Responsibility (FFR).

On page 31 of the Annual Report, there is a letter dated 25 May 2016, also from the FCO, which acknowledges that the Government's 2015/16 Budget was successful and it was in full compliance with the agreed limits established in the FFR.

Madam Speaker, a key objective of the Ministry of Finance has been to restore public finances in a sustainable manner to maintain public finances on its improved trajectory and to restore confidence in the governance of the country. To illustrate this, on page 39 of the annual report the table shows the increase in government's cash balances and the consistent reduction to debt balances, over six financial years, from the 30 June 2011 to the 30 June 2016 inclusive.

Government's cash balances as at the 30 June 2011 totalled \$184.7 million and at the 30 June 2016 cash balances were \$407.9 million.

As at the 30 June 2011 central government's debt balance was \$625.2 million and by consistent repayment of debt at the 30 June 2016 the debt balance had been reduced to \$503.3 million.

It is worth noting that government have not incurred any external borrowings since its term started in late May 2013 and its overdraft facility was cancelled in July 2014.

Madam Speaker, pages 42 and 43 of the annual report shows the improvement in government's principle of responsible financial management from the 30 June 2012 financial year to full compliance with all the principles for the very first time since the implementation of the law in 2004 with respect to the financial year ended 30 June 2016.

Another key objective of the Ministry of Finance has been to provide prudent fiscal management of government's finances. Steps taken by the Ministry to achieve this objective are detailed on pages 44 to 46 of the annual report, and, Madam Speaker, these steps include

1. Amending the Public Management and Finance Law to effect a new financial year. The financial year has been changed to a calendar year basis. The first year for which this

change takes effect is the financial year that begins on the 1st January 2018. Starting the financial year on the 1st January will permit more timely decision making with respect to expenditures based on revenue performance in the first quarter of the financial year.

2. The Ministry completed deliberations which led to the passage of the Procurement Law 2016, which is expected to reduce cost to government and the entire public sector, and to enhance transparency in the tendering process.
3. The Ministry provides oversight for the Central Tenders Committee which coordinates processes, scrutinises competitive tenders for government contracts in excess of \$250,000, to ensure government and the entire public sector receive the best quality and competitive prices for all purchases greater than CI\$250,000. An employee of the Ministry is the deputy chairperson of the Central Tenders Committee. Brief details of the Central Tenders Committee's work during the year are as follows: The number of meetings held was 30; the number of contracts awarded was 22; the total value of contracts awarded was \$71.9 million and of the contracts awarded, \$58 million was in respect of construction contracts.

Another key objective of the Government led by the Ministry of Finance is the facilitating of economic growth. Page 47 of the annual report indicates:

1. Positive real GDP growth in the last four years and projections for growth in future years.
2. A steady decline of inflation rates in the previous four years.
3. A consistent decline in the overall unemployment rate.

Madam Speaker, after the annual report was drafted, the Economics and Statistics Office revised its estimates of some of the statistics shown on page 47. As an example, real GDP growth forecasted for the year 2016 has been revised upwards to 3.0 per cent, as opposed to the 2.1 per cent shown on page 47.

With respect to the audited financial statements, the audited financial statements of the Ministry of Finance and Economic Development for the financial year ended 30 June 2016, shows that the

Ministry ended the year with total assets of \$20.6 million; total liabilities of \$6.2 million; a net worth of \$14.4 million; and cash and cash equivalent of \$11.4 million.

During the 2015 fiscal year the Ministry earned \$22.4 million in operating revenue. And in the Cayman Islands Government there are two revenue classifications: entity revenue and executive revenue. Entity revenue refers to income earned by a ministry, portfolio or office from the production of outputs, most of which are purchased by Cabinet and revenue from the sale of goods and services to non-governmental agencies.

Executive revenue, Madam Speaker, refers to revenues collected by the Government under its coercive powers, authorised under various laws passed by this Legislative Assembly over time. An example of that being import duties, work permit fees, bank licence fees, et cetera. And for which there is no direct exchange of goods or services. Executive revenue is accounted for in the consolidated financial statements of the Government and not in the financial statements of individual ministries, portfolios and offices.

The Ministry's financial statements reflect the results of the operations of its departments. The Ministry's revenue consists mainly of entity revenue which originates from the production of outputs to Cabinet. Two of its departments, Customs and Treasury collect executive revenue which is not shown in the Ministry's financial statements because executive revenue, as stated earlier, is accounted for in the consolidated financial statements of the government.

Madam Speaker, during the year the Ministry incurred \$18.9 million in operating expenses. There was a resulting operating surplus of \$3.5 million for the year ended 30 June 2016. The Auditor General completed the audit and issued an unqualified or clean opinion on the financial statements for the Ministry of Finance and Economic Development for the financial year that ended 30 June 2016. This is the second consecutive year that the Ministry has received an unqualified opinion on its financial statements.

Thank you, Madam Speaker.

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

QUESTION NO. 33 UPDATE ON REPAIRS TO THE KAIBO PUBLIC BEACH

The Speaker: I recognise the Honourable Deputy Premier to move the suspension of Standing Order 23 (7) and (8)

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 commence and continue beyond the hour of 11:00 am.

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 23(7) and (8) suspended.

The Speaker: Madam Clerk.

[Inaudible interjections]

[Continuation of Question Time]

The Speaker: Honourable Member for North Side, I am not sure whether you have indicated to the Chair that you have exercised your option to forgo your questions or whether you still want to ask your question.

Mr. D. Ezzard Miller, Elected Member for North Side: Madam Speaker, with respect, the vote just taken in this House had nothing to do with my questions; it had to do with suspending Standing Orders. If the Parliament had started on time there would be no need to suspend Standing Orders. And I am going to continue to vote against the suspension of Standing Orders in this [House] when we start late.

The Speaker: I just felt it was necessary for you to make the clarification so that it would be understood by all.

Please ask your question.

Mr. D. Ezzard Miller: Thank you, Madam Speaker.

Madam Speaker, I beg to ask the Honourable of Planning, Agriculture, Lands, Housing and Infrastructure the following question: Can the Honourable Minister give an update on the repairs to the Kaibo Public Beach?

The Speaker: I recognise the Honourable Minister of Infrastructure.

Hon. D. Kurt Tibbetts: Madam Speaker, unfortunately I am not allowed the luxury of voting 'no' against dealing with these matters because it is a responsibility of mine.

Madam Speaker, the answer: I can confirm that the Public Works Department is actively investigating a solution to the issue. And that issue, being the continued erosion of the beach at the Kaibo Public Beach, I believe in the northern and eastern sections of the beach.

The Public Works Department undertook a site visit with the Member for North Side and certainly is looking at his suggestion, which is, to use four by two by two feet interlocking concrete blocks to create a spit as it were, in essence, Madam Speaker, a retaining wall. And to then back fill it with excess sand from the launching ramp area which is continually created because of the currents flowing in that direction. However, Madam Speaker, the Public Works Department have recommended hiring engineers with experience in this field to advise them as to how best to place these blocks. The blocks could be one option but there are other wall methods such as sheet piling. And they will be reviewing the various possible methodologies to determine best value and/or construction cost of any retaining wall. And this would certainly need to be designed by qualified engineers. Because, if I may interject, even when the Member and I talked about it, I believe that we both agreed on what we really think should be done. But I think we also both agree that perhaps best to allow engineers to have a real good look at it to ensure that what we really think is the best thing or if not, what the other suggestions are.

We believe that we would also need to apply for the relevant approvals for this project, so the Public Works Department have been tasked with this undertaking and we anticipate some few weeks before we can begin the project once we get all of the ducks lined up.

The Speaker: If there are no supplementaries we will move on to the next question.

**QUESTION NO. 34:
THE COST OF OUTSOURCING THE
DRAFTING OF THE LEGAL PRACTITIONERS BILL
AND BY WHOM WAS IT DRAFTED**

The Speaker: I recognise the Elected Member for the District of East End.

PROCEDURAL MATTER

Mr. V. Arden McLean, Elected Member for East End: Madam Speaker, on a procedural matter, I wish to ask: Why is this question down to be answered by the Minister of Financial Services, Commerce and Environment?

Has there been a change in who is responsible for drafting legislation in the country?

The Speaker: Honourable Member for East End, normally procedural questions are dealt with through the Chair and in this instance I will have to refer to either the Honourable Minister of Financial Services or the Honourable Attorney General as I have no idea whatsoever.

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

By way of clarification, the only reason why that has been the case, Madam Speaker, as you will see from the debate that has transpired so far, the Ministry of Financial Services and the Minister has conducted the Bill.

The Speaker: Member for East End.

Mr. V. Arden McLean: Thank you.

Madam Speaker, am I to believe then that every Bill presented to this House by the various Ministers, they, each individually and separately, had responsibility for the drafting of those Bills?

The Speaker: Your question is directed to . . .

Mr. V. Arden McLean: To the Chair, Madam Speaker.

The Speaker: Again, the Chair would not have knowledge of this, so I will have to rely on those who have knowledge. And I would ask a representative from the Government Bench to respond if they are in a position to do it.

Honourable Premier, thanks for coming to the aid.

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

Madam Speaker, I am not sure what the purpose of all of this is but if I could refer the honourable Member to the Constitution, and I hope I do not have to go to the specific sections. But the assignments of responsibility for the various roles in the Cabinet are a matter for me and the Governor. As to who deals with Bills in this House or who deals with Questions in the House, that again is a matter for me as the Elected Leader of the Cabinet.

I should explain that this Legal Practitioners Bill is by no means the first Bill that has been drafted by someone other than someone from the Government Legal Drafting Department; not just in the case of this administration but in previous administrations, including an administration in which the Member for East End was a member. So, none of this is new or surprising. The Elected Government, in consultation with the Honourable Attorney General, took a decision

some two years ago, that the outsourcing of this particular Bill was necessary because the Legal Department was under and continues to be under immense pressure to produce Bills. This was a piece of specialist legislation and it was felt that if we were going to get it done and get it here in time (that is, before the end of this term) it would require a dedicated legal draftsman to deal with the matter.

Madam Speaker, even with all of that, we are here very much at the eleventh hour trying to get the Bill dealt with. Had we not adopted that approach the Bill would never have reached this far. I hope that is helpful to the Member, to the House, and to those who may be listening, and to you, Madam Speaker.

The Speaker: Member for East End, please proceed with your question.

Mr. V. Arden McLean: Madam Speaker, certainly, I would crave your indulgence to respond to what the Premier has said, because of prior to doing that.

Madam Speaker, as a Member of this Parliament, my understanding is that those assignments of duties as the Premier just eloquently explained, comes through by way of instruments from the Governor. And, as I understand it or understood it, the Attorney General was responsible for drafting. And yes,—

The Premier, Hon. Alden McLaughlin, Jr.: The Constitution does not say that. Look and see if you can find it in the Constitution.

Mr. V. Arden McLean: Madam Speaker, in accordance with those instruments.

Madam Speaker, the Attorney General came here during Finance Committee and explained to myself and this House that he was outsourcing the drafting of the legislation. And yes, I agree, even during my time, those practices were in place. However, it was endorsed and managed by the Attorney General because the Attorney General has constitutional responsibility by virtue of an instrument assigning such.

Now, Madam Speaker, in keeping with my knowledge, I submitted this question on the 19th September 2016 to the Attorney General. It was transmitted to the Executive to ask the Attorney General. And I have proof of it, Madam Speaker. And here we are this morning, on the Order Paper with a different Minister answering this question. Madam Speaker, certainly, I contend that it is not the place of a Minister who has no instrument assignment for the drafting of laws to be answering this question.

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, I have explained and I refer the Member again to section 54 of the Constitution—the responsi-

bility of assignment of responsibilities to Ministers is a matter for me and for the Governor. If the Member wants the question answered, the Minister who has been charged with the responsibility for the conduct of this Bill is prepared to answer it. If he does not, Madam Speaker, I invite you to move on to another item of business.

Mr. V. Arden McLean: No, you can't invite anybody here.

The Premier, Hon. Alden McLaughlin, Jr.: I can invite anybody.

Mr. V. Arden McLean: You can—

The Speaker: Member for East End.

Mr. V. Arden McLean: Yeah, like how you invited us—

The Speaker: Please keep the comments through the Chair, Members.

Mr. V. Arden McLean: Madam Speaker, in so doing, may we see the instrument in accordance with section 54?

The Speaker: The Chair, as the Member for East End would know, is not in possession of any instruments. Neither did I request any instruments. I am just following what the Order Paper said. I take your point that it was submitted. I would ask you at this time to ask your question. And I would ask the Government that the request be made in supplying of the instruments before the close of the business day.

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

I hope they don't go up there and make it now.

Madam Speaker, Question 34 in my name— Can the Minister say: What was the cost of outsourcing the drafting of the Legal Practitioners Bill and by whom was it drafted?

The Speaker: Honourable Minister of Financial Services.

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

Madam Speaker, the answer: The Legal Practitioners Bill was prepared in a two stage process. The preliminary draft was prepared by a draftsman formerly employed by the Government, Mr. Clive Borrowman, in accordance with drafting instructions approved by the Cabinet, but commissioned jointly between the Cayman Islands Law Society and the Caymanian Bar Association. Accordingly, there was no

cost to the Government for this work. Consistent with other cases where an external consultant has been engaged, on completion of the preliminary draft, this was given to the Legislative Drafting Department to ensure consistency with current Cayman jurisprudence and the formatting standard used by the Government. Therefore the Bill and subsequent committee stage amendments have all been finalised by a government draftsman.

Thank you, Madam Speaker.

The Speaker: Are there any supplementaries?

The Member for East End; followed by the Honourable Leader of the Opposition.

SUPPLEMENTARIES

Mr. V. Arden McLean: Madam Speaker, I am surely stumped. I don't know where to go.

Madam Speaker, when did the Government change the process for drafting whereby outsourcing of drafting is for free?

[Inaudible interjection]

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I have heard of other instances in which legislation has been drafted at no cost.

[Inaudible interjections]

Hon. G. Wayne Panton: At no cost, Madam Speaker. And I have had an indication that certainly there are some Members who are aware of other similar scenarios.

Madam Speaker, as the Minister of Financial Services, similar discussions have been had in the past with Cayman Finance, for example, where it was very clear that there was tremendous amount of work to be done on the agenda to bring the essential work for the drafting of legislation in line with the objectives of, for example, the Financial Services Legislative Committee as well as the Ministry of Financial Services. So, there were certainly discussions and there was an offer at that time, for example, even Cayman Finance, to pay for the cost of a draftsman, but also to pay in terms of, or to assist financially in terms of the drafting of legislation by individuals who are familiar with the drafting procedures and the laws of the Cayman Islands, as in this case, Madam Speaker.

The Speaker: I recognise the Member for East End.

Mr. V. Arden McLean: Madam Speaker, I don't know who else in this Chamber is aware of other legislation being drafted for free, but I know I am not. Maybe they

kept them secret from me too, amongst other things when I was there.

Madam Speaker, I wonder if the Minister is prepared to say whether he views the Government getting free drafting from the two Societies organisations in Cayman as a conflict.

The Speaker: Honourable Minister, it is a matter of personal opinion. If you wish to answer you may so do and if not, Member for East End, can you rephrase?

Mr. V. Arden McLean: Madam Speaker, I don't know if that is a matter of opinion as you have said, but, certainly this Government, this Minister, all of us, have been working on this for 15 years as we have said. Would it not be in the interest of Government to draft their own legislation as opposed to getting the two Associations to draft this legislation, and is that not a conflict to pay for it?

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, there is no way . . . it might be free to government but it was not free to them. I am absolutely sure of that or have the belief that it was not free to them. So, there has to be some degree of conflict connected in there.

The Speaker: Honourable Minister of Financial Services, if you could answer the first part of the question. The part relating to 'conflict', the Member for East End has stated that there is obviously a conflict, so, unless you wish to dispute that, you are not required to answer because you only ask a question that you don't know the answer to.

Do you need him to repeat it?

Hon. G. Wayne Panton: Yes, Madam Speaker, just the first part of—

The Speaker: Member for East End, would you oblige the Honourable Minister and repeat your question?

Mr. V. Arden McLean: Madam Speaker, I was asking if it was not a conflict for the very people who are going to benefit from this Law. And we have been in discussions surrounding this Law for the last 15 years, according to everybody. Is that not a conflict, the very people who have been involved in it and advocating for a particular process, a particular law?

The Speaker: Honourable Minister of Financial Services.

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

Madam Speaker, let me be very clear. I started in response by saying that there was drafting instructions which Cabinet accepted as a proper basis

upon which to have this legislation drafted by this individual who was a former employee of the Legislative Drafting Department of Government.

Madam Speaker, there was a presentation, I think, at least on two occasions in 2014 and 2015 on the Joint Position Paper which was agreed by the Caymanian Bar Association on the one hand, and the Cayman Islands Law Society on the other hand. There was at least three points of principle that was added to that Joint Position Paper by Cabinet and that position paper as amended by Cabinet formed the clear basis for the drafting instructions that went to Mr. Borrowman as the experience legal draftsman, Madam Speaker.

I hear the Member saying that the Caymanian Bar Association and the Cayman Islands Law Society drafted the Law. That is not correct, Madam Speaker; that is a complete misrepresentation. There were clear drafting instructions agreed by Cabinet. Those drafting instructions were followed by the draftsman and we have the Bill which was finally signed off by the Government Legal Drafting Department and published and presented and Tabled in this House, Madam Speaker. So, there is absolutely no drafting by any Association. This was based strictly on the drafting instructions approved by Cabinet.

Thank you, Madam Speaker.

The Speaker: Member for East End, I will allow two more supplementaries and then I will recognise the Honourable Leader of the Opposition.

Mr. V. Arden Mclean: Thank you, Madam Speaker.

And, Madam Speaker, maybe the Minister does not understand that these stupid questions bring out the best in here.

Madam Speaker, can the Minister say, who paid Mr. Borrowman since he was instructed?

“The preliminary draft was prepared by a draftsman formerly employed by the Government, Mr. Clive Borrowman, in accordance with the draft instructions approved by Cabinet, but commissioned jointly by the Cayman Islands Law Society and the Caymanian Bar Association. Accordingly, there was no cost to the Government for this work.” [UNVERIFIED QUOTE]

Who paid Mr. Clive Borrowman?

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I am no more able to confirm who specifically paid Mr. Borrowman than I am able to confirm who, for example, paid, if any, or if at all, some of the attorneys of record who were working with the previous government in drafting a Legal Practitioners Bill. I don't know, Madam Speaker. All I can say is that this work did not cost the Government any money. I assume that it was a

joint enterprise between the Law Society and the Caymanian Bar Association in terms of having Mr. Borrowman prepare the draft in accordance with the approved drafting instructions from Cabinet. Thank you.

The Speaker: Honourable Minister, are you in a position to say whether or not Mr. Clive Borrowman received consideration at all?

Hon. G. Wayne Panton: I assume so, Madam Speaker, but I do not have any such details.

The Speaker: Member for East End, your final supplementary.

Mr. V. Arden McLean: I'll get him with this one. I'll get what I need with this one.

Madam Speaker, is the Minister telling us that he assumes he got paid for government work after he was engaged by government and the Executive of this country does not know how government work was- 1) paid for and 2) conducted and is work to be brought to this Legislature? Is that his answer?

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I think I have been clear. The drafting instructions were provided to Mr. Borrowman and there was an understanding that the Caymanian Bar Association and the Cayman Islands Law Society would make the arrangements, if any, with Mr. Borrowman. I do not have details around that, Madam Speaker. But I can say that the Bill was prepared in accordance with the drafting instructions and it was presented and reviewed by the Government Legal Drafting Department and ultimately signed off for presentation in this House, Madam Speaker.

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

Hon. W. McKeever Bush, Leader of the Opposition: Thank you, Madam Speaker.

Madam Speaker, will the Minister lay a copy of the drafting instructions on the Table? If he does not want to do that I will settle to have a copy of it. And, to the knowledge of the Minister, can he say how many amendments are being put forward to this Bill by the Government as of now?

[Inaudible interjections]

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, we have not gotten any copies of any amendments.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I am certainly happy to table a copy of the agreed Joint Position Paper between the Caymanian Bar Association and the Cayman Islands Law Society as modified by Government. I don't have a copy of it available immediately but I am certainly happy to table that later today.

The Speaker: Minister, I think. . . Was that what you were asking for? I thought you asked for—

[Inaudible interjection]

The Speaker: Can the Chair just have some attention please?

I thought the Honourable Leader of the Opposition asked for the drafting instructions to be tabled as opposed to the Position Paper, if they are not one of the same. Just to make sure that the Chair understood correctly; is that your position?

Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, as I have indicated, the Joint Position Paper as amended by Government, formed the basis of the drafting instructions approved by Cabinet. So, as I have indicated, I would be happy to table that later today.

In terms of his additional question which I think was to amendments, we have certainly filed amendments but I understand they have not yet been circulated.

Hon. W. McKeever Bush, Leader of the Opposition: How many?

Hon. G. Wayne Panton: I don't know the exact number. I certainly heard the Member previously indicate that it was 60. I think it is somewhere around 40.

The Speaker: Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: Thank you, Madam Speaker.

Madam Speaker, I thought at one point he said it was 63 but —

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: Yes, let's wait to see. I guess they will soon come to us.

In any event, Madam Speaker, I just want to make absolutely clear, whether there are two different things, that the position of the two legal Associations and the drafting instructions as per Cabinet. There is a

difference. I want to make sure that now he has said that, I want all two.

The Speaker: Honourable Minister of Financial Services, can you just clarify for the Honourable Leader of the Opposition?

Hon. G. Wayne Panton: Madam Speaker, I am a little confused by his distinction. I think I have been quite—

[Inaudible interjection]

The Speaker: Order,

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

I think I have been quite clear, Madam Speaker, that the Joint Position Paper between the two representative bodies, one being the Cayman Islands Law Society and the other being the Caymanian Bar Association, as modified by Cabinet, forms the basis for the drafting instructions.

The Speaker: Honourable Leader of the Opposition, do you have a supplementary?

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, he is absolutely clear with what he is saying. What I am not clear of is whether it is two different things and he has not said that.

Are there drafting instructions? What are the positions taken by the two Associations? Is it two separate things?

[No audible reply]

Hon. W. McKeever Bush, Leader of the Opposition: So, there are two separate things, because while you were answering, Madam Speaker, the Premier is telling me I am not getting those drafting instructions.

The Premier, Hon. Alden McLaughlin, Jr.: No, I did not say that.

Hon. W. McKeever Bush, Leader of the Opposition: What were you saying?

The Premier, Hon. Alden McLaughlin, Jr.: Cabinet paper.

Hon. W. McKeever Bush, Leader of the Opposition: I want, Madam Speaker, and I am requesting of the Government their drafting instructions.

The Premier, Hon. Alden McLaughlin, Jr.: Yes, you can get them.

Hon. W. McKeever Bush, Leader of the Opposition: Yeah. I'm not asking for the Cabinet paper, however,

you give it to me, as long as what you give me is what you have done in Cabinet because that is where the drafting instructions would have had to come.

The Premier, Hon. Alden McLaughlin, Jr.: Yes.

Hon. W. McKeeva Bush, Leader of the Opposition: Right! So, that is what I am asking for.

The Premier, Hon. Alden McLaughlin, Jr.: You can get that.

Hon. W. McKeeva Bush, Leader of the Opposition: All right. Well, what were you saying 'no' for?

[Inaudible interjections]

The Speaker: Honourable Minister of Financial Services.

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

Madam Speaker, I can only speak to my experience which admittedly has not been of the length of the Leader of the Opposition. But certainly, drafting instructions vary. I have seen drafting instructions where somebody has prepared something that looks virtually like the amendment if it is an amendment, or if it looks like the standalone Bill. And that is then accepted as a basis for drafting instructions.

In this case, Madam Speaker, we accepted the Joint Position Paper as modified by Cabinet, as the drafting instructions. So, that is what I am proposing to the table for the benefit of the membership, Madam Speaker.

The Speaker: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: So, Madam Speaker, let's get this clear then.

Mr. V. Arden McLean: There were no drafting instructions; they sent a Bill. That is what it was.

Hon. W. McKeeva Bush, Leader of the Opposition: The two legal Associations proposed positions, sent them to Cabinet and Cabinet then accepted or amended or whatever to those positions as drafting instructions.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, it is correct that the Joint Position Paper between the Caymanian Bar Association and the Cayman Islands Law Society set out a broad range of principles which were relevant to the issues around the Legal Practitioners Law, going back for many years. And this position paper

represented what was described as a C-change in approach between the two Associations where they finally agreed on the important issues that needed to be reflected in the Bill, Madam Speaker. And this formed the basis of the drafting instructions. I have seen similar approaches being taken. As I have said, in my admittedly short experience with government, I have seen a variety of approaches being taken to form the basis of drafting instructions. The Leader of the Opposition is indicating that he knows that, he understands and he is familiar with that approach. So, the fact that we are talking about a joint position paper as amended by the Government, as forming or being the drafting instructions, that is not unusual, that is not improper in any way and it certainly has much precedence from what I have observed, Madam Speaker, in the drafting approach to legislation. Thank you.

The Speaker: Honourable Leader of the Opposition, I will allow two more supplementaries.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I am not arguing the point about the propriety of what they did. What I want to find out is what they agreed on that was given to them, and that then, was given back to the Associations and those instructions is how the Bill was done. That is what I want to confirm.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I have been in and out of Cabinet several times and, for instance, the Mutual Funds Bill, the one that brought mutual funds here to this country, was done by Tony Travers and given to the Government and the Government then amended it the way they wanted.

[Inaudible interjection]

The Speaker: Member for . . . just a minute.

Honourable Leader of the Opposition, were you expecting a response or confirmation on it?

Hon. W. McKeeva Bush, Leader of the Opposition: I just want to assure the Minister that I am not accusing him of anything. I want to try to find out whether there is a difference; whether they produced a paper, that paper was taken to Cabinet and then sent to those two Associations, or if it originated with the two Associations and came to them, they did what they had to do with it and sent it back to them and said, *Give us a Bill.*

The Speaker: Honourable Members . . . sorry, are you finished sir?

Hon. W. McKeeva Bush, Leader of the Opposition: I don't know whether he addressed the matter of cost. I thought he said he did not know—

Mr. V. Arden McLean: He didn't know.

Hon. W. McKeeva Bush, Leader of the Opposition:—what the amount was that was paid to Mr. Borrowman—

The Premier, Hon. Alden McLaughlin, Jr.: Government did not pay for it.

Hon. W. McKeeva Bush, Leader of the Opposition: But that government did not pay. That is my understanding.

[Inaudible interjection]

The Speaker: Honourable Members, I believe that we can cut down the time for supplementaries on this if we took the luncheon break and if the House was provided with a copy of the drafting instructions after lunch.

We will break now and come back . . . sorry.
Honourable Premier.

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, just to complete the point about who is responsible for what on this side. I just refer you, Madam Speaker, to section 56 of the Constitution dealing with the Attorney General. 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 advisor to the Government and the Legislative Assembly.**” That is the extent the Constitution deals with, as to the role of the Attorney General.

Mr. V. Arden McLean: Instruments of different things.

The Speaker: We will take the luncheon break and reconvene at 2 pm.

Proceedings suspended at 12:57 pm

Proceedings resumes at 2:58 pm

The Speaker: Proceedings are resumed.
Please be seated.

**QUESTION NO. 34:
THE COST OF OUTSOURCING THE
DRAFTING OF THE LEGAL PRACTITIONERS BILL
AND BY WHOM WAS IT DRAFTED**

[Continuation of supplementaries thereon]

The Speaker: Before we took the luncheon break we were waiting for a response from the Honourable Minister of Financial Services.

Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Thank you very much, Madam Speaker.

Madam Speaker, I was asked to table the joint position paper between the Caymanian Bar Association and the Cayman Islands Law Society. But before doing that, Madam Speaker, in the interest of full disclosure, I do need to make one clarification in respect of the answer that was given originally. Madam Speaker, the drafting instructions were approved through the caucus process and not specifically at that time by way of a Cabinet paper. So, Madam Speaker, what I am going to table is the position paper that I indicated, which forms the basis of the drafting instructions, as well as a subsequent and annotated version of that which reflects two things, one being the policy positions which were taken in respect of the three items that were added as principles to be reflected in the draft and where the provisions of the joint position paper were reflected in the draft legislation at that time. So, with your permission, Madam Speaker, I will table these at this point.

The Speaker: So ordered, Honourable Minister.

[Joint Position Paper laid on the Table of the House]

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

Mr. D. Ezzard Miller: Through you, Madam Speaker, to the Honourable Minister. The Minister says that the draft was commissioned jointly by the Cayman Islands Law Society and the Caymanian Bar Association. Does the Minister have any information as to how that was jointly split? Was it 50/50, 90/10, 100/0?

The Speaker: Honourable Member for North Side, can I crave your indulgence for you to repeat that, as I was conversing with the Serjeant and I did not hear all questions?

Mr. D. Ezzard Miller: The question I am asking the Member, Madam Speaker, is that his answer given was that it was commissioned jointly. I am wondering if he has any information of how that was jointly shared. Was it 50/50 on the cost? Or was it 60/40 or 90/10 or 100/0?

The Speaker: Honourable Minister of Financial Services.

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

I believe the Member is asking about what may have been any cost associated. I don't have that information at all, as I indicated, Madam Speaker. There was not a cost to government. The position paper was a joint position paper between the two Associations and I have no other information specifically in respect of how they allocated any kind of cost, if any.

The Speaker: Honourable Member for North Side.

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

Can the Minister clarify that when he refers to "commission jointly", he is talking about the drafting instructions which was just tabled and not any cost related to hiring Mr. Clive Borrowman?

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, that is correct. As I said, this was a joint position paper. I have no information to add on the burden of cost. Thank you.

The Speaker: Member for East End, followed by the Fifth Member for George Town.

Mr. V. Arden McLean: Madam Speaker, for further discussion, I would respectfully ask if we could get copies of those draft instructions.

The Speaker: It is being done as you speak, Member.

Mr. V. Arden McLean: Thank you, Madam Speaker. But further, my question is that the Minister just said he made a correction to the substantive answer. And instead of the draft instructions approved by Cabinet, I understood him to say that they were approved by caucus. Am I correct in that?

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, that is correct. The Government has operated on a caucus basis in terms of considering recommendations in respect of policy decisions and this was a matter considered by caucus and the authorisation was given to prepare the draft in accordance with the joint position paper as modified by Caucus. Thank you.

The Speaker: Honourable Member for East End.

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

Madam Speaker, can the Minister say if it is not the practice, the requirement for instructions to be given by Ministers through Cabinet or is there a change in those processes?

The Speaker: Member for East End, can you make it relevant to this question rather than a general policy since it is a supplementary?

Mr. V. Arden McLean: Well, Madam Speaker, after he changed it from Cabinet to caucus, then, I am asking, I guess, generally.

The Speaker: You can—

Mr. V. Arden McLean: I guess it—

The Speaker: Just make what you are asking specific to this, rather than asking a general policy because it is not the Premier, it is the Minister of Financial Services.

[Inaudible interjection]

Mr. V. Arden McLean: You would not answer the substantive question.

The Speaker: Member for East End.

Mr. V. Arden McLean: Madam Speaker, can I put it this way? Can the Minister tell us why in this instance the process may have changed instead of instructions being through the Minister, through Cabinet?

The Speaker: Honourable Minister of Financial Services.

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

Madam Speaker, the reality is the process is not fixed in how these things are developed, how drafts are developed. What is fixed is that it has to ultimately be approved by Cabinet, signed off by Cabinet before it is tabled here.

Madam Speaker, there are other instances where, for example, in relation to the Maritime Authority (and that may be true of some other Authorities as well) where they have someone prepare a draft legislation and it then comes through to be reviewed by the Ministry and ultimately it goes through a caucus and then Cabinet's final process before it is tabled. So, there is nothing absolutely fixed with the process if it involves drafting being done by outside consultants where the drafting is typically done by the government's Legal Department. The Government's Legal Department usually asks for a Cabinet approval of specific drafting instructions before they proceed. But it is not uncommon, and, in fact, it is relatively common to have legislation prepared outside that process and subsequently considered and approved ultimately in Cabinet for presentation or tabling, Madam Speaker.

Madam Speaker, in this case, we did have this Bill reviewed by the Government's Legal Drafting Department to ensure consistency, as I noted in my

initial answer; and to ensure that there was a reflection and it was consistent with Cayman's legal principles and it was considered also in the context of the omnibus authorisation given in respect of the Financial Action Task Force amendments that were required. Ultimately, Madam Speaker, it was reviewed and signed off by the legal department within those parameters and approved and published in this honourable House. Thank you.

The Speaker: Member for East End, followed by the Fifth Elected Member for George Town and then the Leader of the Opposition.

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

Madam Speaker, this is my last question and I am going to leave it alone.

Madam Speaker, every Member who has spoken in this House on this Legal Practitioners Bill thus far, has expressed concerns about discrimination against Caymanians by law firms. "Perceived" or "real" were the two words used to describe that discrimination.

Madam Speaker, I wonder if the Minister can tell us whether or not he, and/or the Government consider allowing those two organisations from all of those large firms, making instructions and paying for the development of this Legal Practitioners Bill to be delivered here which we are currently doing. Can the Minister tell us if he and/or the Government does not consider that a conflict?

The Speaker: Honourable Minister, you can answer as it relates to yourself and unless you have consulted with the other Government Members, you do not have to answer the latter.

Hon. G. Wayne Panton: Madam Speaker, the draft position paper or the joint position paper and the draft Bill contains a number of provisions which specifically sought ways to address the concerns around discrimination. So, Madam Speaker, the Caymanian Bar Association being a body representing the interest of Caymanian lawyers, was the organisation that agreed this position from their perspective on behalf of their members. Ultimately, their membership supported the Bill in the provisions. So, Madam Speaker, it was on that basis that the view was taken that there was fair representation of the concerns in relation to Caymanian interest and anything relating to discrimination.

Madam Speaker, unless the Member thinks that all of the good Caymanians that are involved in the Council of the Caymanian Bar Association were not acting in the interest of Caymanian lawyers, that is up to him, but I took the position in good faith that they were representing the views and the interest of Caymanian lawyers in agreeing this joint position paper.

Thank you.

The Speaker: Fifth Elected Member for George Town.

Mr. Winston C. Connolly, Jr., Fifth Elected Member for George Town: Thank you, Madam Speaker.

Madam Speaker, through you to the Honourable Minister: What was the exact mandate of the two societies given the drafting instructions? Was it their executives or was it after they had consulted with their membership to move forward with the drafting of this Bill?

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I don't know that I can be 100 per cent accurate in responding on that, but my understanding at the time was that what was being agreed was the Council, the governing bodies of the Associations were reflecting the interest of both Associations in agreeing these positions. I am no longer a member of either one, as far as I know. I certainly have not paid any fees for many years. So, I was not involved with that and I can't really speak beyond that. Thank you.

The Speaker: The Fifth Elected Member for George Town.

Mr. Winston C. Connolly, Jr.: Madam Speaker, I raised the question because we have gone through a bit of PR campaign showing all of the statistics after the fact, about how many people or the percentage of the people who voted at the CBA level accepting this Bill. And I was just seeing if that carried through in the drafting instructions. But I will go on to a second question.

One of the cornerstones of Cayman's success is the Rule of Law, and the apex of which is the Attorney General as guardian of the public interest. It is extremely concerning that such a pillar (i.e. the regulation of the legal profession) has been privatised to interest with inherent conflicts as evidenced by a number of the letters tabled before this House, including the CBA's memos to immigration. And I want to ask the Honourable Minister, in the vein of full disclosure, accountability and transparency, whether that is not now seen in hindsight as perhaps not the best way forward (i.e. the Cayman Islands Law society and the Caymanian Bar Association) of being the instructors of the drafting of this Bill.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, the Member may want to, or wish to question, the integrity and the motives and intentions of those members of these two Associations and their governing bodies as to why

they took the positions they did and agreed this joint position paper. But, Madam Speaker, I think, as the Minister and certainly as the Government, we should not be questioning their motives or their intentions when they come to us and say, *This is the agreed position that we want to move forward on this basis with and seek finalisation and approval of these draft legislation amongst our membership.*

The Member referred to a process which the Bar Association went through to get approval of the membership to the Bill. I see nothing wrong with that approach. Madam Speaker, the membership was free to read the Bill and say whether or not they were in favour of it or not. I am not here to question their motives or their integrity. If the Member wishes to do that, that is entirely up to him. But I think that coming and representing to us as they did, that this is their collective position on these long outstanding issues, I think we have a right to take it at face value. Thank you.

The Speaker: The Fifth Elected Member for George Town, I will allow two more.

Mr. Winston C. Connolly, Jr.: Thank you, Madam Speaker.

Just a clarification with the question before, because I don't think it was answered. I was asking about the genesis, not what happened afterwards. You would not check and verify that it was the full membership that had been consulted and they wanted this Bill, or was it just the two association executives that approached the Government?

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, the associations, just like any corporate body, worked through their councils or whatever the governing body is called. So, if they come to us and say- *Here is a joint position, these are the principles that have concerned the members of these associations for some time and we have finally reached an agreement on these points and principles and we would like to be able to move forward with a draft piece of legislation which reflects these joint principles,* again, Madam Speaker, I see nothing wrong these two bodies which are the bodies that make the decisions in respect of executive decisions and administrative matters for the associations and moving forward on that basis.

It was certainly never the intention that they would not seek approval, whether it was the entire membership, whatever. We needed to be satisfied and, as I have said previously, we were provided subsequently with the satisfactory evidence that the membership of these associations approved this Bill. So, this is the executive bodies representing the position of the associations. We are entitled to take their representations at face value and then there is a sub-

sequent approval of the product of those associations' councils being put to the membership and approved. So, Madam Speaker, I see nothing wrong with this and I appreciate where the Members are trying to go with these types of questions, but I don't think there is anything in it.

The Speaker: The Fifth Elected Member for George Town.

Mr. Winston C. Connolly, Jr.: Madam Speaker, I am trying to get to the public interest inquiry as in Cabinet, not trusting but not verifying.

Madam Speaker, through you to the Honourable Minister: Again, we are talking about full disclosure in his own words here when he started back this afternoon. Can we requisition the drafters' contract and have it delivered to the House please?

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, the full disclosure was disclosure that there was the need for clarification on what body gave authorisation to move forward initially. I have made that disclosure.

I am not in a position to obtain . . . or . . . I can solicit, I can ask but I am not in the position to obtain any sort of contract if there was something to that effect, Madam Speaker.

The Speaker: Honourable Fifth Elected Member for George Town.

MOTION MOVED ON THE FLOOR OF THE HOUSE

Mr. Winston C. Connolly, Jr.: Madam Speaker, I would like to move a motion to request the contract.

The Speaker: Do you have a seconder?

Mr. V. Arden McLean: I'll second it. I beg to second it, Madam Speaker.

The Speaker: Do you wish to speak further to the Motion, Fifth Elected Member for George Town, as to reasoning?

Mr. Winston C. Connolly, Jr.: Yes, Madam Speaker. Thank you.

Madam Speaker, again, we talk about accountability and transparency. We talk about motive because, Madam Speaker, just this week we got word that a member of the Caymanian Bar Council and Association resigned abruptly. I am not making frenzies into why that was, but I think what we are finding, especially due to the number of documents that were tabled last week in this House by the Opposition, in-

cluding memos from that very same executive, there are issues that we would have expected to have been raised in the drafting instructions based on some of those longstanding issues. There are things that we would have expected to have been covered. And while we sit here and say well, they were done in the best interest of Caymanian lawyers and Caymanian law firms, we do not have any proof of what that is, Madam Speaker, because we are still waiting for those joint letters from the CBA and the CILS.

Madam Speaker, if we are asking this House in good faith to come to the table to discuss some 75 amendments by the Government, including (I just went through this) 135 from the Opposition, we need to know what it is both associations, given the mandate, were looking to do. Because, Madam Speaker, if all of a sudden after two years of drafting this Law, drafted in private until 21 days before the date in October that it was brought to this honourable House, suddenly needs that many amendments from the Government side that brought the Bill, then, it begs the question whether or not the Bill which was circulated and signed off by 75 per cent of the people who actually turned up to vote (which was not 75 per cent of the membership of the CBA, I want to note), if that Bill now accords with the original mandate. And we can't do that unless we see what that mandate is; what was the drafter's contract; how did it compare to the joint position paper; what has now changed so dramatically that we have had to have 75 amendments by the Government to its own Bill plus 135 amendments by the Opposition finding serious concerns with the Bill; and in light of the serious allegations of Caymanian lawyers this past week that have gone on record, which is unprecedented, Madam Speaker. Caymanians who go on record know the ramifications.

Again, in the public interest, given these serious allegations, not perceived like we heard a lot yesterday but real actual experiences of Caymanian lawyers, we need as a full House to be fully aware of what the mandate was, what it is now and what we are being asked to do on behalf of these two bodies and the Caymanian lawyers. So, Madam Speaker, it is why I move this Motion. It is time for full disclosure, full accountability, and full transparency, because I do not feel at this stage that representations made to me as a parliamentarian in this House, are representations that I can go on without seeing some proof; trust but verify.

Thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak?

I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, I hope this honourable House and everyone

listening understand full well what is continuing to transpire here.

Madam Speaker, this is just further efforts by the Fifth Elected Member for George Town, who has said publicly, he will ensure that we pass no Bill in relation to this matter. He and his colleagues on the other side—

Mr. Winston C. Connolly, Jr.: Madam Speaker.

The Premier, Hon. Alden McLaughlin, Jr.: —to delay this process—

The Speaker: Fifth Elected Member for George Town, do you have a point of order?

POINT OF ORDER

Mr. Winston C. Connolly, Jr.: Point of order.

The Speaker: Please state the point of order.

Mr. Winston C. Connolly, Jr.: Madam Speaker, please ask the Honourable Premier to put whatever evidence he has that I have said that, forward. Because what I have said, Madam Speaker, consistently, is that I will pass this Bill when it is balanced and the interest of Caymanians is in there. I have never said I am going to see that this Bill never gets passed in this House. In fact, if I put—

An Hon. Member: He is misleading.

Mr. Winston C. Connolly, Jr.: Yes, he is actually very misleading, because I have made multiple posts all over social media as soon as this past weekend. What I have said is what we need to do as a House is to call a commission of inquiry, pass the CFATF positions, put in place a council made up of 100 per cent Caymanians, which I was glad the Minister of Finance echoed yesterday. But I have never said what that was. So, I categorically refute it, Madam Speaker.

The Speaker: Honourable Premier, the honourable Member for George Town is saying that he has not made that statement. Do you have any proof of it, or would you wish to move on?

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, I am not going to go down that road because that is where he wants me to go so that we can delay the process further. In due course, I can't go and get a copy of the Hansards or anything at this moment, so I will withdraw that for the time being. But, Madam Speaker, there is no doubt in anybody's mind what the objective of this exercise is.

Madam Speaker, for the life of me, I cannot understand how that Member and the others on the other side who have taken his position, somehow be-

lieve that all of the concerns that have been expressed by the many Caymanians who have written, some who have put their names to their letters, others who have come to us principally about the discrimination factor, somehow believe that having no Bill passed by this House, which is what the course that we are on now, is going to result in.

POINT OF ORDER

Mr. Winston C. Connolly, Jr.: Madam Speaker, on a point of order.

The Speaker: I recognise the Fifth Elected Member.

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, I never said a word while that Member was speaking. Let him sit down until he winds up on debate—

The Speaker: Order, order.

Fifth Elected Member, do you have a point of order?

Mr. Winston C. Connolly, Jr.: Madam Speaker, point of order.

The Speaker: Please state your point of order.

Mr. Winston C. Connolly, Jr.: I have never in this House or outside of this House, said anything about stopping this Bill. The Member is misleading this House and the public. I have said repeatedly that we need to stop, look at the provisions that we need to pass and take our time in a full committee of the whole House and look at all of the amendments. There are 75 plus amendments by the Government and there are 135 amendments by the Opposition. We need to look at them. That's all I have said. I have never said that I want to stop this Bill.

The Speaker: Honourable Premier, the Member, again, is stating that he has not said it. I know you said what you said with a condition precedent. If you could please continue your debate without that section until you are able to retrieve your evidence, sir.

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

Madam Speaker, I just don't know for the life of me, how they believe that going down the road they have with one obstacle after another in the way of this Bill proceeding to a vote, is going to somehow improve the position of Caymanians at the Bar or who wish to be called to the Bar. All of the complaints about discrimination, Madam Speaker, which I believe, by and large (and when I come to my substantive debate I will talk about that at length), but how do we believe that maintaining the status quo is some-

how better than arriving at a Bill which goes some way, if not the full length that some Members might believe, to addressing these issues? Every single complaint about discrimination, every example of it that has occurred in the course of the last 40 years, have occurred because of the status quo or under the status quo, not because of the Bill we are proposing. That Bill has no legal effect.

I have not looked to see how many amendments are being proposed by the Minister but I understand it is not the number the Fifth Elected Member has said, but I can't argue about it because I have not looked. But I will say this: the amendments proposed on this side which are being complained about, it seems, are efforts by this Administration to address the issues that have been raised by the Fifth Elected Member and others, because we are trying with everything we have to get a Bill which does do what all of us want it to do—regulate the profession; support and promote the practice of law in these Islands; and ensure the training, employment, education and advancement of Caymanians at the Bar. That is what we are seeking to do. If we were being completely unresponsive to the concerns that were raised and say, *We are going to insist on the Bill in its current form regardless*, there would be some cause for complaint. But instead of embracing the Government's willingness, including (and let me deal with this right now, Madam Speaker) our efforts to have Members on the other side sit in the Committee room in camera and talk about these matters, all of those are fobbed off—why? In my view, because the last thing they are interested in is a Bill which the whole House can support. They want absolute war.

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

The Premier, Hon. Alden McLaughlin, Jr.: That is my opinion. There is no point of order; that is my view.

Mr. Alva H. Suckoo, Jr.: That is a point of order, Madam Speaker. He is imputing—

The Speaker: Fourth Elected Member for Bodden Town, do you have a point of order?

POINT OF ORDER

Mr. Alva H. Suckoo, Jr.: He is suggesting that our motives are to try to derail this Bill or to try to hurt the country is what he is basically saying.

The Premier, Hon. Alden McLaughlin, Jr.: That is what—

Mr. Alva H. Suckoo, Jr.: Madam Speaker, we want to get this right and that is what we have been arguing from day one, which is why we made the effort to go

to every district in this country to talk about this Bill. I am not minded to just simply accept something that was written by the perpetrators of the discrimination against my people and to simply accept that as something that I should sit and vote on without having a say.

Madam Speaker, our people are depending on us to get this right. I agree with the Government on that, but we need to take the time and effort to have both sides equally balanced. We are simply asking for a copy of a contract.

The Speaker: The point of order, as I understand it, honourable House, from the Member, is under [Standing Order 35(4)] “**No Member shall impute improper motives to another Member.**” The Member was trying to clear his particular position.

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, unless we get to a point in this House where a Member cannot express his opinion, then, Madam Speaker, what I say stands, which is, in my opinion, all of the actions that they have taken and are taking again this evening, appear to be aimed at derailing this process. We all know we are against time constraints. The House is going to be dissolved on the 28th March.

Madam Speaker, let me just say this and then I am going to sit because it should be clear to everybody who is paying attention, as to what is going on. Madam Speaker, this Bill was published more than six months ago. If the Government had been intent on driving through the Bill in a particular form, we would have done so then. Does anyone in this House seriously believe that Alden McLaughlin, after 16 plus years in this House, does not understand the political risks involved in proceeding with a controversial Bill like this at this point with the elections two months away? The reason, not just me, because I asked every single Member of my team: *Gentlemen and lady, do we wish to withdraw this Bill because of all of those things?* Because we know that the Opposition is having a field day and we know no matter how much they swear up and down, that they see the political currency in what they are doing.

Madam Speaker, to a man and woman, we all agreed that this Bill is absolutely critical; not this Bill, a Bill is critical to the financial services industry, to the thousands of jobs of Caymanians who work in that industry, to Cayman’s reputation internationally in terms of the looming FATF examination or assessment of Cayman and the industry; that it is critical to the many Caymanians whose concerns have been put forward over and over again by Members on the other side. I say to all of them and to everybody listening, if we follow this process to its end, going down the course that is being set by some Members of the Opposition, we are going to dissolve this House in two weeks’ time, exactly two weeks from today, with no

Bill, with the Caymanians who have been and are being discriminated against, in absolutely no better position than they are now. And, Madam Speaker, they will call for evidence of this. But I have had two Members on that side say to me—*Leave it until the next administration.* One of them was not the Fifth Elected Member for George Town.

Mr. Winston C. Connolly, Jr.: What did you say, not me?

The Premier, Hon. Alden McLaughlin, Jr.: I said one of them was not.

Mr. Winston C. Connolly, Jr.: Okay, good.

The Premier, Hon. Alden McLaughlin, Jr.: Was not. Because, Madam Speaker, Alden McLaughlin is many things, but a liar he is not. I make mistakes like everybody else, but a liar I am not.

So, Madam Speaker, I understand. They can say whatever they want but I understand what their objective is. And if we believe that we are serving the interest of our people, the same people whom we get up and read their letters with tears rolling down our face, if we believe we are serving their interest by leaving the status quo, then, you need to think again.

Madam Speaker, over the weekend I spoke to three Caymanians who said to me: “Alden, this Bill is going to kill Caymanian lawyers.” In three separate instances I said —“My friend, why do you think that?”

“Because Winston and Arden say that if this Bill goes through, Caymanians are not going to get jobs as lawyers anymore.”

These are not lawyers I am talking to, these are average people. These people, Madam Speaker, do not understand and cannot be expected to understand the technical aspects of the Bill. But what they have gotten is an impression that somehow this Bill is going to make the lot of Caymanian lawyers worse. So, I said to them in each three separate instances: “Tell me something, do you realise that this Bill is not the law; it is not in effect now, and all of the instances of discrimination and bad treatment and lack of opportunity that are complained of are occurring under the status quo where there is no such Bill? And in all three instances they said: “I didn’t realise that. Listening to them I thought this Bill was going to make these things worse.”

Madam Speaker, I say again, I extend this invitation again for the third time. It was initially suggested by the Leader of the Opposition; I took him up on it. It was on Friday suggested by the Member for East End; I took him up on it. I extend an invitation again, if Members and specifically if Members on the other side are serious about obtaining for the people of the Cayman Islands and the lawyers in particular, a good law to regulate the legal profession which supports and promotes its growth and which gives Cay-

manians greater opportunity for training, employment, education and upward advancement. Let's sit in the Committee and try to work through these however many amendments there are, because, Madam Speaker, remember I said this: the course we are on now is going to result in no law, and all of the issues and all of the concerns about discrimination and lack of opportunity and the way firms treat Caymanian lawyers and article clerks, all of those are going to continue under the status quo. If that is something the Opposition wants to wear, fine! But it is not something that I want to be a part of my legacy and the legacy of the Government which I have the honour and privilege to lead. And so, Madam Speaker, I beseech Members again, to back away from this hostility and this anger and this obsession and let's work together and try to do what is in the best interest of Caymanians.

I am going to say this, Madam Speaker: All of those over there with their bleeding hearts let me say this—there is no Member in this House who has a greater personal stake in us having a good Bill than I do. I graduated from the Cayman Islands Law School in 1988; started my articles in 1983. I was in my firm until 2005 when I became a Minister. They're working hard. Lots of people are working hard to see me out of here. That is the life of a politician. I've done four terms and I have given it my best. Whatever the outcome is, the outcome is at the next elections. But I have no other training. I can farm and I got a nice little farm but I don't believe I am going to be able to survive on that. I expect in due course, whether it is in two months or four years and two months, because I certainly wouldn't serve beyond then, to have to take up to resume the practice of law in one way or the other. Do you think I do not want a good piece of legislation to operate within?

My wife is a lawyer who, almost two years she could not get articles in Cayman. Do you think I don't want a situation which enhances the opportunity of Caymanians to get articles?

I have a son who is three months away from qualifying, God willing, completing his articles at Maples, since they say you have to declare interest. I'm waiting to hear them declare some of the interests, but that is for my real debate.

Madam Speaker, there are four of us in my immediate family and two are lawyers and one, God willing, will shortly be. Do you think I don't care about the outcome of this?

[Inaudible interjections]

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, I have been around politics a long time. This is my seventh campaign and my fifth as a candidate. I have never, Madam Speaker, witness the level of viciousness that I have seen gone on over this Bill against a sitting Member of this House.

Madam Speaker, let me tell you one thing about the Minister of Financial Services; the much maligned Minister of Financial Services. When all of them over there and those who are advising them (lawyers I am talking about), have begun to do one-tenth for Caymanian youngsters in the law that the Minister of Financial Services whom I know personally has done, then, they have some ground to talk about he does not care about Caymanians. When they have sent as many on scholarships and paid for as many out of their own pocket, have promoted their interest and worked to ensure they had opportunity, then it might lie in their mouths to question the motives and integrity of a man like Wayne Panton, the Minister of Financial Services.

Madam Speaker, it cuts me to my core to see people and hear people like the Fifth Elected Member for George Town who have been given an opportunity by that Minister. He has acknowledged he has been given an opportunity—

POINT OF ELUCIDATION

Mr. Winston C. Connolly, Jr.: Madam Speaker, point of order.

The Speaker: Honourable Fifth Member for George Town, what is your point of order?

Mr. Winston C. Connolly, Jr.: Improper motive again, Madam Speaker.

Madam Speaker—

The Premier, Hon. Alden McLaughlin, Jr.: What motive?

Mr. Winston C. Connolly: Well, you're trying to say that basically I am only here or I was only a lawyer by the grace of the Minister of Financial Services.

The Premier, Hon. Alden McLaughlin, Jr.: I never said any such thing.

Mr. Winston C. Connolly: In fact, when Walkers came and offered me a job, I already had an offer at Maples that I turned down at the same time. So, don't start leaning and saying, Oh, I only got opportunities at . . . I earned my way into whatever I have gotten. I have not gotten any hand ups in this fraternity.

The Speaker: Honourable Member for George Town, the Chair does not consider that to be a point of order but more of a point of elucidation.

Honourable Premier.

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, I was not suggesting that the Member did not earn his own keep or that he is not an able lawyer; that is not my point. I am saying that I could not—/

could not— say those sorts of things against somebody who gave me an opportunity.

Madam Speaker, let me say this: I finished my A-levels in 1981, bound and determined never to go back to school again, because, Madam Speaker, the opportunities which availed themselves in Cayman at the time was such that I felt I could get wherever I wanted to go without tertiary education, so I wound up working for government and in short order I was deputy clerk of the courts at age 21. They were crazy but nonetheless that is where I was. The people who gave me the drive, the incentive, who encouraged me to go into law . . . I sat down last night as I thought about what I would say today and said, *You know, every single one of them was a foreigner, every single one.*

Madam Speaker, we all have different experiences and I am not going to take up too much time right now talking about mine and the battles. But I am saying, Madam Speaker, that if we truly want to improve the lot of Caymanian lawyers, if we truly care about the financial services industry of this country, it is our responsibility collectively to get a good piece of legislation to govern the practice of law; not to go down the road that we have been going for these last, God knows how many months and particularly the last couple of weeks, in finding every possible basis, it seems, to keep from arriving at a law. Because there is always this motion, there is that private member's motion and there are 100, and the Lord knows how many amendments to the Bill. Let's try to work together and get Cayman what we really need, what the country deserves, a good piece of legislation to govern the legal profession. I will save the rest for my substantive debate.

The Speaker: Does any other Member wish to speak to the Motion to the request of the contract?

Honourable Member for East End.

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

Madam Speaker, there seems to be some concerns when we want evidence that will assist us in getting the job that our people sent us here to do. It appears like we have become extremely concerned about that and I don't know why we seem to be so fearful of that. If things were produced prior to being asked for, they would not have to be asked for. If things were done in what is considered the conventional manner, they would not have to be asked for.

Madam Speaker, I bring to my colleagues and this honourable House the attention of certain aspects of summoning witnesses to produce documentation.

Section 76 of the Constitution says: **"The Speaker or other person presiding may, when in his or her opinion the business before the Legislative Assembly makes it desirable, summon any person to a meeting of the Assembly even though that person is not a member of the Assembly."** Madam Speaker, I read that first in order that we all

understand that we as representatives of the people are protected by laws and empowered by laws to summon individuals to assist us with our responsibilities.

The Speaker: Member, did you say 76 or 70(6)?

Mr. V. Arden McLean: Seventy-six. Section 76—**"Summoning of persons to assist the Legislative Assembly"**.

The Speaker: Thank you.

Mr. V. Arden McLean: Madam Speaker, I now turn your attention and the attention of my honourable colleagues to the Legislative Assembly Immunities, Powers and Privileges Law (1999 Revision) wherein section 5(1) provides: - **"The Assembly or any standing committee may, subject to sections 9 and 12, order any person to attend before such Assembly or committee and give evidence or produce any paper, book, record or document in his possession or control."**

Madam Speaker, I now turn to section 9(1):- **"Every person summoned to attend, give evidence or produce any paper, book, record or document before the Assembly or a committee is entitled, in respect of such evidence, the disclosure of any communication or the production of any such paper, book, record or document, to the same right or privilege as before the Grand Court."**

Section 12 further provides:- **"Where, at any time, any question arises in the Assembly or in committee in regard to – (a) the right or power of the Assembly or a committee to hear, admit or receive oral evidence; (b) the right or power of the Assembly or a committee to peruse or examine any paper, book, record or document or to summon, direct or call upon any person to produce any paper, book, record or document before the Assembly or committee; or (c) the right or privilege of any person (including a member of the Assembly or committee) to refuse to produce any paper, book, record or document before the Assembly or committee, that question shall, subject to this Law, and except insofar as express provision is made herein for the determination of that question, be determined in accordance with the usage and practice of the Commons House of Parliament of the United Kingdom."**

Now, Madam Speaker, I did all of that to demonstrate that no one must think that when a Member in this honourable House moves a motion for the production of papers, that they cannot do so.

Madam Speaker, you are the arbiter of procedures of this august body. I believe, Madam Speaker, that you have the awesome responsibility to consider the greater public interest in this matter and the abso-

lute sacrosanct duty which we owe to the people of these Islands to make certain that there is no question as to the propriety of our proceedings. You have that, Madam Speaker; therefore that Motion is requesting such.

Madam Speaker, we as legislators were not put here lightly. People, people; the key word is “people” with a capital P—*People*. In the absence of people there is no country. The people bestowed, empowered us with the right, their right to come here and act on their behalf, but more importantly, to govern them. And in so doing, we are required to know what we are doing. We are required to ask and the executive or any other arm of government or this country is immune or can run from us getting that information, Madam Speaker. There is no higher authority in this land.

Madam Speaker, we have heard all day or the majority of the day, that this Government, from one thing to the other, but has not reached where we should be, that is, it was the Cabinet at first that approved this and then it is now the caucus and they don't know who paid for it. Madam Speaker, the people, in bestowing that right, which is their right, upon us to govern them, in a democracy it is the only place people give others the right to tax them and use their money. They did that for us. Now, Madam Speaker, anything we do here must be above reproach. We have been given the right to use the people's money to build roads, to help them socially, to buy aircrafts, to make laws in this instance, and when we step outside of that, we are stepping outside of the sacred grounds that we were given to walk on. And we are skating on thin ice and the only thing below ice is cold water and you are going to be chilled and this country will be chilled.

Madam Speaker, I don't know. This morning I was absolutely totally shocked that a government could report to its people through the hallowed Halls of this honourable House where they were sent to govern those very people, that they do not know who paid for the drafting of the legislation to come here.

Madam Speaker, I know I am no lawyer by any stretch of the imagination but I know that is wrong. I know that. Madam Speaker, it is only fair, only reasonable that the Members of this honourable House who are representatives of the people, of the country, be given the necessary documentation to show who, paid for it. If the people did not, then we need to know who the philanthropist is and why! Is there a reason why someone would be so generous without receiving any benefit to step up and pay on behalf of the people, something that is going to govern the people? Now I understand, Madam Speaker, a philanthropist does not need anything for altruistic reasons. But, Madam Speaker, when this hallowed Hall become the subject of such conflicts, particularly when the very people who are paying for it, benefits as a result, I don't want to be a part of that; today, to-

morrow, the next day the people need to relieve me of my job. I will not participate in that behaviour. That is beyond why I was put here. I am no puppet on the string. I cannot be bought unless it is they are paying my country back. That is not going to happen. And I will, with the last breath in me, object to that.

Madam Speaker, I cannot say who will be paid; that is not for me to determine nor should I because it will be imputing improper motives. And I ain't talking about monetary either, Madam Speaker. Payment can be in many forms. But I know some payment had to go on. They are getting the benefit of it.

Madam Speaker, we do not even know if those two organisations, CILS and CBA have consensus amongst its members. The Minister spoke of the executive and again we hear this coming through like the Attorney General talks about, *We have to trust them*—Trust? Really, trust? How can we be expected to trust when this is not the proper process as it is? How can the very representatives whom the people elected be asked to trust when this process is so convoluted?

Madam Speaker, this behaviour needs to stop pronto! It needs to stop. We love (and this Government most of all) to talk about that magical word “transparency”. Were it not for this question, Madam Speaker, there would have been no transparency in this because I for one believe that the question was genuinely being asked of the Attorney General by me, to find out exactly how much this cost us to get it done. Here we are, it did not cost us anything but we do not know who paid for it on behalf of my people? And we are given the right to take their money to govern them, to make laws to govern them? At the very least, Madam Speaker, that is the last thing we must make convoluted. At the very least, Madam Speaker, on behalf of the people of this country, we must not cross that divide!

Madam Speaker, I have something for the people that I want the people to take note of today if they are listening to me, and I am going to say it very slowly for my people because sometimes they do not understand me, I speak kind of fast. “Oh what tangle web we weave when we seek to deceive.” Madam Speaker—

POINT OF ORDER

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, on a point of order.

The Speaker: I recognise the Honourable Premier. Please state your point of order.

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, it goes way beyond imputing motive. That is an accusation of deception by the Member about the Government. It is a point of order, Madam Speaker, and the Member ought to be asked to withdraw it in my respectful opinion.

The Speaker: Honourable Member for East End, were you directing those words to the Members within this Chamber, or were you using poetry to be dramatic?

Mr. V. Arden McLean: Madam Speaker, I was merely using poetry. As I said earlier, I don't know who is being paid but there is some form of payment, not necessarily monetary and this is an extension of that.

The Speaker: Please leave the drama to the amateur level and do not direct it to Members of this House, otherwise the Chair will have to intervene.
Please continue.

Mr. V. Arden McLean: Madam Speaker, I know I would never say that. All I am saying is general. Okay, Madam Speaker? There has been a lot of general debate in here and I am merely doing the same thing.

Now, Madam Speaker, the Premier gets up here and tells this country . . . the first thing he said was that he is not a liar. My response to that is neither am I. Let me say that again—*neither am I*. And this thing he just got up here and told us that it appears, in his opinion, like we are trying to derail this whole process because he made certain overtures or invitations—invitations—to us. Madam Speaker, I am going to clear that one up if he gives us a chance to get a little further on the agenda. I am clearing that up for my people because no one is going to tell any lie on me either! I want everybody to know that. If I lie on someone they need to tell me so. But I am clearing that up in the presence of God and the people who elected me because I have no intention of ever lying to them either.

My father taught me when I was young. I will never forget it, Madam Speaker, when he said: "You always tell me truth son. You are going to get beaten anyhow, whether you tell a lie or not. But you tell me the truth because you had to deal with the truth when you got it and you always tell the truth because let others deal with it the same way you had to deal with it. If you tell them a lie you will have to deal with that person twice. Once when you tell them a lie and they come back and find out the truth you are going to have to deal with them again. How are you going to deal with that?" So, I will set the record straight soon with that in-camera meeting that that Premier is talking about. I will do that in the presence of my God and my people.

Madam Speaker, the Premier said that they are trying to do what they have to do to get this Bill and it appears like we do not want it. There is no such thing, Madam Speaker. And that we will dissolve in two weeks and our intent is that we still do not have any Bill or it appears that our intent is that we still will not have any Bill. That is our motive.

Madam Speaker, our motive? Really, Madam Speaker? Ours?

Madam Speaker, I was just less than half hour ago presented with a load of committee stage amendments, 70-odd, signed . . . if not 70-odd, it is close. I haven't counted them yet and don't have the time.

[Inaudible interjection]

Mr. V. Arden McLean: I don't have the time to count them old boy.
How many it is?

The Speaker: Members, please keep the comments through the Chair.

Mr. V. Arden McLean: You counted them? How many it is? Tell me the number. Twenty-one?

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, I never had a chance. Maybe that is an error on my part and I will concede that. But, Madam Speaker, there are plenty.

[Inaudible interjection]

Mr. V. Arden McLean: Oh, it is plenty, signed by the Minister who is piloting this Bill. Madam Speaker, are we really that wrong? Are the Members on this side really that wrong in trying to get this Bill right when they have all of these too? That means it was not right from the time you brought it!

[Inaudible interjection]

Mr. D. Ezzard Miller: But you brought it.

Mr. V. Arden McLean: You brought it, not me!

Mr. D. Ezzard Miller: Saying it was right.

The Speaker: Member, remember we are debating a motion to request a contract. We are not resurrecting the debate. The sooner you get to the vote is the sooner you can get the contract.

Mr. V. Arden McLean: I thank you, Madam Speaker. In the meantime they should have been gone to get it so they could lay it while I was talking.

Madam Speaker, mind you, there were some doors that were pushed opened wide here in that debate earlier and I am only responding thereto.

The Speaker: You have two hours. I am just reminding you the objective of your debate.

Mr. V. Arden McLean: Yes, Madam Speaker, and then there will be another two hours later too.

Madam Speaker, I am concerned about us reaching a position where we can have a modern Bill too. But when the Government brings a Bill here and we have 135 amendments, it cannot be a good Bill. But let's say by virtue of us being Opposition, then, it might have been a good Bill. But we were just opposing for Opposition sake, so why are they bringing all of these? You mean somebody whispered in their ears or their light bulb went off after it got here? Do not!

Madam Speaker, I read a book about Castro. I don't know if it was an auto biography or biography because he did the foreword in it.

[Inaudible interjection]

Mr. V. Arden McLean: It was called "Gorilla".

Madam Speaker, I will never forget one line in it, one sentence in it where he said, "You may paint me a devil but be objective about it." Paint me the devil that you wish today because I am objecting. But what are you doing?

Sixty-odd . . . let me call it 60-odd because at first that is what it was. You added on since—20 pages!—

Mr. D. Ezzard Miller: I just counted them.

Mr. V. Arden McLean: —of amendments to a Bill that the Government went on a campaign in supporting after the two legal associations wrote it. I went on a campaign to oppose it, thus you must respect that I am going to have amendments proposed. Why is the Government doing this if it is better than what we had? Why? But we know, Madam Speaker, we know, that we cannot stand on the Floor of this House and criticise the large law firms about discrimination against Caymanians and then give them the ticket to legalise it. We cannot do that! And that is what we have done!

Madam Speaker, I am not saying the Bill legalises discrimination. I am saying that you, Government—I don't know if you did it by yourself; might have been. You have to get up and say that or deny it, whichever. You cannot speak of the perceived. I heard the Minister of Financial Services saying on the radio that a lot of those things are perceived. I will—

POINT OF ORDER

Hon. G. Wayne Panton: Madam Speaker.

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

Please state your point of order.

Hon. G. Wayne Panton: Sorry, Madam Speaker, the Member is misrepresenting what he says he heard me say because I said on a radio show that there were real . . . the situation is a real discrimination and then

there was the broader perspective of perceived discrimination. So, for him to suggest that I am simply saying that there is a perception of discrimination and that is it, that is not accurate and I will ask for him to withdraw that and be clear about what he heard me say.

The Speaker: Member for East End.

Mr. V. Arden McLean: Oh, I am not withdrawing it. I had it reversed what he said. He said that he said there was 'real' and then there was 'perceived'. I had it reversed, Madam Speaker. I was saying 'perceived' first and then I was going on to say that some of them were 'real'.

The Speaker: Well, since you were going on to say that some of them were real, please say it before you continue; that some of them were real.

Mr. V. Arden McLean: Yes, Madam Speaker, I will give him the benefit of the doubt because I listened closely to him but I thought he had it the other way. I really thought he had it the other way, Madam Speaker.

He said that a lot of it, the bigger thing was perceived but he will agree that there were real discriminations too. That is what he said. Are you satisfied?

[Inaudible interjection]

Mr. V. Arden McLean: Not really but you are the lawyer, I am not. You can get the right words, I can't.

Madam Speaker, what I am saying is that you cannot, in the interest of your people, bring a Bill that you cannot even defend. And then fisted upon the people . . . mine remember now, Madam Speaker, this Bill has been gazetted from September.

[Inaudible interjections]

Mr. V. Arden McLean: September, yeah.

[Inaudible interjection]

Mr. V. Arden McLean: Give me the green copy so I can waive that in the air for them.

Madam Speaker, it is an authorised [Bill] gazetted—

The Speaker: The 12th September.

[Inaudible interjections]

Mr. V. Arden McLean: Madam Speaker, this was done on the 13th day of September, 2016.

[Inaudible interjection]

Mr. V. Arden McLean: Six months, okay, okay, okay, my good friend.

Now, Madam Speaker, a gazettal means this is by and large what the country can expect to be in place.

Mr. D. Ezzard Miller: What the Government wants.

Mr. V. Arden McLean: What the Government says is in their best interest. It can't be into anybody else's best interest.

The Speaker: Member for East End, you have already used your two hours, if my memory serves me right, debating it. We are now debating a motion that was raised on the floor by the Fifth Elected Member for George Town, to request a contract. Please do not resurrect or revive your debate. I have been very generous with both sides of the House with that and I am going to ask you to contain your debate to the request as to the reason why it should or should not be requested.

Please continue.

Mr. V. Arden McLean: Madam Speaker, there is a document they did in that contract, you know. That is what I am talking about Ma'am. I do apologise to you.

The Speaker: I know what you are talking about and I know that you know that I know what you are talking about.

Mr. V. Arden McLean: Madam Speaker, you have been here much longer than I and I do bow to your ruling and whatever. We are going to leave that one there, Madam Speaker.

Madam Speaker, what I am saying is that substantially this is what should be going back to the people and it is not. The contract that was signed by whomever, obviously, the Government knows nothing about it, but the substantive answer does say that it was by a former member of the Legal Department employed by the Government; formerly employed by the Government. And, Madam Speaker, it did say that the preliminary draft was prepared by a draftsman and then it went on to the Government people. The facts are that this is what we paid for, this is what was gazetted.

Mr. D. Ezzard Miller: That is what they accepted. That is what they wanted to do.

Mr. V. Arden McLean: And part of payment for this, we have no knowledge of and we need to know. Madam Speaker, we as legislators need to know before this august body can make . . . or, Madam Speaker, you as the arbiter can make an informed decision or you can preside over—

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

The Speaker: Honourable Premier.

POINT OF ELUCIDATION

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, on a point of elucidation. It may help the Member and help this process.

The Speaker: Member, will you give way to the Premier on his elucidation point?

Mr. V. Arden McLean: If it is beneficial to me.

The Speaker: You won't know until it is stated. Please proceed, Premier.

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, as the Minister of Financial Services explained, this information was not within the province of the Government. We have been seeking to obtain the details of the arrangement and we do not yet actually have electronically the documentation but we do have the information or at least the key information with respect to the arrangement. So, the Government is not at all seeking to avoid telling the House what this is. The Minister was careful in what he said or cautious because he was not sure he could get the information and get it swiftly, but I assure the Member and the House that as soon as we have it, the House is entitled to it. So, we do not need to have the Government berated about trying to hide the information or that the House . . . we accept the House is entitled to information and we are prepared to let them have it.

The Speaker: Honourable Member for East End.

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

Madam Speaker, I am glad that the Premier interrupted me there, because that is now music to my ears.

I wonder if the Premier would say . . . and he can get up on elucidation again, Madam Speaker, and break into my time if he so choose. I know it is running and he needs to talk fast. What time does he think this will be available if he has that information available, Madam Speaker? I don't want to stop to ask for a suspension, only if it is in short order.

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, in the course of the evening, for it shall be a long evening.

The Speaker: Member for East End.

Mr. V. Arden McLean: Madam Speaker, I am no lawyer and while I know he is and I rate him as a fairly good lawyer, and all of those out there, but I know one of the phrases that they use is “in the fullness of time.” Now, I don’t know how full it is going to be and what time it is going to be but we need it.

The Speaker: Member for East End, will you give . . . Honourable Premier.

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, I have just been handed a written note about the terms of the agreement. I don’t have the actual . . . it is an email exchange which we are trying to get printed. But, Madam Speaker, there is . . . one moment, let me find out who the authors of the email are before I start, Madam Speaker.

The Speaker: Okay.

[Short pause]

The Speaker: Honourable Premier, please continue.

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

Madam Speaker, what I am reading is from email exchanges between Alasdair Robertson, President of the Cayman Islands Law Society and Mr. Clive Borrowman: There is no formal written contract. Brief terms of service agreed via email. The payment rate was £100 per hour; 100 per cent paid by the Cayman Islands Law Society. The Bar Association said that they did not have the available funds; £50,000 approximately was paid. Right! And then the rest goes on to say that the email exchange will be made available shortly.

The Speaker: Is it pounds or dollars?

The Premier, Hon. Alden McLaughlin, Jr.: Pounds. This gentleman, I believe is resident in the United Kingdom.

The Speaker: Okay.
Member for East End.

Mr. V. Arden McLean: Madam Speaker, the one thing I have learnt about life is that there is one way to cleanse your soul—disclosure. I am thankful for that disclosure but I look forward to the email.

Madam Speaker, I submit now and forevermore that what was done here was not necessary. This country, a country of \$700 million budget with some declared \$400 million in reserve, must, without reservation, use those monies for such occasion.

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, I know the Premier spoke about we should back away from the anger, the hostility, the obsession; Madam Speaker—

[Inaudible interjection]

Mr. V. Arden McLean: No, no, no, you just said that earlier. Don’t come now. You don’t remember. You were so angry you don’t remember what you said.

[Inaudible interjection]

Mr. V. Arden McLean: Yeah man, I’m waiting for you.

The Speaker: Let’s keep the comments through the Chair.

Mr. V. Arden McLean: You know, my brothers used to tell me ‘tighten up’. My back is broad, my friend; you know that. I have taken it all and there is more for me to take. I know that. But know that I am not afraid of it as long as the others are prepared to take the same thing I am prepared to take.
Madam Speaker—

[Inaudible interjection]

Mr. V. Arden McLean: Yes, I am angry. I am angry at this Government. I can’t say I am hostile towards them because they are my friends. I can’t say I am obsessed with them one way or the other but I am angry at them for taking this country down that path. I am angry at all of you, every one of you for taking my people down a path that comprise them and allowed someone else who has a vested interest in the outcome of a law, to pay for it. I am angry. Of course, I am angry. My anger is not going to spill over into hostility. I would not do that but you all must know—the Government, Madam Speaker, must know—that not only am I angry but the country should be incensed at the kind of behaviour, at the direction this Government has taken them in this regard. It is wrong!

[Inaudible interjection]

Mr. V. Arden McLean: It is wrong. I wonder, Madam Speaker . . . Is it any wonder they had all of these full page adverts in the paper? They had to promote it to achieve their objective because they drafted it!

[Inaudible interjection]

Mr. V. Arden McLean: They paid for it. Madam Speaker, if I pay for something I am going to carry it to the end to advocate for it and defend it! Really? And unna sit here and the 17 of us beating each other up, while they are out there laughing at us. Really? Are we really that fool? Madam Speaker, really? The 17 of us are beating each other up while they are out there

laughing; the very people who have interest in seeing that it gets put through in the way they want it to go through.

[Inaudible interjection]

Mr. V. Arden McLean: After they paid for it! Madam Speaker, am I logical or not? I don't know. And I must promote that? Is the Government satisfied in me getting up here and expressing my anger and saying these things while the very people whose interest has been paid for, £100 per hour! Fifty thousand pounds they paid! What is that, C1\$90,000?

Moment of interruption—4:30 pm

The Speaker: We have reached the hour of interruption.

I recognise the Honourable Premier.

Suspension of Standing Order 10(2)

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

Madam Speaker, I move the suspension of Standing Order 10(2) in order that the business of the House may continue until the completion of the debate of the Second Reading of the Legal Practitioners Bill.

The Speaker: The question is that Standing Order 10(2) be suspended to allow the business to continue until the completion of the debate on the Second Reading of the Bill now before the House.

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: Member for East End, please continue.

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

When we did the interruption I was talking about the very people who paid for this are outside whilst we are beating each other and if there was not a disclosure we would never know why we were beating each other.

Madam Speaker, I don't feel good about that; I really don't. Because the one thing I know about the Members on this side and those there and your goodness, Madam Speaker, is that we come from the same three miles wide by 24 miles long.

The Speaker: Mine is one and a half by 12.

Mr. V. Arden McLean: And then I was going on to say that foo, Madam Speaker.

[Inaudible interjections]

Mr. D. Ezzard Miller: Don't forget the other one.

Mr. V. Arden McLean: And Little Cayman too because the Deputy Premier.

Madam Speaker, it is a small price. We have been bought. We have been thrown into the Lion's Den for £50,000.

POINT OF ORDER

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, a point of order.

The Speaker: I recognise the Honourable Premier. Please state your point of order.

The Premier, Hon. Alden McLaughlin, Jr.: The Member for East End says we have been bought. Obviously, if he is referring to himself or his colleagues, that is a matter for him, but that does not apply to this side.

The Speaker: Member for East End, please complete your sentence so that the Chair can make a decision on who has been bought.

Mr. V. Arden McLean: The country, Madam Speaker.

The Speaker: The country has been bought?

Mr. V. Arden McLean: It appears like the country has been bought.

The Speaker: By whom?

Mr. V. Arden McLean: By whoever paid for it, which is the Cayman Islands Law Society. They are the ones who paid for it, Madam Speaker, whilst we stand in here and beat each other on what the provision should be in the law. They paid for it. The Premier got up here and said that.

The Speaker: Member for East End, in a process of deductive reason, how could you go from A paying for B and then A making a quantum leap to owning or buying C? Surely, you put a higher price on the country with a commodity called Cayman Islands than just for the payment of one piece of legislation. That is why I am asking you to be specific in what you are taking your conclusions to.

I believe the Chair knows what you are trying to get at but I don't think the Chair can allow you to make the statement that the country has been bought

unless you can come with some more direct or circumstantial evidence.

Mr. V. Arden McLean: Madam Speaker, in whatever part of that you want me to withdraw, I don't have a problem with that. What I am trying to get at, Madam Speaker, is that the Cayman Islands Law Society has paid for a piece of legislation that they are asking us, the 18 Members here (to a lesser extent, yourself, because you are in the Chair, Madam Speaker) to approve for them which must govern our country. That cannot be the way it should be. And I am trying to avoid the payment and sale and buy and sell direction. So, I am trying to coach it properly because I don't want to go back there because I don't want the Premier to think that . . . I know for him, I know him well, he hasn't got anything so he can't get bought like me. But I didn't deliberately mean it to us as individuals. I am talking about . . . We represent this country, some sector, faction within this society of Caymanians, each and every one, severally and collectively represent. And they can spend £50,000 when we deal with \$700 million as our little budget and £50,000?

[Inaudible interjection]

Mr. V. Arden McLean: No, it's not much compared with . . . that is a cheap price for you, yeah, yeah. That is why I am afraid of it. You are right with that my good friend, the Minister of Finance. You are right with that; that is a cheap price compared with our budget.

Hon. Marco S. Archer, Minister of Finance and Economic Development: Madam Speaker.

The Speaker: I recognise the Honourable Minister of Finance.

POINT OF ORDER

Hon. Marco S. Archer: Madam Speaker, I am aware that what is being said on this microphone is transmitted across the airwaves and I would like the Member for East End to stand and retract the statement he just made—"that is a cheap price for you." Those were the exact words. If he meant something else, then explain that.

The Speaker: Honourable Member for East End, could you please explain what you meant, that you were not directing it to the Honourable—

Mr. V. Arden McLean: Madam Speaker, there is no way I would ever say that about the Minister of [Finance].

Hon. Marco S. Archer: Madam Speaker.

The Speaker: Honourable Minister of [Finance].

Hon. Marco S. Archer: If he spoke the words without meaning them, I accept that. But if you go back and check the Hansard, his exact words were "that is a cheap price for you." He may not have meant the words he used but if he did not mean that, then, he needs to explain it and retract the words he used.

The Speaker: Member for East End.

Mr. V. Arden McLean: Madam Speaker, what I went on to say was that it was cheap for his budget, compared with his budget, yes, which was \$700 million. There was no way I meant that it was cheap for him to be bought by that. There is no way. I would not say it about anyone else. Why would I say it about him? And if he gets incensed by that, all I can say to him is that if I can repeat and make it clear—compared with the budget that he brings here, \$50,000 *[sic]* is a cheap price.

An Hon. Member: Pounds.

Mr. V. Arden McLean: Fifty thousand pounds is a cheap price, which is C\$70,000 to C\$80,000.

The Speaker: Member, you did say "for you" whether or not that was your intention. So, I would ask you to retract the personal pronoun and continue in the vein that you have just explained what you intended to say, because it was actually uttered, I would wish you to retract "for you" because you were talking to the Minister of Finance at that time.

Mr. V. Arden McLean: Madam Speaker, I shall do as you wish but I want it to be made clear that that was not my intent; absolutely not!

[Inaudible interjection]

The Speaker: Please continue.

Mr. V. Arden McLean: Madam Speaker, I don't want to be tempted by that Premier, you see.

Madam Speaker, my last thing on this is that despite the many point of orders which were not my intentions as I did not intend to personally attack any Member over there because no one has personally attacked me. Maybe there was some misunderstanding of what my full intentions were, and for that I apologise. But what I do know is that I know a couple of the Members over there personally and I can speak on their behalf. I can't speak for others because I don't know them in that personal capacity. And whilst I have a personal relationship with them, I still do not believe that they would go to that extent. But there are some that I would put my head on a chopping block for over there.

[Inaudible interjection]

Mr. V. Arden McLean: Yeah, I would. I would until they tell me otherwise. And I can pick them out whenever I have a need to. But nevertheless, I would never do that to any of them. I would not; just that I am going to distinguish some as personal knowledge that I have. And I am not talking about taking bribes or anything; I'm just talking about period.

Madam Speaker, this Law has taken this country through some very contentious times recently. Maybe it is time that we do find some way to find a road map to end this. Maybe there is no way to do it to resolve it. I tried myself. Despite the newspapers talking about olive branches, I don't know anything about any olive branch and I am going to correct that in the eyes of the people and God. But, Madam Speaker, there is enough tension as it is. And I know sour (I think I will leave it at that) things will be said and it has been flying for some time. But maybe—*just maybe*—if all of these disclosures had been coming before and if certain Members of the Government were not like what Winston Churchill said about that secretary of state who walked around. He said that the only person he knew who walked around with his own china shop was him. Madam Speaker, maybe—*just maybe*—this would have been resolved a long time, with some meaningful compromise that we could maintain our financial industry and we could ensure that Caymanians are treated fairly. That is what we all are looking for, Madam Speaker. Despite what anyone may say, whether it is in here or outside of this hallowed Hall, we all have one goal. How we arrive there, therein lies the differences. The principles, nobody disagree with; it is the methods and the methods were flawed from the words “go with this Law”. And I applaud the Premier, Madam Speaker.

[Inaudible interjection]

Mr. V. Arden McLean: Yeah, yeah, I ain't applauding him again.

But, Madam Speaker, if we had not started with that contract wherein the Cayman Law Society paid to get it done—

POINT OF ORDER

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, a point of order.

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Tedious, really tedious repetition!

The Speaker: The point of order is taken. Member for East End, please refrain from repetition; even more so, tedious repetition. I have heard your debate—

Mr. V. Arden McLean: Madam Speaker, I don't know what is tedious about me saying that if the process had not started with that contract, from the beginning we would not be here, because they put in there what they wanted and that is precisely what has happened.

The Speaker: Member for East End, what the Chair is saying is that there are tons and tons of descriptive words in the English language and I have been here long enough to know that you can be a chef of flowery language whenever you are ready to do so. You are not restricted to repeating, so I am just asking you to display your talent as I know you can without repeating.

Mr. V. Arden McLean: Madam Speaker, I don't know if that is a compliment. You said I am a chef of flowery language. I don't know if it is the (*spelling the words*) f-l-o-w-e-r or f-l-o-u-r but, Madam Speaker, I thank you whichever way it is. But it is the lawyers who have that flowery language, Madam Speaker, not me. I compliment them with that.

Anyway, Madam Speaker, before I tempt the souls of great men like my good friend, the Premier, let me sit and submit case.

The Speaker: And women.

Mr. V. Arden McLean: Madam Speaker, I was specifically talking about him though, because I was tempting him. I was not tempting you or the other lady here.

The Speaker: I just wanted you to be gender sensitive in the use—

Mr. V. Arden McLean: Yes, Madam Speaker, before I tempt the souls of great men and greater women, especially that Premier.

[Inaudible interjection]

The Speaker: I recognise the Honourable Leader of the Opposition for his debate on this Motion.

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, I only rise because certain things were said. But before I get to that, we were here asking questions and as far as I know, question time had not been finished yet.

Mr. V. Arden McLean: It's not finished yet either.

Hon. W. McKeever Bush, Leader of the Opposition: No.

The Speaker: That is correct, Honourable Leader of the Opposition. You are still next in line to the Fifth Elected Member to ask questions.

Hon. W. McKeeva Bush, Leader of the Opposition: We were here asking questions about who made the drafting instructions and out of that convoluted information came some confusion and thus the Motion to get the contract or written agreement, whatever it was they had, so that we would know the contents. However, now we hear there is no contract, no such agreement, no formal written contract, so this debate has been somewhat superfluous, if anything.

Madam Speaker, I do want to comment on the Premier's debate that he didn't differentiate. If he had, Members here could defend themselves as the Member for East End said. But, I think I need to put on record that I tried that, Madam Speaker. When I saw the Bill, when I saw the Motion, that Friday morning I was on Radio Cayman and I said, *Listen, this is terrible, it is going to do us more damage and we need to settle it somehow*. I came back here and on a matter of procedure I asked that we discuss it in camera, which was not to hide anything; it was to get people in and I will say why. But that could be done too, as the Member for East End has said. That can be done. Even a committee of the whole House have the ability to invite people in. But that did not happen and, Madam Speaker, the House has taken a whole week adjournment and then, when the Government found out how disgruntled (it must have been) that their own Members were, they went into the committee room.

I thought on Friday . . . Well let me say before that, there were some of them who were invited to meet at the courthouse. As the Leader of the Opposition I had no such invitation. I sat here all day Friday, all of us, and I thought the Government was in the committee room at 12 o'clock, but I found out that most of them were at a meeting at the Grand Old House. At around 3 o'clock I went to look . . . we'll, whether it was most or some of them, I tried to find out from the Premier what was happening and, Madam Speaker, he was in a discussion with the Member for East End, and I found out that we were hoping to start at that point. But we did say, *Look, the disgruntlement is there, we have to put it to bed somehow*. They said, *Let's go in camera and meet*. My intentions in camera were to sit first where it would be much more informal than in here and then we would come here with any amendments we wanted. But, Madam Speaker, none of that happened.

My decision was, well . . . I don't know who drafted the Bill at that point. Nobody was taking much ownership of it except for the Minister who had said it was the Government's, but some on the Government side were also saying that they had not seen that Bill. Anyway, Madam Speaker, I did not go into the room because who would we be meeting with? The Ministers! If he was not going to call anybody, the same one who brought the Bill, the same Bill that was given the clauses by the private sector and the same Bill that has over 21 pages (somewhere about here) just given to us; 21 pages of amendments, and 136, I think

was the last one I saw from the Member for North Side. I think that must amount to about 136—Member for East End; 136 or somewhere around there.

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition: The 136. No, no, clauses; 136 clauses and this one have 21 pages. I don't know how many—

An Hon. Member: Seventy-eight.

Hon. W. McKeeva Bush, Leader of the Opposition: Seventy-eight.

Madam Speaker, I have been here a long time and there are times when we have to rush things and there are times when the Government is not going to be all right and will be wrong. I do not think that this one should be rushed as we are doing now. I understand what the Premier has said.

[Inaudible interjection]

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

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: I know when the Bill was published but look at the things that have come to light since the Bill has been published. And six months ago we did not have these amendments. You all have brought the amendments now.

Madam Speaker, yes, I want to ensure that discrimination goes away. I want to ensure that article clerks are able to get jobs and some of them to be article'd because some get article'd and then they refuse to give them the jobs. And I want to ensure that there is protection for overseas business. We want to be assured of all of that. But, Madam Speaker, my scare is that we cannot get them and what we want in a good law in a rush with a Bill that is being changed the way it is being done. The unintended consequences are what I am afraid of. And that is why I said in my debate and I think I was the second speaker in the debate, let us do the code of conduct; let us get the Caymanian council that we want; let us get the CFATF clauses that are needed and hold tight on other things until the Bill can be looked at and drawn completely. This is confusion.

Madam Speaker, I don't forget. Look at the damage—and this is debatable because they will say no and we will say yes—caused by the Conservation Law that came here as a Bill which was changed, I think, over what, 80-odd times?

[Inaudible interjection]

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

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: And how many they filed? A lot too, as far as I can remember.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: Anyway, Madam Speaker, there are problems with that Bill throughout this country. You can believe it is, and if they think not and they think that that is going to be the best thing, well just wait. The unintended consequences are what I want. I heard what the Premier said about the care that he has as a lawyer, as family involved, I care about this country and the people who are being hurt and some of the things that people came to my yard about, as I said, dress up like a junkanoo because they were so scared and didn't want anyone to see them. Madam Speaker, I care about those things, so I don't want anybody pointing fingers at me saying that I refuse to work with the Government. There is far too much to lose, not to know what we are doing. So, Madam Speaker, I am not a happy camper with this. I just got these amendments, and so, we will see what the Government is saying and will see all that the Opposition is saying. I am sorry but I don't think that this is good for this country at this time.

The Speaker: Does any other Member wish to speak?

I recognise the First Elected Member for Bodden Town.

Hon. Anthony S. Eden, First Elected Member for Bodden Town: Thank you, Madam Speaker.

As the old people would say, 'cockroach has no business in a rooster fight'. But I have sat here and listened back and forth and we ain't getting anywhere, Madam Speaker. This is not a way to run these Islands. The revelation has been made of the evolution of the Bill as to how it has gotten here. We all now know basically what is happening. I wasn't here yesterday and part of the day on Friday because of my foot. I also now understand the extension from the Opposition and I do remember the Leader of the Opposition, when he came in, he and I talked. We tried to get together in committee and to resolve this as we have done, him for 30-something years, and myself and the First Elected Member for George Town for 25 years, on important legislation.

I still do not think it is too late, Madam Speaker. The olive leaf is out there again. My understanding that what happened with the olive leaf over the weekend was that, whether it was a perception or not, the

Government was bringing in external personnel to sit with us and guide on what was going to happen. I don't know what happened about that, thus, it was not agreed to meet.

Madam Speaker, there are 64 pages of amendments from this side and I saw the Member for North Side add one which makes 67 pages to the tone of almost 140 amendments. The Honourable Minister who brought the Bill, 12 pages of amendments and 7 pages of expected commitments. Did I read that right?

[Inaudible interjection]

Hon. Anthony S. Eden: That is not part. Okay. I am made to understand, Madam Speaker, it is not part of the expected commitments.

[Inaudible interjection]

Hon. Anthony S. Eden: Oh, it is inclusive of my understanding; I apologise.

I understand the concern. It has probably happened in the past where the Law Society did put this Bill together and I as a human being, and all of us, have the concern that if this was put forward, sponsored in whatever manner, that it sent off some alarm bells. But I will say, Madam Speaker, it appears after hearing from our young lawyers, maybe some not so young, in the community of passing to us and sharing also with the Government their concerns of some of the amendments in this far reaching Bill that has taken 50 years to get back here, what has happened. We see how some of our people were treated, literally like dogs. I am prepared to make sure that does not continue to happen.

It is evident, Madam Speaker, to put it mildly, that the Government, to a certain extent, has seen the error of some of the ways that this legislation was put together. And I trust and hope that we can bring reconciliation to what is happening here and I beg you guys, *I am begging*, forego all the talking and stuff. We must rise above this. Sit and take that time that the Honourable Premier has promised us two hours and I don't know who else is going to come. Nonsense! Let us get on with the business of this country. We are two weeks away from a new election. Many of us may not be back here. It is about the people of these Islands and until we realise what is happening, it is about the people, not about our own egos. We need to come together and deal with this for whatever reason. If it is not everything that we can put through at this time, but at least let us talk about what is happening here.

Thank you, Madam Speaker.

[Applause]

The Speaker: Does any other Member wish to speak?

Fourth Elected Member for Bodden Town.

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

Madam Speaker, I am going to be brief because I think we have spent probably enough time on this Motion and I understand we are still in Question time so we are not making much progress right now.

Madam Speaker, I just wanted to add to the discussion. The other night I stopped at the gas station in Savannah on my way home from this honourable House and I went inside and was purchasing a soda and a newspaper and a gentleman from Newlands was standing in line in front of me and he turned around and shook my hand and then he looked at the lady who was serving him, the cashier, and he said to her, *I will pay for his stuff*. Madam Speaker, I immediately said, *No, thank you. Thank you very much but no thanks*. And there is a reason why I said that to him.

[Inaudible interjection and laughter]

Mr. Alva H. Suckoo, Jr.: He wasn't buying my vote but I never accept those favours, Madam Speaker. On principle because I don't want anyone to ever say that there is some special relationship between me and one constituent and not with another one. I always try to avoid those situations. Sometimes you can't, sometimes if you are out someone will put a drink in front of you and say that it came from so and so. But this gentleman was a bit put off and he said, *Oh, you know, I just wanted to buy this for you to show my appreciation*. I said, *No, no, you don't have to do that*. But, Madam Speaker, the same standard that I hold that gentleman to, I hold the Members of the Caymanian Bar Association and the Cayman Islands Law Society to.

Now, Madam Speaker, I am looking at this Legal Practitioners Law Position Paper. I have seen it before because when I first saw it I was a part of the Government caucus and it was circulated in caucus and we had some discussions on it. Madam Speaker, at no time during that discussion can I recall anyone saying to me that this position paper was going to be accepted as drafting instructions for this Bill. Unless memory fails me, I do not recall that ever being the discussion, but that seems to be what has evolved over time. Not only has this position paper evolved through discussions and so forth into drafting instructions, but it has become a Bill. And, Madam Speaker, at no time when I was a Member of the Government caucus did anyone say to me or disclose to me that this process we were going through was being paid for on my behalf as a Member of the Government caucus by anyone other than the Cayman Islands Government.

So, Madam Speaker, I am very concerned, because as a Member of the Government team, as

the Premier's Councillor at the time and a Member of caucus, this was going on. I don't know when the offer was made, how it was made, but no one said to me, *Fourth Elected Member for Bodden Town, this is going to be paid for by some individual not connected to the Government or some individuals*. So, I am concerned, Madam Speaker. And I am glad that the email has now been circulated. I have not had a chance to read it. But I just wanted to voice my displeasure.

[Inaudible interjection]

Mr. Alva H. Suckoo, Jr.: That's not it? Okay, it has not been circulated.

I just wanted to voice my displeasure at the way this process was managed and the displeasure that someone (I'm trying to be careful with my words) decided that they would accept that gift on my behalf without my knowledge.

Madam Speaker, I agree with my colleague for Bodden Town; we can push forward, we can get this accomplished. I have now seen the Government propose amendments to this Bill. I have not had a chance to read them but I am willing to put in the time and effort to get this Bill right. And I do agree with the Premier, there has been a lot of back and forth, a lot of anger, but, Madam Speaker, let's not mistake that passion and anger for politicking, because when I first became a Member of this honourable Legislature I promised that I would do my best to not engage in that sort of behaviour. And I think I have done an alright job so far. I have not been perfect, Madam Speaker. But, Madam Speaker, the passion from this side comes from our desire to get this right and I can't say it enough times. And in the face of all of these amendments and changes and the letters and the arguments that have come in and the representations that have come in, we clearly, up until this point, don't have it right. We cannot just continue without paying respect to that. So, yes, Madam Speaker, let's work together. Let's work all night if we have to and get this right. But I just wanted to get up here and say my piece because some of this was done on my behalf without my knowledge and I think that is extremely unfair.

Thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak?

I recognise the Honourable Member for the District of North Side.

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

Madam Speaker, I take my job in this Assembly very serious. Since being elected in 2009, I have never got up on the Floor of this Assembly and spoke to any Bill that I disagreed with, that I did not offer the Government my ideas as to what I thought would

make the Bill better. The mere fact that on many occasions the Government has accepted the amendments that I have proffered, must be an indication that they were going to make the Bill better. At no time during this debate on the Legal Practitioners Bill, either in the public or in these hallowed Chambers have I said I wanted to block this Bill. I am not a lawyer, Madam Speaker. I believe I have a critical and analytical mind because of my scientific training. And, Madam Speaker, it took me hours and hours to go through this Legal Practitioners Bill and to incorporate the amendments that we agreed that we were going to put forward. Every single one of those amendments, I believe, the five of us believe, are going to make the Bill better.

Now, Madam Speaker, when the Government gives me a Bill that has been gazetted, that is put on the Order Paper, I have to assume that that is the Government's best proffered position and that they believe that Bill, as presented, is in the best interest of the country and the people. It is only in this time and in particular from the Minister of Financial Services that every Bill he has presented to this House, he himself has filed countless amendments to legislation while the Bill is on the floor.

[Inaudible interjection]

Mr. D. Ezzard Miller: Madam Speaker, the Bill that was gazetted on the 12th September, 2016, was deferred by the Government during that Meeting.

[Inaudible interjection]

Mr. D. Ezzard Miller: I don't know which Opposition it was but—

[Inaudible interjection]

Mr. D. Ezzard Miller: Madam Speaker, we expressed certain concerns about the Bill at the time and at the Premier and I will acquiesce that yes, they deferred the legislation until this Meeting, and you mean to tell me that all of that time—October, November, December, January, February, they did not find it necessary to make any amendments and publish them? Only after the five of us spoke on the Bill—

[Inaudible interjection]

Mr. D. Ezzard Miller: Because we only got the amendments . . . our amendments were tabled weeks ago.

Madam Speaker, the point is that I have to accept . . . and, Madam Speaker, I have filed, as you know, many amendments to other pieces of legislation under this Order Paper. I just filed 28 amendments to the Public Authorities Bill. And I firmly believe that every one of those is going to make it a better Bill

when it comes to governance. So, Madam Speaker, I make no apologies for filing amendments and making an effort to try and make the best possible legislation this Parliament can make.

Madam Speaker, the Minister of Financial Services says that he does not know where I get this number of 75 amendments from with what he just tabled. Madam Speaker, by my count 46 actual amendments to the Bill, 3 amendments to three Schedules, 29 commitments which have to be part of the Bill which we have not seen before, is a total of 78; at least that is what it comes up to in North Side. I don't know what it is in Newlands or Savannah but that is 78.

Madam Speaker, I have said many times in this Parliament, I am not going into any secret meetings about the public's business. I want us to deal with this in the committee stage. That is in front of the public. The public has a right to know. I am a great proponent of participator of democracy. I believe that the public has the unquestionable right to be involved and to know how I make decisions on their behalf. That is why I have a meeting in my constituency once a month. Madam Speaker, when it gets to the committee stage I will fully participate in the debate on the amendments and move the amendments.

Thank you, Madam Speaker.

The Speaker: Does any other Member wishes to speak?

I recognise the Honourable Minister responsible for Financial Services.

Hon. G. Wayne Panton: Madam Speaker, thank you very much.

Madam Speaker, I do not wish to prolong this matter. We have had the summary of the terms of the email exchange and that has been read by the Honourable Premier.

The request made by this Motion was that the contract in relation to employment of Mr. Clive Borrowman as a draftsman, a former employee of the Government, be produced. So, Madam Speaker, I have an actual printed copy of the email exchange which sets out the terms in relation to that, and I am happy to lay this on the Table of this honourable House in the hope that this will resolve this issue and we can move on.

The Speaker: So ordered.

Hon. G. Wayne Panton: Before doing so, Madam Speaker, I would like to take the opportunity just to read through it with your permission.

The Speaker: Please proceed.

Hon. G. Wayne Panton: It is an email from Mr. Alasdair . . . sorry, this one is . . . I will start at the be-

gining. It is in terms of the chain. It is from Alasdair Robertson to Clive Borrowman on the 9th May 2015. Re: Legal Practitioners Law.

Sorry, Madam Speaker, I had to look down the thread further. Let me start: May 8th, 2015 Clive Borrowman wrote: “**Alasdair, many thanks for your email. I can confirm that I would be pleased to assist you on a Legal Practitioners Bill. My terms would be the same as in 2013. I look forward to hearing from you.**”

May 9th, 2015—To Mr. Borrowman from Mr. Robertson: “**Clive that is great news. Could I ask a favour and ask you to resend a copy of those terms?**” That was followed by an email from Mr. Borrowman to Mr. Robertson: “**Alasdair, many thanks for your email.**”

“**The terms I have agreed with the various governments I have worked for (including the UK Foreign and Commonwealth Office) and I agreed with Tony Travers were simply a fee of £100 an hour. Generally I try to send an account setting out the work I have done and the hours worked about once a month. Unless you consider we should do otherwise I suggest that our exchange of emails should suffice. Should anything exceptional turn up, like travel to the Island, we can negotiate further.**”

“**I hope this is acceptable to you.**”

The Speaker: Honourable Minister, just so that I am following correctly, that is the extent of the emails? Because, unless I missed something, the first email you read was coming from Mr. Borrowman, as opposed of the genesis being in this jurisdiction. Is there a missing email somewhere?

Hon. G. Wayne Panton: I assume, Madam Speaker, that there must have been an earlier email which was asking him if he was available. I don't have that as a part of this. This is what I have received. But, Madam Speaker, this is a substance of the email which reflects the terms of the agreement by Mr. Borrowman in terms of drafting the Bill.

The Speaker: I just want to make sure we did not spend another four hours asking for a missing email.

Hon. G. Wayne Panton: This, I think, reflects the terms of the agreement.

The Speaker: Okay.

Hon. G. Wayne Panton: Thank you.

The Speaker: Could Members be provided with a copy and the Chair as well? Serjeant.

Thank you, Minister.

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

If not, I recognise the Fifth Elected Member for George Town, should he wish to exercise his right of reply.

Mr. Winston C. Connolly, Jr.: Thank you, Madam Speaker; I do.

Madam Speaker, I rise to give my response. Madam Speaker, just so I can follow that email chain: May 8th, 2015 was the date that the contract was initiated. Is that correct?

[Inaudible interjections]

Mr. Winston C. Connolly: But in what the Minister of Financial Services read, he also talked about an earlier version done by Clive Borrowman in 2013. Madam Speaker, as far as I am aware, having been involved in a number of these drafts—

The Speaker: Honourable Fifth Elected Member for George Town, can you say when in 2013?

Mr. Winston C. Connolly, Jr.: I need to see the email.

[Inaudible interjection]

Mr. Winston C. Connolly, Jr.: Okay. So, the Minister of Financial Services mentioned the date in 2013 or that there was a 2013 version, so I am just trying to get the timeline just for my own personal knowledge. And I am asking if—

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, if I can help just so that we do not delay things—

The Speaker: Honourable Premier, on a point of elucidation. Would you give way, Member for George Town?

Mr. Winston C. Connolly, Jr.: Sure, Madam Speaker.

The Speaker: Please proceed, Honourable Premier.

POINT OF ELUCIDATION

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, I have a copy of that. It is dated the 9th May, 2015, 10:03 am. And it is from Alasdair Robertson to Clive Borrowman, copied to the Cayman Islands Law Society Executive Committee: “Re: Legal Practitioners Law.”

“**Alasdair, many thanks for your email.**”

“The terms I have agreed with the various governments I have worked for (including the UK Foreign and Commonwealth Office) and I agreed with Tony Travers were simply a fee of £100 an hour. Generally I try to send an account setting out the work I have done and the hours worked about once a month. Unless you consider we should do otherwise, I suggest that our exchange of emails should suffice. Should anything exceptional turn up, like travel to the Island, we can negotiate further.

“I hope this is acceptable to you.”

That was the final email from Mr. Borrowman which sets out the terms of the agreement. His earlier email when we asked if he could undertake the drafting of the Bill he said: **“Alasdair, many thanks for your email.**

“I can confirm that I would be pleased to assist you on a Legal Practitioners Bill. My terms would be the same as in 2013.

**“I look forward to hearing from you,
“Kind regards, Clive.”**

That’s all it says.

The Speaker: Fifth Elected Member for George Town.

Mr. Winston C. Connolly, Jr.: Thank you, Madam Speaker.

Again, I just want to ask the question of whether or not we are dealing with two versions of the same—

[Inaudible interjection]

Mr. Winston C. Connolly, Jr.: So, you know nothing about the one before? Because—

[Inaudible interjection]

Mr. Winston C. Connolly, Jr.: All right.

I was just saying, Madam Speaker, I have been very involved with this as I was a CBA executive member before I got into Government. And I was aware of a version that had come to the interim government which was version A and B, I think, and now we are talking about a third version at the same time, is what I am getting from this email exchange. And we now have a 2015 version on top of the 2013 version that Borrowman plus the one by Sherrie Bodden, Theresa Pitcairn and Sammy Jackson. I just want to understand before I go into my —

[Inaudible interjection]

Mr. Winston C. Connolly, Jr.: I’m sorry. And Ian Paget-Brown; all before this—

[Inaudible interjection]

Mr. Winston C. Connolly, Jr.: There were but I am just talking about that same time period because the one that we were circulating here . . . sorry, in the Cayman Islands, that both the Cayman Islands Law Society, all of the lawyers, and the Caymanian Bar Association were discussing at that time, that the Attorney General hosted a meeting about, was version A and B and I am trying to figure out where the first 2013 version came from, because 2013 was right around the same time we took office. That is why I am trying to understand because I want to know what I am talking about before I go further.

{Short pause}

Mr. Winston C. Connolly, Jr.: Madam Speaker, I will fast forward it for a bit and will come back to that once I get the email, so that I can ascertain what I am doing, because I have an email here dated February 2013 which suggests a Clive Borrowman note, and I was just wondering when that started. And I am happy to table this as well. But, Anyway, Madam Speaker—

The Speaker: If you would so that the House would again know the genesis of these emails which are almost like “Murder She Wrote”.

[Laughter]

Mr. Winston C. Connolly, Jr.: I know, Madam Speaker. It is a mystery within a mystery and I am just trying to get to the bottom of it. I have it here and will give it to the Serjeant.

[Copy of email dated February 2013 laid on the Table of the House by the Fifth Elected Member for George Town]

Mr. Winston C. Connolly, Jr.: Madam Speaker, notwithstanding the confusion about the Bill that will soon be cleared up, the Premier in his address spoke about us, I guess, the five Members of the unofficial or Independent Opposition (let’s get that straight)—and not the Official Opposition— taking to the road and speaking out against this Bill.

[Inaudible interjection]

Mr. Winston C. Connolly, Jr.: Those are my notes, Madam Speaker, but what I was going to say is absolutely, because the Bill that we read at the time, the Bill that we had in our possession until the amendments were filed on 14th March, 2017 at 5:45 pm, which was yesterday, and circulated when I started this Motion, is what we were going on. And I have said it long and often, Madam Speaker, that that Bill I saw the 21 days before October, which is the statutory minimum, did not address significant issues that I personally had raised in the past; that lawyers had raised

to me in the past and that I had been advocating for. So, there was no question that yes, as raised by the Government, we went on a roadshow.

Madam Speaker, as far back as July 2015 I spoke to the Government in caucus—I was a member of their caucus at the time—about the Caymanians that came to me, and I read that email on Thursday in this honourable House and they were concerned then about the proper regulation of the industry that hiring, training and promotion to equity partnership, that they were not being included in. And so, these are things, Madam Speaker, that any reasonable person and any reasonable government would have expected amendments from this side.

The Speaker: Member, I just want to remind you that you are actually winding-up on your Motion to request a contract.

Mr. Winston C. Connolly, Jr.: Yes, Madam Speaker, I was just trying to answer some of the allegations made but I will gloss through these things.

Madam Speaker, the other thing about this is that the Premier has now said he wants to sit down.

[Inaudible interjection]

Mr. Winston C. Connolly, Jr.: Mr. Premier, with all due respect, we have been saying it for over a year. I personally went to CILS. I went and asked the Minister of Financial Services. I asked CBA—drafts, drafts. And every time I was asking for a draft to share with the Opposition, I was told it was somebody else's draft and that they did not have permission to share it with me—right? I suggested at the time that as Members of the Opposition, based on something that was 15 years in the making, something of national importance, that we sit, go through the Bill and get all of the wrinkles and warts and all the representations made to us out there in the Bill. It never happened.

[Inaudible interjection]

Mr. Winston C. Connolly, Jr.: Madam Speaker, in this late stage it is very convenient to get up now and say, *Oh, we want meetings.*

Madam Speaker, the bottom line is, in my opinion, there is an inherent conflict here that needs to be acknowledged and answered. I don't often agree with the Leader of the Opposition in his representations.

[Inaudible interjection]

Mr. Winston C. Connolly, Jr.: Some of the time. Anytime you bring something that it is to the benefit of these people of these Islands and the country, I am happy to support you.

Hon. W. McKeeva Bush, Leader of the Opposition: That is all the time.

[Laughter]

Mr. Winston C. Connolly, Jr.: More so than not, yes. All right, I will agree to that.

He is absolutely right, Madam Speaker, in this instance. And I for one will go on record in this honourable House and say that I am happy to proceed on the proposals he made this evening in his representations. His proposal is sound and I hope that cooler heads can prevail, because I could get up here and beat my chest and talk about what people have said about me on the radio, that I was not capable in the two firms that I was a part of, but I am not going to do that, Madam Speaker, because the time has passed—right? There should not be any bad blood in here when people are talking passionately, but like I said, I am not going to go into that. I've got the recording now. I did not have it before because I do not listen to the radio. But anyway, I would suggest, Madam Speaker, that if we want something that works, we act with haste on the proposal of the Leader of the Opposition.

Madam Speaker, not only on his proposal, as Father of the House, but the Honourable Deputy Speaker who I admire and respect greatly, who has helped me a lot in this honourable House, both on that side of the aisle and on this side of the aisle; someone who does not have the vested interest in it that lawyers may have, but nobody can question his resolve to stand up for the people of these Islands. He has done so without any blemish on his character. And the fact that he is getting up and saying it is time, then, I think we can all look and I will bend and bow to their knowledge and experience, Madam Speaker.

If the Government is willing to engage in good faith and listen to the Opposition's amendments, not categorically dismiss them because we too spend time on this. We don't have researchers and we do not have other things. We have to go and engage and ask the questions and do the work ourselves. If there is that commitment to take on the suggestions of two of the elders of this House (and I use that as to the time they have been in this honourable House and not any reference to age), then, I say, let's do it! Let's get to the salient points, the points that everyone says we need. Let's get this Bill passed, work in committee stage. I think we should call in the witnesses though, to ascertain just how deep this is, because some people are still not willing to write their names on these letters and that means that there are a number of people who are afraid to be seen in public. We would call the witnesses I propose, in camera, so their identities can remain right here in these hallowed Halls, because if they get out, then we know it is one of us in here that said it.

Mr. D. Ezzard Miller: And you will never know who it was. That's why I'm not going in there.

Mr. Winston C. Connolly, Jr.: Madam Speaker, I already heard some good suggestions from the other side and I think, again, that is a good start.

Madam Speaker, it was said earlier and I corrected it—that I am against this Bill. I am not! I want the best for my people. I have lived this, Madam Speaker, as a lawyer, as a council member on the Caymanian Bar Association and as secretary, as a member of the Business Staffing Plan Board, as a Member of this Government. I have seen it from all sides. It has not weaned. What has changed is that people now are willing to put their names there and say, *I don't care what the consequences are*. Madam Speaker, when Caymanians do that, when mild-mannered, meek Caymanians do that, that should signal to all of us in here that they have had enough! And we as their representatives, by them and for them, owe them at least an audience to hear these things, to have the strong conversations that we need to have with some of the law firms. We are not here to close down law firms; at least I am not. But they also need to acknowledge and accept that they have done wrong by our people.

Mr. D. Ezzard Miller: And I hope you know these commitments are not going to do anything.

Mr. Winston C. Connolly, Jr.: Madam Speaker, I take my job very seriously. I spend a lot of time researching and going over these and I think I am actually a very balanced person in general. But I have also said in this hallowed House, enough is enough! The time is now!

Somebody said yesterday that I was saying all of this stuff. Absolutely! I will own it and I make no apologies to anybody for it, or asking about the process, Madam Speaker, because that is where we need to get to: truth and reconciliation; transparency and accountability is what we need to demand in this House.

Mr. V. Arden McLean: It is only meant for us, you see.

Mr. Winston C. Connolly, Jr.: Madam Speaker, I had a quick glance at the notice of committee stage amendments presented through this.

[Inaudible interjection]

Mr. Winston C. Connolly, Jr.: No, we were talking about this Premier, so I am just referencing this and I am trying to do it in a vein of good faith. And what I was going to say is that of the things, it appears at a tertiary glance, is that the representations we made last week on behalf of our people are starting to filter

in. I don't expect that they are going to be conclusive of everything that we said, but that is fine for a starting point, Madam Speaker. So, I accede to the Government that at least this shows that they were finally listening to the Opposition and to the people.

Madam Speaker, I think based on what we have seen here today, we can all accept that there were flaws in how this was handled and that it was not a text book case of good governance, transparency, et cetera, but that does not mean that we cannot move forward.

Madam Speaker, part and parcel of this is that anything that took so long, so many governments to go through, this Government could not have expected to just ram it down our throats because they had the majority. There is one thing to have power but there is another thing to exercise restraint, and restraint would have been dealing with this side very early. The accountants came to us, we gave them a piece of our minds, they went back and they came back, they went back and the came back. They passed the law. We passed the law, right? Madam Speaker, it is the same things that I was telling the Societies for over a year ago.

Madam Speaker, I want to grow this industry. I also want our Caymanians to get to the top so that they can fully participate in that growth. So, anytime anyone wants to ask what my motives are, it is full participation of my people, getting them equal opportunities, getting them full exposure, equal pay in terms of the PQE and also then, eventually to equity partnership; that simple! But I also know that we cannot just simply reward bad behaviour by rubber stamping a law because we are on a deadline. So again, I would implore this honourable House to listen to those two fine gentlemen who have made these representations, and I for one, and can't speak for anyone else because again lest people think otherwise, I am an independent Member of this Opposition. I have no leader, I have no party. I use this and I always ask myself two questions: Is it good for Caymanians? Is it good for the Cayman Islands? In that order is how I make my decisions in this House, Madam Speaker; not because of anything anyone else will say. So, I for one, based on the items that we have seen, the discussion and the suggestions will roll up my sleeves and act in the best interest of Caymanian lawyers, the Caymanian legal profession and the Cayman Islands. And I will be happy to do so with these two gentlemen leading the way along with the Premier and the Government.

Thank you, Madam Speaker.

Mr. D. Ezzard Miller: Good job!

[Applause]

The Speaker: Honourable Fifth Elected Member, before I put the question on your Motion, the "contract"

has been supplied by the Honourable Minister of Financial Services, which was the substantive request of your Motion. Are you still in the position where you want to go through the formality of putting the question for the record? Or, do you wish to withdraw seeing that you now have what the Motion was seeking?

An Hon. Member: Put it to the vote.

Mr. Winston C. Connolly, Jr.: No, Madam Speaker, I want to put it to the vote. Thank you.

The Speaker: Okay.

The question is that the contract dealing with the terms of reference to the Legal Practitioners Bill be submitted to this honourable House and its entirety.

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

AYES.

The Speaker: I believe the Ayes have it. The Motion is accordingly passed—

Hon. W. McKeeva Bush, Leader of the Opposition: Divide please.

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

The Clerk:

Division No. 33

Ayes: 16

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
 Hon. W. McKeeva Bush
 Mr. Bernie A. Bush
 Capt. Eugene Ebanks
 Mr. Alva H. Suckoo, Jr.
 Mr. Winston C. Connolly, Jr.
 Mr. D. Ezzard Miller
 Mr. V. Arden Mclean
 Hon. Anthony S. Eden

Noes: 0

Absent: 1

Hon. Alden McLaughlin, Jr.

The Speaker: The result of the Division is as follows: 16 Ayes and 1 absent. The Motion is carried.

Agreed by the majority: Motion for the Contract of the terms of reference to the Legal Practitioners Bill to be submitted to the House and its entirety, passed.

The Speaker: We will revert to Question time.

The Honourable Leader of the Opposition was next in line to pose his question.

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

Madam Speaker, we have heard that the drafting instructions came from the position papers which we have and which we were not able to go through, of course, but we have them now, of the two Associations and then the Government took them to caucus.

Can the Minister say: Who is the caucus? We heard that the caucus told them, I think if I am . . . and we might—

[Inaudible interjections]

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

Madam Speaker, the caucus then gave them support or instructions to have the Bill drafted by those entities, other than the Government. If he did not say that, certainly that was the effect.

The Speaker: Honourable Minister responsible for Financial Services, I think he is asking who your caucus is.

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

Madam Speaker, the caucus essentially consists of the Government frontbench and backbench. It also includes the Chairman of the Progressives Party.

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

[Inaudible interjection]

Hon. G. Wayne Panton: No, he doesn't.

And caucus simply considers proposals and makes recommendations as to what the Government's position should be. That's it.

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

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, we know who the Government's frontbench is and who their two backbench Members are.

The Chairman of the PPM, who is that?

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I don't think it is any secret. We can almost take judicial notice. The Chairman is Mr. Anton Duckworth.

[Inaudible interjection]

The Speaker: If there are no further supplementaries, we will move to question No. 35.

Hon. W. McKeeva Bush, Leader of the Opposition: Oh boy!

**QUESTION NO. 35
UPDATE ON THE PROGRESS MADE WITH
IMPLEMENTING ELECTRONIC FUNDS
CLEARINGS BETWEEN ALL
LOCAL RETAIL BANKS**

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

Mr. Alva H. Suckoo, Jr.: Thank you, Madam Speaker.

Madam Speaker, I wish to ask question No. 35 in my name to the Honourable Minister of Financial Service, Commerce and Environment. Can the Honourable Minister provide an update on the progress made with implementing electronic funds clearings between all local retail banks?

The Speaker: Honourable Minister of Financial Services.

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

The answer: The Cayman Islands Monetary Authority can report that extensive progress has been made on implementing electronic funds clearings between all local retail banks. The Cayman Islands Bankers Association is spearheading the project and has formalised a plan to establish an automated payment and clearing system in the Cayman Islands that would provide two critical functions: electronic fund transfers and cheque image exchange to speed up the payments and clearing processes.

The CIBA anticipates that the electronic funds transfer system will be implemented by the third quarter of 2017. Thank you.

The Speaker: Are there any supplementaries?
Fourth Elected Member for Bodden Town.

SUPPLEMENTARIES

Mr. Alva H. Suckoo, Jr.: Thank you, Madam Speaker.

Can the Minister state what the anticipated clearing time will be for transactions initiated under the new system? For example, when a transaction is initiated, how long will it take for the funds to settle?

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I can't say that I have the exact information in respect of that, but if it an electronic funds transfer system, it will be relatively immediate.

In terms of the cheque clearing system, I think that is going to be somewhat similar but it may take more time than something happening within seconds. I don't know the exact information in respect to that but it will be relatively rapid compared to the process that exists today, Madam Speaker.

The Speaker: If there are no further supplementaries, we will move on to question No. 36.

**QUESTION NO. 36
UPDATE ON THE INVESTIGATION INTO THE
DISTRIBUTION OF FUNDS BY THE HSBC
FOUNDATION, AND IN PARTICULAR, TO THE
EDNA MOYLE PRIMARY SCHOOL, AS
COMMITTED TO DURING THE COMMITTEE
STAGE ON THE NON-PROFIT ORGANISATION
BILL, 2016 ON 21ST OCTOBER, 2016**

The Speaker: I recognise the Honourable Member for North Side.

Mr. D. Ezzard Miller: Thank you, Madam Speaker.

Madam Speaker, I beg to ask the Honourable Minister of Financial Services, Commerce and Investment the following question: Can the Honourable Minister give an update on the investigation into the distribution of funds by the HSBC Foundation, and in particular, to the Edna Moyle, as committed to during the committee stage on the Non-Profit Organisation Bill, 2016, on 21st October 2016?

The Speaker: Honourable Minister of Financial Services.

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

Madam Speaker, the answer: During the discussion on the Non-Profit Organisation Bill, 2016, the Hansards will show that I made no commitment to investigate the distribution of funds by the HSBC Foundation. Nevertheless, I have been informed that the Ministry of Education, on the request of the Honourable Attorney General, wrote to all public schools and the public school PTAs to provide information on any donations that may have been received. As at 14th February, 2017, two public education institutions had

received significant donations. This did not include the Edna Moyle Primary School. The donations were made on the understanding that no publicity would be arranged, so it would not be appropriate for further details to be announced. Thank you.

The Speaker: If there are no further supplementaries, we will move on to the next question, being question No. 37.

**QUESTION NO. 37
TOTAL COST OF THE BUS SHELTER AT THE
EDNA MOYLE PRIMARY SCHOOL, INCLUDING
THE COST OF THE DRAIN WELL**

The Speaker: Honourable Member for North Side.

Mr. D. Ezzard Miller: Thank you, Madam Speaker.

The Order Paper says that the question is directed to the Honourable Minister of Financial Services, Commerce and Environment; I think it needs to be to the Minister of Education.

The Speaker: It should be Education.

[Inaudible interjection]

The Speaker: The Clerk said that she said Education and the Order Paper says Financial Services. At the end of the day, it should go to the Minister of Education. So, let's move on.

Mr. D. Ezzard Miller: Okay Ma'am.

The question is: Can the Honourable Minister give the final cost of the bus shelter at the Edna Moyle Primary School, including the cost of the drain well?

The Speaker: I recognise the Minister responsible for Education.

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

Madam Speaker, the answer: The total cost of the bus shelter project at the Edna Moyle Primary School was \$63,580 which includes the final cost of the storm drain at \$3,100 as provided to me by my staff.

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

SUPPLEMENTARIES

Mr. D. Ezzard Miller: Madam Speaker, could the Minister confirm that the drain well has been dug to the depth as specified on the plan which the bids were made?

The Speaker: Honourable Minister of Education.

Hon. Tara A. Rivers: Madam Speaker, I would like a moment to confer with my staff.

The Speaker: Most certainly.

[Short pause]

Hon. Tara A. Rivers: Madam Speaker, I have been advised that the depth of the well originally agreed was not, in fact, achieved by the contractor who dug.

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

Mr. D. Ezzard Miller: Can the Minister say whether an adjustment was made to the bid cost that was submitted to dig the well 120 feet when the well is only 67 feet?

The Speaker: Honourable Minister of Education.

Hon. Tara A. Rivers: Sure. Can I just have another moment to confer with my staff please?

The Speaker: Yes, Minister

[Short pause]

Hon. Tara A. Rivers: Madam Speaker, I have been advised by my technical staff that the drain well was agreed to be dug to 100 feet and that it was actually installed at 70 feet, according to their measurements, and that there was, in fact, a refund or an adjustment and the only outstanding money was \$65 that the contractor kept for various overheads.

The Speaker: Member for North Side, I will allow two more supplementaries and then we will move on to the next item.

Mr. D. Ezzard Miller: Madam Speaker, I had reason to doubt that the well was 120 feet because of the time the rig spent there and how far the rig had gotten when I went to have lunch with my mother, as in every Sunday, and when I came back at 5 o'clock the rig was gone. I measured the depth of the well with my fishing line that I catch shellfish with down by my mother's house. My grandfather told me that at 6 feet I get 11 of them; 66 feet. The next morning Mr. Tommy Ebanks was at the site and I asked him to have the contractor measure the well. The contractor cursed me out and told me if I had nothing better to do than to come down there to talk about measuring well. I said, Tommy, you need to measure the well. So, he asked him to measure the well and, Madam Speaker, he tied one of those 32 ounce straight claw hammers onto his own 100 foot tape and he said: "You see, one foot is

used to tie it" and he slacked it down and it stopped at 67 feet. He looked at me and told me that the hydrostatic pressure is good that it is floating the hammer. So, I said, Well, *You see that four foot crowbar there, can't float that.* He dutifully tied it on and it stopped at 67 feet again. So, Madam Speaker, the plans on which the bid was made, of which I have a copy, says the well was supposed to be 120 feet. It is 120 feet and I will bring the plans tomorrow and table it.

The question I asked: Was the contractor paid the full price that he bid for a 120 foot well or a 67 foot well?

[Inaudible interjection]

The Speaker: Honourable Minister of Education.

Mr. D. Ezzard Miller: He said \$75 and he made him keep it.

Hon. Tara A. Rivers: Madam Speaker, as I indicated, or maybe I didn't indicate this part. I have just been informed that the adjustment was made for a \$400 refund back to the Government. The only thing that would be an outstanding amount that was not necessarily adjusted back to the Government was \$65 and that was by agreement with the Ministry at that time. So, the only thing that was not refunded to the Government was \$65.

The Speaker: We will move on to the next item of business.

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

The Speaker: There are no statements.

PERSONAL EXPLANATION

IN-CAMERA MEETING

The Speaker: I recognise the Member for East End.

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

Madam Speaker, I wish to set the record straight on the matter of an in-camera meeting scheduled for last Monday, especially since the press has tried to portray the Independent Members as a cause for the meeting not happening.

On Friday last, the Premier expressed to the Fourth Elected Member for Bodden Town, Mr. Suckoo, and myself, of his frustrations for not making progress with his Government on the Opposition Independent proposed amendments and the additional suggestions made by us during our contribution to the debate on the Legal Practitioners Bill. I suggested, in

the interest of efficiency and to save time, that, we meet on Sunday in order for us to explain our proposed amendments and maybe reach consensus on some, prior to committee on the Legal Practitioners Bill. It should be noted that I was committing my colleagues to attend this meeting without their prior consent.

I further suggested that we, the Independents, be allowed to bring support to assist with airing our proposed amendments. The Premier refused this suggestion on the grounds that at least two of our support would be considered to be too disruptive. The Premier consulted with his colleagues and eventually agreed on Monday at 3 pm upon the completion of the Youth Parliament.

Sometime during Friday evening I was contacted by my colleagues informing me that the press was reporting that the Premier was extending an olive branch for us to meet. Imagine our surprise. My colleagues expressed their objection to attending because the Government was not acting in good faith.

On Monday morning, Madam Speaker, I was contacted by the Chief Justice who explained that Minister Panton had contacted him to attend and address the meeting scheduled for 3 pm that day. In his defence (i.e., the Chief Justice) he said that he had told Minister Panton he would have to clear it with other Members of the Legislature, thus his call to me. My concern about that call was not that it was the Chief Justice but that we were not allowed to bring support to the meeting, yet, the Government was now bringing support for whatever reason, to do what should have been a meeting to work out what would have normally been discussed in committee stage of any Bill before the Legislature.

Madam Speaker, it is patently obvious that the Government was using the opportunity presented by me to gain one-upmanship and not interested in reaching consensus on the differences between us on the Legal Practitioners Bill. This behaviour, I submit, is precisely why there exists such emotive contention with what is agreed by all as one of the most important pieces of legislation to ever come before this august body. I can say that we further believe that this Bill has not progressed over the many years, as there are certain Members of the Government who refuse to engage with us.

Madam Speaker, the people must know that it is not our intention (that is, us, over here) to harm the financial industry and, by extension, our country; to the contrary, we too want a modern Legal Practitioners Bill or Law that will support the financial industry whilst giving our people opportunities and benefitting the country as a whole.

I thank you, Madam Speaker.

The Speaker: We will now take the afternoon break and reconvene at 6:45.

Proceedings suspended at 6:16 pm

Proceedings resumed at 8:34 pm

The Speaker: Please be seated.
Proceedings are resumed.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: There are none.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: There are none.

GOVERNMENT BUSINESS

BILLS

FIRST READINGS

DEVELOPMENT BANK (AMENDMENT) BILL, 2016

The Clerk: The Development Bank (Amendment) 2016.

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

DATA PROTECTION BILL, 2016

The Clerk: The Data Protection Bill, 2016.

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

Sorry.

Member for East End.

PROCEDURAL MATTER

Mr. V. Arden McLean: Thank you, Madam Speaker.
Madam Speaker, I see, and am merely raising a procedural matter. I see on the Order Paper where this Bill is listed as the First Reading.

The Speaker: Which one? Is it the first one or the second one?

Mr. V. Arden McLean: The Data.

The Speaker: Number two.

Mr. V. Arden McLean: The Data Protection Bill. This was published on the 1st April 2016. That is a year ago and obviously we do not have the Bill. I see where we have this green paper but can someone explain why it is that we do not have a Bill? And Madam Speaker, if I

may, there is one listed under "Committee on Bills" which is the Non-Profit Organization Bill, 2016, and that went through its stages . . . I don't know, it might have been recommitment of Bills. In October that went through those stages. Can somebody explain on these two particular Bills what is happening?

[Inaudible interjection]

The Speaker: I recognise the Honourable Attorney General.

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

Madam Speaker, I am not so sure I understand the question as it relates to the Data Protection Bill.

Mr. V. Arden McLean: We don't have a Bill.

The Attorney General, Hon. Samuel W. Bulgin: Well, I have a Bill that was gazetted Supplement No. 4 published with Extraordinary Gazette No. 22, dated 1st April 2016, and I have a copy.

The Speaker: Honourable Member for North Side *[sic]*. Sorry, same said district. I said that in jest.

Honourable Member for East End, you are not the only person not in possession of the green Bill. The Chair does not have it. It has been photocopied and I am reliably informed that there is no actual green Bill. Now, I know what your next question is going to be so please direct it to the right person this time.

Mr. V. Arden McLean: Madam Speaker, here is my concern. If the Bill was gazetted a year ago, we are just receiving it. Has there been any changes since a year ago, compared with the one gazetted (i.e. further consultation, deferral thereof, further consultation and if that has been incorporated into this one now) because I don't know if that is what the status would be on that particular matter?

The Speaker: Honourable Attorney General.

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

Madam Speaker, since the Bill has been published, although I can say, as far as I can recall, it was on the Business Paper of this House and it was deferred sometime last year, I think it was, for further consultation. Since then, further consultations have taken place but the Bill itself has not changed. The outcome of those consultations is hoping to be dealt with by way of committee stage amendments. So, this is the Bill in its original form as was published.

The Speaker: Can I just ask you, Honourable AG, where did you get your copy of the Bill from? Are there more copies that Members can get?

The Attorney General, Hon. Samuel W. Bulgin: I think I got it in the mail; the usual thing.

Mr. V. Arden McLean: I'm not trying to be difficult, Madam Speaker.

[Inaudible interjections]

The Speaker: Member for East End, do you have a follow-up or are you finished?

Mr. V. Arden McLean: Madam Speaker, I am not trying to be difficult, it is just that one year is a long time that we have not had a copy of a gazettal printed by an authorised printer, I believe the term is in the Law and here we are one year later. I know, Madam Speaker, we have to trust somebody but . . . Madam Speaker, I will leave that one but I certainly want to know why we are recommitting a Bill to committee stage on the Non-Profit. Madam Speaker, I will wait until the Attorney General says it on the mic.

The Speaker: Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Madam Speaker, I will be happy to do that. I am subject to your ruling. I think that is something we should discuss when we get to committee since it is not part of the Second Reading. It is way down the committee stage.

The Speaker: The Chair would very much like to acquiesce to your request. The difficulty is that because the Member has raised it on a procedural stage, if we wait until we get to committee and it is decided that it should have taken another route, they might have lost their opportunity to so do, but I am open to your legal advice if you would switch a different cap on at this stage.

The Attorney General, Hon. Samuel W. Bulgin: Madam Speaker, I am not trying to be difficult, I am just simply saying that the Bill as is now is not properly before us, really, for discussion. It is not a part of the First Reading which is where we are at. It is not part of the Second Reading.

The Speaker: No, I understand that, Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: It is going to be discussed in a completely different format.

Mr. V. Arden McLean: Madam Speaker, if I may help.

The Speaker: Member for East End.

Mr. V. Arden McLean: Madam Speaker, every Member of this honourable House is required to know what they are reviewing and the process is the First Reading, Second Reading, Committee, Report and Third Reading. We cannot, Madam Speaker, be seeing a Bill reappear on the Order Paper under the committee section when it is only this Parliament can recommit a Bill.

[Inaudible interjection]

Mr. V. Arden McLean: Show me where it can be done under any other circumstance.

[Inaudible interjection]

The Speaker: Members, the Chair would sincerely seek the indulgence of Members to deal with this on Friday morning and let us continue with the debate. It is a procedural point and the Chair takes note of the situation. I understand the direction that both sides are going but can we deal with it on Friday morning instead?

Member for East End.

Mr. V. Arden McLean: Madam Speaker, I am satisfied with your ruling as per your request that you have made to the honourable House. However, I would like to come back to it because—

The Speaker: So would I.

Mr. V. Arden McLean: —no Bills must come to this House unless they go through their proper readings, unless the Governor has not assented thereto, then the Governor must send it back with recommendations on the amendments. And I leave it right there.

[Inaudible interjection]

Mr. V. Arden McLean: Well, if it is not amendments, we deal with it the way we see appropriate.

The Speaker: Members, we will continue with the debate. Madam Clerk, please make a note that the Matter should come back up on Friday morning when it can be aired fully and both sides will have an opportunity to put their positions and the Chair will make a ruling.

Go ahead, Madam Clerk.

SECOND READING

LEGAL PRACTITIONERS BILL, 2016

[Continuation of debate thereon]

The Clerk: The Legal Practitioners Bill, 2016.

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?

I recognise the Honourable Premier.

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

Madam Speaker, the debate on this most important piece of legislation, the Legal Practitioners Bill, 2016, has been long, difficult, angry at times, but I don't doubt ever, Madam Speaker, that however they go about it, all Members of this honourable House really do want to do the right thing by Cayman and by Caymanians. How we get there sometimes is a long and winding road and often in this thing called democracy we tend to employ methods which perhaps are on an objective analysis, not necessarily the best way forward.

Madam Speaker, I am happy to say to the House and the broader public that in the lengthy break which we just had for dinner, the opportunity was taken on behalf of all Members of the House to talk about the way forward and I am satisfied, although I will ask, Madam Speaker, at the appropriate time for the Leader of the Opposition and the Fifth Elected Member for George Town to indicate on behalf of their respective teams, that they are in agreement in that we have agreed to meet to discuss the proposed amendments of the Government and the Opposition tomorrow in lieu of the regular meeting of the House, with a view to narrowing the issues between us, and in the hope that we can significantly shorten the committee stage process of the Bill. And that it is proposed that following the conclusion of the debate on the Bill this evening, but prior to the actual commencement of the winding-up by the Minister of Financial Services, the House will adjourn to allow that discussion on the committee stage amendments to proceed in-camera and the winding up will then resume on the Bill on Friday morning. So, Madam Speaker, I am greatly encouraged despite a number of false starts and attempts (not false attempts, attempts and false starts) in getting there, I do believe that we will get there.

Madam Speaker, notwithstanding that, I do wish to speak about a range of matters relating to this Legal Practitioners Bill and the issues around the legal profession in these Islands, particularly the issues relating to discrimination against Caymanians. And I won't say "allegations" because I know them to be real. I can't know each and every single one representation that has been made to me to be real because I don't know those personal circumstances that are described. I can only take the word of those who have written them, but I have been engaged in the legal procession in these Islands (or I was) from 1983 to 2005. And I was president of the Bar Association for

two years. I have a wife who is a lawyer and as I indicated in the previous debate, I have a son who is almost one. So, I'm still very much connected to the profession. But, Madam Speaker, before I get there, I think, without any acrimony I hope, I need to set the record straight with respect to the acrimonious issue of the drafting of the Legal Practitioners Bill that is before us and who was present and who agreed and what the process was and how we decided about who should pay for it.

Madam Speaker, the Member for East End described the way that we went about this as irregular and unprecedented and I forgot which other adjectives he used. But, Madam Speaker, let me just say that I am not one who believes very much in informality when it comes to business. Those who were and who are a Member of my Administration and the Government, the civil servants, the public servants who work with us and the countless number of people who make presentations to the caucus of this Government will understand that we have a formal process of agreeing policy in my Administration. Madam Speaker, this was a discipline that was not easily taught, even to Members on my side who were unused to such a structure. But I was part of a previous administration in which things were not quite so formally done and I did not like this idea of Ministers fighting with each other in Cabinet in the presence of the Governor, Official Members and Civil Servants. And any issues, battles that we have about policy, ought to take place in the context of a caucus where we can hammer these issues out. I don't think I have had a single Cabinet Meeting that has lasted more than two and a half hours; usually, significantly less. And that is not because we do not consider issues carefully but it is because the hard work has been done in caucus. The caucus rarely finishes before six o'clock, sometimes much later and we start at midday. We keep a record of what we have talked about and decided in the caucus and we also confirm that in a formal way at the next meeting.

Madam Speaker, a great deal was said by the Fifth Elected Member for George Town and the Fourth Elected Member for Bodden Town, particularly the Fourth Elected Member for Bodden Town who said he was unhappy (I think he used a stronger word but I can't precisely remember what it was and do not want to misquote him) that these sorts of decisions about paying for the drafting of the Bill were taken behind his back without him knowing. Madam Speaker, I asked my senior legal advisor who acts as secretary to the caucus to retrieve the records of—

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin, Jr.: Senior Political Advisor, sorry. The poor AG was thinking I was talking about him.

[Laughter]

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, at the meeting of the 8th September 2014 of the caucus of this Administration, at which were present, myself, the Deputy Premier, the Honourable Minister of Planning, the Honourable Minister of Community Services, the Honourable Minister of Finance, the Honourable Minister of Financial Services, the Honourable Minister of Education, the Deputy Speaker, Councillor. I should call him by his correct title here. He is the Sixth Elected Member for George Town; the Fourth Elected Member for Bodden Town, the Fifth Elected Member for George Town and the Second Elected Member for George Town and the Chairman of the Party, Mr. Anton Duckworth. For those who might be struggling with all of that, who is who, the Fourth Elected Member for Bodden Town was the then Councillor, Alva Suckoo, and the Fifth Elected Member for George Town was then Councillor Winston Connolly.

Madam Speaker, under the heading “Legal Practitioners Bill” (I will read the whole thing): “Minister Panton advised that he has discussed with the Premier and asked for the Premier to help move this forward.

“I also noted concerns of some in the judiciary who acknowledged the mature approach but mentioned a few areas that could be considered. Noted that the Cayman Law Society and the Cayman Bar Association have agreed to pay for the drafting, but first, they are seeking guidance from caucus Cabinet regarding some areas. We will need to spend one caucus session of several hours looking at this. Roy Tatum to look to see what can be done to set a day with no presentations. Anticipating that if all goes well, this may get passed in the LA end of quarter one next year at the earliest. Noted, that once caucus was happy, then, the Cayman Islands Law Society and the CBA will take the proposals to their bodies.” [UNVERIFIED QUOTES]

Madam Speaker, the next mention of this by the caucus, 6th October, 2014—Members of the caucus, present were myself, the Honourable Minister of Planning, the Honourable Minister of Community Services, the Honourable Minister of Financial Services, the Honourable Minister of Education, the Sixth Elected Member for George Town, the Fourth Elected Member for Bodden Town, the Fifth Elected Member for George Town, the Second Elected Member for George Town and the Chairman.

“Legal Practitioners Bill—The Premier reminded Members of where things were at and that the proposal is to start the process over and to create a fresh Bill rather than trying to fix the previous versions which all had issues. We need to review and see if we can approve the position paper and provide any feedback so that the legal fraternity could hire someone to provide a draft Bill. Our role is not to try to draft the Bill

here but to agree policies and principles and what the Bill should do.

“The Premier noted his two concerns are: 1) licensing of overseas lawyers who practise Cayman Law and 2) that we need to ensure that Cayman attorneys have a fair chance to enter the profession and have upward mobility. A Member noted that despite the fact that we cannot eliminate overseas lawyers, we should try to incentivise the work to be done here rather than overseas. This would be better for Caymanians and also for the economy generally. Agreed that we need to allow for overseas lawyers but they need to come to Cayman and be called to the Bar. There may be other requirements as well.

“Discussion around providing opportunities for Caymanians to serve overseas: Providing proper exposure should be standard training for Caymanians. Varied discussion on how to ensure Caymanians have opportunity to become equity partners. Suggestion is to have improved regime that can keep tabs on whether law firms are doing what is needed to train Caymanians and to provide them with opportunities for equity partners.

“Concerns expressed as to whether the Business Staffing Plan Board is able to manage the process. A Member suggested that we ask them to get on with the drafting and advise what the concerns are and see how they resolve it in the draft Bill provided. Noted, that the legal fraternity will need to get signed off as well from their members before proceeding.” [UNVERIFIED QUOTES]

Madam Speaker, I did that or had that research done and I have read that note of the discussions in the caucus of this Administration on the 8th September 2014 and the 6th October 2014, because anyone listening to the impassioned debate and the protest by the Fourth Elected Member for Bodden Town and the Fifth Elected Member for George Town would have, must have concluded that they were not privy to any of this and to how the Government wound up doing what we did in terms of the development of the adoption with amendment of the Joint Position Paper of the CBA and the CILS and the decision also that they be invited to pay for the cost of having a specialist draftsman carry out this work.

As I said, Madam Speaker, I am not going to make any more of it than that. But the suggestion that somehow we (some of us obviously) were underhanded in the way we went about this process, had to be addressed. Those Members know me and know that whatever they may think of me, guile is not something that comes naturally to me and I have, in almost four years, never attempted to hide from any Member of my team, or to proceed down some particular path with respect to a policy or a position without advising them and in every instance attempting to get everybody on board. I am by nature in terms of my leadership style, a consensus builder. That is just naturally how I am and that is what I did in this instance and

that is what I have done in every instance. It does not always succeed but I try really, really hard. So, Madam Speaker, I hope that some of the mystique about the process has been put to bed in that regard.

Madam Speaker, a few things have irked me more in my years in public service than the impression given by the debate that has ensued, not just in this House in recent weeks, but over the course of the last year plus, and the suggestion which has unfortunately taken route that I and others on my side do not care about Caymanians and the Caymanian lawyer in particular or the Caymanian aspiring lawyer, as the case may be; and that somehow we have thrown in our lot with what is perceived to be the big firms which are in most peoples' view, generally owned by foreigners, notwithstanding the fact that many of them now have Caymanian status. Madam Speaker, I can't begin to tell you what that has done to me, especially because I know many of those on the other side who have made those—I can't say they made those assertions. I have never heard anybody (and I will be careful with what I say) said directly from the other side that Alden this or Alden that. But the number of people who have come to me and said that they have heard Members on the other side suggest this or that, when I know, Madam Speaker, that everyone on the other side—every one of them—knows what Alden McLaughlin is made of, and even if they do not know intimately how I came up, they know generally.

Madam Speaker, when I left high school I went to work for government. I got a position which I could not believe they would give to a 19 year old but they did. I was not even 19 yet, I was 18. I got the job in July and I was 19 in September—assistant labour officer, had not a clue what it was. One year later because of circumstances I wound up over the courts office. I was 21 that September that they appointed me as deputy clerk of the court with absolutely zero legal knowledge; that was 1981. As I said before, the people who have had the great influence over my legal training and development, in every single instance, has been a foreigner. I have struggled over the last few days to think of which Caymanian lawyer or judge or anything like that, had any real influence on the course of my life and my career. I could not find anyone. Madam Speaker, it was Mrs. Ena Blanche Allen who was a former high court judge from Jamaica who came here as a clerk of the court in 1982, that first insisted that I had to go to law school. I resisted. Law School started that year, 1982. I wound up in the second year, 1983 as her article clerk. I was encouraged not just by her but by Peter Rowe who was then the director of legal studies; he is now Dr. Peter Rowe, retired happily from the University of Liverpool.

I had to leave government because of the oppressive requirements at the time that they insisted that article clerks had to sign; huge bonds and a committal to stay with government for a minimum of five years when law school was completed. I went into

the private sector. The late Collin Charles Adams is who offered me my first position. I stayed with that firm from the 1st April 1984 until I became a Minister following the elections in 2005. Charles Adams, Graham Ritchie, Pierre Lamontagne QC, to a lesser extent, Raymond Alberga QC—I've worked with many lawyers over the time—those are the people who taught me, who gave me opportunity to learn, to train.

Five years after I qualified in 1988, Mr. Adams called me into his office and said: "Young man one of these days you are going to be chief justice or chief minister." I haven't figured out which yet. And I laughed at him and he said: "No my son. I am shortly to leave here but I will not leave before you are a partner in this firm." And so said, so done! December 1993 I became a partner in Charles Adams, Ritchie, and Duckworth. That was no big law firm but it was a solid mid-size firm with a very sound reputation for good work. It has now been subsumed by a firm called Collas Crill and the only surviving member is Anton Duckworth. But, Madam Speaker, I say all of that to say that I do not stand and condemn foreign lawyers who have come here and worked and helped train us as Caymanians and giving Caymanians an opportunity, because I owe what I managed to achieve almost entirely to the training and opportunities that foreign lawyers gave me and I shall never ever forget that.

Madam Speaker, I also know, as does the Minister of Financial Services because we were in the same year in Law School, the second year to graduate from the Cayman Islands Law School, that prejudice and discrimination exist and has always existed. The form it takes may have changed over the course of those years but not the reality, because in those early days we battled against the view that somehow the education we were receiving at the Cayman Islands Law School was substandard and that we would not or could not meet the challenges that the profession presented. But we persevered. He and I and Frank Banks, the only three in that year who actually finished that year. There were others who started but only three of us went through to graduation because those days it was five years at the Law School. We did the academic bit contemporaneously with the articles. The three of us became partners—Frank and the Minister of Financial Services at what was then known as W.S. Walker and Co.; and I, at Charles Adam Ritchie and Duckworth. I was actually (and I don't think I am mistaken in this) the second Caymanian to be made a partner in a Cayman law firm. There were other Caymanians who actually formed firms and thereby became partners. I'm not counting those in my analysis, but to go into a firm and to rise through the ranks to become a partner, the only other one that I recall did that was Mrs. Sharon Pierson who was the first one at Maples and Calder.

Madam Speaker, as I said, the issues about discrimination which have been brought to the fore in

this rancorous debate over the course of the last, quite frankly, 15 years, are not new. Madam Speaker, I carried the flag on behalf of Caymanian lawyers long before the Fifth Elected Member for George Town seriously thought about going into the practice of law. And so, they will forgive me if I resent the inference that somehow I do not fight, I don't believe in Caymanians or that I don't take seriously the charges that have been made by many Caymanian lawyers about their unfair treatment in law firms. And, Madam Speaker, as far as putting your name to it, believe you me, I understand all of that.

I found, Madam Speaker, a speech I made at the opening of the Grand Court in January of 1999. I was president of the Bar Association for two terms; 1998 to 1999 and 1999 to 2000. I resigned just prior to my running for the elections. And, Madam Speaker, I was chastised quite publicly in some instances in the *Caymanian Compass* at the time by a prominent Caymanian, a Cayman attorney, about politicising the legal profession at the opening of Grand Court. And, Madam Speaker, the concern then was what I had said about this issue of discrimination and lack of opportunity for Caymanian lawyers. Madam Speaker, this is January 1999. Madam Speaker, I am going to read with your permission a bit of that speech.

The Speaker: Please proceed.

The Premier, Hon. Alden McLaughlin, Jr.: I was talking about the growth of Cayman and the growth of the legal profession. I said: "Another measure of this growth is the judiciary itself and what is now generally termed Government's Legal Department.

"When the Cayman Islands legislated into existence its own Court of Appeal in May of 1984, the judiciary consisted of one Grand Court Judge and one Magistrate. Government's Legal Department consisted of the Attorney General, one legal draftsman and four Crown Counsel. It now requires three fulltime Grand Court judges and one part-time judge as well as three magistrates sitting fulltime to deal with the business of the courts.

"Government's Legal Department now consists of the Attorney General, the Solicitor General, four Legal Draftsmen and twelve Crown Counsel." This is 1999.

"When I was admitted to practice in 1988 there were approximately 75 lawyers entitled to practise at the Cayman Bar, including those in the employ of the Cayman Islands Government." [UNVERIFIED QUOTES]

There were only about 60. I think I was 62 or 62 on the register in private practice because government lawyers are not admitted to the Bar.

"That number has more than tripled in the last 11 years and there are now approximately 250 lawyers entitled to practise at the Cayman Bar. During the course of last year alone, some 24 were admitted.

Phenomenal, extraordinary, tremendous, unprecedented—the superlatives roll easily off the tongue when describing the development of Cayman judicial system and legal profession over the past 20 years or so. It is tempting to offer ourselves congratulations and tempting to say we are all grown up now, masters of our own destiny.

"We have our own court of appeal, our own law reports, and our own law school, what more is there? We can rightfully be proud of the achievements of the past two decades. We must be cognisant however, that the pace at which we have developed has had a heavy price. The very building in which we are presently assembled bears mute testimony to the strains which the sheer pace of development continues to exert. What was once an elegant and commodious building has been reconfigured, partitioned and sub-partitioned in an effort to accommodate its burgeoning staff and clientele. The result is less than aesthetic. But the consequences run far deeper than aesthetics, as Cayman's social problems deepen the inability of the judicial system to cope with the great number of mainly young persons who are routinely convicted of drug related offences becomes more and more manifest.

"For a quarter of a century Cayman has paid homage to the God of development, blithely and deliberately ignoring the social cost. We are now reaping the results which are coming home to roost with a vengeance. All of our systems including the judicial system are ill-equipped to deal with the consequences. The courts are hamstrung by a lack of suitable sentencing options and by legislation whose underlying principle is 'send the offender to prison and the problem will go away.'

"Events over the course of the last few months have demonstrated that Cayman is not even equipped to adequately contain the dozens of persons whom the court sentence to terms of imprisonment every year, let alone provide meaningful rehabilitation." [UNVERIFIED QUOTES]

Madam Speaker, that reading is a reference to the riot at the prison earlier that year.

I moved on, Madam Speaker to the real point of my reading this: "What of the legal profession itself? How has it fared in this fantastic growth spurt? What of the Caymanian lawyer, how has he or she done? As I indicated earlier, the number of lawyers has increased three-fold in the past decade alone. There is little doubt that the standard of the Cayman Bar has also improved and certainly the quantity and complexity of the work available in Cayman has increased significantly over the years.

"The Cayman Islands Law School has produced a number of Caymanian lawyers, most of whom are engaged in the practice of law in Cayman. Notwithstanding this, however, 18 years after the Law School's inception, less than a quarter of the lawyers in practice in these Islands possess Caymanian sta-

tus. Sadly, the consensus of young Caymanian lawyers is that it is very difficult to progress in the profession. Many are becoming frustrated at the lack of adequate training and opportunities to do quality work. In a number of firms and institutions there is the perception that Caymanian lawyers are suffered only as a necessary evil to ensure the grant or renewal of work permits for foreign lawyers. At this point in Cayman's development, this attitude is unacceptable and deeply resented. The Bar Association is committed to furthering the development and advancement of Caymanian lawyers and will continue to make appropriate representations to the relevant authorities when evidence of discrimination is uncovered.

"On a separate but related point I should say that the Bar Association has taken the position that entry level posts within the profession should be reserved for Caymanians or spouses of Caymanians and that work permits should not be granted to lawyers with less than three years' experience. Representations to this effect have been made to the Honourable Attorney General, to the Leader of Government Business and to the Immigration Board." [UNVERIFIED QUOTES]

Madam Speaker, the speech goes on but those are the key bits that I made in 1999. As I said, I was vilified by many within the legal fraternity but I could care less. And so, Madam Speaker, you will understand why I feel a particular resentment to suggestions that this man does not care about the future of Caymanian attorneys. And even if I was completely selfish, as I said in the previous debate, if they succeed in their current mission to remove me from this hallowed Hall, what do they think I am going to do? Mind you, I grew up with hard work, hot sun and red mole under my fingernails. There's nothing I like better, but I can't survive in this Cayman on that basis. And while I can turn my hands to a number of things, legal practice is what I was taught, what I am able to do and what I like to do. So, I don't know who thinks that I am a complete and utter idiot but I would have to be all of that, for me to agree to be part of a process which resulted in making things worse for Caymanian lawyers, because no matter what else they brand me, *I is Caymanian to the bone*. I am the seventh generation born here on my father's side. My mother was a Bodden. I don't know how far back that goes. I don't have anywhere else to go and even if I did, I don't want to go anywhere else. I was not just born here, I want to die here and here my bones interred. I don't want um to burn me up; I want um to bury me in some of that Cayman white sand.

[Inaudible interjections and laughter]

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, the Member for East End says he does not want me burnt up, he wants my tomb where he can come and visit me in his old age, but I have promised

him long time ago that even if nobody else will do it, I will read his obituary.

[Laughter]

The Premier, Hon. Alden McLaughlin, Jr.: I owe him that much, Madam Speaker.

The Speaker: Member for East End, I don't know whether that is an invitation, a treat or a threat.

[Laughter]

The Premier, Hon. Alden McLaughlin, Jr.: It's no threat, Madam Speaker. As bad as he is—

Mr. V. Arden McLean: Wishful thinking on his part, Madam Speaker.

The Premier, Hon. Alden McLaughlin, Jr.: —as bad as he is, I don't want to see him dead. No, no, Madam Speaker, not at all.

Mr. V. Arden McLean: He nah reading that. I'm going to visit him.

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, it is good to have a moment of levity in all of this that has gone on. It is, I think, a clear indication of the fact that after all of the rancour, that Members understand how serious our charge is and what we have to do, and that when all is said and done, in this House and outside of it, we are all Caymanians in here. This is the one place that all Caymanians are. There's nobody who nah born of this soil and of its people in here. And if collectively, the 18 of us can't do right by Caymanians, then, they ought to vote each and every one of us out and tar and feather our backsides.

[Applause]

Mr. V. Arden McLean: Agree, agree. Totally agree for one time in our lives.

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, the position that I have struggled to understand, and I am not trying to create any friction because I am hopeful, optimistic, prayerful even, that tomorrow we can get to a place where every Member in this House can support a Bill in the best interest of Cayman, the legal profession, the financial services industry and Caymanians. But what I have not been able to get my head around, Madam Speaker, is how it seems, some in this House but a lot outside, seem to believe that continuing with the status quo (that is, not passing a new legal practitioners law) is somehow preferable to measures, whether they believe they don't go far enough or not, which are aimed at improv-

ing the regulation of the profession, ensuring that everyone who practises or purports to practise Cayman Law is admitted to the Cayman Bar and susceptible to the jurisdiction of the Grand Court and therefore subject to discipline; encourages the employment, education, training and upward mobility advancement of Caymanians in the law, because that is what the objective of the Bill is.

I acknowledge, I accept, the criticisms that in a number of respects the draft that has been circulated and subject to debate, falls short of where we need to be. But, Madam Speaker, the Government has accepted that we need to make changes, hence the significant number of proposed amendments on this side. In the years that I have been here, many, if not the majority of major Bills that come here, gets subjected to significant committee stage amendments. That is part of the process. That is the reason why there is a committee stage process. If it was simply what the Government brings, the Members of the House could say Aye or Nay, there would be no need for a committee stage process. We could leave the AG to fix whatever little typographical issues there were. At committee stage every Member has the opportunity to debate the clauses and not just once but more than once, unlike debate in the full House. So, it is a back and forth process. I grant them, I have never known any Bill to have as many proposed amendments as this one; I concede that. But to suggest that because the Government is proposing amendments to the Bill, that that is a somehow some concession that the Bill is fatally flawed or terrible, I think is a bit of a stretch.

What we are proposing is something that happens in every single instance where a Bill is committed to a committee. And I do believe, Madam Speaker, and again acknowledge that the Government's circulation of the committee stage amendments is late and that Members on the other side are right to complain that they have not had longer opportunity to consider these. I accept that. But I am hopeful that tomorrow we will get to a place where we can narrow down the number of amendments that have to be considered by the committee and that we can wind-up in a place where we agree, at least on the big issues that concern us all.

Madam Speaker, unfortunately discrimination is alive and well. I've said before, and I don't like to use personal circumstances but I felt forced to in these instances because it seems like somehow I was being demonized or vilified that I don't really understand all of these things that are affecting local people. My wife, who, I must say, did far better at law school than I did.

Mr. V. Arden McLean: What did you expect?

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, the examination system is far more transparent now than it was in those days when I went to

law school. We did not know what mark we got, we just knew in the end whether we got what was called a lower second or an upper second or first or third, whatever we got, but we did not know precisely what your mark was. These days—

[Inaudible interjections]

The Premier, Hon. Alden McLaughlin, Jr.: —at least at the University of Liverpool they send you what your precise mark is, and the university that my son went to is the same thing; they send you what the exact mark is in each of your subjects. And she fell just two percentage points short of a first class pass on average. Two years she could not get articles and it can't be because of her looks because she is not bad looking.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin, Jr.: I could only say that it had something to do with her age or perhaps the fact that she happens to be married to the Leader of the Opposition. But for whatever reason—

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin, Jr.: I was the Leader of the Opposition at the time. The current Leader of the Opposition is her first cousin.

Mr. V. Arden McLean: O-h-h, she is really in trouble yes.

The Premier, Hon. Alden McLaughlin, Jr.: But, Madam Speaker, we have never known why she was not considered for articles. She got articles subsequently at Hampson and Company and she is there as a qualified lawyer in a very satisfying practice and she is happy. She is not inclined to go to any big law firm and make millions. I wish she was and then I might be able to worry less about my future. But my son is finishing his articles at Maples and by all indications doing well. I am grateful they have given him the opportunity. I hope he does well enough and they hire him. But all of that, Madam Speaker, in the end we know and they know that Caymanian attorneys generally have not been given a fair ride and opportunity in many (I'm not going to say all) of the law firms in Cayman. I say this and have said it in the presence of some of the senior partners of some of those firms who I am quite friendly with. I said that I am afraid no matter how much you protest I cannot believe that in almost 20 years there are not more Caymanians who have been made partners in these firms. The statistics are against your claim that it is a meritocracy, because I do not for one moment believe that every Caymanian who gets a law degree is entitled to become a partner in a law firm.

I was a partner in a law firm and although not one of those big ones that I understand a bit about what is required and what it takes, and the legal profession is no different in that sense than any other vocation. Not everybody is going to rise to the top. Life is not like that. But there must be compelling reasons why a competent hardworking committed Caymanian lawyer can only get so high. And if the law firms and the legal fraternity generally, has not gotten the message after all that has gone on over the course of the last couple of years, then, I do not know what else it is going to take. But I am afraid, Madam Speaker, that where we are now, there is little room for acceptance of mere promises about what is going to be done. Firms are going to have to be firmly encouraged by legislative measures to do the right thing by our people.

[Desk thumping]

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, I don't come to that view easily. I am by nature a conservative and am most reluctant to interfere with how businesses operate, and to come to any sort of decision which forces businesses (the law firms are quite frankly in this day and age, are businesses) to make business decisions because the legislation requires them to do so. But all of us in here and many out there, many who do not have my life experience simply because they are younger, will not accept (and correctly so) that simply being chastised by this Assembly is going to have a sufficient and lasting effect on the way law firms conduct their affairs with respect to training opportunities and opportunities for upward advancement within the firms. It is sad that it has come to this, but as the Second Elected Member for George Town said, the law firms or many of the law firms because I know there are some that do the right thing and unfortunately everybody gets wrapped up and I want to make sure that I know because I know of instances. There are law firms and there are partners who really have the vested interest of Caymanians at heart and really try to give them opportunities. But as the Second Elected Member for George Town said yesterday in his debate, they are to blame for where we are today and the perception broadly about the lack of opportunities available to Caymanian attorneys and aspiring attorneys.

If we look at the accounting profession, Madam Speaker, the converse is true, the perception broadly is that the accounting profession in Cayman has opened its doors to Caymanians, have given them opportunities to climb the ladder. We have a significant number of instances of Caymanians who have become managing partners. In the case of Dan Scott, I think he is the Regional Managing Partner of Ernst & Young. In these Halls alone, we have the Second Elected Member for George Town who is a former managing partner of KPMG. And the Minister

of Financial Services, as far as the law firms are concerned, rose to be global managing partner of Walkers. So, it is possible, Madam Speaker. It is not that there is some congenital defect in Caymanians which limit their ability to reach a certain point within the legal profession. It can only go so far and then that gene limits your ability to perform beyond that.

So, Madam Speaker, as concerned as I am about affirmative action type provisions, I am at my absolute wits end as to what we can do short of that, because if the history of this tortuous issue is any indication of its future, I can't really look forward with any optimism that without that there is going to be any significant cultural change in the way these issues are addressed. And so, Madam Speaker, I am driven and it takes me a while to get there sometimes but I am driven to the inevitable because I am by nature conservative and I don't believe that we should burn down the house because we are dissatisfied with the living conditions because—

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin, Jr.: No, because then we are going to be homeless too. And like I said before, those who are not of this place have another home to go to. But this legal profession and the financial services industry more broadly, employs thousands and thousands of people of our own people. And so, we have to strive to strike the right balance so that we don't wind-up with law firms in Cayman feeling that they can't operate efficiently and effectively within the constraints of the legislation that is here. We don't want flight of business from the country. And so, that is a very serious charge that we have as Members of this House, over the course of the next day or two, to try to get to that point where we get that balance as right as possible. We all know it is a struggle. It has been 15 years and I don't know how much iterations of the Bill, but I know there were three administrations that have tried to get a new Legal Practitioners Bill through.

My hope and my prayer, Madam Speaker, is that this House, 2013 -2017, that we are the ones who succeed in giving this country, giving our people what we really desperately need to regulate a law to regulate the legal profession effectively; a modern piece of legislation which supports and promotes the wide range of legal services that Cayman legal practitioners provide, that provides for the adequate regulation of the overseas practise of Cayman Law and which promotes, supports, encourages the education, training, employment and upward advancement of Caymanian attorneys. That, Madam Speaker, is what my aspiration is and what I believe should be the objective of every honourable Member of this House.

Thank you, Madam Speaker.

[Thumping on desks]

The Speaker: Does any other Member wish to speak?

I recognise the Third Elected Member for West Bay.

[Inaudible interjection and laughter]

Mr. Bernie A. Bush, Third Elected Member for West Bay: Ask your Premier what I told him sir; sit down and just hold your space.

Madam Speaker, it is one thing I have learnt, is that when the Premier or the Leader of the Opposition say they are going to make a short one, "short" is relative to their amount of years in this place.

Madam Speaker, at the beginning of this debate I was not sure if I was going to speak or not because the Leader of the Opposition covered it pretty much. But then something happened and I happened to have told the Deputy Governor about it. I had seven young clerks call me and asked if there was parking around the back of my house and they parked. They came in two cars and they told me some of the trials and tribulations and there is something that stood out. They said there was a young man who refused to sign as they were all almost kind of forced to. This young man was later given his articles but for some reason not given a job and all of a sudden the company hired three from overseas but yet he wanted to stay there and work. He did not want to leave, did time overseas, had proven himself and got called to the Bar but they would not give him a job. They felt like it was because he refused to sign the papers that were sent to the different societies saying they agreed with this first Bill that was brought to this place.

Madam Speaker, when getting the amount of texts and WhatsApp and emails and people dropping off letters to you because they don't want their emails to be trailed and telling you that this is what is happening. What just happened in that back room just now, where we all decided what we are going to do with this, I think is a wonderful thing for this country and for this legal fraternity going forward but it would be remiss of me not to mention a few people. I don't know and can't remember, Madam Speaker, where I first heard it but the saying "Courage is contagious" is true.

[Inaudible interjection and laughter]

Mr. Bernie A. Bush: Yes, Mr. Premier, fear is also contagious. And maybe it is fear that got us now that we are going to do the right thing.

Madam Speaker, I am going to call off three names first, and I do know the Ministress of Education (she does not like that but I do it on purpose every time) would like to know that it was three women who we have to give kudos to: Selina Tibbetts, Ana Goubolt, Sharon Roulstone who put names and experiences to paper knowing what this would do to them. The Fifth Elected Member for George Town, you have

heard people say that he has thrown whatever he had in the legal field away; sacrificed a lot to make sure to fight so that we are to the position where we are now.

Madam Speaker, I am going to table four letters with your permission and I would like to read one paragraph from one which was sent to all elected Members of the Legislative Assembly from Sharon Roulstone, attorney-at-law on March 4th 2017.

The Speaker: So ordered.

Mr. Bernie A. Bush: Thank you, Madam Speaker.

The other three are from Selina Tibbetts, Wilton McDonald and one that is anonymous.

I want to read one paragraph from one: "I know that no one can say with any sense of fairness that I am not trainable." [UNVERIFIED QUOTE]

Madam Speaker, why I chose to use this one is because this young lady and her family would come to West Bay every Friday. That family invited (this is in the 70s) . . . her father was the chief meteorologist. Sharon, Shirley and Frank would arrive at West Bay from Triple C every Friday evening and they would stay there until Sunday evening when they would go back to their house in town. They had a house on Boggy Sand Road. These people mixed with everyone regardless of colour, regardless of their status in society, because some of the people who Mr. & Mrs. Roulstone would allow to come over to their house on Saturdays for hot dogs or hamburgers, some of us in West Bay would not want them to come to our yards. So, when someone like Sharon has worked her way to the top, has an excellent reputation, attitude, works across the board no matter where anyone is from and we see a letter like this, this must be read and I am happy it will be here for posterity.

I quote: "I know that no one can say with any sense of fairness that I am not trainable; that I cannot achieve and yet I was denied training and promotion by my employer. I witnessed many other Caymanians being held down professionally, including the two previously referred to above, to say with complete confidence that this was due to the fact that our own real failings were that we were Caymanians. Some partners even went so far as to expressly say so and I was in fact verbally assaulted by a senior equity partner as being a [blank] ignorant Caymanian." [UNVERIFIED QUOTE]

The Speaker: Honourable Member, I am going to ask the Hansard to take that out as it is not parliamentary. So, if you come to it again, just say "blank".

Mr. Bernie A. Bush: 'Blank ignorant Caymanian'. Okay, Madam Speaker, I appreciate your guidance.

Madam Speaker, it goes on to say: "Do you need any more proof than that? I have too many unfortunate and hurtful experiences of being denied opportunities to advance to recount here but that does

not negate the fact that the discrimination against me was very real.

“We have all seen foreign qualified attorneys with far less aptitude and ability than ourselves achieve simply due to their nationality and clout with those of their ilk, and again, we have heard it say from some of their fellow partners, this was in fact the only reason they made it to equity.” [UNVERIFIED QUOTES]

Madam Speaker, the people standing and representing these people who have been downtrodden, held back, I do hope those young lawyers who are coming behind will remember these 18 people in here who have worked to try to make sure, or at least I will say 16 or 17 of us for sure, have worked real hard to get this Bill in place.

Madam Speaker, a lot of times the talk was going back and forth and we heard about the accountants. There was no need, Madam Speaker, to even bring in the accountants in this because it was not comparable. They did their job in 2004, I think, and what was brought here last year was just something keeping them up to date. To me, this is a complete different thing. And, Madam Speaker, in that back room just now I felt really proud to see what we sat, cooled our heads, prevailed and everyone came to let us try to get through what we agreed on and then we will harsh out those which we are going to fight.

There are some things, Madam Speaker, which the young lawyers have said over and over, almost everyone who have been spoken to. This thing about allowing people here with three years PQE I hope does not become a sticking point because talking to people who have been in the law firms now for 8, 9, 10 years have said that it is a joke. I called a friend of mine because when I first heard the work “Bahamas”, I told the Deputy Premier that he had taken something out of my two hour speech when he said what he said about the Bahamas. It was exactly what the Bahamian lawyer had told me. He said, “Yes the pie over here is really small but we own the pie.” That is a big difference. It is a matter of pride. I said to him, Madam Speaker, that pride cannot feed you and he said, “Well, we can still now try to build the pie.” Whether the horse is already through the gate, they do not know but, Madam Speaker, we have to find the middle ground and I do think we will do that.

The fact that we have three or four lawyers who, themselves, have felt the sting, we should know where we have to go, Madam Speaker. The fact that we have experience in this House to know that we are not to trouble the industry but we need the industry to work with us, Madam Speaker; it is very simple.

Madam Speaker, there have been some people who have stood out in this fight: Samuel Jackson, Theresa Pitcairn, Sherri Bodden, Anthony Akiwumi, Vaughan Carter, Richard Barton, Orren Merren, Jr., and quite a few other persons and if mentioned they

will probably be in trouble tomorrow in their law firms, so we can't do that. But, Madam Speaker, I would like to say that I do hope tomorrow will be smooth sailing. I know we will have our little bumps here and there but we do hope that the next time we sit here we will have this Bill committed and that the country will see that this thing was not perceived, it was a fact of what has gone on out there and that it is time for it to stop.

Madam Speaker, thank you very much and I do pray that we will get this completed quickly.

The Speaker: Does any other Member wish to speak?

I recognise the honourable Fourth Elected Member for West Bay.

Capt. A. Eugene Ebanks, Fourth Elected Member for West Bay: Thank you, Madam Speaker.

Madam Speaker, I too rise to make a short contribution to the Legal Practitioners Bill, 2016, that is before us. I have been a Member of this honourable House for the last 16 years and 4 months and I cannot recall any Bill that has been so controversial with so many Caymanians who would be or are being affected by this Bill that have come forward, have signed their names to letters, have gotten sick and tired of the discrimination and unfair treatment in the industry and have taken a stand regardless of the cost because they do not want other Caymanians to have the same experiences that they are having.

Madam Speaker, even though I am not much of a long speaker, I intended to do quite a lengthy debate on this one but after we all met in the committee room and have come to some agreement that we would try to cut our debate short, with your indulgence I too have four letters that I would like to table. But before I do so, there is one with many of the signatures of the Caymanian attorneys-at-law that I would like to read.

The Speaker: So ordered.

Capt. A. Eugene Ebanks: Madam Speaker, this letter is dated 10th March, 2017 and it reads: “**Members of the Legislative Assembly—The Legal Practitioners Bill, 2016.**

“We, the undersigned, are writing to you as Caymanians and attorneys-at-law. We wish to express our concerns about the state of affairs that exist in the legal profession today and wish to add our collective voices to those who have already spoken out and whose letters were read out in the Legislative Assembly yesterday.

“We have heard of the extraordinary letters which have been written already. We, as you must surely do, understand the courage of those individuals to have expressed themselves publicly. We understand the risks of doing so. Risks borne

of a legal industry that is no longer (nor has been for decades) in Caymanian control.

“Should those letters – should this letter – be attacked, discredited or ignored, it will only bear further witness that this Bill and those advancing it are not interested in what Caymanians have to say. The cloak of their excuse in ‘trying to protect the financial services industry’ will be transparent.

“We appeal to you as Caymanians, as Legislators, some as attorneys yourselves who may have once been in our position, to pay greater heed to the outcry that is gathering against the Bill in its current form.

“We appeal to you to believe in the ability of Caymanian attorneys who simply want a fair and equitable chance at proper training, suitable exposure to marketing and business development opportunities and career advancement with the field of law, to rightly be afforded the fair opportunity to realise their potential to become the future equity holders in the law firms today and tomorrow. This is, after all, about our collective future.

“We implore you to do the right. Forget politics and remember that you are the elected leaders who promised to stand for the people and the people are now speaking and asking for your leadership and support.

“Yours sincerely,

“Sharon Roulstone, Rachael Smyth, Ian Paget-Brown QC, Vaughan Carter, Johann Moxam, Anthony Akiwumi, Sammy Jackson, Selina Tibbetts, Sheena Westborg, Sven Cornelssen, Delroy Murray, Desiree Jacob, Sherri Boddencowan, Chanda Glidden, Denise Archer”.

Madam Speaker, these are Caymanians who have come forward and who are risking everything in their legal career (so to speak) but who have had enough. We, as legislators in this Assembly, have to give them as much protection and as much assistance as we can. Madam Speaker, I for one will give them as much encouragement and assistance as I possibly can.

I thank you, Madam Speaker.

[Applause and desk thumping]

The Speaker: Does any other Member wish to speak?

I recognise the Honourable Attorney General.

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

Madam Speaker, just about everything that can and should be said about this issue has been said and I am sure will be continued to be voiced after we are all finished here. And I think we all agree that it

has been a very difficult debate but is also a very necessary debate.

Speaking for myself, Madam Speaker, I can say that the Honourable Chief Justice and myself have, over the years, and on several occasions, attempted to be honest brokers and our efforts in this regard have been well documented. Unfortunately, sometimes our efforts have been misunderstood but such is life. Nevertheless, we need to soldier on.

Madam Speaker, it is obvious from what has been said thus far, that this is a very passionate issue and there are strong but honest views held by all sides. Indeed, some will agree, Madam Speaker, the issue of the Legal Practitioners Law over the years has been characterized by misunderstanding, mistrust, persons’ attitude towards each other and perhaps a bit of cultural issues as well. And there are other factors. But it would be wrong to dismiss the concerns, the positions expressed or taken by any of the parties in this debate. What is required and thankfully, what is emerging from the discussions we have been hearing is that there are some types of accommodations that can be made in respect of all parties to this issue. I am confident that we will achieve the middle ground that properly reflects the need for a modern well-regulated legal profession and the delivery of quality services but with well-documented safeguards to guarantee our young aspiring Caymanian attorneys the opportunity for a rewarding career in the profession; indeed, a fair shake, a level playing field to enter and progress within the profession. After all, Madam Speaker, I think part of the problem that we are having is that it is being referred to as an industry. It is not an industry, it is a profession. It is the legal profession and because it is a profession there are certain rules and certain ethics and certain cannons that determine how we relate to each other as colleague; cannons, rules, ethics that we would not necessarily find in an industry.

Madam Speaker, much has been said about whether offences may have been committed by persons practising Cayman Islands Law overseas. And I do not intend to delve too much into this issue myself, given that I am not aware of any investigation or inquiry that has taken place in this regard. I wish, however, to clarify, certainly in my view, certain issues. Madam Speaker, in the Legal Practitioners Law (2015 Revision) there are not specific provisions that speak to regulating the practice of law firms situated overseas. Section 10 of the current Law does not do so. In addition, the practise of Cayman Islands Law overseas is not in and of itself an offence; certainly, not according to section 10 of the current Law. And in that respect, Madam Speaker, I would like honourable Members to compare clause 49 of the current Bill. Clause 49 of the current Bill, Madam Speaker—

Hon. D. Kurt Tibbetts: The proposed Bill.

The Attorney General, Hon. Samuel W. Bulgin: The Bill before the House?

Hon. D. Kurt Tibbetts: Yeah.

The Attorney General, Hon. Samuel W. Bulgin: The current Bill speaks to 49(1) which says: “**An attorney-at-law shall not practise Cayman Islands law, whether in the Islands or in another jurisdiction . . .**” Madam Speaker, the language “or in another jurisdiction” does not appear in section 10 of the current Law.

Madam Speaker, if we also look at clause 50 of the current Bill; clause 50(1) speaks to: “**A practising certificate may be obtained – (b) in the case of an attorney-at-law who intends to practise Cayman Islands law in another jurisdiction . . .**” This speaks expressly to another jurisdiction.

Hon. D. Kurt Tibbetts: The new Bill deals with that.

The Attorney General, Hon. Samuel W. Bulgin: Madam Speaker, clause 50(3) speaks to: “**The application form approved by the Clerk of the Court shall require an attorney to (a) state whether the attorney intends to practise Cayman Islands Law in the Islands or in another jurisdiction.**”

Finally, Madam Speaker, clause 50(4) makes it quite clear. It says: “**An attorney or a law firm shall not knowingly or recklessly include in an application form a false or misleading particular and an attorney or a law firm that acts in contravention of this subsection commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars.**” So, if in applying for a practicing certificate to practise in the Cayman Islands or in another jurisdiction and false information is supplied, it is a criminal offence punishable according to the clause in the Bill.

Madam Speaker, the current Law in section 10 has no such provision. Indeed, a close look at section 10 of the Law shows that its provisions speak to specific limitations on certain prohibited conducts. Section 10 says: “. . . **a person, who not being admitted to practise . . .**” It does not say “in another jurisdiction”. “. . . **a person who, not being admitted to practise and enrolled as an attorney-at-law, or otherwise lawfully authorised, shall [not] (there is a typo there but the ‘not’ should be in there) directly or indirectly for . . . any fee, gain or reward, draw or prepare instrument relating to movable or immovable property or any . . . proceeding . . .**” And it goes on to say, Madam Speaker, that if you do so without being admitted in the Cayman Islands you will commit an offence and is liable to a fine of \$200 if convicted in the summary court.

Madam Speaker, one of the things quite noticeable about section 10 is that for some reason it does not speak about the provision of legal advice. It

is quite silent on the provision of legal advice. It speaks about drawing up documents, property or immovable property but not a word about the provision of legal advice. So, section 10 is not extra territorial. The new—

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: The new Bill seeks to address the extra-territorial aspect of practising Cayman Islands Law. As it is now, the practising of Cayman Islands Law abroad is not an offence, in my view.

So, Madam Speaker, the question is: How, if any offence was committed? Put aside the issue of whether there is evidence to that effect. We would be able to deal with this because any offence would have been committed in another jurisdiction. So, it is the question of jurisdiction how we would prosecute these matters given that the Bill itself is not extra territorial. So, Madam Speaker, the truth is—and I know honourable Members of those who speak to this issue are quite passionate about it, but there is a lacuna in the current Law as it relates to regulating the practise of law in another jurisdiction. The current Bill before the House seeks to address that issue, as I pointed out in clauses 49 and 50.

Madam Speaker, there was an issue of conspiracy and although the honourable Member for North Side did not delve into that in his debate, I will just say that as a matter of law, it follows that if you can’t prove what we call a predicate offence, that a predicate offence was committed in the practise of law abroad, then, we can’t prove a conspiracy either, legally because you can only conspire to do an unlawful purpose and there is no unlawful purpose, in my view. But, Madam Speaker, I am not the final arbiter of whether criminal offences are committed or not. I am just giving you my opinion on the issue, but I think that any attorney would be challenged to find that section 10 in any way regulate, and worse yet, provides an offence for the practise of Cayman Islands Law abroad. Madam Speaker, I merely wish to offer those observations as it relates to whether or not there is any contravention of section 10 as it speaks to that issue.

Madam Speaker, the sotto voce comments which I am speaking to of the Motion, I am quite explicit in what I said. The honourable Member for North Side spoke about section 10 being committed and filed on complaints being made to the DPP’s Office and the DPP responded and he responded in return and he has not heard que-hey since that. I am quoting his words.

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: That’s right. I am debating . . . I’m not debating . . .

you notice I am not delving into the issue of conspiracy because in fairness to the Member for North Side he did not delve into the issue of whether or not a conspiracy has been committed. That is part of the Motion and I am not discussing or debating the Motion. I am just trying to clarify whether or not in my view, any offence has been committed in that respect.

[Inaudible interjection]

The Attorney General, Hon. Samuel W. Bulgin: So, Madam Speaker, it is fair to say that the debate over the last 15 years has been very passionate. It has been fierce on both sides. And I think in large part, as I said, there is consensus that the practice of law has become a global phenomenon. It is a business, Madam Speaker, which transcends anyone's jurisdiction; it is multi-jurisdictional and it means therefore, that it has to be accepted that the provision of services of Cayman Islands Law is integral to the continuing prosperity of these jurisdictions. And the only question should therefore be: How do we regulate this phenomenon? How do we manage it in a way that it is beneficial to all? Madam Speaker, there are overseas clients that needs to be serviced. I think we all agree that the majority of the work handled by some of these larger firms are not work that originate in Cayman. So, we need to find a way, and I am happy to hear that there is some consensus merging. We need to find a way and I think someone used the words "to strike the right balance" in terms of what needs to be done,

Madam Speaker. It should be and must be that young Caymanians who wish to develop professionally should be afforded the opportunity and support to benefit from the practice of law in the Cayman Islands. And those who are older members and those who have controlling interest should find a way to facilitate and encourage these young aspiring colleagues to realise the aspirations and must do so in a meaningful way, not by platitudes or generalised commitments, but in a tangible way. Give them the opportunity, give them the encouragement, and give them the support and the comfort to do so. I am confident that if they get the opportunity they will grasp it with both hands.

The Bill, Madam Speaker, is not perfect but it is a good start and it is what it is. Once it is passed into law, every effort should be made to keep it under constant review to ensure that whatever has been promised, whatever was intended is being delivered. This is the commitment that needs to be given as well. The law will be kept under constant review to ensure that there is a delivery of the commitments and the promises, Madam Speaker. The concerns that have been expressed are journaled. These are not busybodies who have been making the effort to write and express concerns and have gone as far as putting their names to these letters. So, Madam Speaker, we

also need to recognise though, that it has not always been doom and gloom.

It is true that the law associations; the Bar Association, the Law Society, sometimes in conjunction with the Law School, the Legal Advisory Council, and the Judicial Department have always, over the years, been engaged in numerous initiatives towards the continuing professional development of young and aspiring attorneys and they should be commended. Madam Speaker, illustrative such as more placements for article clerks; a judicial clerkship programme that has just been rolled out; a Chancery Bar trainee placement scheme as part of articles, as well as other initiatives which I am sure we are all grateful. The fact is, of course, we all agree also that more needs to be done and more needs to be done in order to a level playing field and to conquer the mistrust that has dogged our profession for so long. But, Madam Speaker, I am hopeful. I think it is the Chinese who says that a "**The journey of a [thousand] miles begins with [one] step**" and if this is the first step, we should count it as such and continue to build on it and to soldier on.

Madam Speaker, the only other thing I need to say is that I am understandably interested in the provision in the Bill which seeks to ensure that as a profession there will be compliant with the faulty FATF of recommendations and more so, Madam Speaker, when we, meaning the Cayman Islands' jurisdiction is up for review later this year.

Madam Speaker, I am certainly looking forward. I think clause 21 of the Bill speaks to, or contemplates the drafting or rules that would capture the requirements to ensure compliance with the FATF recommendations. I don't think we need to reinvent the wheel in this regard. I've looked at, for example, the position in Singapore and they have developed a very comprehensive set of rules, FATF compliance rules; anti-money laundering rules. And I think we would be well encouraged to try and look at those and to customize it to reflect the Cayman Islands' position. I certainly look forward along with the anti-money laundering steering group and the unit, to working with the profession in promulgating those rules to ensure that when the jurisdiction is reviewed later this year, we are certainly in compliance.

So, Madam Speaker, to end, I would say that what is required is good sense (someone referred to it as 'cool head'), consensus, compromise. And I am heartened by the discussions that have taken place so far, that there is an acceptance that this is the way to deal with this matter. But, Madam Speaker, it is true that the practice of law in the Cayman Islands needs to be regulated with a modern sort of framework that would set us on the right path and reflect the appropriate balance, and I am confident, Madam Speaker, that we will be able to achieve that going forward, starting with the current Bill before the House.

I thank you.

The Speaker: Does any other Member wish to speak?

I recognise the Honourable Minister responsible for Sports.

[Inaudible interjection and laughter]

Hon. V. Osbourne Bodden, Minister of Community Affairs, Youth and Sports: Thank you, Madam Speaker.

It is too late to go home early, Madam Speaker.

[Inaudible interjections]

Hon. V. Osbourne Bodden: Do I have two hours? Just kidding!

[Inaudible interjection]

Hon. V. Osbourne Bodden: I wouldn't do that.

Madam Speaker, this has been quite an experience to say the least. This is an attempt to revise a 48 year old piece of legislation. And the title of this Bill, I think, sums up and is the only thing that we have not disagreed upon.

"A Bill for a law to repeal and replace the Legal Practitioners Law (2015 Revision), to regulate the practice of Cayman Islands Law, both in the Islands and elsewhere, to establish a Cayman Islands Legal Practitioners Association, to provide for a system of legal education; to facilitate the entry of Caymanians into the legal profession, to provide for a mechanism to deal with professional misconduct and for incidental and connected purposes." Madam Speaker, that long title pretty much sums up what we have been trying to do. And yes, we may have come at it from different angles and we have heard a lot and there has been a lot of emotion and this is a particular emotive topic because it concerns our people and our leading industry, our profession.

Madam Speaker, one thing I have learnt that I can tell you, is that if we have too many lawyers we can't get any agreement.

[Inaudible interjections]

An Hon. Member: O-h-h-h-h!

The Premier, Hon. Alden McLaughlin, Jr.: The only reasonable one you know is me.

Hon. V. Osbourne Bodden: The Premier said the only reasonable one I know is him. He has defended me on a number of occasions in the court across the road so I will have to accept that, but it was for speeding, nothing bad.

[Inaudible interjections]

Hon. V. Osbourne Bodden: Anyway, Madam Speaker, a bit of levity as I make my position clear on this.

Madam Speaker, I want you to give me permission to refer to a little cartoon that I was looking at last night and it basically . . . excuse me, Madam Speaker.

[Short pause]

Hon. V. Osbourne Bodden: Okay, all right. No, no, what is that?

[Inaudible interjection]

Hon. V. Osbourne Bodden: No, no, no, no, don't worry about that, Member for East End. All is well.

Madam Speaker, it is so ironic, just before I referred to this cartoon in that the *Cayman Compass* (no longer the *Caymanian Compass*—the *Cayman Compass*), the editorial for tomorrow is actually accusing us of going too far in protecting Caymanians. I've been gifted a copy of it here and if you do not mind, Madam Speaker, I will read this:

"When you have the votes, vote. When you don't have the votes, talk. That's a political axiom which applies neatly to the situation facing the Cayman Islands legislators in relation to the Legal Practitioners Bill.

"On paper, at least, the Progressives Government should have 'the votes' (i.e. the majority needed to pass a piece of legislation) for every Bill that is brought to the Floor of the House, particularly on something as important as a new regulatory framework for Cayman's legal sector. At this point, however, it is not clear whether the Government is unified on this matter or not.

"Somehow the Progressives have allowed themselves to be backed into a corner with 200-odd amendments to consider during a highly compressed timeframe before the 'final version' of the Bill is to be voted on, once and for all.

"We understand the need for, and we support some key parts of the Bill but we also have serious reservations about the Bill, specifically the protectionist provisions for Caymanian attorneys. While the major law firms seem to have accepted those actions in exchange for the parts of the Bill concerning local standards for the profession and the regulation of the practice of Cayman Law overseas, we're extremely sceptical and critical of 'affirmative action', measures in an industry and are vary of such provisions (if they are included in the final Legal Practitioners Law) creeping into other business sectors sooner or later.

"We'll stop there with our opinions on the Bill for the simple reason that the document legislators will vote on for its second reading is likely not going to resemble the Bill that emerges from the 'committee stage' (remember the 200 amend-

ments) and is eventually put up for the all-important third and final vote.

“In fact, similar to the rushed passage of the 2013 National Conservation Law (which also underwent dramatic renovations on the committee stage before the third reading), we suspect nobody—not even law makers—will know for sure what they are voting on until long after the take the vote. In the case of the National Conservation Law, the final version of the legislation was not made available to the public until nearly two months after the Legislative Assembly approved it, and weeks after the Governor signed it.

“The Progressives’ management (or mismanagement) of the Legislative process is rather remarkable, considering this particular draft of the Legal Practitioners Bill has been discussed for months, and the concept of the Bill has been simmering for many years.”

This is a lot longer than I thought it was.
Madam Speaker, I think I can—

[Inaudible interjection]

Hon. V. Osbourne Bodden: Okay, I will continue reading it.

“During Monday’s debate, a rare amount of clarity on the topic was thankfully provided by Minister Tara Rivers, who devoted a large amount of her time to reading an insightful and compelling letter from a Caymanian who works in the legal industry.

“The writer and employee at Maples law firm said the legislative debate thus far, had been one-sided and that lawmakers seem not to acknowledge that the vast majority of the jobs generated by Cayman’s legal sector aren’t for attorneys, but for legal support staff. The writer said she is not a lawyer herself, but has a great job in legal support for a good employer in Maples. For perspective, the writer said Maples has about 100 attorneys and 400 support staff—300 of whom are Caymanian.

“Lawmakers who attempt to portray the law firms as big, bad actors risk having those firms move business and support jobs now occupied by Caymanians—away from Cayman. The letter writer asked: who is speaking for people like her?

“Well, Minister Rivers assumed that role and to great effect. We consider her performance Monday to be a shining moment of her four years in office.”

[Inaudible interjections]

Hon. V. Osbourne Bodden: “During debate on this and future Bills, Minister Rivers’ colleagues would do well to follow her example and use their pre-

vious time in the Legislative Assembly to offer valuable perspective, to provide cogent arguments and, above all, to legislate in the best interest of their constituents and for all who live and work in these Islands.”

Madam Speaker, in that short time of reading, it has mixed messages, because they started off by saying that—

The Speaker: The Chair is anxiously . . . let me rephrase it. After having exercised discretion to have you read it in an electronic form, the Chair anxiously awaits your defence of Members in this Chamber to what you just read.

[Inaudible interjections]

Hon. V. Osbourne Bodden: Madam Speaker, it started off by accusing us of protectionist policies and in the end it was congratulating Minister Rivers for doing just that. So, I am a bit confused, to be quite honest. But that is the Compass and they have their agenda as usual. But I know that we are put here by Caymanians to defend Cayman and Caymanians and therefore every one of us, regardless of how we go about our daily job, and regardless what we get up here and say, at the end of the day I know the heart of everyone in here is for Cayman and what we are trying to do. So, Madam Speaker, this Bill is a good example, as I said, of us working together and showing that we have the interest of Cayman and Caymanians at heart.

Coming back to the little cartoon quickly, Madam Speaker, it has a picture of a donkey and four people in the picture, and some of you may have seen this before. The first picture that depicts the donkey walking and the couple who owns the donkey walking alongside of it and two other people observing and saying, “What a clueless couple. They don’t even know how to ride a donkey, ha, ha, ha!”

The second picture depicts them riding the donkey with the man in front of the woman: “What a wicked couple, they have no mercy to that animal.”

The third picture, the woman is riding and the man is walking alongside: “Stupid man, he should ride because he is the boss of the woman.”

The fourth picture, the man is riding and the woman is walking: “What a selfish man, he should be kind to his wife.”

Finally, the fifth picture, they are both carrying the donkey: “Ha, ha, ha, what a stupid looking couple, carrying a donkey.”

Madam Speaker, the moral of the story is that you cannot please everybody. Whatever you do there will be people who will criticise you. And, last but not least, just do what you believe is right and do not be distracted by criticisms. So, that is my answer to the *Compass*. We are doing what we believe is right and

we do that at all times in the hallowed Halls of this Legislative Assembly.

Madam Speaker, there has been a lot of work to get this Bill to this point and I want to congratulate the Minister in charge. He has certainly taken his share of blows and I know this man and I know his heart. I've worked alongside of him now for the last three and a half years and I can tell you there are not many that helped to the extent that he helps his people. I know what he did when he was in the law firm and he rose to the top by the sweat of his brow and how he looked after Caymanians and, as we have heard before here, but it can't be repeated enough, the amount of people he has helped education wise, promotion wise and the like and hiring, the whole works. So, Madam Speaker, it did hurt me as well as the Premier spoke to it in depth, to feel that he is being singled out and criticised as it were, through some of the bitter moments that we had here over the last few days. But, Madam Speaker, he is a resilient man and he has taken it like a champion and I know that at the end of the day he will have his shining moment for pressing on with not just this piece of legislation, but he has had, I guess he drew the short straw when it came to difficult legislation in this hallowed Parliament since we have been here, because he has brought some controversial issues to the fore; he has had to deal with the NCL which was not easy, and he again stuck with it. So, there is no doubt about his stickability and his well-meaning towards Cayman and its people. I know, Madam Speaker, as I said, because I work alongside him and we do a lot together.

Madam Speaker, I support this Bill. I know that my own experience and this went back to my early days in the accounting firms and as a young man in the 1980s, Madam Speaker, and I was, as it were, headhunted to join the firm, because I had a friend who was working with a firm and he said to the partner, *So and so is interested in accounts*. I was working for Government Treasury at the time and I got a call saying to come and have an interview. I went and that was the start of my career with accounting firms that went on for some 15 years or so before I re-joined government. And, Madam Speaker, during that time I was given all the support, all of the exposure. It is just that the reason I did not stay and become a partner, as the gates were wide open then for young Caymanians doing well in accounting, was simply because I'd had enough of auditing and it still is. And I mean, I am going back to the time now of firms that young people do not even know about. We are talking about Ernst and Whinney and Arthur Young. People hear about Ernst & Young, well that is how it came about; those two firms merged.

[Inaudible interjection]

Hon. V. Osbourne Boddin: Exactly!

In those days KPMG was known as Peat Marwick Mitchell and the firm that my Second Elected Member colleague for George Town arose to the top with. And it was because of people like him, the Naul Boddens, the Dan Scotts, many of the foreigners who came here as well, who integrated, whether you liked them or not. But the Chris Johnsons, the Benbows and the Jenkinsons and the Andertons and Richard Harris and all the others, and people whom I worked for as well; all of these folk came here, integrated in Cayman and saw the benefit of including and bringing Caymanians along. And that is why many in the accounting profession have excelled. And we have the Rohan Smalls and all of the others coming along.

Madam Speaker, what I am saying is that Caymanians, if given the opportunity, can get the job done. I never saw in my days in the accounting profession, an accountant who came here and joined us that came with any ton of experience. The experience was garnered right here alongside people like myself, and, they went on to develop into partners.

The same applies to the law firms and this is why I am a bit perplexed as to why we have so many people in the legal profession who are being held down, when they could, in fact, if given the opportunity, rise to the top.

The reason why I decided to speak, to be quite honest, was because on Friday I went up to the Shetty's Hospital and I was speaking to a friend of mine and he is a lawyer and I did not realise quite what he had been through but he had spent 11 years with one firm. He never got anywhere near the top and then he joined a smaller firm and has been there 15 years now and they promised him as he got there that he would be on the fast track to equity partner and he is still waiting on that promise to be delivered. He said I could use his name but I won't. But it is 26 years and you have ability, you are a good person, you have a family, a nice home, but still you are not good enough to sit at the table. Madam Speaker, I have often said in this House, I do not believe that our people should be content with sitting on the floor waiting on crumbs from the table. I believe that we are good enough. We have proved it on the seas. We have proved it every time we are given the opportunity; as pilots or whatever, managers. Give Caymanians a chance, those who want to work and those who are willing to put in the extra time because I can tell you right now, Madam Speaker, an accountant or lawyer who we see come to work at 9:00 o'clock in the morning and leave at 5:00 o'clock, they are not going to make partner. It is not going to happen. As the Deputy Governor said when he debated, 11:30 was kind of a normal time to get home at night and 7:30 was considered going home early, and that is no lie. That effort, that grunt work, that photocopying, that proof-reading, that filing, every one of us who did anything around the financial industry are experts at all of those things, because that is part of paying your dues; that

is the way they see it and that is okay, but give us an opportunity all the way up the ladder. If we fail, then, penalise us, but otherwise, Madam Speaker, I believe that we need to really . . . and I say to the law firms, *Shame that it has come to this point. Shame on you!*

I also say to the law firms, those brave people who stood up against you, if we hear of them being victimised, I can assure you, you will see further action from this Legislative Assembly. So, their coming to the fore, I don't think is going to hurt them as much as what has been said. To me, they are now protected because if they suffer victimisation after this, then, it is for us to stand up even more. So, Madam Speaker, I think notice has been served in that regard. And I want to also say that those people will be remembered, similar to those brave women in 1959 who stood up in this country and fought for the right to vote when women could not vote, and made a life landmark changing moment for these Islands where women voices and feeling and emotions and people like yourself and Minister Rivers, Madam Clerk are all here because of those women. And these people who stood up against this type of victimisation, this type of holding down, Madam Speaker, they will be remembered.

Madam Speaker, the goose that laid the golden egg, we are not foolish enough to kill it. It would be silly. And when emotions run high, sometimes we can get a little reckless, but I am glad that cooler heads prevail. We did all of our fighting in here and some behind the scenes but I think we are at the point where tomorrow we will come to consensus, we will produce a Bill that is badly needed to control the legal profession and we will see Caymanians, as I promise you that there will be an increase in equity partners. You will see people doing better because I think that the law firms are certainly listening, and they must—*they must*—if they mean any good to this Island because it is in their interest. If social decay sets in and we go to hell in a basket, they are involved in that although they can fly and they can move quickly; the flight of capital is real and these days we know what happened with the Bahamas and everything else, but, Madam Speaker, at that same time, they have a lot invested here and they do not want to do that. They have a vested interest, in my opinion. A lot of them have become Caymanians and they need to protect and offer our people a fair chance.

So, Madam Speaker, I will repeat the Fifth Elected Member for George Town's famous words when he said: "If not now, when? If not us, who?" Madam Speaker, I close my debate and thank you for this opportunity, although the hour is late, to state my position on this matter. Thank you, very much.

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 will recognise the Honourable Premier.

ADJOURNMENT

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

Madam Speaker, I just wish to thank all Members of the House for their contributions to this important debate. And to say further to what I indicated at the start of my debate, that the House will not sit tomorrow, instead, Members will seek to reach some level of consensus with respect to the immense number of proposed amendments in the hope that we can narrow the issues and return to the House on Friday morning to complete the winding-up on this Bill and to start taking it through the committee stages.

Madam Speaker, I believe that some of my colleagues on the other side of this honourable House would wish to indicate their agreement to that approach. And so, Madam Speaker, I move the adjournment of this honourable House until 10 am, Friday.

The Speaker: I recognise the Fifth Elected Member for George Town.

Mr. Winston C. Connolly, Jr.: Madam Speaker, I rise just to confirm those words from the Honourable Premier, that we have agreed with the Government bench to come together tomorrow to review all amendments tabled in this House in good faith with a view to finding consensus or at least narrow the gaps significantly.

I would like to thank the Honourable Deputy Speaker, the Honourable Leader of the Opposition and also the First Elected Member for the District of [Bodden Town], because again, as they usually show us, they have been around, they know a lot better than us how these things go, and they have that calming influence at points in time when we all need it. And I would just like to congratulate all of us, Madam Speaker tonight because I think that for the first time in a few weeks, we actually all agree at the same time and I look forward to tomorrow entering into good faith negotiations. Thank you, Madam Speaker.

The Speaker: I recognise the Third Elected Member for West Bay,

Mr. Bernie A. Bush: Madam Speaker, thank you.

The Official Opposition have also met and agreed on this line of attack on this Bill. Thank you very much. And I too would like to echo what the Fifth Elected Member for George Town said, that the elders and the cooler heads have prevailed and let's hope it is better for people to come behind. Thank you.

The Speaker: I recognise the First Elected Member for Bodden Town.

Hon. Anthony S. Eden: I just wanted to say how proud I am of my colleagues here this evening and to thank the Honourable Premier. I can tell him his stock went up pretty well on how I saw him operate this evening with all of us here and with the hope of what is going to happen in another day or so. Thank you and congratulations all.

The Speaker: While we are thanking, I would ask the indulgence of the House to let me express publicly, thanks to Almighty God for answering a prayer that was put forward last night and tonight the Chair does not get involved but in the interest of the country I did take some time to put aside and I want to thank God publicly for answering prayer.

I put the question that the House be adjourned until 10 am Friday.

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

AYES.

The Speaker: The Ayes have it.

At 10:59 pm the House stood adjourned until 10 am, Friday, 17 March 2017.